

# SEPARATE AND UNEQUAL

SCHOOL SEGREGATION PERSISTS  
FOR ROMA IN SLOVAKIA

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The European Roma Rights Centre (ERRC) is a Roma led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services.

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# GLOSSARY

WORD	DESCRIPTION
<b>3D PRINCIPLES</b>	A framework for addressing systemic inequalities affecting Roma communities: Desegregation (eliminating physical, social, and institutional exclusion), Destigmatization (reducing prejudice), and Deghettoization (eliminating social and infrastructural exclusion).
<b>ANTI-DISCRIMINATION ACT</b>	Act No. 365/2004 is a key piece of legislation aimed at ensuring equality and protecting individuals from discrimination in Slovakia.
<b>BRANCH SCHOOL FACILITIES</b>	<p>Known as "elokované pracoviská" often located near Roma excluded localities. Defined by the Act No. 596/2003 on State Administration in Education as a permanently established, physically separate space where regular educational activities take place. Although it operates under the educational program of a parent (main) school it is not an independent legal entity and is formally designated as part of the main school.</p> <p>In practice, branch school facilities are commonly located directly within marginalized or socially excluded communities, often serving predominantly Roma populations. While they are administratively part of main school, their physical separation commonly results in de facto segregation.</p>
<b>CATCHMENT AREAS</b>	School catchment areas are geographically defined zones that determine the schools that children are eligible to attend based on their residential address. These boundaries are set by local authorities.
<b>CHILDREN AT RISK (ZVR)</b>	A proxy category used to monitor children likely affected by segregation, based on socioeconomic or ethnic factors.
<b>COMPULSORY SCHOOLING</b>	Is defined by the School Act No. 245/2008, § 19, lasts ten years and continues until the end of the school year in which the student reaches the age of 16. Compulsory school attendance begins at the start of the school year following the day the child reaches the age of six and achieves school readiness.
<b>EDUCATIONAL GERRYMANDERING</b>	Manipulation of school catchment area. In Slovakia, this practice is particularly relevant in municipalities with significant or concentrated Roma populations. Although such decisions are often presented as neutral administrative measures, they can result in spatial segregation by assigning Roma-majority localities to specific schools, often separate from those attended by non-Roma children. The municipalities shape the boundaries not for fair representation, but to preserve segregation.

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WORD	DESCRIPTION
<b>GRADE REPETITION</b>	Students repeat a grade due to poor performance.
<b>INCLUSIVE EDUCATION</b>	Inclusive education is an approach to learning that ensures all students, regardless of their abilities, backgrounds, or circumstances, have equal access to quality education in a supportive and welcoming environment. Inclusive education is rooted in human rights principles, such as those outlined in the UN Convention on the Rights of the Child.
<b>INTRODUCTORY GRADES</b>	A policy replacing zero grades to improve school readiness before entering the first grade. Is defined by the School Act 245/2008.
<b>LEGALLY BINDING DESEGREGATION STANDARDS</b>	The require every school to adopt measures to prevent and eliminate segregation by the end of February 2025. Is defined by the School Act 245/2008.
<b>MAINSTREAM PRIMARY SCHOOL</b>	As defined by the School Act No. 245/2008, § 29, primary schools typically have nine grades, with the possibility of establishing a preparatory grade. The school is divided into the first and second stages, where education is carried out through independent and sequential educational programs. The first stage of primary school generally includes grades one to four. The second stage of primary school comprises grades five to nine and is classified as lower secondary education.
<b>MARGINALISED ROMA COMMUNITIES (MRK)</b>	Roma communities experiencing concentrated poverty, systemic exclusion, and barriers to accessing education, housing, and employment.
<b>MINISTRY OF EDUCATION (MOE)</b>	Ministry of Education, Research, Development and Youth of the Slovak Republic. The Slovak government body responsible for educational policies and reforms.
<b>MINORITY OR NATIONAL EDUCATION</b>	Minority or National Education in Slovakia refers to educational programs designed for children belonging to national or ethnic minorities, aiming to preserve and promote their language, culture, and identity while providing general education. Is defined by the School Act No. 245/2008.
<b>OPPORTUNITY FOR ALL</b>	A national project testing desegregation solutions in selected municipalities.
<b>PRIMARY AND LOWER SECONDARY EDUCATION</b>	A nine-year single structure system (primary education lasts for four years, lower secondary education lasts for five years). Primary and lower secondary education takes place in primary schools, where children start their compulsory education at the age of six.
<b>RACE EQUALITY DIRECTIVE (RED)</b>	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. It prohibits discrimination on grounds of race and ethnic origin. It covers the fields of: employment & occupation, vocational training, membership of employer and employee organisations, social protection, including social security and health care, education and access to goods and services which are available to the public, including housing.

WORD	DESCRIPTION
<b>RECOVERY AND RESILIENCE PLAN (RRP)</b>	An EU-led funding and strategy framework to rebuild national systems, including education, after the COVID-19 pandemic.
<b>SCHOOL ACT</b>	Act No. 245/2008 Coll. on Education and Training (the School Act), is the primary legal framework governing the education system in Slovakia. It regulates the structure, organization, and functioning of preschool, primary, secondary, and vocational education within the country.
<b>SEGREGATION</b>	Defined in School Act (Act No. 245/2008) as any act or omission resulting in the spatial, organizational, or social exclusion of children, contrary to the principle of equal treatment. The UN Committee on the Elimination of Racial Discrimination (CERD) in General Recommendation No 19. (1995) observes that while conditions of complete or partial racial segregation may in some countries have been created by governmental policies, a condition of partial segregation may also arise as an unintended by-product of the actions of private persons. In many cities residential patterns are influenced by group differences in income, which are sometimes combined with differences of race, colour, descent and national or ethnic origin, so that inhabitants can be stigmatized, and individuals suffer a form of discrimination in which racial grounds are mixed with other grounds. The Committee therefore affirms that a condition of racial segregation can also arise without any initiative or direct involvement by the public authorities.
<b>SOCIALLY DISADVANTAGED ENVIRONMENT (SDE)</b>	As defined by School Act No. 245/2008, § 2(o), a child from a socially disadvantaged environment or a student from a socially disadvantaged environment is a child or student living in conditions that, due to social, family, economic, and cultural factors, insufficiently stimulate the development of their mental, volitional, and emotional qualities, do not support their socialization, and fail to provide adequate stimuli for the development of their personality.
<b>STATE SCHOOL INSPECTORATE (SSI)</b>	Slovak authority responsible for inspecting schools to ensure compliance with educational laws and equality standards.
<b>SYSTEMIC RACIAL DISCRIMINATION</b>	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines systemic racial discrimination as any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise of human rights and fundamental freedoms. It mandates the eradication of laws, policies, and practices that perpetuate racial inequality and requires states to take measures to combat and eliminate such discrimination in all its forms.
<b>TESTOVANIE 9 (T9)</b>	National standardised examination in Slovakia designed to assess the knowledge and skills of 9th-grade students (typically aged 14–15) at the end of lower secondary education.
<b>THE OFFICE OF THE PLENIPOTENTIARY OF THE GOVERNMENT OF THE SLOVAK REPUBLIC FOR ROMA COMMUNITIES</b>	The Plenipotentiary advises the Government and coordinates its activities in relation to Roma communities in Slovakia. The first Plenipotentiary was appointed in 2001.

WORD	DESCRIPTION
<b>THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS (SNSLP)</b>	Slovakia's National Human Rights Institution (NHRI) and equality body. The SNSLP plays a critical role in monitoring compliance with both national and international human rights obligations in Slovakia.
<b>TWO-SHIFT OPERATION</b>	A practice where schools operate in two shifts due to capacity constraints. One group of pupils attend the school in the morning while another group attends it in the evening. This measure is applied virtually only in segregated schools attended by Roma children.

# 1. EXECUTIVE SUMMARY

Segregation of Roma children in education is a profound violation of human rights<sup>1</sup>, denying Roma communities access to equal opportunities and life chances. Amnesty International (AI) and the European Roma Rights Centre (ERRC) have been documenting the systemic racial segregation of Roma children in Slovak education since 2006. This briefing examines systemic segregation trends, evaluates the measures implemented by the Government of the Slovak republic, and identifies the persistent barriers to equitable and inclusive education. Despite judicial rulings and repeated recommendations from European and international human rights bodies, segregation persists as a deeply rooted issue in Slovakia's education system.

The report evaluates legislative changes and policy measures implemented following the European Commission's referral of Slovakia to the European Court of Justice (ECJ) in April 2023. While this referral prompted some policy responses, including amendments to the School Act and the introduction of desegregation standards, these measures have been insufficient to address systemic practices of segregation.

Over one fifth of all schools exhibit severe disparities in educational outcomes, including significantly higher-grade repetition, lower standardized test scores, and elevated dropout rates compared to non-segregated schools. The entrenched nature of these inequities underscores the failure of Slovakia's education system to uphold the principle of equal treatment.

Infrastructure deficits further exacerbate inequality. So-called "Roma schools" are disproportionately under-resourced, lacking basic facilities such as gyms and playgrounds. The practice of two-shift schooling—a system almost exclusively applied to Roma children—further limits their access to quality education. Additionally, the allocation of funding and resources continues to perpetuate segregation, with segregated schools receiving financial support even without compliance with desegregation principle.

Initiatives like the "Opportunity for All" project demonstrate some progress, but their limited scope and lack of long-term sustainability fail to address the national scale of the issue. The current legislative and policy measures, such as introductory grades, the relaxed criteria for establishment of national education and even the desegregation standards risk institutionalizing segregation under the guise of educational reform.

Without comprehensive and complex desegregation measures, the education system will continue to perpetuate segregation. This briefing calls on the Slovak government to implement robust systemic legislative reforms, to allocate targeted funding for desegregation, and to establish strong accountability mechanisms. The European Union must intensify its enforcement of the Race Equality Directive and support Slovakia in dismantling systemic barriers to education equity.

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<sup>1</sup> Racial segregation is explicitly prohibited e.g. by Article 3 of the UN Convention in Elimination of All Forms of Racial Discrimination. Furthermore, segregation as a form of discrimination in relation to right to education is also prohibited e.g. by Article 14 in conjunction with Article 2 of Protocol 1 of the European Convention of Human Rights or Article 2 in conjunction with Article 28 of the UN Convention on the Rights of a Child.



# 2. METHODOLOGY

This briefing draws on a robust and rights-based methodology to analyse the systemic segregation of Roma children in Slovakia's education system. It focuses on segregation of Roma children in mainstream schools and classes of mainstream schools. The issue of over-representation of Roma pupils in the special education system for children with mental disabilities is not analysed in this report and will be the subject matter of a separate briefing later this year.

The research integrates desk-based reviews of legislation, policies, and judicial rulings with data analysis and human rights principles to provide a comprehensive evaluation.

Key sources include, among others, Slovak legislative texts, court decisions, Ministry of Education, Research, Development and Youth of the Slovak Republic (hereafter referred to as the "Ministry of Education") reports, and findings from the Slovak National Centre for Human Rights and the Centre for Civil and Human Rights. Reports and recommendations from international organizations, including the European Commission and UN treaty-monitoring bodies, were analysed to assess Slovakia's compliance with its human rights obligations.

Quantitative data from the monitoring of the Ministry of Education's, including school enrolment, repeating the grades, dropout rates, and standardized test performance were analysed to identify trends of segregation and educational disparities. The analysis also assessed the infrastructural inequities that exacerbate segregation, such as the lack of basic facilities and extracurricular opportunities in so-called "Roma schools."

The methodology adheres to a human rights-based approach, aligning findings with international standards, including the UN Convention on the Rights of the Child, the EU Race Equality Directive, and the UNESCO Convention against Discrimination in Education all of which Slovakia is bound by. The legal analysis focused on whether Slovakia's legislative framework and policy measures uphold the right to non-discrimination and equal access to education.

This briefing aims to ensure that its findings and recommendations are evidence-based and reflective of the lived realities of Roma children in Slovakia. The analysis seeks to hold Slovakia accountable to its legal obligations to ensure inclusive, equitable, and quality education for all.

# 3. INTRODUCTION

Ten years have passed already since the European Commission initiated infringement proceedings against Slovakia due to discrimination against Roma children in education contrary to EU anti-discrimination law. Initially, Slovak authorities denied discriminatory treatment of Roma pupils, even justifying the overrepresentation of Roma children in special education by stating the following: “*One of the reasons why there is higher occurrence of genetically determined disorders is that Slovak Roma have the highest coefficient of interbreeding in Europe.*”<sup>2</sup>

In 2020, the Slovak Government finally acknowledged the existence of the segregation and undertook to take steps to eradicate it and support inclusive education.<sup>3</sup> Since then, several legislative and policy changes followed. Most recently, in November 2024, set of laws under the title of “Velvet revolution in education” was adopted in the Slovak parliament.<sup>4</sup> Overall, 89 changes were introduced in the field of education. However, as it is explained below, only a few directly addressed segregations, and their impact remains limited.

The sphere of education is one of the priorities of the Strategy of equality, inclusion, and participation of Roma until 2030<sup>5</sup> (Strategy 2030) adopted by the Slovak Government. However, according to the findings<sup>6</sup> of the Supreme Audit Office (SAO) of the Slovak Republic, the Strategy 2030 lacks clear objectives and measurable indicators, making it impossible to evaluate the effectiveness of spending on projects implemented under the Strategy 2030. According to SAO president: “*...the system of support for marginalized Roma communities is managed without a long-term vision, coordination and set measurable goals. Money is spent without evaluating its real benefit. Such an approach is formal, does not bring positive changes and can even lead to a waste of public funds.*”<sup>7</sup>

International bodies have repeatedly scrutinized Slovakia’s failure to effectively tackle Roma segregation in education. The UN Committee on the Elimination of Racial Discrimination (CERD) in their Concluding observations on Slovakia issued in 2022, expressed concerns over persistent widespread and systemic education discrimination and segregation affecting Roma children.<sup>8</sup> In 2023, the UN Committee on the Elimination of Discrimination against Women (CEDAW) urged Slovakia to eliminate segregation and ensure equal access to education for Roma girls.<sup>9</sup> In January 2025, the UN Committee on the Rights of the Child (CRC) issued their most recent Concluding observations on Slovakia. The Committee expressed concerns, among others, about the continuous practice of segregation of Roma children in education; disproportionately high numbers of Roma children in special education institutions; high proportion of dropout rates among Roma pupils and low rate of enrolment of children in preschool education, especially for Roma children.<sup>10</sup> After the visit of the Council of Europe’s Commissioner for Human Rights in 2024, he stated that Slovakia’s implementation of desegregation measures remains extremely limited. He recommended that Slovak authorities put in place integrated and long-term strategic plans, adapted to the needs of local

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<sup>2</sup> The Slovak Spectator, Government points to Roma incest, 29 May 2015. Available at: <https://spectator.sme.sk/politics-and-society/c/government-points-to-roma-incest>

<sup>3</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, M. Filipová: Naším cieľom je odstrániť segregáciu rómskych detí, 17 June 2020. Available at: <https://www.minedu.sk/m-filipova-nasim-cielom-je-odstranit-segregaciju-romskych-deti/>

<sup>4</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, „NEŽNÁ REVOLÚCIA” – 89 praktických zmien pre kvalitnejšie školstvo. Available at: [https://www.minedu.sk/data/att/976/30981\\_c3ab98.pdf](https://www.minedu.sk/data/att/976/30981_c3ab98.pdf)

<sup>5</sup> The Government of the Slovak Republic, Strategy of equality, inclusion and participation of Roma until 2030. Available at: [https://www.romovia.vlada.gov.sk/site/assets/files/1526/strategy\\_of\\_equality\\_inclusion\\_and\\_participation\\_of\\_roma\\_until\\_2030.pdf?csrt=14805299620735710070](https://www.romovia.vlada.gov.sk/site/assets/files/1526/strategy_of_equality_inclusion_and_participation_of_roma_until_2030.pdf?csrt=14805299620735710070)

<sup>6</sup> Supreme Audit Office, Činnosť a poskytovanie finančných prostriedkov Úradom splnomocnenca vlády SR pre rómske komunity, January 2025. Available at: <https://www.nku.gov.sk/documents/d/nku/cinnost-a-poskytovanie-financnych-prostriedkov-uradom-splnomocnenca-vlady-sr-pre-romske-komunity-pdf>

<sup>7</sup> Supreme Audit Office, Systém podpory marginalizovaných rómskych komunit má významné nedostatky, 31 January 2025. Available at: <https://www.nku.gov.sk/-/system-podpory-marginalizovanych-romskych-komunit-ma-vyznamne-nedostatky>

<sup>8</sup> The UN Committee on the Elimination of Racial Discrimination, Concluding observations on the thirteenth periodic report of Slovakia (CERD/C/SVK/CO/13), 16 September 2022

<sup>9</sup> The UN Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Slovakia (CEDAW/C/SVK/CO/7), 31 May 2023

<sup>10</sup> The UN Committee on the Rights of the Child, Concluding observations on the sixth periodic report of Slovakia (CRC/C/SVK/CO/6), 31 January 2025

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communities and the local context to achieve holistic and sustainable improvements in the living conditions of marginalised Roma communities including access to education.<sup>11</sup>

## 3.1 MEASURING SEGREGATION: LACK OF RELIABLE DATA

According to the Second EU Minorities and Discrimination Survey (EU-MIDIS II) in 2016, 62% of Roma pupils in Slovakia attended schools where most students were Roma.<sup>12</sup> More recent findings from the EU SILC\_MRK 2020 survey – the latest publicly available - found that this figure has risen to 67%.<sup>13</sup>

According to a report prepared by the Ministry of Finance in 2020, students from socially disadvantaged background<sup>14</sup> have a more than four times higher chance of grade repetition compared to the rest of students (13% vs 3%) and almost twice as many of them do not pursue further education after completing compulsory schooling (11% vs 6%). The numbers are even worse when it comes to socially disadvantaged students from marginalized Roma communities.<sup>15</sup>

The data mentioned above are basically all the statistics available in relation to discrimination of Roma children in mainstream education. This is mainly due to the fact that Slovak authorities do not collect data disaggregated based on ethnicity. Currently, another EU SILC MRK survey is being carried out in Slovakia.<sup>16</sup>

The Ministry of Education's Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023<sup>17</sup>, analysed in Chapter 4. below, lacks actual ethnicity-based data. Instead, the Ministry used proxy indicators, such as students from socially disadvantaged backgrounds, students living in households receiving material assistance, and students with Romani as their first language.

The absence of reliable data presents a significant obstacle to assessing the full extent of segregation and monitoring progress toward desegregation. The European Court of Human Rights (ECtHR) in its judgment *Salay v Slovakia* issued recently had to rely on data from other sources than state authorities (e.g. reports of international bodies) stating that “the figures provided in those reports are coherent and have not been disputed, and no alternative statistical evidence has been produced.”<sup>18</sup> Similarly, the Slovak courts in proceedings mentioned in chapters below had to take into consideration data which were not officially collected by the State.

Collection and processing of certain type of personal data is not only a matter of importance but also a matter of compliance with international obligations and domestic laws. The Slovak Anti-discrimination Act prohibits discrimination in several areas of social life, and it covers the field of education, too.<sup>19</sup> Ethnicity forms one of the protected characteristics which cannot serve as a basis for unequal treatment.<sup>20</sup> According to the Anti-discrimination Act: “Adherence to the principle of equal treatment shall also rest in adoption of measures for the protection against discrimination.”<sup>21</sup> The School Act prohibits all forms of discrimination including segregation.<sup>22</sup> By adhering to the prohibition of segregation in education and training, the Schools Act means also adopting and implementing measures to prevent and eliminate it.<sup>23</sup>

By ratifying the UN Convention on the Rights of the Child (CRC), Slovakia undertook not only to respect but also “to ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, ... national, ethnic or social origin, ... or other status.”<sup>24</sup> Slovakia also ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which obliges the State to “bring to an end, by all appropriate means, including legislation as required by circumstances, racial

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<sup>11</sup> Commissioner for Human Rights, Memorandum on the human rights of Roma in the Slovak Republic, 3 February 2025. Available at: <https://rm.coe.int/memorandum-on-the-human-rights-of-roma-in-the-slovak-republic-by-micha/1680b44723>

<sup>12</sup> EU Fundamental Rights Agency, Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings, 2016, p. 30. Available at: <https://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>

<sup>13</sup> Markovič, F., Plachá L., *Príjmy a životné podmienky, v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zistovania EU SILC\_MRK 2020, Úrad splnomocnenca vlády SR pre rómske komunity*, 2022. Available at: [https://www.romovia.vlada.gov.sk/eu-silc\\_mrk/](https://www.romovia.vlada.gov.sk/eu-silc_mrk/)

<sup>14</sup> Note: this category does not exclusively include students from marginalized Roma communities

<sup>15</sup> Ministry of Finance of Slovak Republic, *Revízia výdavkov na skupiny ohrozené chudobou alebo sociálnym vylúčením*, March 2020, p. 55. Available at: [https://www.minedu.sk/data/att/28f/15944\\_3bab\\_36.pdf](https://www.minedu.sk/data/att/28f/15944_3bab_36.pdf)

<sup>16</sup> Statistical Office of the Slovak Republic, *Survey on the living conditions of the population of marginalized Roma communities SILC MRC 2025*. Available at: <https://zber.statistics.sk/en/prijmy-a-zivotne-podmienky>

<sup>17</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, *Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023*, October 2024. Available at: <https://www.minedu.sk/data/att/3b8/31594.714778.pdf>.

<sup>18</sup> *Salay v Slovakia*, application no. 29359/22, judgment of 27 February 2025, para. 87

<sup>19</sup> Section 3 (1)

<sup>20</sup> Section 2 (1)

<sup>21</sup> Section 2 (3)

<sup>22</sup> Section 3 (f)

<sup>23</sup> Section 2 (aj)

<sup>24</sup> Article 2 (1)

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discrimination by any persons, group or organization.”<sup>25</sup> According to the ECtHR, States with a history of discrimination of ethnic minorities are obliged to adopt positive measures to prevent their further discrimination.<sup>26</sup>

All the above-mentioned legal instruments require the relevant State authorities to adopt measures aimed at prevention of discrimination. In this context statistics/data are an obvious tool for mapping discrimination as well as the danger of discrimination. Statistics have already been used as a proof of discrimination in several cases before the ECtHR including the landmark case of *D.H. and Others v Czech Republic*<sup>27</sup> in which the ECtHR recognized unequal treatment of Roma pupils in education for the first time.

The European Committee on Social Rights (ECSR) held that if it is generally acknowledged that a particular group is or could be discriminated against, the authorities have the responsibility to assess the extent of the problem by collecting data and progress towards resolving it.<sup>28</sup> In another case, the ECSR held that collecting and analysing of data (while safeguarding privacy) is indispensable for formulation of rational policies.<sup>29</sup> Recently, in 2024, the ECSR issued a landmark ruling against the Czech Republic, acknowledging that the lack of sufficient data collection on the overrepresentation of Romani children in the country’s state care constitutes indirect discrimination.<sup>30</sup>

In May 2016, the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons regarding the processing of personal data and on the free movement of such data entered into force and repealed the EU Data Protection Directive. It states that the data protection principles are not applicable to anonymised data and that processing of data on ethnic origin is allowed, among others, when “*processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject*”.

Consequently, Slovakia is obliged to collect and process ethnic data to prevent further segregation and other forms of discrimination in education. However, this activity should be done in a way that complies with human rights standards and with the principle of anonymity.

## 3.2 THE SOCIETAL CONTEXT OF DISCRIMINATION OF ROMA PUPILS IN EDUCATION

### DISCRIMINATION IN HOUSING IMPACTING EDUCATION

Segregation and other forms of discrimination of Roma children in education is deeply interconnected to the discrimination Roma communities face in the sphere of housing. The Ministry of Finance reported how precarious living conditions and poverty negatively impact the ability of Roma pupils to succeed in schools. Inadequate housing conditions lead to problems with physical as well as mental health. As a result of health issues related to living in an unhealthy environment, affected children in Europe miss an average of 1 to 4 school days per year. Overcrowded households lack spaces for doing homework and learning. Excessive noise and insufficient light affect the ability to concentrate. All these problems often result in early school leaving and lower educational attainment as well as poorer literacy.<sup>31</sup>

Around 42% of Roma in Slovakia reside in segregated or isolated neighbourhoods with inadequate infrastructure. In total, 27% of Roma live in homes that are in poor condition, suffering from issues such as leaking roofs, damp walls, or similar structural problems. In segregated Roma communities, 45% of homes lack access to the public water supply, while 56% are not connected to the sewage system. A striking 87% of Roma in Slovakia are at risk of poverty, compared to just 13% of the general population.<sup>32</sup>

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<sup>25</sup> Article 2 (1,d)

<sup>26</sup> *Horváth and Kiss v Hungary*, Application no. 11146/11, Judgment of 29 January 2013, para. 119

<sup>27</sup> *D.H. and Others v Czech Republic*, Application no. 57325/00, Judgment of 13 November 2007

<sup>28</sup> *European Roma Rights Centre v. Greece*, Complaint No. 15/2003, para. 27

<sup>29</sup> *European Roma Rights Centre v. Italy*, Complaint No. 27/2004, para. 23

<sup>30</sup> *European Roma Rights Centre v. Czech Republic*, Complaint No. 190/2020

<sup>31</sup> Ministry of Finance of the Slovak Republic, *Groups at Risk of Poverty or Social Exclusion: Spending Review, Final Report*, March 2020. p. 162. Available at: <https://www.mfsr.sk/files/archiv/56/RevizijavydavkovnaohrozeneskupinyZSverziaFINALENG.pdf>

<sup>32</sup> ERRC and Fair Trials: *Justice Denied: Roma in the Criminal Justice System of Slovakia, 2023*. Available at: [http://www.errc.org/uploads/upload\\_en/file/5450\\_file1\\_justice-denied-roma-in-the-criminal-justice-system-of-slovakia-english.pdf](http://www.errc.org/uploads/upload_en/file/5450_file1_justice-denied-roma-in-the-criminal-justice-system-of-slovakia-english.pdf)

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Almost half of households in marginalized Roma communities in Slovakia live in homes which have not been legalized – i.e. they were built on lands which they did not own or they miss some necessary documentation or permits.<sup>33</sup> In 2024, Amnesty International reported<sup>34</sup> that Roma are being subjected to institutional racism in public rental housing leading to them being sent by municipalities to occupy municipal flats which are often located in localities known for substandard living conditions and segregation. In segregated municipal housing, Roma households face inadequate living conditions, short-term contracts, and do not have access to adequate social support.

## PREJUDICE AND NEGATIVE ATTITUDES

The Strategy of equality, inclusion, and participation of Roma until 2030<sup>35</sup> (The Strategy 2030) enumerates various challenges faced by the Roma population in Slovakia, including poverty linked to demographic trends, unemployment, and low-wage or low-skilled jobs, which are further exacerbated by a lack of formal education. The Strategy also emphasizes the continued prevalence of racism and prejudice against the Roma, noting that Slovakia has one of the highest rates of anti-Roma sentiments in the EU, and this trend is worsening over time.

Various surveys examining general attitudes and personal experiences suggest that discrimination against minorities is still widely tolerated in Slovakia. Negative depiction of Roma in media and their use of stereotypes reinforce those attitudes.

The Slovak Academy of Sciences in 2019 revealed that 80% of respondents agreed with the statement that Roma in Slovakia receive unearned benefits from the social system, while nearly two-thirds of respondents identified with openly negative stereotypes about Roma.<sup>36</sup> According to the 2023 Eurobarometer survey<sup>37</sup>, which examined the discrimination of vulnerable groups, including Roma, across EU countries, 55% of Slovak respondents believed that Roma discrimination is widespread in Slovakia. Overall, 46% of respondents (compared to the EU average of 29%) said they would not want their child to have a Romani partner, and only 16% (compared to the EU average of 24%) believed that efforts to better include the Romani population in areas like housing, education, health, and employment were effective. According to a survey conducted for the Office of the Slovak Government Plenipotentiary for Roma Communities in December 2024, negative attitudes toward Roma are openly expressed by one-third of respondents in Slovakia, while mere 5% hold a positive view<sup>38</sup>.

The media continues to reinforce stereotypes, often portraying Roma in a biased and stereotypical light, commonly depicting them as criminals or as individuals who exploit the social welfare system. Other common stereotypes include portrayals of Roma as people who destroy their homes and parents who do not care about upbringing of their children. A media analysis conducted by the Romano Kher (Roma House) civic association found that 39% of media reports analysed did not give Roma individuals the opportunity to voice their opinions, even when the topic directly concerned them. In cases where a Romani person was given a chance to speak, 31% of the time, the individual remained anonymous (e.g., identified only as an “inhabitant of a settlement”), and 5% of the time, only their first name was used.<sup>39</sup>

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<sup>33</sup> Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Income and Living Conditions in Marginalized Roma Communities: Selected Indicators from the EU SILC\_MRK 2020 Survey, p. 72. Available at: [https://www.romovia.vlada.gov.sk/site/assets/files/1563/analyticka\\_sprava\\_eu\\_silc\\_mrk\\_2020\\_elektronicka\\_final.pdf](https://www.romovia.vlada.gov.sk/site/assets/files/1563/analyticka_sprava_eu_silc_mrk_2020_elektronicka_final.pdf).

<sup>34</sup> Amnesty International, Unattainable Right to Housing, Report on Right to Housing in Slovakia, 2024. Available at: <https://www.amnesty.org/en/documents/eur72/8641/2024/en/>

<sup>35</sup> The Government of the Slovak Republic, Strategy of equality, inclusion and participation of Roma until 2030. Available at: [https://www.romovia.vlada.gov.sk/site/assets/files/1526/strategy\\_of\\_equality\\_inclusion\\_and\\_participation\\_of\\_roma\\_until\\_2030.pdf?csr=14805299620735710070](https://www.romovia.vlada.gov.sk/site/assets/files/1526/strategy_of_equality_inclusion_and_participation_of_roma_until_2030.pdf?csr=14805299620735710070)

<sup>36</sup> Slovak Academy of Sciences (SAV), Negatívne postoje voči Rómom súvisia s nepriateľským politickým diskurzom, 07 February 2020. Available at: [https://www.sav.sk/index.php?doc=services-news&source\\_no=20&news\\_no=8688](https://www.sav.sk/index.php?doc=services-news&source_no=20&news_no=8688)

<sup>37</sup> Eurobarometer, Discrimination in the European Union, December 2023. Available at: <https://europa.eu/eurobarometer/surveys/detail/2972>

<sup>38</sup> Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Tretina opýtaných (33 %) otvorene vyjadrila negatívne postoje voči Rómom, 13 February 2025. Available here: <https://romovia.vlada.gov.sk/archiv-tlacovych-sprav/tretina-opytanych-33-otvorene-vyjadrila-negativne-postoje-voci-romom/>

<sup>39</sup> romea.cz, Slovak media depict Roma stereotypically and often anonymously, 03 January 2015. Available at: <http://www.romea.cz/en/news/slovak-media-depict-roma-stereotypically-and-often-anonymously>

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# 4. CURRENT TRENDS IN SEGREGATION

This section integrates findings from the Ministry of Education's own Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023<sup>40</sup> (hereafter referred to as "the pilot study"), publicly available data, and recent legal cases to provide a comprehensive understanding of the scope and persistence of segregation of Roma children. The conclusions are that Roma pupils continue to be segregated in the Slovak education system in separate schools, classes, or buildings but also in extracurricular activities (e.g. in canteens). Spatial segregation, discriminatory drawing of catchment areas, white flight and building of educational facilities next to or inside of Roma communities are among the main causes of segregation in education.

The lack of effective steps taken to date to desegregate and the resistance of the Ministry of Education to fully implement the judicial rulings, combined with the findings of the pilot study, presents a troubling picture of the structural barriers to desegregation and inclusive education in Slovakia.

## 4.1 ACADEMIC INEQUITIES: THE PILOT STUDY AND ITS FINDINGS

The pilot study on school segregation focused on primary schools in the school year 2022/23. Using administrative data and proxy indicators for ethnicity, it identified 468 (22%) schools at risk of segregation<sup>41</sup>, mainly in smaller municipalities. More than half (55%) students at identified schools at risk were at risk of segregation compared to 3% of the schools not at risk of segregation. Schools at risk were in 30% of the municipalities where schools were present, meaning that in every third municipality with schools, children are at risk of segregation. The vast majority (86%) of identified schools at risk are located in the Banská Bystrica, Prešov and Košice regions.<sup>42</sup> Those are the regions with the highest number of people living in marginalized Roma communities. Overall, 76% of schools at risk are the only schools in their respective municipalities. In schools at risk, there are twice as many pupils diagnosed with mild mental disability compared to the rest of schools.<sup>43</sup>

The pilot study clearly illustrated the negative correlation between segregation and educational outcomes. At-risk schools exhibited significantly higher rates of grade repetition and early school leaving. Students in these schools also performed poorly on standardized tests.<sup>44</sup>

However, it is also important to note that the pilot study has certain deficiencies and limitations. As mentioned above in subchapter 3.1, the report is not based on actual ethnic data of pupils attending elementary schools. Proxy indicators are used instead. Thus, as the Ministry of Education itself admits, "it is not possible to clearly determine whether segregated education is taking place in a particular school or locality."<sup>45</sup> Furthermore, the pilot study only monitored the situation in elementary

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<sup>40</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, October 2024. Available at: <https://www.minedu.sk/data/att/3b8/31594.714778.pdf>.

<sup>41</sup> Note: A school is identified as at-risk if it has a high proportion of students at risk, or if these students are unevenly distributed across classes or school units.

<sup>42</sup> Pilot study, p.14.

<sup>43</sup> Pilot study, p. 12

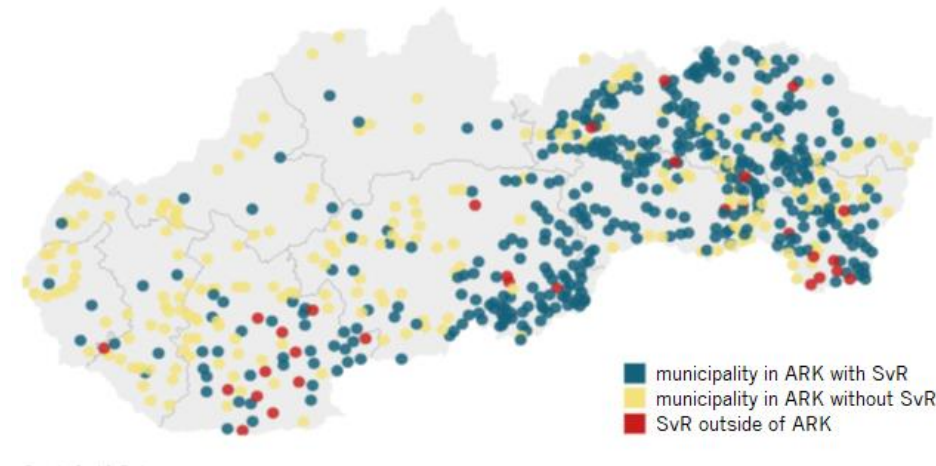
<sup>44</sup> Pilot study, p.16.

<sup>45</sup> Ministry of Education, Koncept monitorovania rizika segregácie, 2023, p. 3. Available at: <https://www.minedu.sk/data/att/bb6/31367.919ac1.pdf>

schools. It does not cover kindergartens, secondary schools and schools for children and pupils with special educational needs. In addition, the kind of monitoring used for the pilot study is not capable of assessing segregation within a classroom, separate dining facilities, etc. Nor does it address the issue of catchment areas.

It should also be noted that the pilot study does not specify which elementary schools are labelled as being at risk of segregation. It only contains a map from which it is not possible to identify neither the schools nor the exact municipalities in which they are located.

### **CHART 1. MAPS OF SCHOOLS IN RISK OF SEGREGATION (SVR) AND ITS OVERLAP WITH THE ATLAS OF ROMA COMMUNITIES (ARK)<sup>46</sup>**



The Ministry of Education has repeatedly refused to reveal them or the municipalities in which they are located when requested by Amnesty International and ERRC.<sup>47</sup>

According to the information provided by the SSI, the Ministry of Education has not revealed the list of schools at risk to them either.<sup>48</sup> The SSI added that during their inspection activities in the last 4 academic years, they have come across 9 schools which they identified as segregated. Despite the fact that the SSI ordered them to eradicate segregation in all of them, none out of the nine has adopted a desegregation plan.

According to the Manual<sup>49</sup> to newly introduced and legally binding desegregation standards, analysed in Chapter 5, SSI plays a key role in enforcing compliance with desegregation measures. The manual clearly states that the Ministry of Education is responsible for providing the results of its segregation risk monitoring to the SSI. The SSI is expected to use this data to plan its inspection activities and monitor the implementation of desegregation standards.

If the Ministry of education fails to provide this information, the SSI cannot carefully plan or conduct inspections based on segregation risk monitoring, as required by the Manual. This undermines the effectiveness of the entire desegregation monitoring system. This is particularly concerning given being able to monitor desegregation on a local level is of a huge importance to assess the overall effectiveness of the policies adopted at the national State level.

## **GRADE REPETITION**

Grade repetition can serve as a powerful lens for uncovering systemic inequities in education. The schools at risk of segregation examined in the Pilot Study exhibited higher rates of grade repetition, particularly in the first grade. Roma children in the risk of segregated education repeated the first-grade classes at the rate of 14,7% compared to non-risk schools average of 1,8%.<sup>50</sup>

<sup>46</sup> Based on data from the Ministry of Education, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, p.19.

<sup>47</sup> Decision of the Ministry of Education no. 2025/4461-A9151 of 25 February 2025 on refusing to provide information requested by the ERRC on 13 February 2025 on the basis that the Ministry does not have consents of the schools to publish or reveal such information. The Ministry also stated that if the schools were revealed they could be labelled as schools of lower quality only because they are attended by pupils of particular ethnicity.

<sup>48</sup> Reply of the State School Inspectorate of 19 March 2025 to the Freedom of Information Request submitted by the ERRC on 05 March 2025.

<sup>49</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Manual and Monitoring of the application of the Standards of compliance with the prohibition of segregation in education and training, February 2025, p. 9. Available at: <https://www.minedu.sk/data/att/275/32711.d73b84.pdf>.

<sup>50</sup> Pilot study, p.16.

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Consequently, a first grader in a school at risk of segregation was approximately 8.2 times more likely to repeat the grade compared to a first grader from a non-risk school. Children in primary school (first to fourth grade) attending segregated schools were even ten times more likely to face grade repetition than their peers in non-risk schools.<sup>51</sup>

**CHART 2. PROPORTION OF CHILDREN REPEATING THE FIRST GRADE<sup>52</sup>**



Almost three quarters (72%) of children repeating first grade were disproportionately from Košice and Prešov region, where most Roma people reside.<sup>53</sup> Almost one-third (32%)<sup>54</sup> of all grade repetition cases (in primary and lower secondary education) occurred in the first grade. This suggests that even within the same national education framework, children from segregated schools experience vastly different outcomes.

**EARLY SCHOOL LEAVERS**

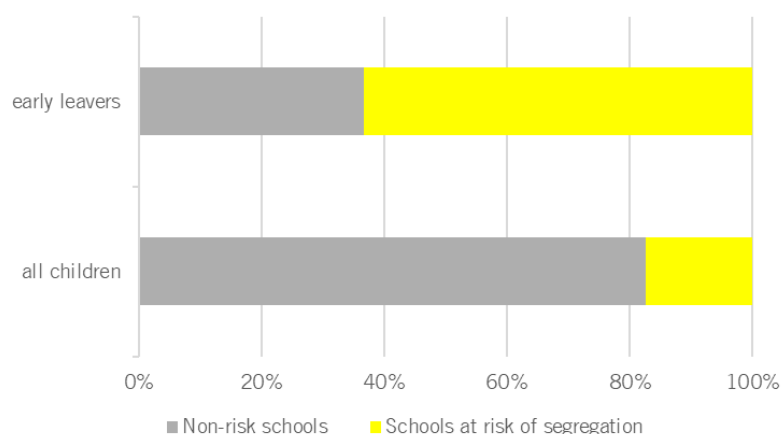
The Pilot study also revealed an alarming disparity in early school leaving rates between at-risk and non-risk schools. The early school leaving rate in at-risk schools was 4.9%, compared to 0.6% in non-risk schools.<sup>55</sup> This means that children in at-risk schools were eight times more likely to drop out before completing lower secondary education (9<sup>th</sup> grade). Furthermore, if a child was from a predominantly Roma municipality, attending a segregated, so-called “Roma school,” they were more than 12 times more likely to leave school early compared to peers in non-risk schools. This stark contrast underscores the systemic inequities that disproportionately affect children in segregated settings.

One in two hundred students dropped out of school before completing the lower secondary education (completed 9<sup>th</sup> grade) at non-risk schools compared to children in segregated settings where nine out of 200 children dropped out early.<sup>56</sup> In the academic year 2022/23, 6,325 children dropped out of school early across all schools. Of these, two-thirds (63.4%) came from at-risk schools, despite these schools accommodating only around 20% of all children.<sup>57</sup>

<sup>51</sup> Pilot study, p.16., own calculations.  
<sup>52</sup> Based on data from the Ministry of Education, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, own calculation  
<sup>53</sup> Slovak Centre of Scientific and Technical Information (CVTI SR), Statistical Yearbook of Primary Schools 2024/2025. Available at: [https://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocenka-publikacia/statisticka-rocenka-zakladne-skoly.html?page\\_id=9601](https://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocenka-publikacia/statisticka-rocenka-zakladne-skoly.html?page_id=9601)  
<sup>54</sup> Statistical Yearbook of Primary Schools 2024/2025.  
<sup>55</sup> Pilot study, p.17.  
<sup>56</sup> Pilot study, p.17., own calculations.  
<sup>57</sup> Pilot study, p.17., own calculation.



**CHART 3. THE PROPORTION OF CHILDREN LEAVING SCHOOL BEFORE COMPLETING THE LOWER SECONDARY EDUCATION<sup>58</sup>**



The total number of dropouts from at-risk schools was nearly double that of their counterparts in non-risk schools, even though non-risk schools enrolled most students. This disparity underscores the failure of segregated schools to retain students and provide equal access to quality education.

## STANDARDIZED TEST PERFORMANCE

The pilot study revealed a stark disparity in academic outcomes for schools with high concentrations of Roma children, as demonstrated by results in the nationwide assessments test - Testovanie 9. While the national average performance in mathematics was 53%, schools at risk of segregation scored an average of just 34%.<sup>59</sup> This massive gap reflects the systemic inequities within Slovakia’s education system, disproportionately affecting segregated children.

A comparative analysis of Testovanie 9<sup>60</sup> results and data<sup>61</sup> with children from SDE at the schools revealed a striking correlation: nearly all (92 schools) of the 100 lowest-performing schools were those with significant numbers of children from SDE.

**CHART 4. OVERLAP OF SCHOOLS BETWEEN THE 100 LOWEST PERFORMING IN T9 AND WITH CHILDREN FROM SDE<sup>62</sup>**



Roma children, who constitute a considerable proportion of SDE populations, are disproportionately denied equal educational opportunities. The findings from Testovanie 9 and related studies emphasizes the urgent need for targeted interventions to address educational inequities in Slovakia. Schools with high SDE populations are not just failing to meet the national average; they are emblematic of a systemic failure to uphold the right to education.

<sup>58</sup> Based on data from the Ministry of Education, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, own calculation  
<sup>59</sup> Pilot study, p.17.

<sup>60</sup> National Institute for Certified Educational Measurements (NUCEM), Testovanie 9 Results 2024 in Mathematics. Available at: <https://dataportal.nucem.sk/Dataportal-web/web/vysledky/2024/testovanie/index.xhtm>.

<sup>61</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Improving Conditions for Education of Children and Pupils from Socially Disadvantaged Backgrounds: Supportive Measure, January 2025. Available at: <https://www.minedu.sk/skvalitnenie-podmienok-vychovy-a-vzdelavania-deti-a-ziakov-vo-socialne-znevychodnenedho-prostredia-podporne-opatrenie/>.

<sup>62</sup> Based on data from National Institute for Certified Educational Measurements (NUCEM), Testovanie 9 Results 2024 and Ministry of Education, Improving Conditions for Education of Children and Pupils from Socially Disadvantaged Backgrounds: Supportive Measure in 2024, own calculations.

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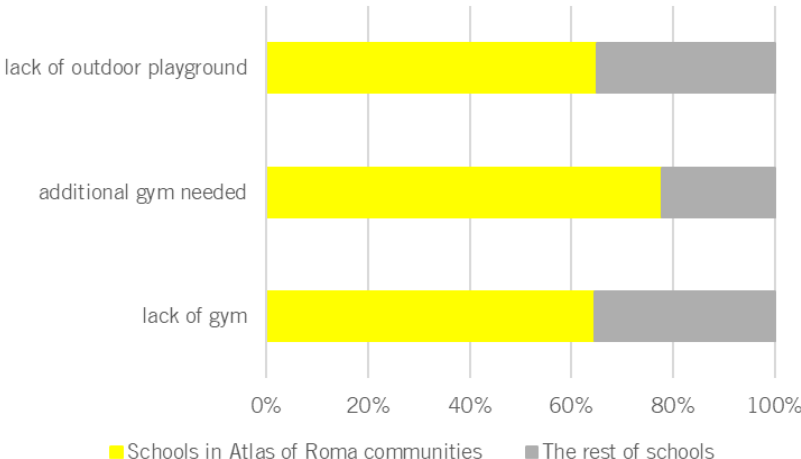
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# 4.2 INFRASTRUCTURAL INEQUITIES

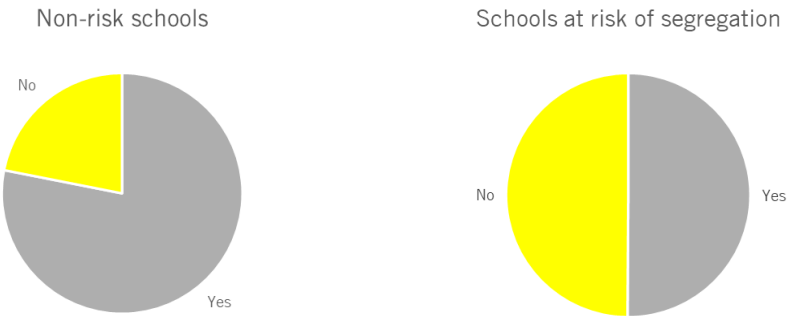
The Office of Government of the Slovak Republic produced a study<sup>63</sup> focusing on the lack of sport facilities at the schools with more than 150 pupils. The study identified schools with a complete absence of PE facilities, either a gym (95 schools) or an outdoor playground (43 schools). The study showed that nearly 70% of schools without PE facilities were located in predominantly Roma localities, as indicated by the Atlas of Roma Communities. This concentration of infrastructural deficits in Roma-majority areas highlighted the systemic neglect of Roma communities.

**CHART 5. PROPORTION OF MISSING PE FACILITIES AT SCHOOLS<sup>64</sup>**



The pilot study also identified the disparity in the share of the children attending school clubs. On average, only about half of the students at schools at risk attended school clubs, compared to 80% at non-risk schools<sup>65</sup>. The lack of access to extracurricular programs exacerbates educational and social inequities, limiting Roma children’s ability to engage fully in school life.

**CHART 6. ATTENDANCE OF SCHOOL CLUBS<sup>66</sup>**



The data highlights that educational inequities extend beyond academic outcomes to include significant disparities in infrastructure and access to extracurricular activities. These inequities contribute to a cycle of disadvantage, where Roma children are systematically denied opportunities available to their peers in non-risk schools.

<sup>63</sup> Office of the Government of the Slovak Republic, Feasibility Study of the Project: Construction of Gyms and School Yards at Primary Schools, March 2022, p. 20. Available at: [https://www.sport.vlada.gov.sk/share/svms/su\\_projektu\\_svms-telocvicne.pdf?csrt=9124925712561658](https://www.sport.vlada.gov.sk/share/svms/su_projektu_svms-telocvicne.pdf?csrt=9124925712561658).  
<sup>64</sup> Based on data from the Office of the Government of the SR, Feasibility Study of the Project: Construction of Gyms and School Yards at Primary Schools, own calculations.  
<sup>65</sup> Pilot study, p.16.  
<sup>66</sup> Based on data from the Ministry of Education, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, own calculation.

## 4.3 CURRENT CASE-LAW: RESISTANCE OF THE MINISTRY OF EDUCATION TO DESEGREGATION

In recent years, the Ministry of Education has consistently resisted efforts to address segregation at schools in Slovakia, even defending in court proceedings its unwillingness to address this issue at particular elementary schools. Below, two pivotal cases are explored, both litigated by the NGO Centre for Civil and Human Rights (hereafter referred to as “Poradňa”) as a plaintiff in *actio popularis* cases, illustrating the Ministry of Education’s reluctance to secure (in cooperation with municipalities) adoption of desegregation measures.

It should be noted that the lower courts, in receiving both cases back from the Supreme Court which had upheld the violations of the right to equal treatment, ruled that the plaintiff Poradňa should propose specific remedies regarding desegregation and that otherwise the judgments were unenforceable. This approach is contrary to the principle that the state is obliged to do this as part of its obligation to realise the right to education for all without discrimination.<sup>67</sup> The inactivity of the State in this regard serves as evidence of a broader reluctance to fully acknowledge and address the systemic segregation of Roma children in Slovak schools.

However, as the courts have increasingly recognized the rights of Roma children to equal education, the Ministry of Education has faced mounting pressure to shift from defensive legal strategies to proactive reforms. Whether it rises to the challenge remains to be seen, but these cases serve as stark reminders of the resistance of the Ministry of Education towards the enforcement of appropriate and effective desegregation measures.

### THE CASE OF PRIMARY SCHOOL IN STARÁ ĽUBOVŇA – PODSADEK

The case of the primary school in Stará Ľubovňa - Podsadek marked a watershed moment in the fight against discrimination in Slovak education. The school in Stará Ľubovňa – Podsadek area predominantly served Roma children, raising the possibility of segregation in education based on ethnicity. The plaintiff NGO argued that the school’s demographic makeup was no coincidence. The school’s location near a Roma community, combined with an alleged lack of effort by the Ministry of Education and local authorities to provide inclusive education in more diverse educational settings, created a *de facto* segregated environment. Instead of adopting measures to tackle existing segregation, the authorities expanded the capacity of the school by building an extension to the school. The plaintiff claimed this situation violated the Roma children’s right to equal access to quality education as guaranteed by national and international law and perpetuated social exclusion.

The Ministry of Education maintained that the enrolment of Roma children in the school was a result of geographic zoning and not intentional discrimination. According to the Ministry of Education, the school district boundaries were drawn based on local residence patterns, and the concentration of Roma students merely reflected the ethnic composition of the neighbourhood.

The District Court Bratislava III and later the Regional Court Bratislava sided with the Ministry of Education, ruling that the plaintiff failed to prove intentional segregation. These rulings emphasized that residential patterns were the root cause of the school’s ethnic homogeneity, not deliberate policies by the Ministry of Education and that children attended the school with the consent of their parents.

The case eventually reached the Supreme Court of the Slovak Republic, which issued a landmark ruling on 15 December 2022<sup>68</sup>. The Supreme Court quashed the lower courts’ decisions, stating that educating Roma children in an ethnically homogeneous school constituted discrimination based on ethnicity. It held the Ministry of Education and the municipality of Stará Ľubovňa were jointly responsible to implement measures that could have prevented or eradicated segregation. In particular, the Supreme Court stated the following: “The state, in cooperation with the municipality, has to take effective measures (whether through legislative initiatives, the creation of stimulating conditions, or the creation of catchment areas) to prevent segregation, not just stand idly by and refer to the strict, often misinterpreted diction of the law. The determining factor in every procedure is the best interest of the child. It is in the interest of the entire society that even children from socially disadvantaged backgrounds grow up to be full-fledged members of this society, to which desegregation efforts within school education will also contribute significantly.”

Following the Supreme Court’s decision, the case returned to the Municipal Court Bratislava IV to determine specific remedies and measures to address the unlawful segregation. However, in its judgment<sup>69</sup> on 7 May 2024, the court dismissed the part of

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<sup>67</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Article 13 of the ICESCR), E/C.12/1999/10, 8 December 1999. Available at: <https://www.ohchr.org/en/resources/educators/human-rights-education-training/d-general-comment-no-13-right-education-article-13-1999>.

<sup>68</sup> File no. 5Cdo/102/2020. Available at: <https://poradna-prava.sk/wp-content/uploads/2023/02/rozsudok-NS-SR-zo-dna-15122022.pdf>

<sup>69</sup> File no. B3-11C/9/2023. Available at: <https://poradna-prava.sk/wp-content/uploads/2024/07/rozsudok-MS-BA-IV-z-07052024SL.pdf>.

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the lawsuit that sought to compel the Ministry of Education to implement desegregation measures due to alleged vagueness and unenforceability.

## THE CASE OF PRIMARY SCHOOL IN MURÁNSKA DLHÁ LÚKA

The case of primary school in Muránska Dlhá Lúka painted a grim picture of the challenges Roma children face in accessing equitable education. In 2014, the Ministry of Education funded the construction of a modular school building to address capacity issues in the local school. However, the new school was built adjacent to the Roma excluded community and exclusively enrolled Roma children, further entrenching segregation. Poradňa argued that this decision perpetuated systemic inequality, as the segregated educational setting denied Roma children equal access to quality education and opportunities for social inclusion. Poradňa filed an action popularis lawsuit in 2015 under Slovakia's anti-discrimination law, arguing that the state, represented by the Ministry of Education, had failed to prevent discrimination and take effective measures to eliminate it.

Poradňa contended that this segregation was not incidental but part of a broader pattern of systemic discrimination. They demanded that the Ministry of Education take immediate corrective action to eliminate segregation.

After the lower courts dismissed the claim, the case reached the Supreme Court via an appeal on points of law. On 12 July 2023, the Supreme Court issued a judgment<sup>70</sup> holding that the Slovak Republic (represented by the Ministry of education acting on its behalf) had violated the principle of equal treatment by failing to take sufficient preventive measures to protect against discrimination and measures to eliminate discrimination against Roma children at the Muránska Dlhá Lúka elementary school on the basis of their ethnic origin. It concluded that educating Roma children in a school exclusively attended by Roma students constituted unlawful segregation, even if there was no deliberate intent to discriminate. The court was of the opinion that construction of a modular school near the Roma community constitutes a disproportionate and inappropriate measure that disadvantages the persons concerned by de facto segregating them.

After the Supreme Court's ruling, the case returned to the Municipal Court Bratislava IV to address the plaintiff's request for remedies, including the adoption of desegregation measures and the prevention of future segregation. On 21 May 2024, the court dismissed this portion of the lawsuit, reasoning that the request was "too vague and unenforceable."<sup>71</sup> The court stated that the plaintiff failed to propose specific measures the Ministry of Education should implement to eliminate segregation and dismissed the plaintiff's demand for state intervention.

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<sup>70</sup> File no. 5Cdo/220/2022. Available at: <https://poradna-prava.sk/wp-content/uploads/2023/09/Rozsudok-NS-SR.pdf>

<sup>71</sup> File no. 35C/28/2023. Available at: <https://poradna-prava.sk/wp-content/uploads/2024/07/rozsudok-MS-BA-IV-MDL-z-21.5.2024.pdf>.

# 5. THE LEGAL ANALYSIS OF THE SCHOOL ACT AMENDMENTS CHALLENGING SEGREGATION

The Slovak government has introduced amendments in 2023 and 2024 to the School Act No. 245/2008<sup>72</sup> (Acts No. 181/2023, No. 182/2023, No. 290/2024) as part of its efforts to address segregation in education at mainstream schools. These amendments aimed to define segregation in legal terms, provide measures for inclusion, introduce compulsory desegregation standards, change the criteria for national education as well as ban the two-shift operation of schools.

The aforementioned legislative changes also included, among others, measures related to special education system for children with disabilities and early school dropouts. However, these are not covered by this report and will be analysed in future briefings.

## 5.1 A LEGAL RIGHT TO A PLACE IN KINDERGARTEN

The reforms introduced the legal entitlement for all three-year-old children to be admitted to a kindergarten or other establishment providing pre-primary education with accompanying funding. This reform built on previous legislative changes in 2021 introducing compulsory pre-primary education for children from the age of five.<sup>73</sup> The new reform is supported by funding to increase the capacity of kindergartens so that by 1 September 2025 every child between the age of three years and entering compulsory education is allowed to participate in pre-primary education.

However, while this reform is an essential step toward ensuring equal educational opportunities, its implementation raises serious concerns about Slovakia's compliance with its anti-discrimination obligations and therefore the implications for Roma children. The Supreme Audit Office of the Slovak Republic in its analysis<sup>74</sup> highlighted that to date pre-primary education for children from Roma communities and the construction, expansion, or reconstruction of kindergartens has been carried out

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<sup>72</sup> Act No. 245/2008 Coll. on Education (School Act). Available at: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2008/245/>.

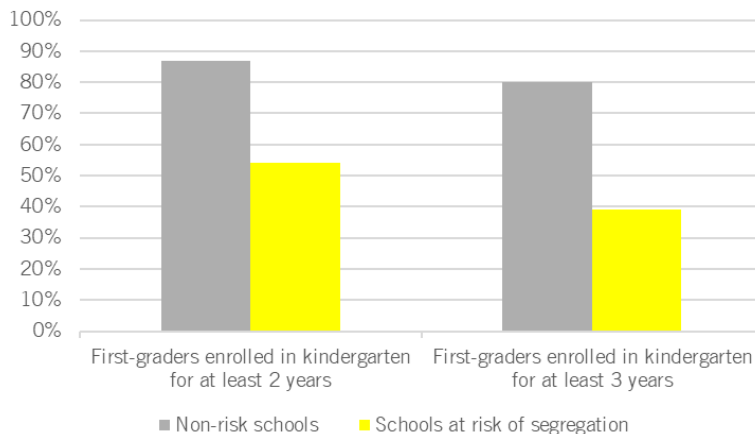
<sup>73</sup> Effective from 2021/2022 academic year by No. 127/2021.

<sup>74</sup> Supreme Audit Office of the Slovak Republic, Report on the Audit Results 2022: Implementation of the Slovak Republic's Strategy for the Integration of Roma by 2020 in the Field of Education. Available at: <https://www.nku.gov.sk/documents/33855/189567/e6e63205-aa7f-438b-9593-38f6bb401f6f.pdf/bf1b3034-9490-c84c-a8fb-490df75d3042?t=1698017108341>.

near Roma communities and thus not in compliance with the main objective of the Strategy of equality, inclusion and participation of Roma until 2030.

Roma children continue to be underrepresented<sup>75</sup> in compulsory pre-primary education with almost half of unenrolled residing in the Košice and Prešov region. The pilot study demonstrates that the higher the share of children at risk at a school, the fewer first-graders will have attended pre-primary education. While most first-graders at non-risk schools (87%) attended kindergarten for over two years, those first-graders in schools at risk lag significantly behind with only half of them attending pre-primary education.

**CHART 7. THE ENROLMENT IN KINDERGARTEN<sup>76</sup>**



The proximity of educational facilities to Roma communities is often cited as a key factor influencing attendance. However, research<sup>77</sup> indicated that while distance plays a limited role for preschool-aged children (5-6 years old), it is a significant barrier for children aged 3-4, particularly when distances exceed 5 kilometres. This finding challenged the simplistic assumption that merely establishing kindergartens near Roma settlements automatically ensures higher attendance. For 5-year-olds, attendance is higher even when kindergartens are farther away due to compulsory education policies, priority in admissions and cost waivers in public kindergartens. These structural supports appeared to mitigate the barrier of distance. While addressing capacity issues is critical, it must not be executed by creating segregated facilities near Roma communities.

## 5.2 INTRODUCTORY GRADES

The replacement of zero grades (abolished from the 2021/2022 academic year) with introductory grades (introduced from the 2023/2024 academic year) was another reform to the School Act No 245/2008 (No. 182/2023) aimed at reducing children's underachievement. This initiative seeks to improve educational readiness and integration. However, despite its intentions, the measure has raised significant concerns regarding its adherence to inclusive education principles and its long-term efficacy. According to the School Act, introductory grades may be introduced in elementary schools with the founder's consent for pupils with mildly impaired communication skills and for pupils with mildly impaired developmental disorders. Even though, introductory grades have not been introduced specifically for Roma children or children from socially disadvantaged background, there is a concern they might have indirectly discriminatory effect.

Introductory grades are aimed to replace the controversial zero grades, which were previously found<sup>78</sup> to be discriminatory. Studies indicated that 74% of children placed in zero grades were Roma, demonstrating a disproportionate impact.

A study<sup>79</sup> by the Ministry of Finance of the Slovak Republic highlighted the adverse outcomes associated with zero grades. Children who attended these grades often continued their education in similarly segregated settings, limiting their opportunities for broader social and academic integration. Evidence proved that children from socially disadvantaged environments,

<sup>75</sup> Institute of Educational Policy (IVP), The Ministry of Education, Research, Development and Youth of the Slovak Republic, Unenrolled, June 2023. Available at: [https://www.minedu.sk/data/atf/ed7/27447\\_d5d4f2.pdf](https://www.minedu.sk/data/atf/ed7/27447_d5d4f2.pdf).

<sup>76</sup> Based on data from the Ministry of Education, Pilot Methodology and Results of Risk Monitoring for Segregation in Primary Schools 2022/2023, own calculation

<sup>77</sup> Unenrolled, p. 4.

<sup>78</sup> Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Income and Living Conditions in Marginalized Roma Communities: Selected Indicators from the EU SILC\_MRK 2020 Survey. Available at:

[https://www.romovia.vlada.gov.sk/site/assets/files/1563/analyticka\\_sprava\\_eu\\_silc\\_mrk\\_2020\\_elektronicka\\_final.pdf](https://www.romovia.vlada.gov.sk/site/assets/files/1563/analyticka_sprava_eu_silc_mrk_2020_elektronicka_final.pdf).

<sup>79</sup> Ministry of Finance of the Slovak Republic, Groups at Risk of Poverty or Social Exclusion: Spending Review, Final Report, March 2020. Available at: <https://www.mfsr.sk/files/archiv/56/ReviziavdavkovnaohrozeneskupinyZSverziaFINALENG.pdf>.

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including many Roma pupils, performed worse in the long term after participating in these segregated programs. For example, according to data from the SSI, only 45% of children who had attended zero grades in 2013/14 academic year, successfully completed the first four grades of elementary school without repeating any grades.<sup>80</sup>

Although, introductory grades do not count toward compulsory education, this safeguard is insufficient to prevent segregation. Instead, the design of these grades inherently enables temporary segregation, countering the principles of inclusive education. This “temporary” segregation, even if not legally defined as such, can delay children’s inclusion in regular education. Moreover, once children are placed in a separate setting, they may face significant barriers returning to mainstream classrooms.

Without effective measures to ensure integration, such as systemic support within mainstream classrooms, the introductory grades could replicate the negative outcomes of zero grades, which were shown to contribute to educational segregation rather than reduce it. This is particularly concerning given the prior evidence that zero grades had negative long-term outcomes, especially for Roma pupils and those from disadvantaged backgrounds. Therefore, the current design of introductory grades may unintentionally counteract the principles of inclusive education they were meant to promote.

Additionally, the low uptake of introductory grades, with only 22 classes<sup>81</sup> established in school year 2023/2024, raises questions about their relevance and effectiveness. The introductory grades, in their current form, may not be equipped to fulfil their intended function.

## 5.3 DEFINITION OF SEGREGATION

The most recent legal definition of segregation (No. 290/2024) introduced in the School Act defines segregation as:

*“Segregation in education is defined as an act or omission that is contrary to the principle of equal treatment as defined by a specific legal provision and that results in, or could result in, the spatial, organizational, or social exclusion of a group of children, pupils, or participants in education, or their separate education, except in cases where such education is provided in compliance with an international treaty binding on the Slovak Republic...”*

The definition is a slightly amended version of the previous definition adopted by Act no. 182/2023 Coll. on 9 May 2023 which introduced the definition of segregation into the School Act for the first time. However, segregation in education as a form of discrimination had already been interpreted by national courts even before that.

According to Section 2 (aj) of the School Act, adhering to the prohibition of segregation in education and training shall mean adopting and implementing measures to prevent and eliminate it. Compared to the previous version of this legal provision, the current wording requires not only adoption of measures to prevent or eradicate segregation but also their implementation in practice.

The Slovak Equality Body –(SNSLP) has expressed doubts in a legal opinion<sup>82</sup> about the effectiveness of the definition of segregation in the School Act as a tool to prevent segregation. According to the SNSLP, it would be more appropriate if segregation was defined as a special form of discrimination in the Anti-discrimination Act which is the law governing the right to equal treatment and prohibition of discrimination. This would also be in accordance with the current case-law of the Slovak Supreme Court. The SNSLP is also rightly concerned that the mere adoption of measures to prevent or eliminate segregation should not be interpreted as amounting to compliance with the prohibition of segregation. To be compliant, such measures must be effective, specific, and not merely formal. SNSLP pointed to the possibility that a school which has been segregated for a long time could argue under the current definition that the adoption of a desegregation plan has fulfilled the school's duty of prohibition of segregation, even though a segregated situation still exists in practice.

Consequently, the definition of segregation on its own is not a measure which can solve the long-standing issue. Instead, appropriate state policies and plans and their implementation and enforcement are what is necessary. However, attention still needs to be paid to the manner in which this definition will be interpreted (and applied) especially in relation to the exceptions of what does not constitute segregation.

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<sup>80</sup> Slovak School Inspectorate, Správa o stave a úrovni pedagogického riadenia, procesu a podmienok výchovy a vzdelávania v základnej škole v školskom roku 2017/2018 v SR, November 2018, p. 15. Available at: [https://www.ssi.sk/wp-content/uploads/2020/12/sprava\\_17\\_18\\_1.pdf](https://www.ssi.sk/wp-content/uploads/2020/12/sprava_17_18_1.pdf)

<sup>81</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Primary Schools with an Established Introductory Year in the School Year 2023/2024. Available at: <https://www.minedu.sk/data/att/6f7/29705.d2943f.pdf>.

<sup>82</sup> Slovak National Centre for Human Rights, Opinion on the gaps and shortcomings of the adopted formulation of the definition of segregation in upbringing and education. Available at: <https://www.snslp.sk/aktuality/stanovisko-k-medzeram-a-nedostatkom-prijateho-znenia-definicie-segregacie-vo-vychove-a-vzdelavani/>.

## 5.4 ROMA NATIONAL EDUCATION

In October 2024, the National Council of the Slovak Republic adopted an amendment (No. 290/2024) to the Education Act, which redefined the definition of national minority education. This amendment sparked widespread concerns from civil society organisations and education experts about its potential impact on minority education, particularly for the Roma community.

One of the most controversial aspects of the amendment is the reclassification of schools offering minority language as "national education". After the adoption of the amendment to the School Act<sup>83</sup>, schools which, except for Roma language and literature, teach the rest of the curriculum in the Slovak language fall under the national educational system. While seemingly benign, this redefinition risks legitimizing already segregated schools by presenting them as legitimate minority institutions. Such a move could institutionalize segregation, undermining efforts to integrate Roma children into mainstream education.

Another concern is the potential erosion of educational quality. International law and standards, such as the European Charter for Regional or Minority Languages and the 1960 UNESCO Convention against Discrimination in Education both of which have been ratified by Slovakia, require that minority education meet the same quality standards as mainstream education. However, reclassifying schools as 'national education' could lead to a parallel educational system, legitimising Roma segregated schools.

Equally troubling is the lack of community participation in shaping these policies. National minority education should be rooted in the voluntary choices of minority communities and families. Yet, there is no evidence that the amendments were developed with any meaningful consultation with minority representatives, such as the Council of Government for National Minorities and the Committee on the Prevention and Elimination of Racism, the official bodies designated for such matters.

The long-term consequences of these changes could be profound. By rebranding segregated schools as legitimate minority institutions, the amendments risk deepening divisions within Slovak society. Instead of promoting inclusive education, they could further isolate minority students, reinforcing stereotypes and limiting their opportunities for broader social and economic participation.

To address these concerns, human rights organizations and advocates called<sup>84</sup> on the Slovak government to reconsider these amendments. They urged the Ministry of Education to align its policies with international human rights law and standards, prioritize inclusive education, and engage in meaningful dialogue with minority communities. In spite of these failings, the amendment was adopted by the Slovak Parliament.

## 5.5 THE LEGALLY BINDING DESEGREGATION STANDARDS

In November 2024, the Ministry of Education published a document called "The Standards for Compliance with the Prohibition of Segregation"<sup>85</sup> (hereinafter referred to as the "Standards") outlining standards, which aim to eliminate segregation in education by mandating equitable treatment and opportunities for all students, irrespective of race, ethnicity, or social background. The Standards emphasize spatial, organizational, and social desegregation, ensuring equal access to resources, balanced classroom compositions, and inclusive practices.

The Standards are supposed to be grounded in international and national laws (e.g., Anti-discrimination Act) and became legally binding by the amendment of the School Act No. 290/2024.<sup>86</sup> Schools are obliged to integrate the Standards into their policies, such as school codes, and are subject to inspections and monitoring.

The Standards solely address segregation within schools (e.g. separating Roma and non-Roma students into different classrooms or organizational structures). However, in so doing they fail to address the broader and systemic issue of segregation *between* schools, leaving the existence of Roma-only schools unchallenged. This oversight risks institutionalizing segregated schools that comply internally but remain isolated from mainstream education.

The Standards also lack provisions to prevent the establishment of disputed branch facilities (elokované pracoviská) or the construction of schools in excluded localities. Lastly, they fail to address the creation of artificial school districts that hinder inclusive education. Despite being a driver of segregation, the issue of catchment zoning has not been challenged by any policy

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<sup>83</sup> § 2 (ab) a (ae).

<sup>84</sup> Amnesty International Slovakia, International and Slovak organizations issue a joint statement relating the national education and the rights of national minorities in Slovakia, 25 October 2024. Available at: <https://www.amnesty.sk/medzinarodne-a-slovenske-organizacie-vydavaju-spolocene-stanovisko-k-narodnostnemu-skolstvu-a-pravam-narodnostnych-mensin-na-slovensku/>.

<sup>85</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Standards for Compliance with the Prohibition of Segregation in Education, November 2024. Available at: [https://www.minedu.sk/data/att/a3f/31683\\_50af19.pdf](https://www.minedu.sk/data/att/a3f/31683_50af19.pdf).

<sup>86</sup> § 145(1).

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to date. These gaps highlight the Standards' inability to address the full spectrum of practices that perpetuate segregation in the educational system.

Moreover, the Standards mandate actions such as revising school codes, but it is an administrative solution rather than an impactful tool for change. For instance, while adjusting school codes may align policies with anti-discrimination laws, it does little to change entrenched socio-economic barriers or mitigate segregation.

If the Standards are legally binding but focus exclusively on addressing segregation within schools while ignoring the full spectrum of segregation, schools and institutions serving predominantly Roma students may continue to exist without legal challenge. This could legitimize and institutionalize the presence of Roma-only schools if they comply with internal desegregation Standards. For example, if a segregated school ensures that Roma children are mixed in classes within the same building, it may formally comply with the law while remaining isolated from the mainstream education system. This cosmetic compliance fails to deliver meaningful desegregation.

Further, the legal focus on desegregation within schools may actually discourage some mainstream schools from admitting Roma children altogether. Faced with legal obligations and increased scrutiny, these schools may view Roma students as a burden that complicates their compliance with desegregation laws. Consequently, discriminatory enrolment practices—already a significant issue—may increase, further concentrating Roma students in separate schools. Therefore, the Standards can support the expansion or normalization of Roma-only schools and institutions, as they do not provide clear measures to dismantle or prevent the existence of schools that are almost exclusively attended by Roma children.

The failure to address all forms of segregation has clear significant human rights implications. To avoid these negative outcomes, the Standards must be expanded to tackle all levels of segregation, backed by policies that promote structural integration and equal access to quality education for all children. The Standards must explicitly target school-level segregation and include concrete measures to prevent and eliminate Roma-only schools. Without this broader approach, legally binding measures risk masking and entrenching segregation rather than eliminating it.

## 5.6 ELIMINATION OF THE TWO-SHIFT OPERATION

The Ministry of Education has published a list of schools<sup>87</sup> operating under a two-shift system in Slovakia. Notably, all schools on this list are predominantly or exclusively attended by Roma children. The system of organizing separate classes for Roma children in the afternoons could be referred to as the “two-shift operation” of schools. Briefly, this list indicates that in Slovakia, only Roma children start their study in the afternoons.

As of December 2024, the Ministry of Education allocated grants to eliminate the two-shift system in five schools.<sup>88</sup> One such school receiving funding for the extension of the facilities is in Ostrovany, a Roma-only school situated behind a segregating wall. This school was established in 2016 following a landmark court's judgment in Slovakia, which identified spatial segregation in Šarišské Michaľany. Despite the court's ruling and the ongoing EU infringement procedure, local community resistance to desegregation led to the construction of this segregated school in Ostrovany. Another school receiving funding is in Jakubany, which has been flagged by the State School Inspection (SSI)<sup>89</sup> as displaying signs of spatial segregation. The Ministry of Education, however, has not considered the principles of desegregation or at least non-segregation when distributing these grants to municipalities.

In November 2023, Amnesty International and Centre for Civil and Human Rights (Poradňa) sent an open letter<sup>90</sup> to the Minister of Education and the Vice Prime Minister responsible for Recovery and Resilience Plan pointing out that the two-shift operation practically only concerns primary schools near excluded Roma communities, which educate Roma children in a segregated manner. According to the authors of the letter, the further expansion of these school as a proposed solution of two-shift operations is in contradiction with national and international anti-discrimination legislation and case-law of the Slovak Supreme Court. They called on the ministries to take steps that will lead to the desegregation of these schools instead of adopting measures which perpetuate segregation.

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<sup>87</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Annex No. 4 - Indicative list of potential applicants. Available at: <https://www.minedu.sk/vyzva-na-odstranenie-dvojzmennej-prevadzky-zakladnych-skol/>.

<sup>88</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, The list of applicants. Available at: <https://www.minedu.sk/vyzva-na-odstranenie-dvojzmennej-prevadzky-zakladnych-skol/>.

<sup>89</sup> State School Inspection (SSI), Findings on Primary Schools in Jakubany primary school (Report No. 7105/2021-2022). Available at: [https://www.ssi.sk/wp-content/uploads/2022/07/7105\\_21\\_PO\\_ZS\\_12.pdf](https://www.ssi.sk/wp-content/uploads/2022/07/7105_21_PO_ZS_12.pdf).

<sup>90</sup> Výzva na využívanie finančných prostriedkov z plánu obnovy spôsobom, ktorý bude dôsledne prispievať k desegregácii rómskych detí a podpore rôznorodosti žiakov a žiačok na základných školách, 22 November 2023, Available here: <https://poradna-prava.sk/wp-content/uploads/2023/11/Vyzva-MVO-Poradna-a-Amnesty-International-Slovensko-na-vyuzivanie-financnych-prostriedkov-z-planu-obnovy-sposobom-ktory-bude-dosledne-prispievat-k-desegregacii-romskych-deti-vo-vzdelavani.pdf>

On 18 January 2024, the two NGOs together with SNSLP sent a Letter to European Commissioners regarding the use of EU funding to build a new segregated school for Roma children in Trebišov, Slovakia.<sup>91</sup> The NGOs called on the European Commission to investigate the use of the EU funding and to prevent the building of a segregated school.

Crucially, data on classroom capacities<sup>92</sup> in the Košice and Prešov regions—the areas affected by two-shift operations—contradict the rationale for the extension of the segregated schools due to missing capacities. These regions currently have no overall shortage of classroom space. According to the analysis, there are enough existing classrooms to accommodate nearly 28,000 students without requiring additional resources or investments. This spare capacity highlights that the issue is not one of infrastructure but of pro-segregationist practices. Manipulation with the school catchment areas and discriminatory policies have resulted not only in the creation of segregated schools but also in the implementation of two-shift operations for Roma children.

During the 2023/24 school year, over 5,600 children attended schools operating under a two-shift system.<sup>93</sup> However, the availability of unused classroom capacity in the regions provides an opportunity to replace these discriminatory practices with a comprehensive desegregation plan. Such a plan could redistribute students across existing schools, eliminating two-shift operations and ensuring that Roma children have access to integrated, high-quality education alongside their non-Roma peers.

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<sup>91</sup> Available here: [https://poradna-prava.sk/wp-content/uploads/2024/01/Joint-open-letter-to-EC\\_Slovakia.pdf](https://poradna-prava.sk/wp-content/uploads/2024/01/Joint-open-letter-to-EC_Slovakia.pdf)

<sup>92</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Available capacities at primary schools, September 2023. Available at: <https://www.minedu.sk/volne-kapacity-zakladnych-skol/>.

<sup>93</sup> Statistical Yearbook of Primary Schools 2023/2024.

# 6. THE OTHER MEASURES CHALLENGING SEGREGATION

## 6.1 NATIONAL PROJECT ON SCHOOL DESEGREGATION (OPPORTUNITY FOR ALL)

The "Opportunity for All" project, launched by the Ministry of Education, represents an attempt to tackle segregation in education.<sup>94</sup> Its aim is to test desegregation solutions tailored to the specific circumstances of 12-15 different towns and municipalities.

Officially, the project aims to create the foundation for a long-term, systemic, and sustainable solution to the elimination of the forms of racial segregation in education in all its complexity and structure. However, while the project signals a step in the right direction, its design raises significant concerns about its lack of ambition and capacity to achieve substantive change. The focus on 12- 15 locations, though valuable for testing approaches, highlights a limited scope that fails to address the national scale of the problem.<sup>95</sup> Moreover, there is no clear roadmap for scaling successful interventions or ensuring that pilot outcomes inform systemic reform across the educational system.

According to the information provided by the Ministry of Education<sup>96</sup>, currently, the project is supposed to be implemented in 13 localities. However, the memorandum of cooperation has, in most cases, not yet been signed. The project is still in the introductory phase of mapping the situation, and the process of drafting desegregation plans have not started.

Unless the above-mentioned failings are addressed the project risks falling short in genuinely tackling the deeply rooted societal prejudices and institutional discrimination that drive segregation. Efforts to change attitudes through awareness campaigns and training for educators are critical, but insufficient without robust enforcement mechanisms and accountability structures to dismantle discriminatory practices at all levels of the education system.

Another significant concern is the sustainability of the initiative. Effective desegregation requires long-term commitments of resources and political will. With a finite timeline and reliance on external funding<sup>97</sup>, there is a risk that the project's gains, even if achieved in the pilot locations, may not be maintained or replicated.

While the "Opportunity for All" project underscores Slovakia's recognition of segregation as a pressing human rights issue, it risks falling into the category of well-intentioned but underwhelming initiatives. Without comprehensive desegregation measures, clear metrics for success, and a commitment to scaling and sustaining efforts, the project may achieve only localized short-term improvements rather than the transformative change needed to ensure the right to equal education for all children.

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<sup>94</sup> Ministry of Education, Národný projekt Príležitosť pre všetkých pomôže riešiť segregáciu vo vzdelávaní, 23 October 2024. Available at: <https://www.minedu.sk/narodny-projekt-prilezitost-pre-vsetkych-pomoze-riesit-segregaciju-vo-vzdelavani/>

<sup>95</sup> Based on the conservative data by Ministry of Education pilot study, Slovakia has over 468 schools at the risk of segregation.

<sup>96</sup> Reply of the Ministry of Education of 17 March 2025 to the Freedom of Information Request submitted by the ERRC on 05 March 2025.

<sup>97</sup> The project will run until 1 June 2027 and is part of the so-called Program Slovakia which administering the EU funds. More information available here: <https://www.minedu.sk/39814-sk/narodne-projekty/>

## 6.2 FIRST PILOT PROJECT OF ROMA NATIONAL SCHOOL IN RAKÚSY

On 24 June 2024, the Ministry of Education announced the establishment of the first pilot project of a Roma national school. The pilot was proposed in a Memorandum<sup>98</sup> from the Ministry of Education, Rakúsy municipality, Prešov University in Prešov, and the Association of Schools for teaching the Romani language. The Memorandum proposed the Roma national school as a pilot project to address the lack of Romani language education. The project envisioned a school where subjects would be taught in Romani. The curriculum would also include Roma history and culture. However, the SNSLP in its statement<sup>99</sup> raised serious human rights concerns, including:

- The proportionality issue: SNSLP argued that the establishment of the planned school was not proportionate to the goal of addressing educational disparities faced by Roma children. It contended that establishing a separate school, even as a temporary measure, carried the risk of reinforcing segregation and failing to address the underlying societal factors contributing to these disparities. The SNSLP maintained that less restrictive measures, such as enhancing support for Roma children within mainstream schools, would be more proportionate and less likely to perpetuate existing inequalities.
- The necessity issue: SNSLP questioned the necessity of creating a separate Roma national school, arguing that the Ministry of Education had not demonstrated that this was the only viable option to improve Roma children's educational outcomes. They pointed to the lack of evidence supporting the effectiveness of separate schools for minority groups and argued that the Ministry of Education had not adequately considered alternatives, such as strengthening Romani language instruction within existing schools or providing additional support to Roma students in mainstream settings.
- Non-systemic measure: SNSLP criticized the Ministry of Education's approach as non-systemic, arguing that the proposed school was an isolated measure that failed to address the broader systemic issues of discrimination and exclusion faced by the Roma community. They argued that a truly systemic approach would involve comprehensive measures to combat discrimination.

The statement suggested that focusing on improving mainstream schools and providing support for Roma children within those schools would be a more effective and equitable approach. The report concluded that the risks associated with the proposed Roma national school outweighed the potential benefits and recommended that the Ministry of Education explore alternative approaches to addressing the educational needs of Roma children.

Several education experts and civil organisations expressed similar concerns about the transformation of the Rakúsy school.<sup>100</sup> They pointed out that the school is already attended by Roma pupils only. In this context changing the status of the school cannot be considered to be a sufficient measure aimed at eradication of segregation.

It has to be noted that there are also reasonable doubts about the quality of education being delivered at the elementary school in Rakúsy. In October 2023, the SSI carried out a complex inspection there<sup>101</sup>. It found that all of the 724 pupils come from marginalized Roma communities. It concluded that the quality of education was at a sub-optimal level. The SSI also found violation of laws and internal regulations by the Rakúsy school.

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<sup>98</sup> The Ministry of Education, Research, Development and Youth of the Slovak Republic, Ministry of Education signed the Memorandum of cooperation regarding the establishment of the pilot project of Roma national school in the municipality of Rakúsy, 24 June 2024. Available at: <https://www.minedu.sk/ministerstvo-skolstva-podpisalo-memorandum-o-spolupraci-pri-vytvoreni-pilotnej-romskej-narodnostnej-skoly-v-obci-rakusy/>.

<sup>99</sup> Slovak National Centre for Human Rights, Experts' Statement on the Justification of the Temporary Affirmative Action. Available at: <https://www.snslp.sk/wp-content/uploads/OS-zamer-docasneho-vyrovnacieho-opatrenia-v-obci-Rakusy.pdf>.

<sup>100</sup> E.g. Zacher, F. in: Denník N, Na Spiši bude prvá rómska národnostná škola. Už na začiatku znie kritika, že bude segregovať deti, 02 August 2024. Available at: [https://dennikn.sk/4125128/na-spisi-bude-prva-romska-narodnostna-skola-uz-na-zaciatku-znie-kritika-ze-bude-segregovat-deti/?fbclid=IwY2xjawli30pleHRuA2FlbQixMQABHXHaFnN7yWiS2uOkeqH94d7wo66L8Z8Jhhv5xfMqIDAhC-WRYCysl6uHKg\\_aem\\_SIKT1d9nBtOYKW\\_PocP2mg](https://dennikn.sk/4125128/na-spisi-bude-prva-romska-narodnostna-skola-uz-na-zaciatku-znie-kritika-ze-bude-segregovat-deti/?fbclid=IwY2xjawli30pleHRuA2FlbQixMQABHXHaFnN7yWiS2uOkeqH94d7wo66L8Z8Jhhv5xfMqIDAhC-WRYCysl6uHKg_aem_SIKT1d9nBtOYKW_PocP2mg)

<sup>101</sup> State School Inspectorate, Správa o výsledkoch školskej inšpekcie. Available at: [https://www.ssi.sk/wp-content/uploads/2024/02/7008\\_21\\_PO\\_ZS\\_34.pdf](https://www.ssi.sk/wp-content/uploads/2024/02/7008_21_PO_ZS_34.pdf)

## 6.3 3D PRINCIPLES

The Plenipotentiary office for Roma communities revised the framework<sup>102</sup> for the implementation of the principles of desegregation, destigmatization and deghettoization (3D principles) in July 2024. The framework serves as the guide for the allocation of resources and development of policies aimed at improving the lives of marginalised Roma communities. That means that any resource allocation and policy development should comply with these 3D principles:

- Desegregation focuses on actively eliminating the physical and social separation of Roma from the majority population. This involves ensuring equal access to quality services, including education, housing, healthcare, and employment.
- Destigmatization seeks to change the negative perceptions and prejudices held by the majority population towards Roma people.
- Deghettoization aims to halt and reverse the process of social exclusion that leads to the formation of ghettos, transforming them into accepted and functional parts of the wider community.

The main issue of this revised framework is the relaxed criteria for compliance with the 3D principles. For example, it recognizes that in certain circumstances, interventions might temporarily or permanently increase segregation levels to achieve other strategic objectives such as protecting health, safety, and human dignity by accepting projects that might deviate from 3D principles. However, this flexibility introduces a level of subjectivity and raises concerns about the potential for exceptions to become the norm, again undermining the core objectives of desegregation and even entrenching segregation. In this context, there is a grave concern that the application of relaxed 3D principles might become a norm for perpetuating residential and educational segregation.

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<sup>102</sup> Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Methodological Guideline for the Effective Application of the Principles of Desegregation, Destigmatization, and De-Ghettoization (3D Principles) for the period 2021-2027 Version 2, July 2024. Available at: [https://romovia.vlada.gov.sk/site/assets/files/1757/metodicky\\_vyklad\\_pre\\_efektivne\\_uplatnovanie\\_principov\\_desegregacie\\_destigmatizacie\\_degetoizacie\\_principov\\_3d\\_v2\\_0.pdf](https://romovia.vlada.gov.sk/site/assets/files/1757/metodicky_vyklad_pre_efektivne_uplatnovanie_principov_desegregacie_destigmatizacie_degetoizacie_principov_3d_v2_0.pdf).

# 7. CONCLUSIONS

Ten years after the European Commission initiated infringement proceedings against Slovakia for breaching the prohibition of discrimination in education set out in the EU Race Equality Directive, it is concerning to conclude that there is still an ongoing widespread and growing racial division in education. Slovakia cannot continue to deny its Roma children their right to dignity and equal treatment. Under international human rights law, Slovak authorities are obliged to ensure that all children enjoy their right to quality education free from discrimination in diverse mainstream schools.

Segregation in Slovak schools reflects a systemic issue that extends beyond isolated cases. Judicial rulings have recognized the unlawful segregation of Roma children, yet implementation of meaningful desegregation measures remains absent. Legislative reforms, including amendments to the School Act, lack the enforceability and clarity needed to address entrenched disparities. Instead, segregation is perpetuated by inadequate monitoring, infrastructural and academic inequities, and discriminatory practices.

Roma children disproportionately face poor academic outcomes, higher dropout rates, and limited access to secondary education and employment opportunities. Roma-majority schools continue to suffer from inadequate infrastructure. The absence of basic facilities such as gyms, and playgrounds disproportionately affects Roma students. Only so-called “Roma schools” operate on two-shift systems, further limiting access to quality education for Roma children. The new monitoring framework may lead to having no real impact unless the schools identified as at-risk are not uniformly required to implement desegregation plans.

Initiatives, such as pilot projects and desegregation standards have been limited in scope and impact. While these measures represent progress, their implementation could entrench segregation because they fail to address its root causes. The reliance on short-term pilot projects, without a clear pathway for scalability, limits their potential to drive systemic change.

Efforts to promote Roma national education have been undermined by the risk of reinforcing segregation under the guise of preserving cultural and ethnic identity. Without integration into mainstream curricula, these initiatives risk creating parallel education systems with unequal standards, further marginalizing Roma students.

Addressing this issue requires bold, systemic reforms that go beyond symbolic legislation. Ensuring equal access to quality education for all children requires political will, robust funding, and a commitment to desegregation. The European Union must intensify its oversight and support to compel Slovakia to fulfil its human rights obligations. A failure to act will not only deny Roma children their rights but also perpetuate inequality for future generations.

# 8. RECOMMENDATIONS

## TO THE SLOVAK GOVERNMENT

### LAW AND POLICY REFORM:

- Introduce comprehensive desegregation measures.
- Introduce binding and credible desegregation policies and plans with enforceable timelines for all schools identified as at risk of segregation.
- Take a comprehensive approach to tackling segregation in education by also addressing jointly with residential segregation and the inadequate living conditions in excluded Roma communities.
- Establish a central register of catchment areas and use to ensure equitable student distribution and prevent gerrymandering.
- Establish effective cooperative policies and practices with local organizations, social services and institutions actively working with Roma communities and familiar with their living conditions.
- Initiate, without undue delay, the process of genuine desegregation at schools which were found to be segregated by courts.

### FUNDING:

- Allocate targeted funding for desegregation measures in strict compliance with the 3D principles (desegregation, destigmatization, deghettoization).

### MONITORING:

- Collect anonymous disaggregated ethnic data in the field of education in compliance with human rights law and standards.
- Expand the pilot monitoring framework of school segregation to schools and classes for children with disabilities and secondary education and integrate ethnic data collection in compliance with human rights laws and standards to improve accuracy.
- Establish a centralized monitoring body with authority to enforce desegregation measures and evaluate their effectiveness regularly.

### REASSESS EDUCATION INITIATIVES:

- Revise the introductory grades framework to prevent replication of past discriminatory practices (e.g., zero grades).
- Integrate Romani language education into mainstream schools rather than isolating Roma students in separate "national schools."

- Eliminate the use of the two-shift operation and do not do this by expanding schools built in Roma communities or next to them thereby further entrenching segregation.

## **TO THE EUROPEAN COMMISSION**

### **STRENGTHEN ENFORCEMENT OF THE EU RACE EQUALITY DIRECTIVE:**

- Monitor Slovakia's compliance with the Race Equality Directive (2000/43/EC) and take further enforcement actions where necessary.
- Advocate for the ECJ to mandate binding enforcement mechanisms for Slovakia, compelling compliance with the Race Equality Directive (2000/43/EC).
- Require Slovakia to submit detailed periodic progress reports on genuine and credible desegregation measures.

### **PROVIDE FINANCIAL AND TECHNICAL ASSISTANCE:**

- Allocate EU funds specifically for genuine and credible desegregation initiatives and in strict compliance with the Race Equality Directive.
- Support the establishment of a methodology on ethnic data collection in compliance with international human rights norms.



# SEPARATE AND UNEQUAL

## SCHOOL SEGREGATION PERSISTS FOR ROMA IN SLOVAKIA

The joint briefing by Amnesty International and the European Roma Rights Centre reveals the persistent segregation of Roma children in mainstream education in Slovakia. Despite the European Commission's referral of Slovakia to the European Court of Justice, the state has failed to take effective action. Roma pupils continue to be educated in separate schools and classes, facing higher dropout rates, lower academic outcomes, and limited opportunities. Drawing on legal analysis, data, and expert findings, the briefing highlights how recent reforms risk reinforcing rather than remedying segregation. This briefing calls for urgent, systemic reform backed by adequate funding, and enforcement to end segregation and ensure the right to equal education for all children in Slovakia.

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