

Summary

Shrnutí v anglickém jazyce

The presented work challenges traditional view on human rights as rights guaranteed only against the state. In contemporary world, in which states delegate powers either on supranational structures or on private entities, it is hardly acceptable for the individual to remain unprotected against comparable interferences with his constitutional rights caused by private persons. The classical doctrines of human rights protection lead in this situation to the decrease of level of protection of individuals. Therefore certain models of application of human rights norms in private law are to be scrutinized.

How public and private law intertwine in contemporary law was shown on the examples of private military contractors that accompany modern armies in wars as well as transnational corporations operating in the Third World and exploiting indigenous peoples there. Notwithstanding the aforementioned it is clear that it was primarily private law that determined various areas of the "constitutional" status of individuals before modern constitutions of states came into force.

From various models of application of human rights norms in private law, the example of models of direct and indirect horizontal application as well as non-application of human rights norms was described and assessed. Furthermore doctrines of state action in the U.S. or positive obligations of states acknowledged by the jurisprudence of the European Court of Human Rights were discussed.

Finally as most issues of human rights norms application end up with balancing of colliding rules, the issue

of collision of human rights norms forms the final part of the presented treatise.

In this part the most prominent doctrines of the solution of the conflict of fundamental rights are presented: i.e. methods of specification and the balancing technique in the U.S., the proportionality principle as applied in the Federal Republic of Germany and later by the European Court of Human Rights and the European Court of Justice, as well as the current practice of the Constitutional Court of the Czech Republic.

Klíčová slova

lidská práva, princip proporcionality

Human Rights, Proportionality Principle