

Abstract

Surrogacy is a contemporary and highly controversial social issue. It is closely linked to assisted reproduction, bioethics and the status rights of the individual. It is generally considered an alternative, extreme way to treat infertility, but it raises a number of moral, ethical and legal issues. Solutions are approached by individual states on individual bases, in the context of cultural, historical and religious values and traditions professed by their societies. This work deals with the comparison of individual national views on surrogacy, which are reflected in the legislation. It compares the German, French and Spanish regulations, as a representative sample of restrictive approaches and the British and Ukrainian regulations, which in turn reflect the supportive attitude toward surrogate motherhood. The dynamic development experienced by the legislation on surrogacy in Portugal is highly interesting. The ruling of the Portuguese Constitutional Court provides valuable insight into the current thinking of the democratic rule of law on surrogacy and its adjustment to meet the standard of human rights protection.

The work also describes the dangers posed by cross-border surrogacy using relevant case law, especially with regard to the protection of the best interests of the surrogate child.

It also contains a description of the current fragmentary regulation of surrogacy in the Czech Republic and formulates the basis of hypothetical legal regulation of surrogacy in the Czech Republic using knowledge gained through comparison and analysis of case law.