

The Prohibition of Racial Discrimination in the Case Law of the European Court of Human Rights

The subject of this thesis is the prohibition of racial discrimination on a regional scale, which is discussed in relation to the European Court of Human Rights and its case law. The aim of this work is to present the prohibition of racial discrimination, as embodied in the most important international legal documents from the beginning of the twentieth century with a special focus on the rules contained in the legal documents of the Council of Europe, and the protection granted by the European Court of Human Rights.

Race and ethnicity is seen mainly in terms of the Roma ethnicity, which is obviously not the only one who is in Europe facing the racial discrimination. Given the scope of the thesis it is not possible to address more groups belonging to the above mentioned category. The subject matter is elaborated by methods such as compilation, comparison and partially also analysis.

The introductory chapter of the thesis contains general interpretation of equality and non-discrimination with explanations of important terms and concepts. The next chapter provides an overview of the prohibition of racial discrimination in human rights documents of the key international organizations. Closer attention in this perspective is paid to the European Union and in particular to the Council of Europe.

The core part of this work consists in the text dealing with racial discrimination in the context of the European Court of Human Rights, in which is explained, how is the above mentioned discrimination category seen and what specific access to it has the Court created. Furthermore, case law dealing with complaints of discrimination and anti-discrimination test applied by the European Court of Human Rights when assessing the admissibility of such complaints is presented. The model cases of *D. H. and others v Czech Republic* and *Sejdić and Finci v Bosnia and Herzegovina* show and analyze specific activities of the Court and the application of anti-discrimination provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms and its twelfth Protocol.

From analysis of the jurisprudence of the European Court carried out in this thesis results that in addition to direct discrimination the Court had to deal in its practice with indirect discrimination. Racial discrimination refers to as one of the so-called "suspect category" that must be reviewed with particular attention. So far, however, it is not possible to discern a clear line that the further Court's jurisprudence will follow, as evidenced by a separate opinions of judges. Unambiguous attitude of the European Court would thereby help

the states to seek to prevent complaints in the knowledge that applicants have a chance to succeed at the ECHR for in advance foreseeable conditions.