

Abstract

This thesis deals with the protection of children in international refugee law. The status of a person seeking international protection under international law is primarily regulated by the Convention Relating to the Status of Refugees. However, this Convention does not expressly address the specific situation of the child asylum seeker. By adopting a binding Convention on the Rights of the Child (CRC), the broad catalogue of basic civil, political, economic, social and cultural rights of children has been confirmed. It includes the right of a child seeking international protection to obtain the necessary protection and humanitarian assistance when the child wants to exercise its rights under the CRC or other conventions of international law of human rights. CRC includes, inter alia, four fundamental principles, the elimination of discrimination, the right to life, survival and development, respect for the child's position and the principle of the best interests of the child.

The goal of this thesis is to determine whether and how the position of the child seeking international protection under the international refugee law has been influenced by the CRC and by the principle of the best interests of the child.

The thesis is divided into four chapters, the first two chapters deal with the historical development of the international child protection regime and the development of international refugee law.

The third chapter links the previous two chapters and deals with the protection of the child under international refugee law itself, concluding that the Convention on the Rights of the Child affects the status of a child seeking international protection in several ways. First, it provides procedural safeguards in the process of recognizing the child as a refugee. Second, it provides an interpretative tool in applying the refugee definition in the assessment of the child's application for international protection. Third, the principle of best interest of the child might be understood as the basis for granting subsidiary protection, in a situation where a child has applied

for international protection, has failed to fulfil one of the required reasons for granting international protection, but a return to the country of origin would pose a risk of a serious harm or it is not in the child's best interest. Fourth, the impact of the CRC and the principle of best interest of the child was investigated in cases applying the durable solutions for refugees. Even in these cases, it was determined that the best interest of the child has to be the primary consideration.

The final chapter of this thesis deals with child protection under refugee law at the European Union level. The directives and the Dublin Regulation of the Common European Asylum System are reviewed and analysed. The principle of the best interest of the child is referenced in each directive and the Dublin Regulation, nevertheless, there is also a tendency to restrict the rights of children seeking asylum, especially in the provisions of the proposed recast of the Dublin Regulation. This tendency runs in opposition to prevailing norms of the CRC.

