

The right of the child to know one's origin in the context of assisted reproduction: a comparative analysis

Abstract

This thesis deals with the issue of the right to know one's origin in cases of assisted reproduction, i.e. in the situation of gamete donation. The aim of the thesis is to analyse whether the right of the child to know its origin is sufficiently ensured in the context of assisted reproduction in the legal systems of the Czech Republic, Germany and Denmark and which legal institutes are used to ensure it. The right to know one's origin is analysed with respect to its basic aspects according to the scope of the perception of the right. The health aspect perceives the right to know one's origin in the narrowest way, the identity aspect perceives it more broadly and the relational aspect perceives it the most widely.

The first part of the thesis provides a brief introduction to the issues of assisted reproduction and germ cell donation and also contains definitions of the terms that are further elaborated in the text. The second chapter deals with the right to know one's origins in the context of gamete donation, discussing in more detail its various aspects based on the theory of bioethicist V. Ravitsky. Emphasis is also placed on the psychosocial and ethical part of the matter and on the development of the law in connection with modern technology. The third chapter deals with the Czech legal regulation of the right to know one's origin, while the legal regulation of gamete donation is also analysed. This is followed by chapter four, which examines how the right to know one's origin is approached in the international context, i.e. which international documents include or directly regulate the right. The fifth and sixth chapters focus on German and Danish legislation on the right to know one's origin, in which the historical development of the adoption of the relevant legislation is also highlighted. In chapter seven, all the analysed legal provisions are compared in order to conclude which legal provisions and which of their specific legal institutes protect the most aspects of the right to know one's origin. Chapter eight then considers how Czech legislation could be taken to ensure in the best way the right of the child to know its origin in the context of assisted reproduction without causing harm to others involved.

Key words: right to know one's origins, assisted reproduction, gamete donation