

# **Constitutional Law Challenges of the Segregation of Roma Pupils in Education**

## **Abstract**

The thesis focuses on the issue of the segregation of Roma pupils in the Czech education system from a constitutional law perspective. The main impetus for addressing this issue is the ECtHR judgment in the case of *D.H. and Others v. the Czech Republic*, which identified the placement of Roma children in special schools as a discriminatory practice. This judgment necessitated the adoption of legislative and institutional measures. The aim of the thesis is to analyse how the Czech Republic responded to the judgment and what impact the adopted measures have had on the situation of Roma pupils.

The thesis focuses on the legal aspects of the right to education, the principle of equality, and the prohibition of discrimination. It analyses the selected steps undertaken by the Czech Republic, including amendments to the Education Act, as well as strategic documents such as the National Action Plan for Inclusive Education and the Education Policy Strategy of the Czech Republic. The thesis also examines other ECtHR judgments, including the cases of *Sampanis v. Greece* and *Oršuš v. Croatia*, which provide comparative insights and a broader context for the protection of Roma students' rights.

Particular attention is given to the 2023 Action Plan, which includes reforms of the educational advisory system and support for schools aimed at desegregation. The thesis evaluates the effectiveness of these steps and demonstrates that, despite legislative changes, challenges persist in implementation, and monitoring of these measures is often insufficient. While the adopted changes represent significant progress, effective achievement of inclusion goals requires increased support for schools and educational staff.

The findings of the analysis suggest that, beyond legal reforms, continued systematic improvements in practice are necessary. The conclusions of the thesis provide a basis for further considerations on essential reforms needed to fulfill the right of Roma students to education free from discrimination and to lead to their full inclusion within the school system.

**Key words: segregation, education, Roma pupils**