

Summary:

The goal of this thesis is to monitor legal rights available to homosexual couples in order to establish a family. In the first part, I am trying to clarify what kind of social unit is currently considered to be called a family. Further in the first part I am analysing the most common means of getting an offspring available for homosexual couples. I also analyse the way those means are regulated in Czech Republic, prospectively I am presenting influence of the Strasbourg court on the evolution of subject legal frame in Europe.

The main mean of gay couples to obtain a descendant, for the purpose of this thesis, is the artificial insemination method, which is analyzed in detail in the second part. I am both concerned about the historical evolution of it and its social picture and acceptance. Further I narrow my focus to application of this method for lesbian couples and I present studies to show how families with two mothers are working. Presented studies are held in both psychological and sociological point of view and they show, if and how the child is affected with growing up with homosexually oriented parents.

In the third part I analyze artificial insemination from the legal point of view. First I introduce legal regulation in liberal European countries which I consequently compare with the Czech one. Czech regulation of artificial insemination is very traditional and built on the nuclear family pattern to be the only right family pattern to grow child in.

In the fourth – morally ethical part, I try to prove that nuclear family doesn't have to be the only right pattern of family to raise child in. I am supporting this statement with presenting the liberal Scandinavian regulations as well as the social discussion preceding to its adoption and argumentation of Scandinavian legislators explaining why opening artificial insemination to lesbian couples is fair thing. Further I am using the jurisdiction of European Court of Human Rights to support a statement, saying that sexual minorities rights should be subject to special protection and that to reach equality in rights, it is necessary to grant homosexuals with the same rights as heterosexuals, instead of just tolerating them.