

Protection of human foetus – summary

The thesis gives a detailed analysis of the extent and standard of protection of the human foetus in the Czech legal system, concentrating on the aspects of criminal law. In the introductory part it presents a brief chronological survey of the synopses of the most significant instruments which constitute the subject of the thesis. The legal institutions concerned are – in the minimum necessary extent – put in the context of several key international agreements, with the emphasis laid on the provisions of the Convention on Biomedicine whose concept significantly influenced that of the Czech medical law. Also the role of civil law and its connection – both as regards the terminology and content – with the other relevant provisions of the legal system are briefly mentioned in the third chapter.

However, the thesis focuses mainly on criminal law and therefore its greatest part is concerned with the means by which criminal code guarantees the protection of human foetus. Not only does it give a survey of selected criminal offences and their matters of issue, but it also underlines their connection with the provisions of the first part of the law in question as far as the interpretation and application are concerned. A brief separate chapter deals with the connection of criminal law and legal regulations which its provisions refer to, because these legal regulations include definitions which the code operates with and which consequently determine its factual effect. Therefore the latest complex amendment of the Czech medical law and other relevant legal regulations in the field of medical law are mentioned. In the gradual analysis of individual criminal offences different interpretations of the provisions of jurisprudence concerned are continuously confronted, and, in rare instances, if it exists, also the relevant jurisdiction is quoted.

The issue of the legal status of the foetus in the Czech legislation currently in force, which all the problems described and suggested insinuate, however, remains unsolved up to a point, because legislators have not been solving the situations involving human prenatal ontogenesis with a consistent intention but continuously and incidentally, and to a certain extent, even autonomously. Nevertheless, despite the problems stated, the Czech legislation concerning the protection of human foetus corresponds to the standard common in the other democratic countries and is basically functional in its practical applications.