

## **Reservations to international human rights treaties**

### **Abstract**

Reservations to human rights treaties have been focus of theory and practice of international law for many years. While the Advisory Opinion of the International Court of Justice on the Reservations to the Genocide Convention and the Vienna Convention on the Law of Treaties set key parameters for making reservations to international treaties, in particular criteria of compatibility of reservations with the object and purpose of a treaty, many questions remained unanswered. A question whether the regime of the Vienna Convention of the Law of Treaties is appropriate for international human rights treaties, due to the special character of the later, raised to heated debates. Authority of treaty bodies, e.g. committees monitoring implementation of these treaties by their States parties, to decide upon compatibility of reservations with object and purpose of these treaties and consequences of such decision, has been discussed. In the meantime, the treaty bodies, as well as the regional courts, developed a rich jurisprudence in this respect. Finally, the International Law Commission analysed the issue of reservation thoroughly over 18 years, leading to adoption of the Guide to Practice on Reservations to Treaties (2011) clarifying most of the contested issues. This thesis discusses reservations to human rights treaties taking into account the Vienna Convention on the Law of Treaties and the Guide to Practice on the one hand, and international human rights conventions and practice of human rights monitoring bodies, in particular UN treaty bodies on the other hand. It also maps and discusses practice of reservations and objections to reservations by States parties to human rights treaties. In particular, it analyses the practice of the Czech Republic in this respects and concludes that the Czech Republic performs rather well with respect to reservations to human rights treaties and is also quite active in making objections to reservations. Whereas the progressive trend of supra-maximum effect of objection should be appreciated, a reference to the national law should be argued more precisely and the thesis provides for some recommendations in this respect.

**Klíčová slova: reservations, international treaties, human rights**