

Abstract

Positive obligations of state arising from Art. 3 of the European Convention on Human Rights focusing on persons with disabilities

Absolute prohibition of torture and ill-treatment is clearly set in article 3 of the European Convention on Human Rights. When assessing particular obligations, which are arising out of it, we need to look deep into the European Court of Human Rights jurisprudence. The aim of this thesis is to analyse positive obligations of state arising from article 3 focusing on persons with disabilities. This is achieved also with the aid of various human right bodies such as UN Human Rights Committee, UN Committee on Torture or UN Committee on the Rights of Persons with Disabilities. Due to the fact that this area is not really covered yet, certain parts of this thesis are focused on defining important terms and putting them together. The approach is analytic with elements of comparison between the view of European Court of Human Rights and other relevant international human rights bodies.

The thesis is composed of three main chapters. Chapter One is introductory and defines the main terms such as ill-treatment, torture, scope of the article 3 of the European Convention on Human Rights in connection with rights of persons with disabilities and the concept of positive obligations from the standpoint of various human rights documents. Chapter Two deals with the definition of a person with disabilities and then focuses on positive obligations in particular settings, in which persons with disabilities are mainly under threat of ill-treatment. This is achieved by analysis of relevant jurisprudence of the European Court of Human Rights and in areas, where there is a lack of cases before the Court, certain opinions of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment are provided. Possible future development in the Court's jurisprudence is outlined in the Chapter Three.

General conclusions are provided in the last part of the thesis that summarizes the whole work and confirms that positive obligations of a state constitute very important and inherent part of article 3 of the European Convention on Human Rights, which state parties should take into consideration and adhere to.