

Summary

The M. A. thesis “The Protection of the Human Foetus” deals, as obvious from its title, with the issue of protection of the human foetus in the Czech legal order for one thing and in selected countries, taking their legal regulations in concern, for another. The text primarily highlights and analyzes the development of legal regulations in today’s Czech Republic; special emphasis is put on the criminal law aspect of the whole matter. According to the presented interpretation and exposition of the problem, it is indeed possible to assume that the legal order of the Czech Republic offers sufficient protection to the human foetus. The germinated life and the life and health of the mother are first and foremost protected through the means of criminal law.

The M. A. thesis is divided into eight chapters. The first part of the thesis is devoted to the definition of terms dealing with the issue in concern. Due to its importance, the historical development of the researched phenomenon is likewise not omitted. Furthermore, the constitutional and international dimensions of the problem are also explored. Last but not least, the M. A. thesis deals with the criminal law regulations of the Czech Republic, the regulations of intentional ending of a pregnancy and its conditions. The final chapter puts emphasis on selected states and their approach to the question of the protection of the human foetus.

In the course of centuries, as mankind gradually developed, the opinions, approaches, settlements and solutions of the problem changed in many different ways according to the cultural, religious and social development and to the evolution process of the society. The 20th century experienced an essential change in the dominant discourse dealing with the issue. It was indeed this time period when certain liberalization took place and when some states abandoned the prevailing sanctions and repression and in contrast began to regulate the whole matter somehow. The development of the problem in concern in today’s Czech Republic basically reflected, it can be argued, the trends and tendencies of the neighbouring countries. The milestone for Czech law in due course was the year 1957.

Despite the fact that the question of the protection of the human foetus is and always will be an extremely serious topic of societal discussions, I am convinced that it is the right thing to allow women to decide freely about their pregnancy, i.e. without excessive interventions of the state. Of course, and quite naturally, the state should not stand aside

completely, however, it should mainly play only a passive role; it should actively support prevention in the field of sexual education and foreknowledge. The situation in countries that either restrict or directly prohibit the getting of abortions on their territory shows the limits of this approach. In spite of all the efforts of these states, it is unquestionable that illegal abortions are and will be taking place, often in unsuitable conditions, or that pregnant women decide to undergo the medical intervention in a different country.

Key words: protection of the human foetus, illegal abortion, pregnancy