

Abstract

The subject of this thesis is "Protection of personality in health care" which is an important and especially current topic. After the recodifications of relevant legislation - particularly the recent Civil Code (which is built on the natural law concept) - is more focused on the protection of personality and it generally changed perception of harm to personal rights. It is newly called "compensation for personal harm to the natural rights of person" and claims for compensation for damages and recompense of non-pecuniary damages is tied to a single court proceedings.

The thesis is divided into four parts. The first part introduces the basic concepts related to personal rights and to certain medical terminology including explanation of the term "lege artis". The second part presents the relevant legislation, both national and international. The third and largest section is devoted to the protection of patient's personality which is defined by the individual rights of patient in health care. It refers to the patient's right to be treated "lege artis" during receiving of health services, patients' right to be informed and provide related informed consent (on which the thesis is particularly focused), medical confidentiality of health workers and issues related to handling the patient's medical records. Within the extensive chapter about an informed consent is reflected not only the current legislation in the Czech Republic but it is also given a brief outline of its adaptation in the United Kingdom. The fourth and final part of the thesis focuses on the liability for unlawful interference with the patient's personality, his possible options of defence against such interference as well as treatise on property and non-pecuniary damages in general.

Considering the very wide scope of the topic, its goal isn't to deal with all aspects of the protection of personality but to bring at least a general overview of the protection of the patient's personality through definition of the individual rights within providing of health services (especially focused on informed consent of a patient and related issues) and possibilities of defence of the patient in the case of unlawful interference with their rights.