

Resumé

Basic Elements of Relationship between Parent and Child (a Comparative Study)

The topic of my master thesis is ‘Basic Elements of the Relationship between Parent and a Child, a Comparative Study’. The main purpose of my thesis is to compare rights and duties of parents and children in their mutual relationship, both at the present time and in the past, as well as in various foreign countries. I tried to provide a comprehensive overview of this issue, because a lot of parents, more so children, do not know what their own rights and duties are. The main right, and also a duty, of parents is to raise their children, however, it is just the top of all their duties and rights as parents. Nowadays rights of children are stronger than in the past, thanks to international evolution. This international evolution causes national family law to be improved, which reinforces the rights of a child. We should however remember that rights of parents represent duties for children and vice versa, rights of children are duties for parents.

The thesis is composed of an introduction, three chapters and a conclusion; the chapters are further divided into subchapters. The introduction describes the structure and main goals of my thesis.

Chapter One deals with the history of rights and duties of parents and children. The first subchapter is dedicated to prehistoric times, in which there was, for a short time, a matriarchy, where a mother made decision regarding her children. The following subchapter is devoted to Roman law, which put the control over a child, i.e. all rights and duties, in hands of a father, known as *pater familia*. He decided about the life and death, property and even about personal life of his child. *Pater familia* did not exercise the power only over a child, but also over his wife, slaves and other members of his family. The third subchapter analyses rights and duties of parents and children in the Czech territory. This subchapter depicts the evolution of these rights and duties in the Czech territory ranging from the time of the Bohemian Kingdom, to the formation of Czechoslovakia, to the adoption of the Family Act in 1964. In this subchapter it is shown that the rights and duties are given to both parents. These rights were called parental authority until 1954. Since that year, they have been referred to as parental rights and duties.

The second chapter is divided into two subchapters. The first one is devoted to The Family Act of 1964, to both its original wording from 1964 and its amended wording from 1998, which is considered a breakthrough of the time. The amended version introduced parental responsibility, which is emphasised over parental authority over children (in the past,

the rights were approached in a rather authoritarian way, i.e. parents had dominion over children, compared to a later regulation of parental responsibility, under which parents are responsible for a child), as well as other innovations. Another piece of legislation that had impact on family law and amended the Family Act was the Act on Social and Legal Protection of Children of 1998. In this part there are also judgements which have had impact on family law. The other subchapter focuses on the family section of the effective Civil Code. Primarily I tried to describe key differences between the new Civil Code and the repealed Family Act. I further focused on individual rights and duties of parents and children in their mutual relationship, which I compare with their previous forms

The third and last chapter contains rights and duties of parents and their children in foreign countries, especially in common law countries, namely a few states in the USA, Great Britain, Ireland and Scotland, Australia, Canada and New Zealand. In this chapter, I tried to show how our regulation of family matters differs from the regulation of family law abroad. I found out that our regulation is not so different. The rights and duties of parents and children in foreign countries are almost the same as those in the Czech Republic. However, we can find some rights that cannot be found in our country, for example the right to decide about military duties of children (in the USA). Also, it is important to say that in those states most parental rights and duties are provided for in more than one regulation.

In the conclusion of my thesis there is a summary of my work. It is also a critical assessment of whether the set objective has been achieved, which was to compare the rights and duties of parents and children. These rights are quite extensive, and in my opinion only a small portion of parents and children are aware of all their rights and duties. Also, it is important to know that our regulation is not so different from those in foreign countries and that the family, exaggeratedly speaking, is in the first place in all democratic states.