

ABSTRACT

The purpose of my thesis *Position of war refugees in international law* is to analyze particular types of protection of war refugees, to construe unclear legal provisions and to evaluate suitability of possible solutions. The thesis focuses on specifics of the position of war refugees and on options of their protection. The research question relates to the determination who a war refugee is and how his situation is solved in international law. The reason for this research is my great interest in refugee law and the current instability of the position of war refugees. The methodology used during writing the thesis was the analysis, comparison and description.

The thesis is composed of three chapters, each of them dealing with different aspects of the position and the protection of war refugees. Chapter One defines characteristics of war refugees and addresses the issue of armed conflicts. Chapter Two concerns individual options of protection of war refugees in international law. This part concentrates primarily on issues related to the broader refugee definition, asylum and subsidiary protection. Within this chapter subsidiary protection is examined from a general point of view, as well as in relation to provisions of particular legal instruments. Furthermore, it pays close attention to the law of the European Union. This part of the thesis scrutinises conditions necessary for gaining subsidiary protection on basis of the Qualification Directive and construes legal provisions. The emphasis is put on the concept of serious harm in the context of the position of war refugees. Additionally, the second chapter deals with the content, cessation and exclusion of subsidiary protection. Chapter Three explores group options of protection of war refugees. It concerns the position of *prima facie* refugees, granting protection on an *ad hoc* basis and temporary protection. This chapter focuses on general characteristics of particular elements of temporary protection and on its practical application by states. Last but not least, the third part refers to the return of war refugees after the termination of temporary protection and the principle of solidarity. Moreover, the chapter investigates temporary protection in the framework of the European Union. In conclusion of the thesis, the crucial points and findings are addressed.