

A Child in an Armed Conflict in the Light of Article 38 of the Convention on the Rights of the Child

The thesis aims to transparently elaborate the topic of protection of children in armed conflicts pursuant to the Article 38 of the Convention on the Rights of the Child as well as identification of the main problems associated with the topic and efforts to suggest their solutions. The thesis also focuses on monitoring and enforcement mechanism of individual international instruments.

The body of the thesis is divided into four parts, each of several chapters. The first part of the thesis deals with the development of protection of children in armed conflicts until the adoption of the Convention on the Rights of the Child, and relevant international law documents on the protection of children in armed conflicts. The first part also includes a chapter with the identification of the main problems associated with the protection of children. Second part of the thesis concentrates on the analysis of various instruments of international law regarding the protection of children, that is, of course, the Convention on the Rights of the Child and its Optional Protocols, and following documents regarding protection of children based on this Convention, i.e. The Convention of the International Labour Organization concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), The Rome Statute of the International Criminal Court, thematic UN Security Council resolutions and the ground-breaking Machel Report.

In the third part of the thesis I address the mechanism, institutions and programs vindicating for implementation of obligations agreed in the documents that were discussed in previous chapters, and for supervision of the conditions stipulated in these documents and the factual state. The last section is devoted to the judicial practise regarding the protection of children in armed conflicts and to children's criminal liability for the most serious crimes under the international law.