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Summary of the doctoral dissertation titled
Selected legal and bioethical aspects of *post-mortem* transplantation

The subject of this doctoral dissertation is selected legal and bioethical aspects of *post-mortem* transplantation. Transplantation can be defined as the transfer (engraftment) of human cells, tissues or organs from a donor to a recipient with the aim of restoring functions in the human body. We can distinguish *ex vivo* transplantation (with participation of living donor) and *ex mortuo* transplantation (with participation of deceased donor). Nowadays, transplantation is regarded as a routine method of treatment. It is often the only chance to people who suffer from malfunction of such organ as heart, kidneys, lungs or liver.

Despite the undeniable phenomenon of this type of therapy, numerous problems are associated with the issue of transplantation. The greatest number of problems appears in relation to issues such as criteria for determining that a human being has died, the models for consent to deceased organ donation, criteria that should be considered in allocating organs or tissues, admissibility of xenotransplantation, admissibility of financial incentives in organ transplantation systems and the lack of organs. Different systems provide different solutions regarding the above issues. An in-depth analysis allows me to propose changes that are aimed at increasing the efficiency of national transplantation systems.

The cross-border nature of the treatment method analyzed at work prompted me to seek international solutions. It seems that today, more than a century after the first successful transplantation surgery, it is crucial to find the answer to the question about the possibility of constructing an universal, global transplantation system, which could be based on common principles in every country. The main objective of the work was to present and compare solutions adopted in individual countries, followed by the posting of *de lege ferenda* postulates, which would allow to fully use the potential of *post-mortem* transplantation not only in Poland, but also in other countries struggling for years with the problem of organ shortage.

Due to the diversity of ethical and legal issues in transplant medicine, I have limited the subject of this study to the problems related to the *post-mortem* transplantation. Most of

the research that I managed to reach comes from the time when transplantation began to develop. Currently, the attention of scientists is focused on other issues of modern medicine (eg. infertility treatment, potential uses of human stem cells or genetic testing). Various problems related to the discussed treatment method have remained unresolved until now. Hence, it seems to me that this work could fill the gap in Polish studies devoted to the legal and ethical aspects of transplantation. The comparative method used in the study allowed me to make an in-depth analysis of the current status of the treatment method analyzed at work and to postulate the *de lege ferenda* postulates.

Analyzing the literature, I noticed that the presented method of treatment was given little attention. Due to the interdisciplinary character of transplantation as a method of treatment, it seemed necessary to bring closer not only the legal regulations themselves, but also to refer to extremely important medical, ethical, cultural and social aspects. Foreign literature is certainly more rich, hence, in this study I mainly used foreign sources. In order to make an in-depth analysis of the solutions adopted by individual countries, it was also necessary to refer to a series of works of strictly medical or ethical nature.

The dissertation consists of an introduction, five chapters and a summary. The first chapter of the dissertation, titled "Initial issues" contains the most important definitions and basic methods for classifying transplants. In this chapter I pointed out and briefly discussed transplant success conditions, which include tissue compatibility, proper donor and recipient selection, appropriate transplant conservation methods, appropriate immunosuppressive treatment methods, the ability to recognize and treat the process of organ rejection, prevention of complications and their treatment.

The next chapter entitled "Genesis and development of transplantation" I dedicated to the legal bases setting the framework for the discussed method of therapy. In this chapter, I made a synthetic analysis of the most important universal, european and national legal acts and documents. The third chapter deals with the procedure of *post-mortem* transplantation. Subsequently, the most important stages such as the procedures for determining human death, the models for consent to organ donation, the procedures for restore the appearance of the corpse and allocation criteria are discussed in detail.

The fourth chapter presents the problem of xenogeneic transplantation. In this part of the work I tried to find the answer to the question whether this type of transplantation can really be considered as an alternative to human organ transplants. The fifth chapter, entitled "Prohibition of commercialization of the human body and its parts", I dedicated to analyzing the problem of organ trafficking and human trafficking in order to collect organs. This part of

the dissertation is an attempt to assess postulates of commercialization of transplants that have been postulated for some time.

The dissertation is crowned with the "Ending", in which I assessed the solutions adopted by individual countries and on this basis I tried to answer the question raised in the introduction, namely whether there is a possibility to develop and implement global, universally accepted, effective legal regulations concerning procedure of *post-mortem* transplantation.

The result of the research proved that despite the relatively broad consensus regarding the basic assumptions of the transplantation system, building a worldwide system seems to be still unachievable today. The basic difficulty in introducing a coherent and uniform system consists in the necessity to take into consideration various economic, administrative, cultural, ethical, religious and social factors that often interweave each other. Against the background of various issues related to transplantation, a variety of values collide very often. Differences existing between countries today make it impossible to introduce a universal system.

However, it doesn't mean, that with the further development of biology and medicine, with the progressive merging of cultures and values, the various legal aspects of transplantation will not be further harmonized. In the era of constant shortage of transplantation material, the most effective remedy seems to be the development of international exchange of transplantation material and close cooperation between states, the creation of a widely accepted system of procurement and transplantation of organs, tissues and cells seems to be unavoidable, for the need to protect the rights of potential and actual donors and recipients.

Properly designed legal regulations could contribute not only to the further development of transplants, but also to a greater social acceptance for this type of therapy. Unification of standards, if not globally, even for the European one would certainly translate into greater effectiveness of the presented treatment method (in particular for more optimal use of collected organs, tissues and cells). The development of common standards based on solutions adopted by countries that managed to increase transplantation rates could contribute to a better use of the potential of *post-mortem* transplantation.

The consideration included in the study are based on the provisions of law dating back to the 4 June 2018.