

Criminal law issues related to Advance directives

Abstract

The aim of this thesis is to describe the recent institute of Advance directives in the Czech legal system and to analyze criminal law issues related with it's application.

The focus is on medical workers which can get into jeopardy of criminal liability by respecting the Advance directives. Furthermore in this thesis are compared the legislations of Czech republic and the Australian state Queensland concerning Advance directives. Also, key rullings of Australian courts and other *common law* courts related to the aplicaton of Advance directives are described in this thesis.

Descrption methods were aplyed to describe each institute and terms close to it, analyzing methods to analyze liability of medical workers and comparative methods to compare the Czech and Queensland legislations.

The thesis is divided into seven chapters and many subchapters. The first chapter is dedicated to the institute of Advance directives, to it's definition, history and to the legislations it is based in.

The second chapter describes fundamental human rights related to Advance directives. These are the Right to Life, Right to dignity and the Right to self-determination. Every one of these rights is closely described and a subchapter deals with their collisions.

The third chapter is focused on euthanasia. It's relation with Advance directives is closely described in this chapter. Simultaneously, a part of the chapter is dedicated to palliative medice which is considered as an alternative to euthanasia.

The fourth and fifth chapters are focused on liability. All sorts of liability related with the provision of medical services are described. A special chapter is dedicated to criminal liability. Crimes related to Advance directives are mentioned and for each crime a hypothetical case is described.

The sixth chapter deals about problems that arise with Advance directives.

The seventh chapter is dedicated to the comparison of the legislation of Queensland and the Czech legislation and to court rullings related to application of Advance directives in Australia.