

Summary

The doctoral dissertation is devoted to the protection of fundamental rights in the area of scientific research in the international and European Union law. The title of the dissertation was deliberately formulated broadly to enable a comprehensive and multi-faceted approach to the study area. The following research goals were set for the work. The first is to identify and analyse international law provisions that guarantee the protection of human rights in connection with scientific activities. The second goal is to analyse selected European Union legislation affecting the conduct of scientific research and the guarantees of protection of fundamental rights contained therein. The study answers the following questions: whether, and if so, how does the international human rights system affect science? Which aspects of scientific activity were considered relevant from the point of view of human rights at the UN and Council of Europe level? Then: does EU law guarantee the protection of fundamental rights in connection with scientific research? Does the EU legal framework for the protection of fundamental rights when carrying out scientific research take into account international standards for the protection of human rights and constitute an adequate response to new challenges for human rights? Lastly, do EU scientific research provisions show that the Union has evolved from an economic organization to a political organization? The author identified two research hypotheses. The first relates to the fact that the guarantees of protection of human rights in connection with conducting scientific research relate primarily to the protection of persons participating in biomedical research. The second hypothesis is that existing guarantees do not sufficiently meet human rights challenges arising from scientific development.

The work consists of an introduction, four chapters and an ending. Chapter I is devoted to introductory issues. It serves to explain the basic concepts and outline the background for the analysis of legal norms. In Chapter II, the author looks at global standards for the protection of human rights and bioethical regulations and analyses their importance for conducting scientific activities. The provisions of the so-called International Charter of Human Rights, as well as other selected acts adopted at the UN forum. Attention has also been given to the declarations on bioethics issues developed at UNESCO, as they concern issues relevant from the point of view of human rights. Chapter III is devoted to human rights standards and bioethical regulations adopted at the Council of Europe. In this chapter, in addition to analysing the provisions of the European Convention on Human Rights, an overview of selected jurisprudence of the ECtHR is also considered. As in the case of global standards, the documents concerning bioethical issues were also taken into account - the European Bioethical

Convention together with the Additional Protocol on biomedical research, as well as non-binding documents, primarily the Recommendations of the Parliamentary Assembly and the Committee of Ministers. Chapter IV examines the provisions of EU law in terms of guaranteeing the protection of fundamental rights in connection with scientific research. The purpose of this chapter is to demonstrate EU competences in the field of research and how EU legislation affects this area of human activity. In addition to primary law, selected secondary legislation was looked. The regulations concerning: financing of scientific research from EU funds, conducting scientific research, legal protection of biotechnological inventions, as well as liability for a defective product were analysed. The ending contains synthetic answers to the research questions.