

## **Abstract**

### ***Damage to health as an interference with personal rights protection***

The purpose of this thesis is to describe the kinds of claims arising to the damaged parties in cases of unjustified interference with personal rights, especially in cases of bodily harm. This thesis comprises four chapters, where the first chapter provides brief overview of the legislation regulating personality rights and rights to protection of health in the Czech Republic.

Chapter two provides more detailed overview of personality rights and rights to protection of health of an individual in the current Civil Code and it also serves as theoretical basis for the following chapters. Chapter two especially describes the content of personality rights and rights to the health of the individual, and identifies the parties entitled to sue and having the capacity to be sued. Chapter two also describes the circumstances under which the interference with the protection of personality is permissible and also the means of protection of personal rights which the damaged individual has.

The essential part of this thesis is focused on the relation of the (non)pecuniary claims arising from the unjustified interference of personal rights protection pursuant to sec. 11 and following of the Civil Code and the damages to compensate physical injury and social impairment pursuant to sec. 444 par. 2 of the Civil Code, both from the perspective of legal theory and the case law. It answers the question under what circumstances it is possible to concurrently take action for the protection of personal rights and the action for the damages to compensate physical injury and social impairment, but also under what circumstances the combination of the two actions would be inadmissible violation of the *ne bis in idem* principle. Furthermore the thesis also contains brief comparison of legislation of damages for bodily harm in the Austria, Germany and France.

Due to the fact that on 1<sup>st</sup> January 2014 the new Civil Code shall come into force, chapter four of this thesis concentrates on the legislation of personality rights and rights to the health protection in the new Civil Code. It describes the modifications to the concept of personality rights and damages incurred from the interference therein, including the rights to the health protection, but also the relation between the above mentioned rights. Finally chapter four of this thesis also focuses on the topic of secondary victims as a new concept introduced by the new Civil Code and unknown to the existing regulation.