

Abstract

The thesis concentrates on the topic of legal position of a child and his or her participation rights. It is drawn as a comparative study and focuses on comparing the legislation concerning participation rights of the child in the Russian Federation and the Czech Republic. The main goal of the thesis is to find identical or similar elements in the legislation regarding the child's legal position and his/her participation rights. Adoption of the Convention on the Rights of the Child in 1989 was followed by a changed approach of its member states towards the legal position of the child. States enlisted provisions into their legislation that held a child not only as a passive holder of rights but an active subject that is able to exercise those rights after fulfilling legal conditions. The important aspect on which the thesis also focuses is assessing whether the participation rights of a child are really being applied in practice or they are up to the present day rather a theoretical construction.

The thesis is divided into an introduction, four main chapters, which are further divided into subsections, and a conclusion. The first chapter deals with fundamental terms, which are crucial in relation to the legal position of a child and his/her participation rights. Firstly, a definition of "a child" is discussed, from the point of view of international law, Czech law and Russian law. It is followed by characteristics of the concept of "best interest of the child" as one of the most important elements that courts take into account when ruling on the matters which affect child's life. Best interest of the child is examined in this chapter also from the perspective of international law, Czech law and Russian law.

The second chapter analyses the rights of the child in general and deals with a characteristics of participation rights of the child. Classification of the participation rights is described in the context of the Convention on the Rights of the Child and their relation to the other rights enshrined in the Convention is defined. Then, the Czech Republic's perspective on the participation rights of the child is discussed, including significant decisions of the Constitutional Court. The last part of this chapter is dedicated to the examination of the possibilities to exercise the participation rights of the child in the Russian Federation.

The third and fourth chapters are devoted to specific areas in which the participation rights of the child are to be applied, the question of adoption, child custody and visitation rights of parents after divorce. Both chapters deal with the abovementioned institutes comparing Czech and Russian legislation and examine the extent to which the child can exercise the right

to be heard in the court proceedings. For this reason, the significant court decisions of both countries and the European Court of Human Rights are discussed.

In the end of the thesis a summary and evaluation of the extent to which participation rights of the child are ensured in the Czech Republic and the Russian Federation is provided. This leads to the assessment of the possibilities of the child to influence judicial decision-making process in the matters that affect his/her life.