

# **Crimes against a woman's pregnancy**

## **Abstract**

The topic of this doctoral thesis is crimes against a woman's pregnancy.

The first chapter of this thesis contains a historical excursion of the legislation in question in the territory of today's Czech Republic with an emphasis on the development of the issue in the 20th century, due to the analysis of the influence of previous legislation on the current legislative concept.

In the second chapter, the thesis deals with the definition of pregnancy and the timeline from the point of view of criminal law, as, among other things, the question of the duration of pregnancy plays a fundamental role for the correct legal qualification of illegal abortion. The chapter also deals with the issue of the limit of fetal viability in legal regulation.

The third chapter maps the current legislation on legal abortion. Some of the constituent elements of the crimes in question directly refer to the law on artificial abortion, and a detailed analysis of the legal abortion is thus necessary for a comprehensive assessment of criminal law. In addition to the procedure envisaged by the law when performing abortion, the chapter also contains an analysis of the legality of abortion performed in the Czech Republic for citizens of other EU member states.

In the following chapter, the thesis discusses attempts to amend the current legislation on abortion, finding that, with regard to the age of the regulations and related outdated terminology, obsolete provisions and the still inconsistent attitude of the professional public to the Euro-compliant interpretation of the provisions on abortion of foreign nationals with other than temporary residence, an amendment would be appropriate, but at the same time very difficult to implement due to the controversial nature of abortions.

The fifth chapter is dedicated to the individual crimes against a woman's pregnancy with an emphasis on clarifying some terms by means of a comparison of commentary literature. The chapter also contains a polemic over hypothetical factual situations and their legal qualification.

In the sixth chapter, the thesis compares the Czech legislation on criminal offenses against a woman's pregnancy with the legal systems of Slovakia, Poland, France and Malta. The French Republic takes a very liberal approach to abortions, Slovakia's regulations are similar to those in the Czech Republic, and Poland and Malta represent a conservative approach to this issue. After mapping the very different legislation in individual countries, the thesis identifies problematic points and, in some cases, proposes their solution.

The final seventh chapter is devoted to so-called abortion pills. Nowadays, these products can be obtained, in addition to the legally presumed way, e.g. via the Internet or by importing from another country. The chapter examines this relatively new issue through the lens of criminal law.

**Key words:**

pregnancy, abortion, abortion pills