

CIVIL LIABILITY FOR MEDICAL ERRORS IN THE FIELD OF FACIAL SURGERY IN GREECE.

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ABSTRACT: *As health is the primary and fundamental human right, the importance of moral damages in cases of insults of human health is reflected on the wording of article 932 of the Civil Code: “in case of tort, irrespective of any compensation for financial damage, the court may award at its discretion reasonable monetary compensation for moral damage. This applies especially to anyone who has suffered health damage”.*

In the particular field of facial surgery, article 931 of the Civil Code is of particular importance, according to which “the disability or the deformity caused to the victim is taken into account when awarding the compensation, if it affects his future”, that is his professional, financial and social development.

Someone could reasonably assume that the economic crisis would not leave unaffected the monetary amounts awarded by court decisions against the State (or legal entities of public law) and in favor of individuals¹. Therefore, it would be expected that this effect would extend also to the field of civil liability of public hospitals due to medical errors, thus reducing the amount of monetary compensation due to moral damage or mental suffering

KEY WORDS: *civil liability, medical malpractice, facial surgery, Greece*

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¹ See e.g. Symvoulío tis Epikratias 4467/2012: In the framework of calculation of the just satisfaction for exceeding the reasonable time of proceedings (articles 6 par. 1 of ECHR and 53 et seq. of law 4055/2012) it is also taken into account, inter alia, the “*decline in living standards in Greece over the recent years, as a result of the most severe unsettlement of the fiscal balance of the Greek State, due to the takeoff of the public deficit and public debt at levels unseen before in the history of the Country’s public finances*”.