

Surrogacy

Abstract

The thesis deals with the topic of surrogacy as one of the options for treatment of infertility in couples. It deals with the approach to surrogacy taken by the legislator in the Czech Republic and raises the question of whether the current legislation is appropriate. The thesis examines the proposition that in a globalized world, it is not effective to prohibit surrogacy, but it is more effective to define its legal limits to protect the fundamental values and persons concerned. The thesis first defines surrogacy and the basic terms associated with it. It deals with the legal regulation of surrogacy in the Czech Civil Code. It describes the whole process of surrogacy, the legislation that affects it and the risks that are associated with it. First, it deals with the question, whether the law at all allows artificial insemination of a surrogate mother. It also deals with the issues of determining parenthood of a child, adoption of a child and the admissibility of financial compensation to a surrogate mother. It examines whether it is possible to conclude a valid contract on surrogacy and whether artificial insemination of a surrogate mother can be covered by the public health insurance system. It deals with the effects of surrogacy on labour law and social security law. It draws attention to the possible criminal consequences related to surrogacy. It deals with the use of surrogacy by homosexual couples. To verify the proposition on the ineffectiveness of the ban on surrogacy, the legislation in the Federal Republic of Germany is presented. It describes which acts in connection with surrogacy are prohibited by law and for what reasons the legislator decided to ban them. Subsequently, it focuses on the consequences of the ban on surrogacy, especially the use of surrogacy by German citizens abroad. The extensive case law of the German courts addresses the problems that this brings. The thesis evaluates the real effectiveness of the ban on surrogacy and answers the question of whether the ban is a suitable solution for the Czech legislator. It also discusses the possibilities of future legislation in the Czech Republic. In the conclusion, the findings from the whole work are summarized.

Key words: surrogacy, motherhood, family