

Expulsion under international law - Abstract

The purpose of my thesis is to analyze legislation of expulsion under international public law and comparison with draft articles of United Nation International Law Commission, that works on the topic for several years. The main aim of the thesis is to investigate if contemporary international legislation on expulsion provides protection of human rights of the aliens or if it prefers the state's right to expel the alien and compare today situation with work of UN International Law Commission that might result in a new international treaty in the future.

The thesis is composed of eight chapters, each of them dealing with different aspects of the expulsion. Each chapter contains a partial conclusion.

Chapter One is introductory and describes the research question and explains content of next chapters. Chapter Two defines used methodology and used literature. Chapter Three is subdivided into five parts. First two parts describe a right of a state to expel an alien and its development. Part Three deals with limits of the right to expel, mainly describes human right that can be affected by expulsion. Part Four focuses on definition of target country of the expulsion and part Five focuses on a definition of an alien.

Chapter Four defines basic terminology used in the thesis and generally in migration law. Chapter Five concentrates on mass expulsion and this chapter consists of six parts. Part One focuses on mass expulsion during war and after war. Part Two investigates which international treaties deal with expulsion in peace time. Part Three addresses the definition of mass expulsion and parts Four and Five provide an analysis of mass expulsion according to European Convention for Human Rights and African Charter on Human and Peoples' Rights. Chapter Six concentrates on problems resulting from protection of family and family life of aliens facing expulsion from host country. The chapter is subdivided into two parts and provides an outline of relevant provisions of Covenant of Political and Civil Rights and European Convention for Human Rights and connected judgments. Chapter Seven is an analysis of expulsion of the state's own citizens

Conclusions are drawn in Chapter Eight. During my research I found out that the right of a state to expel an alien is undeniable. The states exercise this right often however according to the legislation the right is limited. Human rights are one of these limits. Protection of human rights of migrants who are supposed to be expelled is necessary but legislation on expulsion is disintegrated. A plan of UN International Law Commission to unify the rules seems to be

beneficial. The draft articles contain the highest level of protection which was reached for expelled migrants by applicable international treaties.