

Right to education under European Convention for the Protection of Human Rights and Fundamental Freedoms and Czech Republic

Abstract:

This thesis deals with the issue of protection of the right to education. It focuses on the conception of the right to education defined by the European Convention for the Protection of Human Rights and Fundamental Freedoms. It also compares the article concerning the right to education with other international documents concerning human rights protection such as Charter of Fundamental Rights of the European Union and Convention on the Rights of the Child. It partly examines the definition of this right under the Czech law. The thesis especially pays attention to the case of the Grand Chamber D.H. and others versus Czech Republic, since it is the only decision of European Court of justice concerning right to education which found Czech Republic in breach of the Convention. The aim of this thesis was to find out what influence had this decision on the Czech Republic as well as other member states of the Council of Europe and whether it was successfully implemented into the Czech legal system. This decision is significant not just for the Czech Republic. It has shed light on the issue faced by many European countries. It became a pilot judgment and was followed by other decisions of the European Court of Human Rights concerning similar problematics. It was clear that Czech Republic is not the only member state of the Council of Europe not being able to ensure equal access to education to all children. It became one of the impulses in the process of changing the Czech educational system. Czech government has adapted many changes, for example it introduced compulsory pre-school education to the Czech legal system. However the implementation of the decision takes time. Despite all the efforts, the Czech Republic has so far failed to fully comply with the decision in question in order to avoid violation of the Convention.

Key words:

right to education, human rights, fundamental rights, indirect discrimination, right for equal treatment, Charter of fundamental rights of the European Union, European Union, European Convention on the protection of human rights and fundamental freedoms, Council of Europe, European Court of Human Rights, Convention on the Rights of the Child, Charter of Fundamental Rights and Freedoms, Czech Republic, Education Act