

wspomniany dokument nie tylko podkreśla ciągłość rozwojową istoty ludzkiej, postuluje on wprost odniesienie kategorii „godności ludzkiej” do najwcześniejszych stadiów rozwoju prenatalnego.

Zauważyć należy, że organy Rady Europy, rekomendujące wprowadzenie ochrony prawnej życia ludzkiego w początkowych stadiach rozwojowych, nie sugerują w istocie stopnia tej ochrony, a zwłaszcza nie stwierdzają, że powinna ona być tożsama z ochroną przysługującą narodzonym istotom ludzkim. Akty prawa miękkiego Rady Europy podkreślają jednak wyraźnie, że ochrona ta powinna być adekwatna do wartości chronionego dobra, a jednocześnie piętnują te praktyki, co do których negatywnej oceny panuje powszechna zgoda. W ten sposób kładzie się swoiste podwaliny pod europejski konsensus wokół najbardziej newralgicznych kwestii bioetycznych.

### **Octawian Nawrot**

#### **POLICY OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF A HUMAN IN THE PRENATAL STAGES OF DEVELOPMENT**

The protection of a human embryo and fetus is one of the most critical issues of the contemporary legal policy. On one hand, legal systems, including systems for the protection of human rights, are traditionally focused on the protection of rights and freedoms of a human, who is understood as an already born human being. On the other hand, the development of biomedicine shows that this human being is going to be a direct victim of actions taken on a human embryo or fetus. Thus, the legal protection of human rights and freedoms should be expanded for a human fetus, embryo or even gametes used for the procreation purposes.

There is no need to add at this point how difficult it is to develop adequate legal instruments in order to achieve this aim. Achieving a consensus, even on such basic issues as the legal status of a human embryo, often becomes impossible mainly because of the multiplicity of interests. Under the human rights protection system of the Council of Europe, where the process of creating standards for the protection of human beings against the risks associated with the development of biology and medicine seems to be the most advanced, not even the draft of the Treaty on the protection of a human embryo has been prepared so far, even that it was announced in the early years of the 1990-ties. The absence of a “hard” legal instruments governing difficult issues associated with the onset of human life does not mean, however, that no attempt is made to develop a common policy in this regard. The article is devoted to these particular attempts undertaken within the framework of human rights protection system of the Council of Europe, as well as their effects.