

Summary

The primary objective of this work is to provide a comprehensive view of the human rights protection system concerning the prohibition of torture, focusing specifically on its European regulation. On the way to fulfill this aim, the following three hypotheses were confirmed: the prohibition of torture is currently regulated at all levels of protection of human rights, namely the universal, regional and national levels; from a comparative perspective, the highest level of protection has been achieved within the European system; and the prohibition of torture has recently acquired a social dimension. This work provides a comprehensive view, of the prohibition of torture at present time, and analyzes the instruments and mechanisms created to date. The interpretation was put into historical context, which is highly important, not only because it provides an exhaustive insight into the regulation of this issue in different sources, but also because this approach helps to understand the regulation correctly and enables the interpretation and application of respective standards in an adequate manner. It also makes it possible to better predict future developments in this area.

The most interesting part of this thesis is the section that questions whether the prohibition of torture and ill-treatment are able to accommodate the demands arising from social rights, particularly in cases where there is lack of necessary medical care, where someone is suffering from hunger or homelessness, and where the right to health is violated. The right to health includes cases such as when a person suffering from certain diseases is extradited and deported to a country where he is unable to receive appropriate medical care or drugs urgently needed for treatment. Cases of inadequate health care also go beyond the context of detention, where the obligation not to subject a person to torture or ill-treatment is firmly anchored. A limited interpretation would admit a violation of the prohibition of torture in cases which are seemingly not closely related. However, thanks to ECHR case law, there is a significant extension of the prohibition of torture to those cases, too. This development was covered in the thesis.