

LEGAL REGULATION OF PROTECTION OF HUMAN LIFE IN HISTORY OF INDEPENDENT CZECHOSLOVAKIA

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1. Introduction

Human life is for every man one of the most considerable value and of course that value has to be protected in the interest of individual even in the interest of public. Right to life and his protection is one of fundamental human rights. But in context of protection there are a few controversial moments, therefore the protection is not absolute. These controversial moments are in context of providing intentional abortions, or euthanasia, but also death penalty as sanction for serious crimes. Human rights have its place in system of law of every democratic state nearly for a few centuries. But the protection of human life especially in connection with mentioned controversial topics has changed during the time and sometimes is still changing. And that facticity is influenced by many aspects like social meaning, religion influence, or also political system.

Attitude to human life and its protection has long historical development. Until in present times we can say, that human life has in our society so high value, that it is protected by constitution even by laws. If we look into the history, we can say, that in our past there were many moments of defy the human life. It has to be said that there were long historical development in attitude to legal protection of human life even in connection with controversial moments previously mentioned.

In this paper I will deal with right to life as one of the fundamental human rights. As it was mentioned, it is connected with a number of controversial moments, which causes social disagreements. Even in this time there are many discussions about right to life before birth (in association with intentional abortion or research on embryonal stem cell) or in case of euthanasia or death penalty as capital punishment. In my paper there will be mentioned legal regulation of right to life in times of independent Czechoslovakia, since the moment of its establishment in 1918 until the present valid legal regulation of right to life. It will be mentioned there, so that the reader has the whole imagination about historical development of that problem.

Next I would like to mention in this paper the legal regulation of controversial aspects of right to life. There is no doubt that there are big disputes in society connected with right to life before birth, or right to life of sick person who suffers because of his illness, and also we can say that there is not leading opinion about the legal protection of life in that situations. We can see it in historical development of legal regulation of intentional abortions, even of capital punishment which was forbidden in Czech republic in 1993, or also we can see it in legislative attempts to change criminal law which punish realising of euthanasia.

2. General protection of human life

In our system of law we can find rules which protect human life on constitutional level. In Bill of fundamental human rights and freedoms in article 6 there are proclaimed that every body has right to life and human life is worthwhile of protection even before birth. It is undoubtable that it is touching the problem of intentional abortion. Also providing of death sentence is absolutely forbidden in this article. In general human life has been protected on constitutional level during the whole history of independent Czechoslovakia, but the protection has had different expressions and also different realisations. The main changes we can note after the Velvet revolution because after that our state began democratic development and also fundamental human rights and freedoms found their place in our system of law.

But it is not all in association with protection of human life. On legal level we can find another rules touching that problem and these are especially in criminal law. During the whole considered history till the present times there are still regulations of murder, assisted suicide,

slaughter and other crimes which are attacking human life even these crimes have during the time different specifications. And in these days another legal regulation criminal law is going to be passed. The only exceptions of protection of human life are situations of exigency and necessary defence, because in these situations it is possible not to be punished if someone will die.

3. Legal regulation of human life in controversial moments

In society there is controversial discussion touching the problem of protection of life before birth. In context of that the main question is where does human life begin. There is opinion that human life begins from conception, on the other side there is opinion that human life begins in very latest part of pregnancy or even in the moment of birth. Therefore we can find in legal regulation of that problem quite big differences. At first half of twentieth century intentional abortion was allowed only in special cases, for example if the woman could die because of pregnancy. In 1957 there were big change in legislation of intentional abortion. In that year new legislation was passed and therefore abortions were allowed for much more possible reasons. During the time the legislation have changed but nowadays it is still liberal legal regulation and intentional abortion can be provided even if the woman ask.

Another controversial topic is question of euthanasia. In history of Czechoslovakia there were two attempt to change criminal legislation, one in 1926 and the second in 1937, but both attempts failed. In proposed legislation there should have been contained new crime reflecting providing euthanasia and presumed sanctions should have been much more lower. Another recodification which was reflecting the problem of euthanasia was propose of new criminal law in 2006, which also failed to pass.

Right to life is quite wide problem, which we can consider from different point of view. For example we can offer summary of legal regulation of right to life even of his controversial aspects. But also historical point of view is very important.

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