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Klaudia Kofin-Brończyk is currently a third year PhD candidate in Law at the University of Silesia in Poland. Her thesis title is “Genetic discrimination as a legal problem”. Her research is focused on genetic data, human rights and third party rights. Klaudia has presented work at numerous conferences. Klaudia completed a fellowship at the Polish Ombudsman Office in Katowice during which she wrote legal opinions, especially on protecting vulnerable groups' rights.

Poster: The protection of individuals' genetic data

Genetic discrimination occurs when people treat others differently because they have or are perceived to have genetic features, which make it possible to determine the health predispositions of a person. Examples are genetic predisposition to Huntington's disease or the risk of developing colorectal cancer. From the point of view of the law, there arises an important problem: may the knowledge of genetic data be used in a manner which will be discriminating individual third parties? For example, this problem may occur when the insurer refuses to enter into a life insurance contract with us or increases our premium (Lemke 2013).

Resolving this issue and proposing legal solutions to ensure protection against genetic discrimination should take place not only at national but but also at international level. Just like we protect other rights under national legislation, so we must protect them internationally.

My hypothesis is the existence a gap in the international system of human rights. International and polish law does not adequately protect third parties against genetic discrimination. I have examined the regulations applicable in the universal (the UN) and European (the EU and the Council of Europe) human rights system. In the next stage of my research I will propose a universal model of legal protection of third parties against this type of discrimination.

It is the objective of this research to ascertain what groups of entities are in the greatest danger of the risk of genetic discrimination. Authors frequently refer exclusively to the studied individuals as to individuals which are in danger of the discrimination of this kind. It is difficult, nevertheless, not to take under consideration the unique character of the data of this kind, and that means, among others, the influence exerted by it upon the members of the family. Not only do genetic tests permit to ascertain the identity of an individual, and also their blood relationship with other individuals, but they also render it possible to acquire information relevant to the state of health of the former one. These data reflect the facts beyond the influence exerted by individual decisions, whereas some medical data relevant to diseases may result from our lifestyle. Genetic information is not difficult to be acquired,

either, because of being independent of the conscious choices of studied individuals.

The research confirmed the existence of a gap in public international law. Currently the international and polish law don not adequately protect third parties against genetic discrimination.