

## **Abstract**

**Thesis title:           Right to health and legitimate expectations in perspective of the standards and above-standards in Czech health care system**

This diploma thesis deals with the legal regulation of the right to health as a social right. In the first chapter, the genesis of the social rights, their specific characteristics and the social rights' role in relation to civil and political rights are analysed for the purpose of interpretation of the right to health. The actual problematics of legitimation crisis based on the states' inability to fulfil the obligations and expectations rising from social rights are later discussed. In relation to the socio-legal context, the international legislation as well as some specific national legislation of the right to health are analysed in detail within subsequent chapter. With this regard, the practice of the courts as well as the practice of the quasi-judicial bodies is considered in the following chapter, especially with respect to the right to health and its relation to some civil and political rights. The standardization process of right to health within this decision-making practice is also examined. Moreover, the right to health is explored in perspective of the Czech legislation. The diploma thesis deals with the content and the protection of the constitutional right to free health care on the basis of public insurance under the conditions provided by law. In addition, the definition of standard health care paid from the public insurance as well as the legislation related to above-standard health care is considered. Such an analysis is performed in context of the laws as well as in context of implementing regulations and the practice of the Czech courts. These aspects of the right to health in the Czech legislation are analysed in context of the legitimation crisis and specific characteristic of social rights as it is ascertained in the first part of the thesis. The aim of the diploma thesis is to analyse the approach to right to health within the international and nation legislation as well as within the decision-making practice and to consider whether the process of defining the standard and above-standard of the health care has the potential to solve the legitimation crisis of the states, including the Czech Republic.