

Abstract

The main subject of this master thesis is the issue of surrogacy in the Czech Republic and the Federal Republic of Germany. At the beginning, this thesis aspires to define the term surrogacy in general as well as other connected terminology, and subsequently to specify its categories and describe its major historic milestones. Afterwards, it deals with the rather brief Czech legislation concerning this institute and the consequences this has inevitably led to. It also concentrates on the methods of the assisted reproduction which help to put the surrogate motherhood into practice. This thesis does include ethical problems of surrogacy and some of the psychological and sociological aspects as well. Consequently, it summarizes sanctions which may arise as a result of surrogacy. After that, it explains the legislation related to this issue in the Federal Republic of Germany, its history and legal limits. It deals with the German sanctions which the realization as well as mere arrangement may be subjected to. It examines the standpoint of the German legislator regarding the right of a child to know his or her origin including its consequences, such as non-anonymous sperm donation and obligation of the legal parents to undergo a DNA test. It describes most recent demands of the society regarding the new legislation and summarizes the attitude of the German courts in this area by presenting some of the latest rulings. Furthermore, it compares both legislations and evaluates their currency. It concludes with an opinion that surrogacy should be permitted in the Czech Republic, although only under strict conditions. As the German legislation does not present suitable model, this thesis itself propounds some aspects of the possible future Czech legislation in accordance with the child's best interests as the most important facet of the surrogacy.