

Abstract

Compensation for harm arising from illegal sterilizations

This rigorous thesis examines the compensation for harm resulting from illegal sterilizations within the frameworks of civil, administrative, and criminal law. It addresses the current issue of compensation by the Czech Republic for illegal sterilizations as part of addressing its historical responsibility for such actions carried out in the past. Nonetheless, the thesis considers potential issues that may arise in the future in relation to this topic. The aim of the thesis is to analyze compensation for harm from illegal sterilizations, describe relevant legal regulations, identify gaps and deficiencies in their application, and propose recommendations *de lege ferenda*. This is achieved through a review of scholarly literature, an assessment of the relevant legal framework, and a critical analysis of recent case law.

The thesis comprises an introduction, six chapters, and a conclusion. The introduction presents the research aim, outlines the research questions, methodology, and structure of the work with detailed commentary. The first chapter explains the key concepts of sterilization and compensation for harm. The second chapter discusses relevant existing legal frameworks, including international, European, and Czech regulations. The third chapter focuses on relevant, now-repealed legal provisions. The subsequent chapters are central to the thesis, each featuring considerations *de lege ferenda* and a partial conclusion, which includes a summary of the issue, advantages and disadvantages of the respective compensatory mechanisms, or comparisons with other forms of compensation. The fourth chapter analyzes compensation for harm within civil law, particularly in cases involving infringement of personal rights. It defines material and non-material harm, the methods and scope of compensation, as well as the proceedings involved. The fifth chapter addresses compensation for harm within administrative law. The first part concentrates on the provision of a lump-sum payment, discussing conditions for eligibility and relevant proceedings, including the roles of courts, administrative bodies, the Public Defender of Rights, and human rights organizations. The second part covers compensation in administrative offense proceedings. The sixth chapter examines compensation for harm within criminal law. The first part discusses compensation for damages and non-material harm under the Code of Criminal Procedure, setting out conditions for eligibility, methods of compensation, and the proceedings involved. The second part analyzes financial assistance for victims of crime. The conclusion evaluates the research objectives, summarizes the various compensatory mechanisms, assesses the current legal framework, and comments on potential legal amendments *de lege ferenda*, noting that their implementation is not unfeasible.

Key words

illegal sterilization, compensation, informed consent