

Summary

“International abduction of children and the European Convention for the Protection of Human Rights and Fundamental Freedoms”

Keywords: International abduction of children, Hague Convention on Civil Aspects of International Child Abduction, Council Regulation (EC) No 2201/2003, European Convention for the Protection of Human Rights and Fundamental Freedoms.

The aim of the submitted doctoral thesis entitled *“International abduction of children and the European Convention for the Protection of Human Rights and Fundamental Freedoms”* is to examine the issue of international child abduction from the domestic, international and European perspectives and show their interconnections. To demonstrate this, the thesis will analyze the practices of national courts, the European Court of Human Rights (hereinafter referred to as the ECHR) and the European Court of Justice (hereinafter referred to as the ECJ). Attention will be paid mainly to the interpretation of one of the most important international child abduction instruments, *The Hague Convention on Civil Aspects of International Child Abduction* (hereinafter referred to as the Hague Convention), by the ECHR. As cases of international child abduction concern only the right to respect for one's private and family life within the meaning of Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the European Convention), but also the right to a fair trial, the thesis will also deal with Article 6 of the European Convention.

This doctoral thesis is divided into five chapters. Chapter 1 will first define key terms such as international child abduction, its differentiation from preventing the child's contact with a parent and the family life within the meaning of Article 8 of the European Convention. In terms of international child abduction, the provisions of Article 8 of the European Convention not only foresee state's negative obligation to refrain from any interference with the right to respect one's private and family life, but also state's positive obligation to arrange for a reunion between the parent (non-abductor) and the child and a contact between the injured parent and the child while a proceeding to return to child is in progress, etc.

Chapter 2 contains not only an analysis of the most frequently applied international human rights convention in the area of international child abduction, the Hague Convention, but also deals with the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

Chapter 3 of the thesis, entitled “*European Legislation Addressing the Issue of International Child Abduction*” explores the construction of relevant provisions of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (hereinafter referred to as the *Brussels II Bis Regulation*). It emphasizes mainly the relationship between Brussels II Bis Regulation and the Hague Convention.

Chapter 4 is dedicated to domestic legal regulations that included the provision of Sections 193a through 193e on proceedings to return a child into the Rules of Civic Procedure by means of amended Act No 295/2008 Coll. This chapter also deals with the practices of Czech courts with respect to international child abduction, namely the practices related to reasons for not returning a child within the meaning of Article 13 of the Hague Convention.

The core of this doctoral thesis is the last chapter whose purpose is to analyze the selected practices of the ECHR related to internationally abducted children. In terms of organization, this chapter is divided into the practices dealing with the obligation to respect and correctly interpret the Hague Convention, the reasons for not returning a child within the meaning of Article 13 of the Hague Convention, the length of the proceeding to return a child and the enforcement of a judgment to return a child. Each sub-chapter is dedicated to selected judgments from which general principles are derived concerning the decision-making of the ECHR. Furthermore, this chapter also covers selected judgments by the European Court of Auditors.

The conclusion attempts to assess the existing legal regulations with respect to practical findings resulting from the practices of the ECHR and the European Court of Justice and their possible future development.