Foreword: The Best Interests of the Child Conceived by ART – Law in Book and Law in Action

Aleksandra Korać Graovac

Modern medicine has enabled assisted reproduction technologies that help couples and individuals to fulfill an inherent desire to become a parent despite infertility. As medical and biomedical sciences are developing extremely fast, philosophers, ethicists, moral theologians, psychologists and legislators have offered rules and drafted public policies and legal rules on sensitive issues concerning human reproduction. Jurisprudence tries to fulfill *lacunae* in law and plays an important role.

At the beginning of medical success in the field of human reproduction, public discussion started from the rights of infertile couples, but than focus shifted to the child conceived by medical help as well. It soon became clear that the central figure in these debates should be the child whose dignity, identity, security, and well-being must guide our legal and ethical frameworks. Still, legal solutions might be (and they are) quite different in particular national legislation, as it is shaped by culture, values, international obligations arising from international agreements, and the interpretation of human rights.

With the above in mind, the Central European Academy, University of Miskolc. appointed at the beginning of 2024 the research team 'ART and the best interests of the child': prof. Tímea Heinerné Barzó (University of Miskolc, Hungary); prof. Gordana Kovaček Stanić (University of Novi Sad, Serbia); prof. Marek Andrzejewski (Polish Academy of Sciences, Poland); prof. Marek Bielecki (Faculty of Law and Administration, War Studies University in Warsaw), prof. Emese Florian and prof. Marius Floare (Faculty of Law, 'Babeș-Bolyai' University, Cluj-Napoca, Romania); prof. Lilla Garayová (Pan-European University, Bratislava, Slovakia); dr. Dominik

Aleksandra Korać Graovac (2026) 'Foreword: The Best Interests of the Child Conceived by ART – Law in Book and Law in Action'. In: Aleksandra Korać Graovac (ed.) *The Best Interests of the Child Conceived by ART – Law in Book and Law in Action*, pp. 21–23. Miskolc–Budapest, Central European Academic Publishing.

https://doi.org/10.54237/profnet.2026.akgbiccartlbla_0

CC BY NC ND

Goluch (Cardinal Stefan Wyszynski University in Warsaw); prof. Aleksandra Korać Graovac (University of Zagreb, Croatia); prof. Zdeňka Králíčková (University of Brno, Czech Republic); prof. Suzana Kraljić (University of Maribor, Slovenia) and prof. Paweł Sobczyk (University of Opole, Poland). During our exciting research, we realized that international aspects are of great importance, especially cross-border surrogacy, so prof. Sibilla Buletsa (Uzhhorod National University, Ukraine) joined the authors with valuable insight in legislation of surrogacy in Ukraine. As co-authors of two chapters participated prof. Edit Sápi and dr. Zsófia Nagy (University of Miskolc, Hungary).

The collective work of the research team – encompassing two conferences and numerous formal and informal scholarly debates and discussions culminated in this monograph, whose purpose is to offer a comparative analysis of law in the books and law in action concerning assisted reproductive technologies and the best interests of the child.

The concept of the book was agreed as somewhat interdisciplinary, so we decided to include psychological and ethical aspects of human reproduction, and to offer an international perspective on this issue. National reports were agreed to encompass policies regarding ART, constitutional provisions, medical regulation of ART, and family law regulation of ART from the perspective, when applicable, through the best interests of the ART – conceived child. Medical terminology is not unified, as we agreed to try to follow the content and terminology used by national legal provisions as much as possible.

The Ukrainian chapter is a little bit different, as the main focus was on surrogacy, which is extremely interesting because many children conceived by surrogate technique arrive in countries where surrogacy is not regulated or is banned. This phenomenon illustrates how deeply interconnected our legal systems have become.

The law addresses challenges arising from new possibilities and new social realities, so after finishing particular chapters till publishing, there were some changes in national legislation and jurisprudence. For example. Slovakia introduced a constitutional ban on surrogacy in September 2025; the Constitutional Court of Croatia ordered in December 2025 that a child born out of a surrogacy agreement has to be entered into the birth certificates and Slovenia amended legislation. We tried to reflect the reported changes in Conclusions and Synthesis.

The outcome shows that in Central and Eastern European countries presented in this monography, different approaches may be recognized in the field of medically assisted reproduction; the interpretation of the best interests of the child shapes legal solutions with the significant influence of the rights of adults. Predominant is the tendency that will ensure that the child will be raised in traditional families, but this is not a general rule. While the best interests of the child increasingly guide legal solutions, the rights and expectations of adults continue to play a significant role. Balancing these interests remains one of the most challenging tasks for contemporary family law, trying to resist the attempt that the law becomes *ancilla medicinae*.

As the editor, I would like to express my deep gratitude to all members of the project (Central European Professors' Network) and the authors who devoted their scientific effort to the project and, of course, to the Central European Academy for bringing us together and supporting our collective effort to better understand and promote the best interests of the child in the environment of assisted reproduction.