

Abstract

This diploma thesis analyses the status of social rights in the case-law of the European Court of Human Rights. It aims to show, particularly through the analysis of selected court decisions, how the European Court of Human Rights, as a control mechanism established by the Convention for the Protection of Human Rights and Fundamental Freedoms seeking to provide recognised rights and freedoms with practical and effective protection, deals with the absence of social rights in the Convention's catalogue. The thesis is divided into four chapters. The first chapter is dedicated to the brief description of the Convention, its control mechanism and the catalogue of declared fundamental rights and freedoms. In this section the thesis also deals with the question, what were the reasons that lead to the absence of social rights in the Convention's catalogue and what consequences can be draw from this fact for the status of social rights. In this context the thesis discusses the principle of indivisibility of human rights, according to which all human rights hold an equal status and which requires that human rights of all categories are protected and promoted with the same emphasis. The second chapter deals with the way the Court includes social aspects of guaranteed civil and political rights in its decisions. Using examples from the Court's case-law, this part of the thesis analyses the principle of guaranteeing rights that are practical and effective, the principle of positive obligations and the principle of interpreting the Convention as a living instrument. Next two parts offer detailed analysis of the Court's case-law in relation to the right to adequate housing in the context of article 8 of the Convention and of the prohibition of discrimination in the sphere of the right to social security in the context of article 1 of Protocol No. 1 in conjunction with article 14. Through the analysis of selected Court's decisions, these chapters demonstrate the extent of the ability of mentioned articles to provide protection to interests falling within these areas., despite the explicit absence of the right to adequate housing and the right to social security in the catalogue of the Convention.