

Resumé

This thesis, dealing with rights of a child and duties of a parent, is based on the fact that it is primarily the parents who have to fulfill their duties towards children while a child has primarily the right that a parent fulfills duties towards him. This condition is justified by the fact that children are in relation to adults, in this thesis towards parents, traditionally considered as a weaker “element”. Because of that, the attention is firstly paid to the rights of a child in a wider context.

In the very beginning we take into consideration a historical context of the child's rights development that shows the contrast between a premodern period when a child was considered as almost powerless and without rights and a “progressive “ 20th century when a lot of international documents concentrate solely on rights of a child. As a follow-up to the child's rights development, the attention is aimed on explanation of the terms “best interests of the child” and “child's welfare”. The thesis also deals with participatory rights in relation to the law court and in relation towards parents.

Because the role of a family is very important in a development and education of a child, the thesis also focuses on juridical protection of the family and explains the term “family” in the European system of the human rights protection. We discuss the transformation of the traditional family into a nowadays form and a great attention is paid to the functions that the family fulfills in relation to a child. It also deals with questions concerning a parenthood as basic human need. The parenthood is also discussed in the juridical sense and in this context the parental responsibility is mentioned. Because conflicts in a family, especially in a nuclear family, are capable to influence the child's development and his rights as well, the thesis focuses on the specifics of the legal family conflicts. We study consequences of the parents' break-up on their common child and we also discuss particular difficulties in forms of a child's care. There is mentioned the danger of a possible manipulation of children from the parents' side. In connection with legal family conflicts, the role of an agreement is appreciated. The conclusion is that the common solution is considered as the best

solution of conflicts and the agreement of parents is capable to provide the child's best welfare.

At the end of the thesis we deal with meaning of the family mediation. The role of a mediator as a professional to obtain agreements is explained as well as particular approaches used in the family mediation. We also mention the process of the family mediation and of course the right of the child's participation in a mediation process. The ending itself is dedicated to the comparison between a legal proceeding and mediation and also to a frequently discussed question whether the family mediation should be obligatory or not.