

## Summary

### International Child Abduction and International Private Law

The aim of this thesis is to provide an overall insight into the issue of the International Child Abduction and to analyse the relevant instruments of law which desire to protect the child and other victims of abduction and to avoid harmful effects the abductions may have.

In that context the thesis mentions the most important conventions which apply in this field. Among those legislations belongs first of all the Hague Convention on the Civil Aspects of International Child Abduction 1980 (hereafter as Hague Convention), also the Convention on the Rights of the Child (hereafter as CRC) and the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter as ECHR).

This thesis constitutes a complete and methodical overview of the return procedure under the Hague Convention. In the meantime it tries to point out some underlying issues which the Hague Convention failed to codify. This gaps in legislation and an absence of a single court to give an authoritative rulings on the interpretation of the Hague Convention cause that it lacks uniform application in practice. The thesis supports its conclusions by referring to the Jurisprudence of the European Court of Human Rights and offers to the reader various solutions of basic questions which arise under the Hague Convention's application in practice.

The thesis is composed of seven Chapters, each of them dealing with different aspects of the return procedure. The Chapters are subdivided into Subchapters and Parts. Chapter One is introductory and defines basic terminology as International Private Law and International Child Abduction, afterwards it provides with brief historical overview.

Chapter Two provides an outline of relevant legislation in the field of Child Abduction on International and European level as well as on Czech national law level.

Subsequent Chapter Three focuses on the aims of the Hague Convention and defines which wrongful acts falls within the scope of the convention. Next two Chapters deals with some issues the Hague Convention is based on considering simultaneously its compliance with the rights guaranteed by the CRC and ECHR.

Next Chapter tries to define the term of Habitual Residence of the Child and characterise the relevant requirements the acquisition and the end of Habitual Residence depends on. Finally the last Chapter focuses on complications as are unreasonable delays during the return procedure and failure to return the child in accordance with the return order.

Those adverse effects results from lack of legislation of some underlying issues as is fixed period to order the return as well as need for cohesive measures to enforce the ordered return.

Even though I suggest some amendments in legislation, I came to the conclusion that the Hague Convention provides with sufficient protection of the interests of the abducted child and the left-behind parent.