

STRESZCZENIE W JĘZYKU ANGIELSKIM

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Tytuł pracy w języku polskim: Deklaracje bioetyczne UNESCO jako źródło uniwersalnych standardów bioetycznych
Tytuł pracy w języku angielskim: UNESCO declarations on bioethics as a source of universal bioethical standards
Streszczenie pracy w języku angielskim (maks. 1400 znaków):

At the end of the last century, the establishment of bioethical standards of a universal nature was carried out by the United Nations Educational, Scientific and Cultural Organization (UNITED Nations). *United Nations, Educational, Scientific and Cultural Organization*, UNESCO), The aforementioned legislative activity carried out by UNESCO is a form of implementation of the *Bioethics Program* which is part of a broader initiative called the *Program of Ethics of Science and Technology*. UNESCO, recognizing the dangers arising from the development of biomedical sciences and new technologies, trying to prevent the resurrection of eugenics and acting for the good of the individual and the entire human species, has adopted three – as it has been called – "instruments in the field of bioethics":

- 1) The Universal Declaration on the Human Genome and Human Rights of 11 November 1997,
- 2) The International Declaration on Genetic Data of 16 October 2003,
- 3) Universal Declaration on Bioethics and Human Rights of 19 October 2005.

The aim of the research, the results of which were presented on the worksheets, was to reconstruct the UNESCO bio-legal model, built on the basis of the above-mentioned normative acts. The monograph presents the results of analyses carried out to determine what bioethical principles have been expressed in the documents in question. In addition, the question of their internal coherence was answered. It has been proven what their actual normative content is and it has been determined whether these acts are part of the United Nations human rights protection system, built primarily on the foundation of the Universal Declaration of Human Rights. In pursuit of the above objectives, it was determined whether UNESCO's bioethical declarations regulate specific practices related to the conduct of research or the application of the achievements of biomedical sciences and related technologies. In addition, the question was given to whether UNESCO bioethical declarations are a source of law *in the strict sense* and whether they can be considered universally applicable bioethical standards. Due to the precise definition of the objectives of the monograph, research hypotheses were abandoned.

The work consists of five chapters preceded by an introduction and ending with an ending containing conclusions from the conducted research.

The first chapter presents the history of the development of broadly understood biomedicine. Reference was also made to the genesis of the medical profession and the qualities that should be met by people aspiring to practice the profession in question. From the perspective of the monograph, this was necessary because the axis of the whole work are issues related to the standards of conduct in biomedical sciences, and doctors seem to be the basic group of specialists in this broadly understood field of knowledge. In the course of the reflections made in the first chapter, historical and groundbreaking achievements in the field of medicine and ways of their application in practice are presented.

In the further part of the first chapter, the so-called biomedical precedents are presented, i.e. breakthrough events from the period of the biotechnological revolution already mentioned. The above made it possible to show the dynamics of the development of science and technology. The first

normative acts regulating the conduct of biomedical research and the implementation of the achievements obtained as a result of it were also pointed out.

The culmination of the first chapter is a presentation of the history of the development of bioethics and the genesis of UNESCO. The monograph highlights the pioneering role of the above-mentioned specialized united nations organization and draws attention to the fact of its involvement in the development of a universal system of human rights protection.

The second chapter of the work is devoted to the Universal Declaration on the Human Genome and Human Rights of November 11, 1997. In the course of the deliberations, the genesis of this normative act was presented, paying particular attention to Resolution 27 C/5.15 of the General Conference of UNESCO, in which the Director-General was asked to start work on the creation of an international instrument for the protection of the human genome. Its development from scratch was taken care of by the UNESCO International Bioethics Committee created for this purpose, which in its structure separated the Legal Commission. In the described chapter of the monograph, the course of deliberations from all meetings of the above-mentioned committee is analyzed in detail. The aim of the research was to indicate the assumptions that underlie the work undertaken on this instrument and the arguments that ultimately influenced the shape of the adopted solutions. In addition, the analysis of the course of the meeting was aimed at showing the process of shaping the axiological foundations of the declaration in question and determining whether the normative act being developed already at the stage of preparatory work was intended to complement, develop and clarify international human rights law in the field of biomedicine.

As indicated above, UNESCO intended to create a normative act that would be an instrument for the protection of the human genome. In the light of the above, it decided to use the proven and well-established concept of the common heritage of humanity, which until now was used primarily in the law of the sea (the common heritage of humanity was defined as the seabed). It was recognized that the protection of the genome is to mean the protection of the entire human species, and thus above all the dignity, identity and integrity of each individual. It was human dignity that was to become the foundation of the legal act under consideration. All the bioethical principles expressed in the provisions of the declaration were to be based on the irreducible dignity of everyone. In the second chapter of the monograph, all the articles of the Universal Declaration on the Human Genome and Human Rights are analyzed in detail, and as a result of the research carried out, it was determined what bioethical principles were expressed in the normative act in question.

The third chapter of the monograph, entitled *The International Declaration on Genetic Data of 16 October 2003*, first defines genetic data, discusses the basic types of inheritance and gene mutations. In addition, the characteristics of selected and relatively common genetic diseases were presented and genetic tests were classified. This was necessary due to the specificity of the second UNESCO bioethical declaration. Particular attention was paid to the concept of genetic exclusion, according to which genetic data have a unique status and should be given special protection, stronger than other medical data.

The International Declaration on Genetic Data has been subjected to a detailed analysis, starting from indicating its genesis, through the interpretation of individual provisions to determining what bioethical principles have been expressed in its content. It should be stressed that, in particular, an attempt has been made to determine whether it complements, develops and clarifies the provisions contained in the Universal Declaration on the Human Genome and Human Rights. These acts have been compared and analysed in terms of mutual consistency.

Anticipating the analyses carried out on the pages of the work, it should be noted here that the International Declaration on Genetic Data was devoted not so much to the protection of the entire human species, based on the concepts of the common heritage of humanity and the protection of future generations, but has a more individual dimension. The declaration regulates in detail issues related to the collection, processing, use and collection of genetic data, proteomic data and human biological samples.

The fourth chapter of the monograph examines the Universal Declaration on Bioethics and Human Rights of October 19, 2005. As in relation to the two previous normative acts, work related to the preparation of the draft declaration was presented, paying attention to extensive public consultations, assumptions regarding the purpose of adopting this document and its actual normative

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content. The third UNESCO bioethical declaration was to become a universal instrument in the field of bioethics. In the course of work on its preparation, it was considered whether the principles underlying it should be divided into basic and derivative. Eventually, the idea of hierarchizing the principles expressed in the declaration was abandoned.

The last of the examined legal acts, distinguished by by far the widest range of subject matter, was subjected to analyses analogous to those carried out in relation to the two previous UNESCO declarations.

The fifth chapter examines and defines the role of UNESCO bioethical declarations in international human rights law. In addition, referring to the findings made in the previous chapters, dedicated to individual UNESCO declarations, the bioethical principles that are common to them have been reconstructed and characterized. It was also examined whether individual acts and the solutions adopted in them remain consistent in both axiological and normative order.

Accordingly, the paper defines the importance of UNESCO bioethical declarations for international human rights law and the place of these normative acts in international bio-law. The question of what values are considered fundamental in them was answered. It also determined whether the standards reconstructed on the basis of the provisions of the Declaration remain coherent with other norms forming the universal system of protection of human rights of the United Nations.

In the work, the indicated declarations were analyzed as comprehensively as possible. The basic research method that was used in the reconstruction of bio-legal norms contained in UNESCO declarations was the dogmatic-linguistic method and the systemic interpretation supporting it. Equally valuable, due to the ethical "sensitivity" of regulated relations, was the functional interpretation. Axiological and teleological analysis helped to reconstruct the content of legal norms. Due to the far-reaching relationships between normative solutions and the United Nations value system, social and political changes, the hermeneutical method was used.

