

The European standard of protection of the rights of the child – resumé

In my thesis I decided to focus on the child and his rights as how they are recognized in nowadays society crosswise the countries, mainly those of the european continent.

In the first chapters I deal with the evolution of the international human rights legal instruments since the beginning of the twentieth century and I discover how the legal status of the child in the society had started to develop and how it has changed during the century stages.

The child was at first only a mere object and was not entitled with possession of the full rights, even on the contrary, it was the child who was in possession of his parents. The first international human rights documents adopted, began to guarantee the protection to the children in certain ways such as against a hard labour and they put forth the first protective rights such as the access to medical treatment and the access to education. Later on, after the second world war the major international human rights treaties were adopted and since then the child was accorded full enjoyment of his rights as a citizen.

Chapter two presents the core document which concentrates upon a broad scope of the civic, political, social and economic and cultural rights of the child. It is the United Nations Convention on the Rights of the Child. This document is due to it's wide scope fundamental for the world community and lays out the standards of protection of the rights of the child in many areas.

Chapter three is addressed to the main principle which the United Nations Convention on the Rights of the Child puts forth, the principle of the best interest of the child.

Next chapter outlines the important role of the international regional organization, the Council of Europe. Here many of new traties dealing specifically with children or containing specific references to children were adopted. The success of the treaties is if all the legal provisions are respected and effectively applied in order to make a real difference in the life of children. Futrthermore I point here to the complementary importance of the cooperation of the major non-governmental organizations on the field of children rights. One of the key Council of Europe treaties, the European Social Charter, has an innovative monitoring mechanism which includes a collective complaints procedure, it has proved very efficient as concerns childrens rights related cases. It allows non-governmental organisations to lodge complaints on behalf of children against state parties for alleged breaches. Although not

legally binding but yet effective tool contributing to promotion of children rights are the recommendations and resolutions of Parliamentary Assembly and the Committee of Ministers. Moreover, in the European territory, has its growing significance the cooperation of the European ombudsmen for children and the role and influence of the Commissioner for Human Rights.

Chapter five attempts to present the substantial document on human rights, its control mechanism and their functioning. The European Convention on Human Rights and Fundamental Freedoms impose a unique catalogue of civil and political rights which everyone possesses, identically the child. The child can raise as well a complaint to the European Court of Human Rights. The Court is endowed with the authority to provide a remedy if state parties breach the human rights declared by the Convention.

Chapter six gives an analysis of how Czech Republic as a member of the European Union and the Council of Europe complies with the protection and implementation of the rights of the child that had pledged to respect as a contractual party to the Convention on Human Rights and Fundamental Freedoms and the United Nations Convention on the Rights of the Child. I describe here two of the substantial rights breached as demonstrated through three judgements. The right to respect for private and family life as recurrent case in Czech Republic and the right to freedom from discrimination. In both cases the Court has shown that in his decision-making is increasingly taking into consideration the principles of the best interest of the child and the specific needs of children when examining cases involving them.

The last two chapters mention the current prospects to which European Union has evolved its efforts on the basis of its political and legal integration through the common policies and law making. The scope of human rights that embraces the Charter of Fundamental Rights and Basic Freedoms goes even to a wider scope than the Convention on Human Rights and Fundamental Freedoms. But only the future shows us how the correlation of these two substantial instruments will look like.