

Summary

Physical and mental integrity of an individual represents one of the components of a human personality, which may be regarded as a personal sphere of everyone and which is protected by the law against any unauthorized interference. Legislation regarding the interference with the integrity of an individual is based on the principle of inviolability of a human being, according to which no one is entitled to interfere with the integrity of another individual without his consent, except as provided by law. The consent of the individual concerned is therefore the most fundamental circumstance excluding illegality of the interference. The aim of this diploma thesis is to analyse current legislation regarding the interference with the integrity of an individual, especially relevant provisions of the new civil code, and to point out its potential deficiencies or problematic aspects. It focuses on particular circumstances under which it is possible to interfere with the integrity of an individual, or which represent the reasons for such interference and therefore exclude its illegality. Even though the thesis aims to elaborate the topic from the point of view of civil law, with regard to the fact that most of the serious interferences with the integrity of an individual occur when health services are provided, it also takes special legislation in the field of healthcare into consideration.

The thesis is divided into six chapters. First of all theoretical grounds of the legislation, as well as basic principles and values from which the regulation of the interference with integrity arises, are clarified. Afterwards the most important sources of law are summarized and relations between them are explained. The third and fourth chapters are the most important ones; there the particular reasons for the interference with the integrity of an individual are analysed in detail, with a special focus on the informed consent of the individual concerned. Some other legal institutes related to the informed consent and typical for medical law are analysed as well; these are living wills and written declarations of a treatment refusal. Special legislation regarding the informed consent in relation to minors, persons with limited legal capacity and persons unable to express their will is not left out either. Afterwards the consequences of an unauthorized interference and means of legal protection are summarized. The last chapter of this thesis is devoted to a comparison between the Czech and English

legislation regulating a chosen case of interference with the integrity of an individual (abortion) and other significantly controversial issues related to it, which are currently discussed especially in English legal environment.