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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Plan (05/11/2026)

Communication from the Czech Republic concerning the case of D.H. and Others v. the Czech Republic (Application No. 57325/00)

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Communication de la République tchèque concernant l'affaire D.H. et autres c. République tchèque (Requête n° 57325/00) ***[anglais uniquement]***

DH-DD(2026)1498: Communication from the Czech Republic
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Section for Education and Youth
Department for Equal Access to Education and Support for Staff in Regional Education

DGI
05 NOV. 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Action Plan for the Execution of the Judgment D.H. and Others v. Czech Republic 2027–2029

EXECUTION OF THE JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
D.H. AND OTHERS V. THE CZECH REPUBLIC

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List of abbreviations

ADACHO	Adaptive Behaviour Assessment Scale for Children
AP	Action Plan
ASI	Agency for Social Inclusion
Czechia	Czech Republic
CSI	Czech School Inspectorate
MoRD	Ministry of Regional Development
MoLSA	Ministry of Labour and Social Affairs
MIDD	Mild intellectual development disorder
MoJ	Ministry of Justice
NS	Nursery school
MEYS	Ministry of Education, Youth and Sports
NPI	National Pedagogical Institute of the Czech Republic
NRP	National Recovery Plan
POD	Social Disadvantage Scale
PROP	Support for Equal Opportunities
FEP PE	Framework Educational Programme for Primary Education
FEP PE–MMD	Framework Educational Programme for Primary Education – Annex governing the education of pupils with mild mental disabilities
FEP PE–MLO	Framework Educational Programme for Primary Education with Modified Learning Outcomes
FEP SPS	Framework Educational Programme for Special Primary Schools
SCF	School counselling facility
PS	Primary school

Introduction

In its Grand Chamber judgment of 13 November 2007 in *D.H. and Others v. the Czech Republic*, the European Court of Human Rights found a violation of the prohibition of discrimination in conjunction with the right to education on account of indirect discrimination against Roma children in their placement in the former special schools.[1]

This Action Plan responds to point 7 of the decision of the Committee of Ministers of the Council of Europe of 11 June 2026, in which the Committee of Ministers called on the Czech Republic to submit a new action plan for the execution of the judgment by the end of 2026.[2]

Under the Education Act, equal access to education without discrimination of any kind, consideration of individual educational needs, and respect for ethnic, national, cultural, and linguistic identity are among the fundamental principles and objectives of education.[3]

Segregated education is incompatible with these principles, as it results in the systematic separation of pupils into different schools or classes on the basis of their ethnicity and restricts their access to high-quality inclusive education.[4]

The Progress Report on the Execution of the Judgment in *D.H. and Others v. the Czech Republic* as at 31 December 2025 (hereinafter "the Report") confirms that unequal access to education for Roma pupils remains a persistent systemic problem.[5] The Report summarises the implementation of the Action Plan of December 2023 and identifies areas in which the measures taken to date have not brought about sufficient change or need to be continued. The present Action Plan builds directly on the Report's findings and translates the outstanding problems and further steps required into specific measures and implementation deadlines for 2027–2029.

The principal objective of the Action Plan is to contribute to the fulfilment of the Czech Republic's obligations concerning equal access to education and the prohibition of discrimination against Roma pupils. The measures focus on two interconnected areas: (1) reducing the number of segregated schools and preventing segregation in education from arising or becoming more entrenched; and (2) reducing overdiagnosis of mild intellectual development disorder among Roma pupils while ensuring that they receive appropriate support.

Measures to improve the quality of education, support socially disadvantaged pupils, and increase the participation of Roma children in preschool education, together with measures arising from the Strategy for Roma Equality, Inclusion and Participation, will be implemented alongside and in support of desegregation measures, not as substitutes for them.

The Action Plan treats desegregation as a long-term, planned process that is subject to ongoing evaluation and must encompass the entire education system in the area concerned. It cannot be confined to an isolated change at a single school, but requires the use of data and cooperation among the authorities responsible for schools, all schools concerned, Roma organisations, parents, and other

[1] Grand Chamber judgment of the European Court of Human Rights in *D.H. and Others v. the Czech Republic*, no. 57325/00, of 13 November 2007. Available at: HUDOC.

[2] Committee of Ministers of the Council of Europe: Status of execution of the judgment in *D.H. and Others v. the Czech Republic*. Available at: HUDOC-EXEC.

[3] Section 2(1)(a) and (b) of Act No 561/2004 on preschool, primary, secondary, post-secondary vocational, and other education (Education Act), as amended. Available at: e-Sbírka.

[4] NPI: Desegregace.cz – a methodological tool for municipalities, schools, and other stakeholders seeking to end ethnic segregation and create equitable conditions for the inclusive education of all children. Available at: Desegregace.cz.

[5] Ministry of Justice, Office of the Agent of the Czech Government before the European Court of Human Rights: Execution of the Judgment of the European Court of Human Rights no. 57325/00 – *D.H. and Others v. the Czech Republic*. Progress Report, 31 December 2025. Available at: Mezisoudy.cz.

local stakeholders. The process must also include measures to prevent segregation from being transferred to another school, school site, class, or group of pupils.[6]

Desegregation measures cannot be developed or implemented without the direct involvement and partnership of Roma women and men, Roma parents, organisations, community stakeholders, and experts as equal partners in discussions and decisions on the changes to be made. Such involvement is essential, and a specific plan has been developed to secure the participation of these stakeholders in the implementation of each measure.

The Action Plan was prepared by the Ministry of Education, Youth and Sports in cooperation with the relevant public authorities, the National Pedagogical Institute of the Czech Republic, the Czech School Inspectorate, Roma organisations, experts from academia and the non-profit sector, and representatives of regional stakeholders (schools and school founders). It draws on the Report, an evaluation of the previous Action Plan, available data, and experience gained from the Desegregation pilot initiative implemented by the NPI, including the Desegregace.cz methodological tool.[7] The findings and suggestions obtained through consultations with the founders, the schools themselves, expert organisations, Roma parents, and community stakeholders were also taken into account in its preparation.

The Czech Republic will inform the Committee of Ministers of progress in implementing the present Action Plan and the Action Plan to Support the Participation of Roma and Socially Disadvantaged Children in Preschool Education[8] at the end of each calendar year. The first progress report will be submitted on 31 December 2027.

[6] MEYS: New methodological tool Desegregace.cz: concrete steps towards more equitable education, 23 February 2026. Available at: edu.gov.cz.

[7] NPI: Final Report on Desegregation 2024–2026, internal document; see also NPI: Cooperation between the State, municipalities, and communities delivers concrete steps towards more equitable education. Available at: NPI.

[8] The Action Plan was submitted to the Committee of Ministers of the Council of Europe in October 2025. It is available here.

Background

Persistent inequalities in the education of Roma pupils manifest themselves primarily in two interrelated ways: (1) the large number of Roma pupils who, for various reasons, attend schools where they account for more than one third of all pupils; and (2) the fact that Roma pupils are considerably more likely than other pupils to be educated under the Framework Educational Programme for Primary Education with Modified Learning Outcomes (FEP PE–MLO) as a result of overdiagnosis of mild intellectual development disorder.[9]

The higher proportion of Roma pupils in certain schools is generally not attributable to a single cause. In individual areas, a combination of factors can be identified that may reinforce one another, maintaining or further entrenching segregation within the local school system over time. These include residential segregation, the configuration of school catchment areas, the admission practices of certain schools, differences in how well individual schools are prepared in terms of staffing, expertise, and organisation to provide inclusive education for all pupils and support tailored to their needs, preferences for schools perceived by families as more welcoming towards Roma children, and the transfer of pupils from the majority population to other schools. These factors must also be viewed in the context of the long-standing marginalisation of Roma families and structural inequalities that affect their position in Czech society and are also reflected in education.

The fact that Roma pupils are considerably more likely than other pupils to be educated under FEP PE–MLO on account of mild intellectual development disorder does not in itself establish that individual diagnostic conclusions are incorrect, but it is a significant systemic indicator. Where education under FEP PE–MLO takes place in a class or school established under section 16(9) of the Education Act, the pupil is also separated from mainstream education. If a pupil is inappropriately placed in such a programme, the lower level of expected learning outcomes may prevent their educational potential from being fully developed and restrict their subsequent educational pathway. For pupils with mild intellectual development disorder, learning outcomes and educational attainment may be reduced to the minimum recommended level only in those areas of education in which the pupil is experiencing difficulties.[10] Assessing educational needs is complicated by the difficulty of distinguishing between manifestations of mild intellectual development disorder and the effects of social disadvantage (including insufficient knowledge of the language of instruction), the pupil's previous educational history, and other circumstances that may affect the diagnostic process and its outcomes. Differences in the practices of school counselling facilities also persist, as does the need to regularly evaluate newly collected data on diagnostic and intervention activities.[11]

Experience from the Desegregation pilot initiative implemented by the NPI in ten towns and cities showed that the progress of change in a particular geographical area is influenced by the active involvement of the school founder, the time needed to establish cooperation and build trust, the staff resources available, and the State's ability to respond to inaction by local stakeholders. Most participating areas remained in the initial stages of preparing changes during the limited implementation period, and the planned local desegregation plans have yet to be developed. The staffing capacity allocated proved insufficient, while the end of project funding created a risk that the cooperation already

[9] Ministry of Justice, Office of the Agent of the Czech Government before the European Court of Human Rights: Execution of the Judgment of the European Court of Human Rights no. 57325/00 – *D.H. and Others v. the Czech Republic*. Progress Report, 31 December 2025, in particular pp. 17-19. Available at: Mezisoudy.cz.

[10] Decree no. 27/2016 on the education of pupils with special educational needs and gifted pupils, Annex 1, Part IV, point 2 – Adjustment of educational content and learning outcomes, as amended with effect from 1 September 2025. Available at: MEYS.

[11] Ministry of Justice, Office of the Agent of the Czech Government before the European Court of Human Rights: Progress Report, 31 December 2025, in particular pp. 17-19. Available at: Mezisoudy.cz; also NPI: Final Report on Desegregation 2024–2026, pp. 14–15. Available at: NPI.

established would be interrupted. These findings confirm the need for a stable, long-term framework for implementing and evaluating desegregation measures.[12]

[12] NPI: Final Report on Desegregation 2024–2026, in particular pp. 13–14. Available at: NPI.

Current data on the education of Roma pupils in primary schools

The available indicators show no clear reduction in segregation, although changes to the reporting methodology limit the interpretation of developments in 2025. The key indicators monitored by both the European Commission[13] and the Committee of Ministers of the Council of Europe continue to show that structural problems persist. The available data also continues to indicate a large number of schools with a high proportion of Roma pupils and the overrepresentation of Roma pupils in special education.

Nevertheless, methodological changes have been introduced to the annual collection of informed estimates of the numbers of Roma children, pupils, and students. These changes were intended to improve the validity and reliability of the data collected, but may also affect the year-on-year comparability of certain indicators. This complicates the interpretation of the 2025 data. Schools identify the number of Roma pupils on the basis of predefined characteristics. First, the methodology was explicitly expanded to include a wider range of possible indicators on the basis of which others may perceive a child or pupil to be of Roma origin. Secondly, this broader interpretation of informed estimates had already been actively communicated to schools in 2024. Thirdly, the reporting of Roma pupils in classes established under section 16(9) of the Education Act was changed. Previously, reporting covered only pupils educated in classes established under section 16(9) (hereinafter "section 16(9) classes") for pupils with intellectual disabilities. From 2025, all pupils in section 16(9) classes are included, irrespective of the reason for their placement or the further classification of the class. All these changes may have led schools to report higher numbers. The 2026 data may also be used to assess the year-on-year comparability of indicators based on data from 2025 onwards.

Number of Roma pupils

The 2025 figures confirm a continuing slight increase in the absolute number of Roma pupils in primary schools. Their number rose by 643 year on year, while the total number of primary school pupils remained almost unchanged. Primary school headteachers reported 39,242 Roma pupils in 2025, compared with 33,768 in 2019. However, the proportion of Roma pupils among all pupils remained unchanged year on year at 3.9%, having risen from 3.5% in 2019.

Segregated schools

The number of mainstream schools with a high proportion of Roma pupils is increasing slightly. In 2025, there was an increase both in the number of schools where Roma pupils accounted for between a third and a half of all pupils and in the number where they accounted for more than 90%. This reflects both the higher overall proportion of Roma pupils and the changes in reporting. However, the figures indicate at least that there has been no substantial change in segregation in mainstream schools.

1. Mainstream primary schools (mainstream classes only), 2019–2025

Proportion of Roma pupils in mainstream primary schools	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***
none	2,185	2,205	2,246	2,280	2,268	2,152	**2,179**
up to 33%	1,449	1,459	1,440	1,430	1,455	1,588	**1,594**
33-50%	28	26	24	20	27	33	**45**
50-90%	10	14	18	16	16	17	**25**
more than 90%	8	7	8	9	9	8	**13**

[13] The European Commission is also conducting infringement proceedings against the Czech Republic (INFR(2014)2174) concerning compliance with the Racial Equality Directive (Directive 2000/43/EC) in connection with the segregation of Roma pupils in education.

Nor has there been any reduction in the number of segregated schools established under section 16(9) of the Education Act (hereinafter "section 16(9) schools"). There are 38 such schools where Roma pupils account for more than a third of all pupils. Only two schools have an overwhelming majority of Roma pupils (exceeding 90%). Over the longer term, the number of segregated section 16(9) schools has remained largely unchanged.

2. Primary schools established under section 16(9), 2019–2025

Proportion of Roma pupils in section 16(9) primary schools	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***
none	90	92	86	97	96	82	**77**
up to 33%	183	184	189	184	179	202	**203**
33-50%	25	24	24	20	23	17	**21**
50-90%	24	22	23	21	24	19	**15**
more than 90%	1	2	1	1	2	2	**2**

Forms of education

The 2025 data shows a slight year-on-year increase in the proportion of Roma pupils among those educated under FEP PE–MLO. By contrast, there was no significant change in the figures for the Framework Educational Programme for Special Primary Schools (FEP SPS), which is generally intended for pupils with moderate or severe intellectual disabilities and cannot simply be equated with a risk of ethnic segregation.

3. Proportion of Roma pupils among all pupils (a) educated under FEP PE–MLO, including FEP PE–MMD; (b) educated under FEP SPS; and (c) educated in section 16(9) classes

	FEP PE–MLO (%)	***FEP SPS (%)***	***section 16(9) classes (%)***
2019	19.4	8.8	13.9
2020	20.4	8.8	14.1
2021	22.2	8.2	14.3
2022	21.5	8.1	13.5
2023	23.1	8.7	14.7
2024	23.2	9.5	14.5
2025	**24.0**	**9.4**	16.4

Note: FEP PE–MMD is included in the time series solely to maintain the comparability of historical data. The number of pupils educated under FEP PE–MMD was recorded for the last time in the 2019/2020 school year. Since the 2020/2021 school year, data has been collected on pupils educated under FEP PE–MLO.

Comparison of Roma pupils' representation with that of the majority population

Roma pupils continue to be disproportionately represented in section 16(9) classes and among pupils educated under FEP PE–MLO compared with the majority population. Year on year, the proportion of Roma pupils among those educated under FEP PE–MLO increased slightly, while their proportion in section 16(9) classes rose more markedly. However, the increase in the latter category must be interpreted in the light of the methodological change mentioned above, which broadened the category of pupils reported in these classes. Part of the year-on-year increase may thus be attributable to the

change in the scope of the group monitored and more accurate reporting, rather than solely to an actual deterioration in the placement of Roma pupils. By contrast, the proportion of Roma pupils educated under FEP SPS declined slightly. The figures for the majority population changed only marginally.

This disparity confirms that the disproportionate representation of Roma pupils in these categories remains a problem requiring continued attention. However, the 2025 figures are not fully comparable with those for previous years. Developments must also be assessed in the context of ongoing measures concerning diagnostic practices, the standardisation of counselling services, and the registers currently being prepared, whose effects may become apparent only after some time.

4. Proportion of all Roma pupils (a) in section 16(9) classes and (b) educated under FEP PE–MLO or FEP PE–MMD, compared with the corresponding proportions in the overall pupil population (2019–2025)

	section 16(9) classes		***FEP PE–MLO***	
	Roma pupils (%)	***all pupils (%)***	***Roma pupils (%)***	***all pupils (%)***
2019	11.2	2.9	11.9	2.2
2020	11.2	2.8	11.7	2.1
2021	11.3	2.9	12.6	2.1
2022	11.0	2.9	12.5	2.0
2023	11.9	2.9	13.2	2.1
2024	11.1	2.9	12.6	2.1
2025	**12.4**	**3.0**	**12.9**	**2.1**

Note: FEP PE–MMD is included in the time series solely to maintain the comparability of historical data. The number of pupils educated under FEP PE–MMD was recorded for the last time in the 2019/2020 school year. Since the 2020/2021 school year, data has been collected on pupils educated under FEP PE–MLO.

Objectives and scope of the Action Plan

The proposed measures pursue two interrelated objectives:

1. Reduce the number of segregated schools and prevent segregation in education from arising or becoming more entrenched.

The measures focus on implementing desegregation measures in selected schools and areas, supporting school founders and all schools concerned, working with parents and local communities, and establishing a stable framework of expertise, funding, data, methodological support, and oversight at State level. They are intended to ensure that the changes are not merely formal and do not result in segregation being transferred to another school or class.

2. Reduce overdiagnosis of mild intellectual development disorder among Roma pupils and provide appropriate support.

The measures focus on ensuring that social disadvantage is consistently taken into account in diagnostic assessments, standardising the procedures followed by school counselling facilities, recommending appropriate support, using data, promoting cooperation between the NPI and the CSI, and creating conditions in which the choice of educational programme and form of education reflects each pupil's actual needs.

The proposed measures are divided into two sections corresponding to these objectives. Each section sets out short-term and long-term objectives and a series of measures. The deadlines for implementing the individual sub-measures are summarised in the implementation timetable.

Objective 1: Reduce the number of segregated schools and prevent segregation in education from arising or becoming more entrenched

The Progress Report on the Execution of the Judgment as at 31 December 2025 confirms that the segregation of Roma pupils in education remains a long-standing problem in some primary schools, affecting both mainstream schools and section 16(9) schools and classes (so-called special schools and classes). The causes vary from one location to another and generally involve a combination of factors. Assessing the situation at a particular school and determining the appropriate course of action therefore cannot be based solely on the number and proportion of Roma pupils. Account must also be taken of local circumstances, changes in the number of Roma pupils at the school concerned and other schools in the area, the organisation of the local school system, and other indicators of segregation.

Experience gained from work undertaken to date in the areas concerned has shown that desegregation cannot be achieved through an isolated intervention at a single school. Ending the operation of a segregated school can bring about genuine change only if it forms part of a broader approach involving school founders, all schools concerned, Roma organisations, parents, and other local stakeholders. This requires advance planning to address local school capacity and support, pupils' transitions between schools, engagement with families, and the school environment, while preventing segregation from simply being transferred to another school, a different site of the same school, or individual classes.

The proposed approach thus combines specific desegregation measures in selected schools and areas with expert, methodological, financial, and data support, alongside greater accountability for school founders and stronger State mechanisms. It also makes it possible to distinguish between schools where ending their independent operation is appropriate and those where desegregation can be achieved by other means. In both cases, the outcome must be a demonstrable reduction in segregation across the entire local area concerned, rather than merely a formal organisational change.

During 2027–2029, the Action Plan will focus on intensive work with a limited number of schools and locations. This does not reflect any reduction in the State's long-term ambitions, but rather the need to concentrate available expertise and financial resources where specific desegregation measures can be implemented and evaluated during the Action Plan period. The selected sites will be used to test the necessary mechanisms, approaches to supporting school founders, schools, pupils, and families, and arrangements for cooperation among the various stakeholders. It is also necessary to demonstrate examples of good practice that can inform the implementation of further measures. The experience gained will be used to extend support to other locations and to prepare subsequent systemic and legislative measures.

Short-term objectives:

- By September 2029 (three school years), school founders will end the independent operation of five segregated primary schools with a high proportion of Roma pupils, so that they cease to function as separate segregated schools, if their continued existence is not justified in view of the available capacity at other schools in the area, the economic viability of their operation, and the objective of desegregation. These may also include section 16(9) schools.
    - The schools will be selected on the basis of a combination of criteria, particularly the high proportion of Roma pupils and other indicators of segregation, available capacity at other schools in the area, the economic viability of the school's operation, and the school founder's readiness to implement the change. In the initial phase, the MEYS will work particularly closely with school founders where there are realistic conditions and sufficient motivation to achieve change during the period covered by this Action Plan.

- Ending a school's operation will count towards achieving the objective only if it produces a demonstrable desegregation effect in the area. The mere administrative merger of a school, a change in its organisational structure, or the continuation of segregated education at another site or school will not count towards achieving the objective. Implementation will therefore include a plan for the area concerned and subsequent monitoring of pupils' educational circumstances and levels of segregation at the schools to which they transfer. For the purposes of this objective, a school is defined as a primary school entered in the Register of Schools and School Facilities.

- By September 2029, school founders will initiate the desegregation process in a further five primary schools where it is appropriate to maintain their operation and achieve change by means other than closing the school.
    - The desegregation process will be considered to have begun once a desegregation plan has been drawn up and demonstrable steps have been taken towards its implementation. These may include, in particular, measures to change the composition of the school's pupil population, increase the proportion of pupils from the majority population, change the organisation of education or school catchment arrangements, improve the school's quality and attractiveness to families in the area, or end admissions to the first year.

Long-term objective:

- By December 2036, reduce the number of segregated primary schools in which Roma pupils account for more than 33% of the pupil population by at least one third (at least 40 primary schools out of approximately 120).

Key measures:

I) Build State capacity to implement desegregation at local level and support motivated school founders

Measure 1. Establish a team of specialists (MEYS and NPI) dedicated to achieving Objectives 1 and 2.

This measure builds on experience gained from the Desegregation pilot initiative carried out by the NPI in 2024–2026. A joint team from the MEYS and the NPI, newly incorporated into the core activities of both institutions, will link system-level management with practical support at local level. It will coordinate work towards Objectives 1 and 2, provide methodological support, offer expert assistance with and coordinate change processes, oversee the involvement of all relevant stakeholders, including Roma communities, parents, experts, and organisations, continuously evaluate the progress and impact of these processes, and facilitate the sharing of experience between sites.

Measure 2. Establish systematic cooperation between the Czech School Inspectorate (CSI) and the designated expert desegregation team, within the limits of the CSI's statutory remit, and support the training of inspectors and methodology specialists, with a view to providing methodological and data support and oversight for the school desegregation process.

The CSI carries out inspections and monitors compliance, making it a key institution in ensuring equal access to education and implementing desegregation measures in schools. It also works with school founders. Closer cooperation between the CSI and the desegregation team at the MEYS and the NPI will strengthen accountability among schools and school founders and help to ensure that they fulfil their responsibilities for implementing desegregation measures and preventing segregation more generally. Although the CSI is already active in this area, the measure aims to improve coordination between the

institutions concerned, promote joint training, and encourage the sharing of expertise, data, and good practice.

Measure 3. Launch a call for proposals using European funding to support school founders (municipal and regional authorities) in implementing desegregation strategies and measures, and ensure that the designated expert team from the NPI and the MEYS works with school founders to implement these strategies.

The call will build on the Desegregace.cz methodological resource, the experience gained from the NPI's Desegregation pilot initiative in ten municipalities in Czechia, and the Desegregation of Education for Socially Disadvantaged Children and Pupils project, carried out at six sites by the Department of Housing Development and Cohesion of the Ministry of Regional Development (formerly the Agency for Social Inclusion). The call will run from 2027 to 2029 and will provide an opportunity to test the combination of financial, staffing, methodological, and community support needed in selected areas. Drawing on the NPI's and ASI's previous projects, the experience gained will then be applied at other sites to help achieve the long-term objectives. To qualify for support, an area must have a desegregation plan, provide support for schools receiving transferring pupils, involve Roma organisations, engage with both Roma parents and parents from the majority population, and communicate the changes locally, including by preparing and distributing clear information materials for parents.

Measure 4. Implement index-based funding to provide targeted financial support for socially disadvantaged children and pupils in primary schools and, subsequently, nursery schools, with the aim of ensuring high-quality educational provision (e.g. support staff and direct support for pupils).

Index-based funding is used in a number of countries to support inclusive education. This system-wide approach to supporting socially disadvantaged pupils will complement the targeted funding available through the desegregation call for proposals, rather than replace desegregation measures. It will also provide support to areas that are not selected under the call or are unable to apply for support. In particular, it will enable social pedagogues to work with families, provide direct support for pupils, and help to establish more stable conditions in schools to which pupils transfer.

Measure 5. Produce and regularly distribute data summaries at national, regional, and local level (to the relevant ministry officials and school founders), covering selected output and outcome data for individual schools and school facilities, including assessments of indicators of segregation.

The MEYS will prepare these summaries in cooperation with the NPI. The measure builds on pilot projects carried out by the NPI and ASI, in which data was used to strengthen accountability for achieving desegregation objectives. The data will help to inform targeted work with school founders and schools. The summaries will be accompanied by offers of support from the NPI and other stakeholders, together with examples of good practice. Where appropriate, they will also cover school catchment arrangements, pre-school education, and developments in schools to which pupils transfer.

II) Strengthen State mechanisms for preventing segregation

The proposed legislative measures aim to clarify the responsibilities of school founders and the State for preventing segregation and establish enforceable mechanisms to tackle it.

These measures will be developed alongside the support being provided at selected sites. Experience gained from working with school founders and schools will help to identify which obstacles can be overcome through methodological, financial, or organisational support, and where stronger legal obligations and State oversight mechanisms are needed.

Measure 1. Establish in legislation the powers and obligations of school founders to ensure the quality of their schools' activities and educational outcomes, and equal opportunities, including regular assessments of progress towards these objectives.

Under the current arrangements, school founders have no accountability for educational quality or equal opportunities. The CSI assesses the quality of education at individual schools but is not required to monitor the situation across a school founder's entire geographical area of responsibility. This limits the State's ability to prevent segregation and enforce educational quality standards. Establishing school founders' powers and obligations in legislation will give the State stronger means (alongside Measures 2–4) to hold them accountable for ensuring equal access to education and preventing segregation.

Measure 2. Establish in legislation an obligation for school founders to prevent segregation in both mainstream and special education, as part of ensuring the right to education and equal access to quality education, particularly when making decisions about the network of schools, school catchment areas, and the organisation of education.

In countries such as Sweden, Finland, and France, local school founders have an explicit responsibility to ensure equal conditions in education and prevent segregation. Establishing a similar obligation in Czech legislation is important to make the prevention of segregation a standard part of school founders' responsibilities for organising education, rather than something they undertake voluntarily. It will also provide a basis for the State to offer methodological support, monitor how school founders fulfil this responsibility, and enforce compliance where justified.

Measure 3. Following the introduction of legislation establishing school founders' responsibility for educational quality and their obligation to prevent segregation, develop a substantive proposal to define and strengthen the CSI's methodological and supervisory role in relation to schools, school facilities, and their founders, with a focus on preventing segregation both between schools established by the same founder and within individual schools.

Once clearer responsibilities for educational quality and preventing segregation have been established (see Measure 2), the CSI will need new mechanisms to enforce them. A substantive proposal to strengthen the CSI's methodological and supervisory role in relation to school founders and schools will be developed in consultation with experts, the institutions concerned, and other stakeholders. This could potentially include providing notification (to the MEYS, school founders, the Ombudsman, or the Children's Ombudsman) where there is reason to suspect that segregation is being deliberately maintained or reinforced; proposing the abolition of school catchment areas that perpetuate segregation (established by measures of a general nature); or requiring school founders to prepare a desegregation plan and implementation timetable where a risk of segregation has been identified in their geographical area of responsibility.

Measure 4. Develop a substantive proposal to define the MEYS's administrative supervisory powers over school founders in ensuring equal access to education, including the possibility of imposing sanctions (e.g. administrative fines) on school founders for maintaining segregation (in connection with their new powers and responsibilities for educational quality and preventing segregation).

The proposal will examine what additional mechanisms could strengthen the enforcement of educational quality standards and the prevention of segregation, taking account of approaches adopted in other countries and the available legislative options. The MEYS and the Ministry of Justice will jointly assess these approaches and their feasibility in the Czech context before proposing specific legislative amendments. The proposal will also take account of the various stages of the process, including the provision of methodological support during the implementation of desegregation measures.

Objective 2: Reduce overdiagnosis of mild intellectual development disorder among Roma pupils and provide appropriate support

In 2025, 12.9% of Roma pupils were educated under FEP PE-MLO on the grounds of mild intellectual development disorder, compared with 2.1% of the overall pupil population. This disparity highlights the need to improve diagnostic procedures and draw a clear distinction between a diagnosis of mild intellectual development disorder and educational difficulties associated with social disadvantage (in recommendations concerning the education of pupils with special educational needs, such a disadvantage falls under the category of a different cultural environment and other living conditions). Roma ethnicity does not necessarily imply socioeconomic disadvantage, although the socioeconomic circumstances of the Roma minority as a whole differ significantly from those of the general population (see the Action Plan to Support the Participation of Roma and Socially Disadvantaged Children in Preschool Education).[14] Improving counselling practices should also involve developing a better understanding of Roma pupils' educational experiences and needs, as well as other factors that may affect the diagnostic process and its outcomes.

The proposed approach therefore focuses primarily on preventing questionable diagnostic conclusions, making methodological guidance for school counselling facilities more consistent, using data to identify potentially problematic diagnostic practices, and providing subsequent methodological support and oversight. Where doubts arise, reports and recommendations should be reviewed. Any transfer to mainstream education must be assessed individually and accompanied by appropriate support.

At the same time, children must not lose access to the support they need simply because they have not been diagnosed with mild intellectual development disorder. Equally, such a diagnosis must not be used merely as a means of obtaining support. Schools and school counselling facilities must be able to identify educational needs arising from social disadvantage and recommend appropriate support measures. Parents should also receive clear information about the implications of the recommended educational programme, the available alternatives, and the support offered in mainstream schools.

Short-term objectives:

- By September 2029, reduce the proportion of Roma pupils receiving education following a diagnostic conclusion of mild intellectual development disorder from 12.9% to 10%, while also significantly reducing the proportion of such pupils in the first year of primary school (from the current 5.8% to 3%).

Long-term objective:

- By December 2036, reduce the proportion of Roma pupils with a diagnostic conclusion of mild intellectual development disorder to no more than 5% of the total Roma pupil population.

The measures will focus primarily on preventing incorrect diagnostic conclusions and providing appropriate support for pupils whose educational needs arise not from mild intellectual development disorder, but from other factors, particularly social disadvantage, including insufficient knowledge of the

[14] Ministry of Justice – Office of the Agent of the Czech Government before the European Court of Human Rights; Ministry of Education, Youth and Sports; Ministry of Labour and Social Affairs; Ministry of Health: *Action Plan to Support the Participation of Roma and Socially Disadvantaged Children in Preschool Education*, 2025. Available at: MEYS – full text of the Action Plan.

language of instruction, and other circumstances that may affect the diagnostic process and its outcomes.

School counselling facilities must identify special educational needs that may arise among some Roma pupils as a result of social disadvantage and recommend appropriate support measures. When communicating with parents, they must clearly explain the implications of the recommended educational programme, the available alternatives, and the support available in mainstream schools.

Key measures:

Capacity-building, methodological and financial measures:

Measure 1. Revise the existing methodological guidance for school counselling facilities to prevent questionable diagnoses of mild intellectual development disorder among pupils for whom the impact of social disadvantage is clearly documented.

Drawing on the experience and findings of school counselling facilities, this measure aims to clarify further the circumstances in which mild intellectual development disorder cannot be objectively diagnosed through differential diagnosis (using tests standardised on the majority population), particularly among pupils with demonstrably higher levels of social disadvantage. Where a school has identified a pupil as socially disadvantaged and assessments of their intellectual abilities do not clearly indicate an intellectual development disorder, school counselling facilities will be encouraged to recommend appropriate support measures at a level justified by the pupil's individual needs, taking account of their identified special educational needs and the effectiveness of support already provided.

Measure 2. Strengthen the ability of school counselling facilities to (a) identify special educational needs arising from social disadvantage among children and pupils, and (b) diagnose intellectual development disorder more accurately, particularly by taking account of adaptive behaviour (using the ADACHO assessment tool) and the potential effects of social disadvantage.

The Action Plan builds on developments in diagnostic practice and methods for identifying social disadvantage in schools. More accurate identification of socially disadvantaged pupils, together with more targeted support, is intended to reduce the proportion of Roma pupils with a diagnostic conclusion of mild intellectual development disorder. The MEYS and the NPI are to ensure that representatives of all school counselling facilities receive training in a consistent approach to assessing the degree of a pupil's social disadvantage and taking it into account, as well as in using the ADACHO scale (and, for those interested, the POD scale). The training will also cover the practical application of support measures and how to recommend appropriate support without requiring a diagnosis of mild intellectual development disorder. Further work will also be undertaken to establish links between schools' data on identified social disadvantage and school counselling facilities.

Measure 3. Evaluate newly collected data on the diagnostic activities of school counselling facilities that diagnose mild intellectual development disorder, identify facilities where diagnosis rates fall outside expected levels, and use the findings to target methodological support and oversight.

Decision-making within the school counselling system is fragmented. The preceding measures in the Action Plan are intended to make methodological guidance more consistent. This measure will improve the collection of data on individual recommendations issued by school counselling facilities. Until now, the MEYS has received aggregated data from school counselling facilities annually. From 2027, data on individual recommendations will be submitted monthly, making it possible to identify potentially problematic patterns in diagnostic practice and significant differences between school counselling facilities, and to provide targeted methodological support based on the findings.

Measure 4. Cooperation between the NPI and the CSI on diagnosis and counselling through systematic collaboration between the CSI and the desegregation team to identify potentially problematic diagnostic practices.

The aim is to give greater attention during inspections to the quality and transparency of diagnostic procedures and to preventing children from being placed in special education without adequate justification. This should be supported by establishing a sound methodological framework for checking compliance with diagnostic procedures and handling data on social disadvantage. The framework should be developed through regular cooperation and coordination between the NPI and the CSI, including the sharing of good practice. Within its statutory remit, the CSI monitors the procedures, legality, and systemic quality of counselling services; it does not substitute its own assessment for a professional diagnostic conclusion.

Measure 5. Make greater use of the review procedure for reports and recommendations issued by school counselling facilities where there are doubts about the accuracy of a diagnosis of mild *intellectual* development disorder.

Where a diagnostic conclusion is in doubt, greater use should be made of the procedure for reviewing reports and recommendations, particularly where there are concerns that social disadvantage has not been adequately taken into account. The purpose of a review is to verify the accuracy of the diagnostic conclusion and assess whether the recommended approach meets the pupil's individual educational needs. Where the CSI has doubts about a specific recommendation, it exercises its power to initiate a review under section 16b of the Education Act. The Ministry of Education intends to strengthen this mechanism so that, in exceptional cases, the designated review body can also conduct a review without an application being made. The measure will also establish links between data analysis, the identification of potentially problematic diagnostic practices, and the review of recommendations. If a pupil transfers to mainstream education, individually tailored follow-up support will be provided to the pupil, their family, and the receiving school, based on the pupil's educational needs and specific circumstances.

Implementation timetable

The timetable distinguishes between preparatory steps and activities already under way in 2026, implementation of the Action Plan during 2027–2029, and subsequent long-term objectives extending to 2036. Before the deliverables involving the CSI are implemented, arrangements will be put in place to ensure sufficient capacity and allow the CSI to provide ongoing comments on subsequent deliverables.

Responsibility for overseeing the implementation of all measures rests with the MEYS. The timetable reflects the objectives and measures set out in the preceding section of the Action Plan. For ease of reference, only brief descriptions of the measures are given here; the full wording in the preceding section of the document takes precedence.

Objective 1 – Reduce the number of segregated schools and prevent segregation in education from arising or becoming more entrenched

Short-term objective: end the operation of five segregated primary schools as independent institutions and initiate the desegregation process in a further five primary schools	**by September 2029**
Long-term objective: reduce the number of segregated primary schools in which Roma pupils account for more than 33% of the pupil population by at least one third	**by December 2036**

Build State capacity and support desegregation at local level

Reference	Summary of deliverable	Deadline
1	Establish and stabilise a joint MEYS and NPI expert team to implement Objectives 1 and 2	**2026–2027**
2	Establish systematic cooperation between the CSI and the designated expert desegregation team, within the CSI's statutory remit	**cooperation arrangements and capacity – 2026; support – ongoing**
3	Launch a call for proposals to implement desegregation measures, funded through the Jan Amos Comenius Operational Programme (JAC OP)	**2027**
4	Introduce and establish index-based funding for primary schools and prepare for its subsequent introduction in nursery schools	**from 2026**
5	Provide regular data summaries at national, regional, and local level	**from 2027**

Strengthen State mechanisms for preventing segregation

Reference	Summary of deliverable	Deadline
1	Define specific areas of school founders' responsibility for educational quality and equal opportunities, and how these responsibilities will be regularly assessed	**effective as of 2029–2030**
2	Define school founders' obligations when making decisions about the network of schools, school catchment areas, and the organisation of education, to prevent segregation from arising or being maintained	**submission: 2027; effective as of 2029–2030**
3	Develop a substantive proposal defining the CSI's methodological and supervisory role in relation to schools and school founders	**2027**
4	Analyse and develop a substantive proposal for the MEYS's administrative supervisory powers, including the possibility of sanctions	**2027**

Objective 2 – Reduce overdiagnosis of mild intellectual development disorder among Roma pupils and provide appropriate support

Short-term objective: reduce the proportion of Roma pupils educated with a diagnosis of mild intellectual development disorder from 12.9% to 10%, and the corresponding proportion in the first year of primary school from 5.8% to 3%	**by September 2029**
Long-term objective: reduce the proportion of Roma pupils with a diagnosis of mild intellectual development disorder to no more than 5%	**by December 2036**

Capacity-building, methodological and financial measures

Reference	Summary of deliverable	Deadline
1	Revise the methodological guidance for school counselling facilities to reduce questionable diagnoses of mild intellectual development disorder	**2027**
2	Provide training to as many representatives of school counselling facilities as possible in a standardised approach to assessing and taking account of pupils' social disadvantage and in using ADACHO	**2026–2028**
3	Regularly analyse data on diagnoses of mild intellectual development disorder and undertake follow-up methodological or supervisory activities	**from 2027**
4	Cooperation between the NPI and the CSI on diagnosis and counselling	**from 2026**
5	Make greater use of the review procedure for reports and recommendations issued by school counselling facilities where there are doubts about the accuracy of a diagnosis of mild intellectual development disorder	**from 2027**