

Establishing parentage

The subject of this master thesis is the issue of establishing parentage. The thesis targets areas of establishing parenthood, issues of three legal presumptions and last but not least, parenthood denial. The question of establishing maternity is examined mainly from perspectives including surrogate maternity, assisted reproduction method and secret and anonymous delivery. All matters are reviewed based on the valid amendment to Act No. 89/2012 Coll., the Civil Code that has come into effect on 1.1.2014. The goal of the thesis is it to introduce, describe and analyze the new amendment to the Family Act. Further, it aims to compare individual institutions with respect to changes made to the Family Act in the past and those made as a part of the new amendment.

The thesis consists of eight key chapters. The initial chapter targets relationships among parents and their children, protection of children's legal rights as well as a child's right to know its biological origin.

Following, the second and the third chapters concentrate in depth on legislation of the paternity establishment per se. While the second chapter covers the historical development of the legislation from the ancient Rome era until present, the latter chapter intends to introduce the legislation from domestic, international and European perspectives.

The cornerstone of the thesis is the section covering the paternity establishment and its denial. Careful attention is given to both material and procedural nature of each one of the three legal presumptions presenting paternity establishment and denial.

The concept, methods and questions related to assisted reproduction comprise the chapter number six. However, execution of assisted reproduction methods entails issues related not only to establishing the parentage, but also to establishing maternity. Hence, the latter is covered in a separate chapter emphasizing issues of surrogate maternity, and secret and anonymous child births.

The last chapter completes the thesis with relevant judicature of both the Constitutional and the Supreme Court of the Czech Republic, as well as the European Court of Human Rights. Selected decrees contain outlined merits of the given case

along with its legal evaluation, based on the presented argumentation and conclusions provided by the individual court institutions.

The conclusion of the thesis entails a summary of the complex issue of establishing parentage, list of sources, legislation and judicature used in the text.