

Abstract

The dissertation thesis focuses on violence against women from the perspective of international human rights law. It examines how this branch of international law ensures the combating of such violence. It first maps theoretical approaches to how this protection can be granted. This is followed by an analysis of standards and guarantees provided by relevant instruments and mechanisms at both universal and regional levels. It maps general protection derived from existing indirect norms, as well as the specific protection guaranteed by direct regional conventions against violence against women. Special attention is placed on these conventions and compares the Council of Europe Istanbul Convention with the Inter-American Convention Belém do Pará. Subsequently, it focuses on the European context and the practical impact the Istanbul Convention has had and can continue to have on it. It analyses how this convention has influenced developments at the European Union level, especially the directive proposal against violence against women, and how the European Court of Human Rights (ECtHR) deals with it in its decision-making. Finally, it outlines the human rights context in the Czech Republic and reflects on the potential benefits that ratification of the Istanbul Convention could bring in relation to specific Czech shortcomings.

The thesis concludes that ensuring protection against violence against women in international law is a complex, multi-layered process that reflects various doctrinal approaches and combines different sources of law. The most developed protection standards can be found in the European and American regional systems. Here, the benefits of specific binding conventions, whose approach can be considered the most adequate way of ensuring protection, can be observed. Human rights courts also play a significant role in addressing violence against women, thus significantly contributing to specifying states' obligations regarding this human rights violation and to individual victims' chance to seek justice. At the universal level, specific binding regulation is still lacking, and the thesis leans towards supporting the creation of such a global instrument. Finally, it is necessary to recognize the influence that regional conventions can have. The Istanbul Convention has gradually become a phenomenon that impacts not only its contracting parties but also the jurisprudence of the ECtHR, which gradually uses it as interpretive guidance, and the EU, which used it as an inspiration for the proposal for a directive against violence against women. It is thus an instrument that has begun to “transcend itself” and offers the potential to strengthen women’s right to a life free from violence within the European continent.

Keywords: violence against women, gender-based violence, women's rights