

Abstract

This thesis deals with the legal status of an unborn child within current Czech legislation. In the introductory part, the author attempts to clarify the way in which today's society perceives the value of human life before birth. The author looks at the moment of when life begins from different points of view and also observes artificial interferences with the prenatal development of the child, which are the phenomenon accompanying the development in human knowledge and the use of biomedical technologies. In that context, the author analyses position of the European Court of Human Rights to the issue of the beginning of human life through its decisions. The core theme of the thesis is the analysis of the legal status of unborn child in the Czech Republic and of the protection granted by international and national legislation to the unborn child. The author particularly focuses on private law by examining the relevant provisions of the Act No. 89/2012 Coll., the Civil Code, as amended, which determine the legal status of the nasciturus. Among the crucial institutes to which attention is paid belongs legal personality, legal capacity, but also, for example, legal representation of the nasciturus. Further, the rights and the duties of the nasciturus are discussed, giving more detailed attention to the personality rights. The following part of the diploma thesis is focused on medical law. The author has chosen several important areas of medical law with regard to their influence on the position and the very existence of the unborn child. The problematics is always outlined in relation to the unborn child, then the unethical context is discussed. Using analytical and descriptive methods, the applicable legislation is described and put into the international context. The final part of the thesis contains a critical evaluation, firstly of the private law and consequently of the medical legislation in the terms of its reflection of the biological knowledge about the unborn child and the adequacy of its protection against the practical and potential danger of the biomedical development, accompanied by the *de lege ferenda* considerations.