

# The Future of Surrogacy in the Legal System of the Czech Republic

## Abstract

This rigorosum thesis deals with the analysis of the current legal status of surrogacy in the Czech Republic and the possible future legal regulation of this institute while maintaining the current systematics of key legal norms and preserving the core values protected by the Czech legal order. The aim of this thesis was to confirm that the prohibition of surrogacy is implicit in the domestic legal system, to identify possible international obligations concerning surrogacy and to propose key principles for future legislation. The first chapter of the thesis analyses the term of surrogacy and terms related to it. The second chapter of the thesis is devoted to the constitutional framework of the issue and analysis of the case law of the European Court of Human Rights and the Constitutional Court. The third chapter is devoted to the content analysis of the surrogacy contract as a key defining sign of surrogacy and subsequent analysis of the key norms of the Civil Code that impact on surrogacy. The fourth chapter of the thesis is devoted to public regulation, in particular an analysis of the Law on Specific Health Services, the Law on Special Court Proceedings, the Criminal Code, the Labour Code and social security legal norms. From the analysis carried out in the third and fourth chapters of the thesis, it was possible to draw conclusions concerning the above mentioned assertion and to establish the basic principles of future legal regulation in such a way that these principles preserve the core values protected by the Czech legal order and to the least possible extent undermine the current systematics of legal norms that have a bearing on the institution of surrogacy. The fifth chapter of the thesis compared the proposed *de lege ferenda* principles with the existing legal regulation of altruistic gestational surrogacy in order to verify the validity of the proposed principles. This chapter also presented the main problems concerning the legal regulation and the arguments against the regulation of the surrogacy institution. The conclusion of the thesis answers the above questions and summarizes the most important findings.

**Keywords:** surrogacy, child, personal status rights