

Abstract in English

This thesis deals with the key principle of international refugee law which is the principle of non-refoulement. Thanks to this principle, entitled persons are protected from being returned to their country of origin where they would be in danger on the grounds listed in particular documents.

The aim of my thesis is to define and analyze the nature, scope and content of this principle in particular international and regional documents and their subsequent comparison. The thesis itself is composed of seven main chapters. Chapter one contains a brief definition of the documents where the principle of non-refoulement is enshrined. Chapter two deals with the scope of the principle. The personal and territorial scope is examined in this chapter. In the third chapter, I focus on the nature of the principle in particular documents, the presence and interpretation of exceptions to the principle. I analyze primarily the Convention Relating to the Status of refugees in this chapter, since this Convention is the one containing exceptions to the principle. In the fourth chapter, I focus on the detailed analysis of the nature, scope and content of the principle in the particular documents. I examine which parts of the principle are identical or similar in those documents and which of them differ. Controllability of the compliance with the principle of non-refoulement is analyzed in the fifth chapter. In this context I mention control mechanisms of the particular documents and the possibility to enforce decisions issued by relevant authorities. I deal with the customary nature of the principle of non-refoulement in the sixth chapter. The contracting parties of the fundamental documents containing the prohibition of refoulement are listed in this chapter. I also analyze the practice of states, primarily within Europe. In this chapter I come to the conclusion that the principle of non-refoulement fulfils the requirements for becoming a part of customary law within Europe.

Finally, I conclude that the nature, scope and content of the principle vary in the particular documents. Nevertheless, some areas where the regulation of the principle of non-refoulement in above mentioned documents is similar can be found.