

Constitutional aspects of sobering-up stations

Abstract

Sobering-up stations, medical facilities where the right to personal freedom, the provision of health care and responsibility for one's own actions conflict.

While providing medical care in sobering-up stations one of the most important human freedoms, personal freedom, is curtailed. Sobering-up stations are a specific type of health care facility whose main purpose is the short-term care of alcohol-intoxicated persons who are unable to care for themselves or pose a threat to their surroundings. Although these unique facilities typical for Czech Republic have a long tradition, their legal regulation and practical functioning raises a number of constitutional issues which are analyzed in this paper. Is it fair to require from a person who was taken care of in the sobering-up station to pay for the restriction of their personal freedom? And is the current legislation at all clear and respectful enough of the fundamental human rights of people who have spent time in this facility?

The thesis reveals fundamental shortcomings in the legal regulation of sobering-up stations, such as the lack of identification of who decides on the placement of a person in such facility, or the system of paying for a stay, which may affect mainly socially vulnerable people. The empirical research provides a unique insight into the reality of the functioning of sobering up stations, including problems with financing and differences between different facilities, which points to the need for unification and clarification of legal rules.

The aim of the thesis is to identify constitutionally problematic aspects of current regulation and outline changes that have the potential to make the functioning of sobering-up stations fairer and more transparent.

The thesis is divided into four parts. Firstly, it evaluates the legal definition of sobering-up stations under current legislation. Then, it describes in detail the process of placing a person in a sobering-up station and assesses its compliance with the constitutional order of the Czech Republic in the context of the right to personal freedom.

An important part of the work is also an analysis of the right to health care and the issue of payment for a stay in sobering-up station. Although sobering-up stations formally meet all the requirements for care to be covered by public health insurance, the people who used the facility have to pay for their stay in the station. This aspect raises questions about the compatibility of payment for health care by a recipient of such care with the constitutionally guaranteed right to free access to health care.

The thesis also suggests possible changes that could contribute to greater protection of the rights of people placed in sobering-up stations. These include, for example, the introduction of clearer rules for deciding whether a person should be placed in such facility, changes to the financing of sobering-up stations or setting a maximum limit of a fee for a stay in a sobering-up stations.

The author concludes that although sobering-up stations represent an important role in the Czech health care system, their current legal regulation is not fully in line with constitutional principles and requires proper regulation to better protect the fundamental rights of individuals.

Key words: sobering-up stations, personal freedom, right to free health care, restrictions on personal freedom