

Potential development of Czech abortion legislation

This thesis is focused on the assessment of the potential development of the legal regulation of abortion in the Czech Republic, especially that contained in Act No. 66/1986 Sb. on the artificial termination of pregnancy and in Ordinance No. 75/1986 Sb., which implements the Act of the Czech National Council No. 66/1986 Sb., on the artificial termination of pregnancy. The thesis first defines the terms "miscarriage", "abortion" and other terms related to them, and then the thesis examines the very social views associated with these terms and the prevalence of the movements arising from these views in the Czech Republic. Subsequently, the current legal regulation of abortion is analysed in detail, especially regulation contained in the above-mentioned law and ordinance, but also in other laws, including criminal laws, and in the Charter of Fundamental Rights and Freedoms. The reasons for the adoption, the reasons for the wording and the effects of the current legislation are discussed. Attention is then paid specifically to its shortcomings, its obsolescence or even inapplicability of certain provisions due to their contradiction with reality, with other statutes of the Czech Republic, with primary EU law, or due to the absence of institutes referred to by the given provisions. The aim of this thesis is to examine potential changes that could befall the legal regulation of abortion and eliminate these shortcomings, under the influence of a number of external influences. These include both the aforementioned attitudes of Czech society and international trends, which are illustrated by recent developments in the legal regulation of abortion (or attempts at development) in selected European countries (especially Poland and France), at the EU level and in the USA. The jurisprudence of the European Court of Human Rights concerning abortion is also analysed. The thesis then examines the historical development of abortion legislation, particularly its loosening in the 20th century, and the subsequent previous, unsuccessful efforts to achieve changes to the current abortion legislation. The thesis concludes, after considering all relevant factors, with an assessment of possible to probable changes to the current legal regulation of abortion, their priority, potential form, their placement in the legal system, and the reasons why these changes - notwithstanding the acute need for some of them - are unlikely to occur in the near future.