

## **Civil law aspects of the provision of palliative care**

### **Abstract**

This dissertation focuses on topics related to the area of intensive medicine and palliative care. In particular, the clinical environment where legal controversies related to the confrontation of two different approaches, curative and palliative, are discussed. The dissertation follows the structure of the medical law area in common law often called “*Law at the end of life*”.

The first part of the dissertation is dedicated to an analysis of relevant concepts in a more general fashion. This includes the concept of medical futility, the legal distinction between ‘withholding’ and ‘withdrawing’ life-sustaining treatment and euthanasia. One chapter focuses on the decision-making process at the end of life, and the ways of solving conflicts amongst persons involved in the process. Another chapter is dedicated to a detailed analysis of the Czech regulation of advance directives. The second part of the dissertation focuses on specific issues related to the provision of care at the end of life. These include decisions related to cardiopulmonary resuscitation and DNR orders, the deactivation of pacemakers, and palliative sedation. The final part of the dissertation provides legal analysis of specific cases from clinical practice.

The dissertation combines the analytical-descriptive and comparative methods. Within the comparative study, mostly British and American regulation and case law is presented and analysed. In relevant chapters, an analysis of case laws of the European Court of Human Rights, as well as case law from Canadian and German courts is provided. Special focus is also given to the Israeli law.

Considerations *de lege lata* are followed by considerations *de lege ferenda*. Due to the absence of relevant Czech literature on this topic, the dissertation draws extensively from foreign resources, in particular the British and American literatures. In some places, it also draws from the literature written by Israeli authors in English. The essential goal of the dissertation is to provide a comprehensive legal text that can suitably fill the gaps that exist in the current Czech literature on the topic. The dissertation attempts to provide not only a theoretical analysis, but also a practical insight into the real-life scenarios the clinical practice has to deal with.