

Résumé in English

The rights of patients in the Czech Republic

People often discuss about human rights. Rights of patients also pertain to human rights. The rights of patients are included in the branch of medical law. They occupy a significant place in man's life, because sometimes each of us will find in the position of a patient.

The term *patient* is a cardinal term of medical law. This term is used frequently in adjudications or legal regulations, but we do not find its legal definition anywhere. The patient is a person who is sick or hurt and needs a medical treatment. The word *patient* originates in Latin as "*pati*" and it means to suffer or to endure something. This term incorporates also healthy persons who take a preventive medical examination.

The relationship of a physician and a patient is a basic relationship in the health service. At first this unequal relationship was grounded in paternalistic conception. It meant that the doctor was an authority who knew what was the best for a patient. The patient was just the object of care. After the 2nd World War this conception changed when conventions of human rights were created. Nowadays the relationship between the physician and the patient is equal and partnership. The patient is participating in decision-making his treatment and no medical intervention may be carried out without his consent (with exceptions).

The rights of patients have only a brief history in the Czech Republic. They are regulated by both ethical and law rules. The ethical rules are not legally binding. In the Czech Republic the most significant ethics code is "*The Code of rights of patients*", that The Central Ethical Committee of Ministry of Health declared in 1992. The rights of patients are confirmed in the *Declaration of Basic Rights and Liberties*, the *Convention on Human Rights and Biomedicine*, the *Health Care Act 1966* and in other laws.

In the Czech Republic a patient has especially following rights: a right for the protection of personal rights, a right to health care and so-called *procedure lege artis*, a right to refuse a medical treatment, a right to give informed consent, a right to choose a doctor, a medical facility and a health insurance company, a right to health information securing and look into the health documentation, etc.

A health care provider could be held responsible for the breach of rights of patients. If there is some damage suffered by the patient, he will be entitled to compensation. We distinguish several kinds of legal responsibility in the field of the health care delivery: the criminal liability, the civil law liability, the administrative liability, the disciplinary liability and the labour-law liability.