

# **Constitutional aspects of the Protection of the Rights of the Child**

## **Abstract**

This thesis is concerned with the protection of the children's rights from the perspective of constitutional law and human right. The thesis aims to evaluate constitutional guarantees for the protection of children. Children are considered vulnerable persons worthy of special protection, however, the development of their rights and the move out of a paternalistic approach has only recently begun. Thus, there is a need to adapt children's rights to today's society and current scientific knowledge to avoid unnecessary discrimination and non-involvement of children in the processes.

The text is divided into a theoretical part in which the history of the view of the child, the history of children's rights, the organization and institution, both national and international, concerned with the protection of children's rights are presented. The most important of these documents is the Convention on the Rights of the Child, which is then dealt with in the practical part and which is considered part of the constitutional order. At the end of the theoretical part, the concept of the child is introduced, which permeates the entire practical part of the thesis.

The practical part is divided into four parts, each representing one of the four main principles of the Convention on the Rights of the Child, as defined by the Committee on the Rights of the Child. The principles of discrimination, participation and the right to life, survival and development of the child are overarched by the principle of the best interests of the child as the primary consideration in decision-making. Each principle is evaluated using current cases from the Constitutional Court, the ordinary courts and cases handled by the Ombudsman. The specific cases are then compared with studies and analyses, also with the Committee on the Rights of the Child's commentaries on the Convention on the Rights of the Child and, last but not least, with the Committee on the Rights of the Child's recommendations on the reports on the implementation of the Convention. The work shows in which cases the protection of children is insufficient. The author anticipates how to improve these cases, considering as the most important the establishment of an institution that will deal only with children's rights and their observance, no less with cooperation with children, and that will be active in the public sphere.