

ABSTRACT

Key words: secondary victim, personal misfortune, psychiatric injury

The aim of the thesis is to analyse secondary victims in Czech and English law. In general, secondary victim is recognised as a person whose harm was caused by harm occurred to an immediate victim. However, Czech law does not provide a detailed framework as well as the interpretation of the law by judicial decisions and literature. Therefore, the purpose is to define secondary victims and scrutinize their legal rights.

The thesis is divided into three parts. The first one focuses on Czech law. The purpose is to outline secondary victims in accordance with current legislation and court decisions. It presents a description of the former law serving as a useful tool for understanding the applicable law. The analysis of the section 2959 follows, constituting, in the case of death or severe injury, legal rights for persons with close ties to an immediate victim. The positive approach could be perceived as a response to a criticism towards the former legislation. The Civil Code removed fixed amounts of compensation and unified the process into a single section. Furthermore, an inability of secondary victims with close ties to receive compensation for their psychiatric injury is scrutinised. Multiple questions arise from the section 2971 which represents a new possibility for other persons to receive compensation for their harm. Therefore, the purpose of this part is to analyse issues related to the section and to offer possible interpretations.

The second part focuses on a description of current English law in the area of secondary victims formed by case law. Therefore, an explanation of the law is provided in relation to relevant judgments. This part analyses strict rules established in English law as a result of a restrictive approach adopted by courts. This approach is currently subject to a criticism which is reflected in the thesis, as well as discussed solutions.

The aim of the third part is to compare Czech and English law. As regards the compensation for psychiatric injury and emotional harm, two significant dissimilarities could be observed. Therefore, these are assessed alongside with a search for a possible inspiration by English law.