

# **Borders and their protection in the context of the International Human Rights Law and state sovereignty**

## **Abstract**

This diploma thesis deals with the state borders, especially their determination and protection in connection with the state sovereignty and contrast with human rights. It tries to answer the question of where the sovereignty and human rights meet within the protection of state borders. State borders define the state territory which is one of the features of the state, as perceived by Public International Law. The most precise definition of the state territory is essential from the point of view of the state itself, as it thus has an idea of the scope of its competence. The state exercises its territorial authority over its territory, just as it exercises its power over the inhabitants of that territory. At the same time, the state is obliged to ensure security on its territory and its inhabitants, which is related to the protection of the state borders and the need for their control by the state. The determination of the state borders and therefore their control is clearly related to state sovereignty. However, excessive protection and control of the borders can easily be in conflict with human rights, in particular the freedom of movement and residence. Then it is important to think and determine which of these two values should prevail. Whether it is state sovereignty, the obligation of the state to ensure security and a certain right of the state to have an overview of movement at its borders or the widest possible freedom of the individual himself on the other side.

Firstly, this thesis focuses on the general definition of the basic concepts or terms of the Public International Law. Furthermore, author pays attention to borders, the process of their determination, their importance in the historical context, traditional and modern methods of protection and their conception within the European Union and the Schengen area. It also focuses on the origin, importance and protection of borders in the Czech Republic and in contrast to the concept of borders, their protection and the possibility of their crossing in the State of Israel and compares which of these two values, sovereignty and human rights, is more likely to prevail in these states. The author then deals with the state sovereignty itself, human rights, specifically freedom of movement and residence, as well as the role of the states and state borders in the migration process and the context of Asylum Law. Finally, the author mentions other human rights that run into national borders, and their protection which may impose certain restrictions on them.

**Keywords: protection of borders, state sovereignty, human rights**