

# **Criminal aspects of assisted reproduction**

## **Abstract**

The work deals with one of the most dynamically developing medical disciplines - assisted reproduction, the introduction and development of their technologies are considered one of the greatest advances in medicine in the 20th century.

The purpose of this thesis is to provide the consistent overview of criminal law relations which may arise within providing assisted reproduction and to analyze the individual facts of crimes related to assisted reproduction, which should verify whether their wording provides sufficient protection for relations, interests and values covered by the Criminal Code.

The thesis is composed of six chapters. The first chapter presents the fields of criminal law and medical law and examines the relationship between criminal law and health care system. The second chapter lists the conditions of criminal liability of natural and legal persons and lists the ground establishing the absence of criminal liability. The third chapter defines the concept of assisted reproduction, characterizes its methods, provides a historical overview of events that preceded the current interpretation of the concept. The third chapter also provides an overview of the principles that apply in this field of medicine and a list of sources governing the issue. The fourth chapter consists of an analysis of crimes related to assisted reproduction. Among other things, the terms *lex artis*, tissue, cell, embryo and genome are defined in the analysis of criminal law relations that may arise in connection with the providing of assisted reproduction methods. The fifth chapter clarifies the institute of surrogacy, demonstrating the drawbacks of this issue in the case of a complaint to the ECtHR and the characteristics of the crime of entrusting a child to another. The sixth chapter concludes the work with an excursion into Italian law.