

The right to inclusive education

Abstract

The thesis deals with the issue of inclusion in education, especially its legal protection and the assessment of the extent to which the right to inclusive education can be characterized as a fundamental human right.

After the introduction, definition of the subject and object of the right to inclusive education (including the international context), description of its legal provision and some circumstances in relation to its implementation in the Czech Republic, the right to inclusive education is evaluated in relation to the constitutional order of the Czech Republic. The international human rights treaties are studied in the following two chapters. Special attention is paid in this context to the issue of the so-called bankruptcy judgement of the Czech Constitutional Court and the rarely concerned question of its temporal scope.

In addition to positive law, some decisions of the Constitutional Court and Czech general courts are also taken into account. In relation to international human rights treaties, significant attention is also paid to the decisions of international bodies, in particular the European Court of Human Rights. The case law of the European Court of Human Rights not only provides many arguments in relation to the assessment of the existence of the fundamental human right to inclusive education, but also indicates possible developments in relation to the issue of economic, social and cultural rights in general.

All of the above is then summarised and conclusions are drawn regarding the constitutional enshrinement of the right to inclusive education in the Czech Republic.