

Abstract

Surrogacy is a very current and controversial issue resonating in almost all countries. It is a method of assisted reproduction that is used in most states primarily to treat infertility, but in some it is also available to homosexual couples. Surrogacy is sometimes considered unethical, immoral or against the natural course of nature, especially in its commercial form. The legal regulation of surrogacy and its various forms varies between countries for cultural or historical reasons, but can be divided into three categories. States permitting, states prohibiting and states not regulating surrogacy.

The aim of this thesis is to compare the legal regulation of surrogacy in selected countries with the legal regulation in the Czech Republic. The thesis compares the legislation in Belgium, France and Quebec. Each of these countries has a different approach to surrogacy as such and to its regulation. France is one of the states that prohibit surrogacy, Quebec is one of the states where surrogacy is not explicitly regulated but where surrogacy contracts are null and void, and Belgium is one of the states where surrogacy is in a grey area but where repeated efforts can be seen to establish clear legislation.

The thesis also discusses court decisions in individual states that address the most common issues that can arise in surrogacy. These include, for example, the transcription of birth certificates of children born through surrogacy into state registries or the authorization of adoption of a child by the intended mother.

It also includes an assessment of the current legal framework in the Czech Republic and a reflection on the ethics of commercial surrogacy. The thesis also uses information provided by assisted reproduction clinics in the Czech Republic and public opinions obtained through a structured questionnaire. Based on the aforementioned, a possible legal regulation of surrogacy in the Czech Republic is proposed at the end.