

Summary

Legal position of a child with regard to the right of participation

This thesis is constructed as a comparison of the legal position of a child in the Czech Republic and England. The aim is to discuss the rights of a child in general with special regard to his or her right of participation and to evaluate how the rights are respected in both states. This thesis mainly underlines the common aspects as well as the main differences in the legislation while suggesting some possible changes.

After the introduction, there are four main chapters subsequently divided into subsections. The first chapter explains the terms „child“ and „the best interests of a child“. The concept of „the best interests of a child“ is firstly discussed in accordance with the General Comments published by the Committee on the Rights of the Child followed by the explanation on how the legislation of the compared states understands this term.

The second chapter discusses how the rights of a child developed in the last decades whereas the starting point from which we generally speak about children rights is the beginning of the 20th century. The most important international agreements are mentioned, for example the Geneva Declaration of the Rights of the Child of 1924, Declaration of the Rights of the Child of 1959, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights both of 1966 and most importantly the Convention on the Rights of the Child of 1989. Subsequently the different elements that constitute the rights of a child are dealt with. These are commonly referred to as 3P's or 4P's: survival and protection rights, provision and the right of participation.

The third chapter mainly consists of the evaluation of the Article 12 of the Convention on the Rights of the Child with respect to other provisions. The Article 12 provides that the child shall be heard in all matters concerning him or her. The child has the right to express his or her views and those shall be taken into account in the light of his or her age and maturity. This provision is the basis for the national legislation concerning the child's right of participation.

The last chapter discusses the main problems arising in connection with providing medical care for children. The Czech and English legislation is compared with special regard to the provisions of child's competency to consent to medical treatment.

The summary captures the main similarities and differences in the legislation of Czech Republic and England whereas the crucial shortcomings are underlined.