

Abstract

The aim of this thesis is to present the basic aspects related to the refusal of health services by the patient. The thesis deals with the patient's refusal of health services in the context of currently proposed treatments in the present, but also with the refusal of health services in the future in the form of so-called previously expressed wishes. The thesis points out some of the pitfalls that may arise in the case of refusal of health services by the patient and also proposes ways of proceeding in such situations in order to protect the rights of the patient as much as possible, but at the same time not to expose the health service provider to civil or perhaps even criminal liability.

Chapter 1 introduces the concept of informed consent and the conditions for giving informed consent. I also focus on the patient's capacity to give informed consent. The assessment and analysis of these criteria is similarly applicable to the valid and effective expression of informed consent. For this reason, informed consent and non-consent are very closely related issues. The second chapter is devoted to informed consent, defining the form of informed consent and presenting cases where the patient cannot validly give informed consent. In the third chapter, I discuss previously expressed wishes, both their meaning at the constitutional level and their form and content. The question of whether or not to discontinue futile treatment is also evaluated within this chapter. The third chapter also contains an analysis of several key decisions of the European Court of Human Rights concerning the possibility for Member States to allow the killing of a patient at his or her request. The fourth chapter deals with the definition of euthanasia and the distinction between types of euthanasia, in particular the distinction between active and passive euthanasia. Also included in the fourth chapter is a comparison of the legal regulation of euthanasia in selected European countries.