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***CHILDREN'S RIGHTS IN THE LIGHT OF LEGAL OBLIGATIONS IMPOSED
ON THE CZECH REPUBLIC***

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SUMMARY

The main purpose of my thesis is to analyse the level of implementation of legal obligations imposed on the Czech Republic by international child law. For this purpose, the study maps out the ambit of the international child law relevant to the Czech Republic; it deals especially with binding documents, but it does not ignore non-binding legal instruments, as far as their influence on child rights is certain. The wide range of subject matter is examined with regard to particular analysis of the two most important treaties – the UN Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Clarification of the obligations and an evaluation of their impact is mainly undertaken through an analysis of the outcomes of the control mechanisms.

The introduction is followed by two chapters dealing with the theoretical background for the ensuing research. Chapter Two briefly examines the basic theoretical origins of children's rights, since this question is seldom discussed in Czech legal literature. This chapter also analyses crucial concepts such as the definition of the child, the best interest principle and participation rights. Chapter Three examines the position of international law or international child law in relation to domestic law. It investigates the formulation of norms concerned and their direct applicability; this is particularly important in the field of child rights as these are strongly connected to social rights. The question of direct effect is assessed from the theoretical point of view as well as with regard to domestic law.

At the beginning of Chapter Four, children's rights in the fundamental United Nations documents are outlined, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and International Covenant

on Economic, Social and Cultural Rights. The passage reports on the outcomes of the Covenants' control mechanisms in relation to children's rights, and problems reproached to the Czech Republic. However, this chapter focuses on the UN Convention on the Rights of the Child. The chapter begins with a breakdown of the Convention's characteristics and its status in international child law. In describing the CRC control mechanism, the new complaint procedure of the Third CRC Optional Protocol is mentioned. The relationship between the Czech Republic and the CRC is preliminary addressed, including the reservation to art. 7. Afterwards the fundamental principles and specific rights are explored; generally, as well as in relation to the Czech Republic. The commentary is structured in accordance to the Guidelines of the Committee on the Rights of the Child regarding governmental periodic reports.

Chapter Five disserts on the Council of Europe. It focuses on the commentary on the European Convention for the Protection of Human Rights and Fundamental Freedoms in relation to children's rights. One of the most important subsections discourses upon the interpretation principles of the European Courts of Human Rights, illustrating the Court's approach to cases concerning children; this subsection also examines the influence of other international child rights instruments and the role of the best interest principle in the ECHR decisions. Hereafter, it offers a detailed analysis of the case law in the fields relevant to the Czech Republic – such as the respect for private and family life, education and youth delinquency - including the crucial cases brought against the Czech Republic. Another subchapter deals with the European social charter and identifies the critical issues which might be relevant in complaints against the Czech Republic under the collective complaint procedure, recently in force also for us.

Chapter Six concerns children's rights within the frame of European Union, as far as the human rights issue has been gaining ground therein. The paper also discusses the likely impact of the Lisbon Treaty on children's rights included in the Charter of Fundamental Rights of the EU.

It is finally concluded that initial hypothesis has been proven. The wide scope of the study has afforded an opportunity to prove the mutual influence of particular international child law instruments. Furthermore, the hypothesis is supported that the child's best interest principle has at least achieved the status of regional customary

international law. The growing influence of the CRC, or international child law, has been substantiated. In spite of critics of the weak control mechanisms, the positive effect of international child law has been proven, even in the Czech Republic. However, the thesis has identified some areas where the Czech Republic still lags behind – especially in the field of institutional background and coordination and strategic planning, as well as the problems of insufficient protection of endangered children's rights for family care and excessive institutionalization of these children, further discrimination of disabled and Roma children (particularly in terms of access to education), etc. Although all these matters have improved, in part thanks to the international pressure, the pace of change is still considered too slow.