

Abstract

The goal of my master thesis is to introduce the subject of criminal liability for spreading the HIV virus and to prompt the discussion of the expediency level of current legislation. Furthermore, it is also to introduce individual concepts of punishment for spreading the HIV virus and offer alternatives which are in this context self-evident. My thesis begins with the introduction, it then continues with three general chapters, two analytic chapters and a conclusion.

The introduction presents the core sources of work and the methodology.

The second chapter following the introduction is the explanation of the basic general connections to the phenomena of HIV and AIDS, in regards to new research which concerns curing and preventing the spread of the HIV infection, along with the historical context in which the debate about HIV and AIDS evolved, especially in Czechoslovakia, more specifically the Czech Republic. Furthermore it lists individual concepts of understanding this issue in specific countries as practical examples.

The third chapter introduces the legislation that establishes the criminal liability for spreading HIV. I paid special attention to domestic legislation and particularly the law concerning public health, and the Criminal Code.

The fourth chapter introduces in greater detail specific cases in which Czech courts focused on assessment of criminal liability for spreading HIV and it refers to the argumentation that courts use to prove criminal liability for individual crimes that have been committed.

The fifth chapter is dedicated to the criticism of the current legislation that is firstly based on the attitude of international organizations concerning the cure and prevention of HIV and AIDS, and secondly from analysis of foreign expert literature on usefulness, or rather uselessness, of undue criminalization of spreading HIV, that are contradictory to Czech and foreign legal reality.

The sixth chapter offers possible solutions which lie either in the change of legislation or in the change of its application by the courts, where the gravest problem is the insufficiency in dealing with the new findings in the scientific field of curing and preventing the HIV infection, and alongside it the rigid assessment of criminal liability for spreading the HIV virus.

In the conclusion of this thesis, I summarize the fundamental points and legal opinions that I have taken on various legal issues in connection with criminal liability for the spread of HIV infection.