

Protection of reproductive rights in the case law of European Court of Human Rights

Abstract

Irrespective of the fact that reproduction and sexuality are very intimate issue for each person, reproductive rights very often face restrictions, doubts, and attacks. This is also the case in Europe. Hence this paper deals with the topic of protection of reproductive rights in Europe, more specifically with the stance on the protection of these rights by the European Court of Human Rights.

The aim of this paper is to explore the stance of ECHR on the protection of these rights. The author of the paper asks the research question: *What is the position of ECHR regarding the protection of reproductive rights?* At the same time, the paper points out to certain defects in the Czech legal regulation which could, arguably, lead to violation of the European Convention on Human Rights.

The paper uses the method of critical analysis on the decisions of ECHR and evaluates the significance of these decisions. The paper uses the case law of ECHR as the primary source while drawing on subsidiary sources such as international organizations' documents or academic articles. Reproductive rights are examined through the human-rights approach with the emphasis on the women's rights in this area.

This paper is divided into three parts. Firstly, it presents reproductive rights, their definition and ground in the international and European law. Secondly, it focuses on the legal base of the European Convention on Human Rights which allows ECHR to resolve claims related to reproductive rights. Thirdly, individual decisions are elaborated on. In thematic sections, circumstances of each case and the final judgment are described. Subsequently, the paper offers a discussion on the ECHR's solutions. Also, certain topics are further related to the situation in the Czech Republic, if relevant.

In its conclusions, the paper sums up that it is possible to track certain trends and patterns in the ECHR's opinion on these topics. Thus, determined principles and ECHR's argument connecting several of the examined decisions. The paper concludes that the position of ECHR towards reproductive rights is rather reserved, although in cases of grave violations of human rights, ECHR has clearly taken the side of victims.

Key words: reproductive rights, women's rights, European Court of Human Rights