

Abstract

This master thesis deals with the issue of legislation of surrogacy. Development in the area of reproductive medicine as the first “test tube baby” in 1978 and following medical progress has inevitably brought development expansion of this institute. This institute, although that it brings with itself many ethical, social and legal questions, is not legally regulated in the Czech Republic (except one provision, Art. 804 of the Civil Code). Therefore, this master thesis tries to provide a proposal of legislation which might be adopted in the Czech Republic, using primarily analytical and comparative methods. After the surrogacy is explained and forms and models of it are described, the international framework is clarified. Although many states realize actuality of this topic, there has not been any international legislation adopted that would regulate e.g. surrogate tourism, until this day. However, there is a certain guideline, namely the interest of a child, as the European Court of Human Rights judged. State’s legislations range on the scale from criminalization (France) to legalization of its commercial form (Ukraine). After evaluation of legislation of some states whose regulations show real functioning of models of surrogacy, it is clear that the United Kingdom of Great Britain and Northern Ireland and Ukraine could be inspiration for the Czech Republic. The master thesis includes analysis of the issue of validity and invalidity of contracts on surrogacy which is important aspect of its realization. From the final consideration *de lege ferenda* for the Czech Republic follows that the authoress has chosen the way of legalization of surrogacy and the authoress provides a proposal of future possible legislation in the master thesis. This change of legislation of the Czech Republic should be based mainly on the regulation of origin of the parenthood and on the extension of the contractual types in the civil code of the contract on surrogacy.