PRACA POGLĄDOWA
REVIEW ARTICLE

USING THE SAMPLES OF HUMAN BIOLOGICAL MATERIALS IN THE CRIMINAL PROCEDURE: THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS

Oksana V. Kaplina[1], Olha H. Shylo[1], Ivan A. Titko[2]
[1]YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY, KHARKIV, UKRAINE
[2]POLTAVA LAW INSTITUTE OF YAROSLAV MUDRYI NATIONAL LAW UNIVERSITY, POLTAVA, UKRAINE

ABSTRACT

Introduction: The use of modern advances in medicine to investigate crimes has caused a number of problems that require scientific reflection. In particular, today there are quite acute questions: medical intervention without the person's consent; forced sampling of human biological materials; clinical methods, the use of which in the biological samples taking will not be regarded as violation of international standards of human rights protection; the correlation of the need for the formation of DNA profile databases and the right of the person to non-disclosure of medical information.

The aim: The aim of this work is to identify and analyze the key points of the European Court of Human Rights (hereinafter referred to as the ECHR) regarding the peculiarities of retention and use of human biological material samples in the investigation of crimes, and the retention of such materials after the completion of the investigation and trial.

Materials and methods: In the preparation of the article, scientific works, the provisions of international normative acts regulating the use of human biological materials as well as the practice of the ECHR concerning the use of human biological materials in the investigation of crimes were used (8 decisions were analyzed in which the ECHR concerned the use of biological samples or related issues). In the research process to achieve the goal, a complex of general scientific and special methods of cognition was used, in particular, the comparative legal method, the system and structural method, the method of generalization, the method of analysis and synthesis, etc.

Review: The positions of the ECHR concerning the following were distinguished and generalized: a) the criteria for the permissibility of compulsory medical intervention for taking of human biological material within the framework of the crime investigation; b) the possibilities of spreading the right not to incriminate oneself on the compulsory taking of human biological materials samples; c) the retention features of cell samples and DNA information in the context of respect for the right to non-interference in the person's private life.

Conclusions: Obtaining and using the human material for the investigation of crimes are not a violation of the European Convention on Human Rights (hereinafter – the Convention), subject to the requirements stated in the practice of the ECHR.

KEY WORDS: human biological materials, taking of biological samples, criminal procedure, practice of the ECHR, human rights, investigation of crimes

Wiad Lek 2019, 72, 8, 1576-1581

INTRODUCTION

Nowadays the use of samples of human biological materials, obtaining of which, as a rule, is often carried out with the use of medical procedures, is quite common in the criminal procedure. At the same time, procedures for such samples taking, their use and retention are often bordered with violations of human rights guaranteed by the Convention. Therefore, there may be a violation of the prohibition of torture (Article 3 of the Convention); violation of the right to a fair trial, in particular in the context of the right not to incriminate oneself (Article 6 of the Convention)[1]; as well as the violation of the right to respect for private life (Article 8 of the Convention). Therefore, today there are quite acute questions: medical intervention without the person's consent; compulsory takiing of human biological materials; clinical methods, the use of which in the biological samples taking will not be regarded as violation of international standards of human rights protection; the correlation of the need for the formation of DNA profile databases and the right of the person to non-disclosure of medical information.

THE AIM

The aim of this work is to identify and analyze the key points of the ECHR regarding the peculiarities of retention and use of human biological material samples in the investigation of crimes, and the retention of such materials after the completion of the investigation and trial.

MATERIALS AND METHODS

In the preparation of the article, scientific works, the provisions of international normative acts regulating the use

[1] The right to freedom from self-closure is not directly specified in aArt. 6 of the Convention, however, is an element of the presumption of innocence (Funke v. France (25 February 1993) and John Murray v. The United Kingdom (8 February 1996).

of human biological materials as well as the practice of the ECHR concerning the use of human biological materials in the investigation of crimes were used (8 decisions were analyzed in which the ECHR concerned the use of biological samples or related issues). In the research process to achieve the goal, a complex of general scientific and special methods of cognition was used, in particular, the comparative legal method, the system and structural method, the method of generalization, the method of analysis and synthesis, etc.

REVIEW

Obtaining samples of biological materials without the person's consent and the prohibition of torture (Art. 3 of the Convention). In this context, first of all it should be pointed out that in practice, the ECHR clearly distinguishes between the need for compulsory medical procedures that are caused by therapeutic indications and compulsory medical procedures that are not conditioned by therapeutic indications and aimed at obtaining evidence in the investigation of a crime. At the same time, the use of compulsory procedures for the taking of biological samples for the purpose of investigating a crime by itself does not indicate a violation of the rights of a person provided for in Art. 3 and Art. 8 of the Convention. Accordingly, in Case of Jalloh v. Germany, the ECHR indicated the following, "Even where it is not motivated by reasons of medical necessity, Articles 3 and 8 of the Convention do not as such prohibit recourse to a medical procedure in defiance of the will of a suspect in order to obtain from him evidence of his involvement in the commission of a criminal offence. Thus, the Convention institutions have found on several occasions that the taking of blood or saliva samples against a suspect's will in order to investigate an offence did not breach these Articles in the circumstances of the cases examined by them" [1]. However, in view of the aforementioned delimitation of medical intervention (with a therapeutic aim and for obtaining evidence to investigate a crime), the ECHR uses slightly different approaches in assessing the admissibility of such medical intervention limits. In particular, the ECHR permits a greater degree of coercion in situations that are conditioned precisely by medical indications. With regard to the same medical intervention in order to obtain evidence, it will not be violated by the Convention solely on condition that such a procedure would correspond to the key principles formulated by the ECHR. The ECHR position in Case of Salikhov v. Russia is quite indicative in this key, where the ECHR stated the following, "It is observed at the outset that the clipping of the applicant's fingernails and the attempt to take his blood were not required by medical reasons, that is, they were not needed to protect the applicant's health. Rather, those procedures were aimed at securing evidence of a rape. This finding does not of itself warrant the conclusion that the intervention contravened Article 3, as the Convention does not, in principle, prohibit recourse to a forcible medical intervention that will assist in the investigation of an offence. Nevertheless, any interference with a person's physical integrity carried out with the aim of obtaining evidence must be the subject of rigorous scrutiny, with the following factors being of particular importance: the extent to which forcible medical intervention was necessary to obtain the evidence, the health risks for the suspect, the manner in which the procedure was carried out and the physical pain and mental suffering it caused, the degree of medical supervision available and the effects on the suspect's health. In the light of all the circumstances of the individual case, the intervention must not attain the minimum level of severity that would bring it within the scope of Article 3. The Court will now examine each of these elements in turn" [2].

Obtaining samples of biological materials without the person's consent and the right not to incriminate oneself (Art. 6 of the Convention). It is also worth pointing out that the ECHR practice raised the question of whether the compulsory taking of biological samples violated the right not to incriminate oneself. It should be recalled that according to the legislation of most European states, as well as in accordance with the provisions of the Convention, a person has the right not to testify against himself, and the forced obtaining of such testimony is considered illegal. Taking into account the above rule, there were cases where the applicants, applying to the ECHR, extended the right not to incriminate oneself to situations of compulsory taking of biological samples. At the same time, the ECHR in this key follows a clear position that the right to freedom from self-restraint extends solely to verbal information (testimony) and does not relate to the acquisition of human biological samples. In particular, the position of the ECHR was expressed in Case of Saunders v. United Kingdom, where the following was stated, "The right not to incriminate oneself is primarily concerned, however, with respecting the will of an accused person to remain silent. As commonly understood in the legal systems of the Contracting Parties to the Convention and elsewhere, it does not extend to the use in criminal proceedings of material which may be obtained from the accused through the use of compulsory powers but which has an existence independent of the will of the suspect such as, inter alia, documents acquired pursuant to a warrant, breath, blood and urine samples and bodily tissue for the purpose of DNA testing" [3].

However, it is interesting to note, that in another judgment (Case of P.G. and J.H. v. The United Kingdom), a similar approach not only found complete support, but was also extended to human voice samples. In particular, as the ECHR pointed out, "In so far as the applicants complained of the underhand way in which the voice samples for comparison were obtained and that this infringed their privilege against self-incrimination, the Court considers that the voice samples, which did not include any incriminating statements, may be regarded as akin to blood, hair or other physical or objective specimens used in forensic analysis and to which privilege against self-incrimination does not apply" [4].

The use of human biological materials samples in the criminal procedure and the right to respect for private life (Art. 8 of the Convention). Today, taking of biological samples (cell samples, DNA information, fingerprints[2]) is quite common for many European countries. In particular, most European countries allow the compulsory taking of fingerprints and cell sampling in the context of criminal proceedings. At least 20 member states of the Council of Europe have provided provisions for DNA information taking and its retention in national databases or in other forms (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Norway, Poland, Spain, Sweden and Switzerland). The number of such countries is gradually increasing [see at: 5]. It is permitted to use DNA material in the investigation of crimes and at the level of international regulations (in particular, the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to Application of Biology and Medicine [6]).

At the same time, an analysis of the ECHR practice provides an opportunity to argue that the main disputes are not because of taking and use of such data within the framework of crime investigation, but the further retention of bio samples while the investigation and trial are already completed. The question of retention of human tissue samples that were taken during the investigation of a crime is very relevant nowadays in the first place from the point of view of ensuring the right to respect for private life. At the same time, not being new, this question has not yet found a clear solution either in science or in practice. In particular, an analysis of the ECHR practice provides an opportunity to state that there is no unified approach. The question is usually solved based on individual circumstances of the case. Nevertheless, an analysis of the existing decisions of the ECHR still gives the opportunity to distinguish some general laws.

However, before turning to the description of these laws, we should note that some of the most general provisions regarding the rules for the use and retention of biological samples of human tissues (in particular, DNA data) in the investigation of crimes have been raised at the level of the Recommendations of the Committee of Ministers of the Council of Europe of 10 February 1992 No. R(92)1 On the use of analysis of deoxyribonucleic acid (DNA) within the framework of the criminal justice system [7]. According to this document, member states are encouraged to adhere to the following principles in relation to the use of bio samples and information derived from them:

- The taking of samples for the purpose of DNA analysis should only be carried out in circumstances determined by the domestic law; it being understood that in some states this may necessitate specific authorisation from a judicial authority;
- Recourse to DNA analysis should be permissible in all appropriate cases, independent of the degree of seriousness of the offence;
- Samples collected for DNA analysis and the information derived from such analysis for the purpose of the investigation and prosecution of criminal offences must not be used for other purposes;
- Samples taken for DNA analysis and the information so derived may be needed for research and statistical purposes. Such uses are acceptable provided the identity of the individual cannot be ascertained. Names or other identifying references must therefore be removed prior to their use for these purposes;
- Samples or other body tissues taken from individuals for DNA analysis should not be kept after the rendering of the final decision in the case for which they were used, unless it is necessary for purposes directly linked to those for which they were collected. Measures should be taken to ensure that the results of DNA analysis and the information so derived is deleted when it is no longer necessary to keep it for the purposes for which it was used. The results of DNA analysis and the information so derived may, however, be retained where the individual concerned has been convicted of serious offences against the life, integrity or security of persons. In such cases strict retention periods should be defined by domestic law. Samples and other body tissues, or the information derived from them, may be stored for longer periods: when the person concerned so requests; or when the sample cannot be attributed to an individual, for example when it is found at the scene of an offence. Where the security of the state is involved, the domestic law of the member state may permit retention of the samples, the results of DNA analysis and the information so derived even though the individual concerned has not been charged or convicted of an offence. In such cases strict retention periods should be defined by domestic law [7].

It is clear that in its decisions the ECHR cannot ignore the Committee of Ministers of the Council of Europe's general recommendations; therefore starting positions are drawn from them. In particular, when considering complaints related to the retention of bio samples, the ECHR not only addresses the question of whether there is interference with the sphere of privacy and whether such interference with public interests is commensurate, but also explores aspects such as:

- Differentiation of the interference degree with privacy in the use of bio samples, depending on the specificity of such bio samples (or information received from them): fingerprints, cells, DNA profiles;
- Severity (qualification) of a crime as a factor influencing the decision on the question of the admissibility of the use and retention of bio samples and the information obtained with their use and the term of such retention;
- The results of the investigation (in which the biological samples were taken) and the trial, in particular, whether the person was convicted or acquitted.

Therefore, summarizing some practice, we will try to distinguish the ECHR's generalized positions according to key aspects.

1. Human tissue samples (including DNA samples) contain personal data, and therefore their taking and retention is

[2] The reference of fingerprints to biomaterials is controversial, but we recall them in the light of the ECHR practice, which follows the principle of delimiting such samples as (a) cells, (b) DNA data and (c) fingerprints.

always an interference with privacy. In general, the position of the ECHR on this issue was as follows. In addition to the person's name, their private and family life may include other means of personal identification and family ties. Data contained in cells and DNA data are definitely a kind of personal data, since it is not only possible to identify a person, but also to observe their kinship ties, to establish ethnicity, etc. Moreover, any obtaining and retention of personal data by public authorities, no matter how they were received, should be considered as having a direct impact on ensuring respect for the privacy of the person concerned, regardless of whether there is any further use of these data [see at: 5; 8];

2. Such interference with private life is still permissible if this is due to the protection of the public interest. In general, in most cases, the ECHR recognizes that the public interest in combating crime fully justifies the objective of biological samples obtaining and using. At the same time, the issue of the further (that is, after the completion of the investigation and trial) retention of bio samples and the information received from them by the ECHR is not so clear. In particular, as stated by the ECHR in the judgment in S. and Marper v. The United Kingdom, the interests of the data subjects (from whom the biosphere was received) and community as a whole in the protection of personal data, including fingerprints and DNA information, may be outweighed by a legitimate interest in the prevention of crime. The court finds it to be beyond dispute that the fight against crime, and in particular against organized crime and terrorism, which is one of the challenges faced by today's European societies, depends greatly on the use of modern scientific techniques of investigation and identification. The Court agrees that the retention of fingerprints and DNA information pursues the legitimate purpose of detection and, therefore, prevention of crime. If the original taking of this information pursues the aim of linking a particular person to the particular crime of which he or she is suspected, its retention pursues the broader purpose of assisting in the identification of future offenders [see at: 5]. Also, the ECHR, determined by the permissibility of bio samples retention, the importance of public interest that can afford such retention, the length of retention, emphasizes the need to clearly distinguish between types of biological samples, in particular: fingerprints, cells (biological tissue samples), and DNA data. This, in its turn, makes it possible to distinguish and formulate the following position, which is followed in the practice of the ECHR.

3. The degree of interference with the right to privacy with the use of bio samples depends on the type of such bio samples (or information obtained from them): fingerprints, samples of biological tissues (cells), or DNA profiles[3]. The positions on this issue are primarily reflected in Van der Velden v Netherlands [9] and S. and Marper v. The United Kingdom [5] and are as follows. First of all, as it was already noted, the ECHR recognizes the retention of any bio samples, regardless of their variety, as the interference with the right to respect for the private life. At the same time, the ECHR indicates that the retention of fingerprints, DNA profiles and biological samples is generally more controversial than obtaining such bioinformatics, and retention of biological samples (cells) poses more ethical problems than digitized DNA profiles and fingerprints, taking into account the difference in levels of information that can be disclosed. The retention of cell samples implies a particularly strong interference with the right to respect for private life, given the extremely high amount of genetic and health-related information contained there. Thus, according to the degree of intervention in private life, the ECHR provides the following gradation of human bio samples (given the nature and amount of information contained in each of them): cellular material (the highest level of intervention); DNA profile (average level of intervention), fingerprints (the lowest level of intervention). This approach is substantiated by the following arguments:

- Human cell samples contain not only identifying information about a person, but also information about his or her health, the presence of diseases, etc., that is, information that goes beyond the scope of the need for a crime investigation. In addition, human cell samples contain a unique genetic code that can be used to form a DNA profile;

- The DNA profile contains a more limited amount of private information than the cellular material; in particular, it contains only identifying information along the DNA code and does not contain information about the health of the person and the presence of diseases. Nevertheless, the DNA code provides the ability to set data that goes beyond the scope of the investigation, in particular, to identify family ties or the ethnic origin of a person;

- Fingerprints, unlike cellular material and DNA profiles, provide an opportunity to identify only the person, but do not make it possible to identify any other personal information.

4. The severity (qualification) of a crime as a factor affecting the issue resolution of the permissibility of bio samples use and retention and the information obtained with their use and the term of such retention. The position on the need to take into account the severity and seriousness of a crime in deciding the use of the fight against criminality of human tissues is laid down in the Recommendation of the Committee of Ministers of the Council of Europe of 10 February 1992, No. R(92)1 [7]. Moreover, as stated in ECHR judgments, the majority of Contracting States allow the taking of cell materials in criminal proceedings only from persons suspected of committing crimes of a certain minimum severity. For example, in Austria, Belgium, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Spain and Sweden, the taking of DNA information in the context of criminal proceedings is limited to serious crimes, in particular those punishable by imprisonment [see at: 5]. In the judgment of W. v. the

[3] A DNA profile (or genetic passport) is data that contains information about the human genetic code, along with identifying data about the person to which this DNA profile belongs. The decisions of the ECHR refer to DNA profiles as digitized information stored electronically in the National DNA Database along with the identity of the person concerned (see at Case of S. and Marper v. The United Kingdom).

Netherlands of 20 January 2009 (Complaint No. 20689/08), the ECHR stated that the length of retention of DNA data after the investigation and trial should be based on the length of the maximum sentence that can be imposed in relation to the offence. And in the judgment of Peruzzo and Martens v. Germany, dated 4 June 2013 (Complaints Nos. 7841/08 and 57900/12), the ECHR found that the remedies provided by the relevant national law were sufficient: only the genetic material of recidivists or persons suspected of serious crimes, or crimes against sexual self-determination [10, p. 112, 116].

5. The results of the investigation, in which the biological samples were taken, and trial (in particular, whether the person was convicted or acquitted), are also compulsory taken into account by the ECHR in deciding on the justification for the retention of bio samples after the completion of the investigation and trial from the standpoint of respect for the right to privacy. The general concept in this issue is as follows: the unlimited duration of biological samples retention and information received from them about persons who were found guilty of a crime at the police databases is justified by the public interest in the fight against crime. Instead, a similar approach to the question of biological samples retention of persons who were not convicted of any crime violates the presumption of innocence. It is significant that in the vast majority of European states there is a clear distinction between the procedures for retention of biological samples of persons, depending on whether they were found guilty or not guilty of a criminal offence. For example, Belgium, Hungary, Ireland, Italy and Sweden require that such information be automatically deleted in order to justify or stop the criminal proceedings. Germany, Luxembourg and the Netherlands allow the retention of such information if there is any suspicion of a person or if further investigation is required in another case; Austria allows its retention, if there is a risk that the suspect will commit a dangerous offence; Norway and Spain permit the retention of profiles if the defendant was acquitted because he was not subject to criminal liability; Finland and Denmark allow retention for 1 and 10 years respectively, if justified, and Switzerland for 1 year if the proceedings were terminated [see at: 5]. At the same time, the provisions of the French legislation on the protection of fingerprints of justifiable persons during the twenty-five years were recognized by the ECHR as that is equivalent to their lifelong retention. Consequently, the ECHR stated that in this case the restriction of the right to private life was not proportional to the accomplishment of public interests in a democratic state [11]. It is significant that the results of the investigation and trial (recognition of a person guilty or innocent) in different ways affect the issues of enhanced protection of the minor's interests. Thus, these results, in some cases, may further enhance the privacy of minors, and in others, to alleviate the difference in approaches to minors and adults. For example, in the judgment of S. and Marper v. The United Kingdom, the ECHR indicated that "the retention of the unconvicted persons' data may be especially harmful in the case of minors, given their special situation and the importance of their development and integration in society"[5]. Instead, in the judgment of W. v. the Netherlands dated 20 January 2009 (Complaint No. 20689/08), the ECHR indicated that, unlike the case S. and Marper v. The United Kingdom, where the applicants were found to be innocent of a crime, that case involved the retention of DNA data of a person who had been prosecuted. Therefore, the applicant's minor age should not influence the decision on the retention of his or her biological samples after the completion of the investigation and trial [10, p. 113].

DISCUSSION

The questions discussed in this article are not completely new. As the issue of ECHR's interpretation of human rights in healthcare [see at: 12], and the question of samples of human biological materials amples taking and using, in particular regarding the application of compulsory medical procedures to the patient, has already been raised by researchers in different contexts. At the same time, the review of works makes it possible to state that today a number of issues remain controversial. The problem of the formation and use of DNA databases in Poland in the context of the adoption of relevant laws was considered by M. Goc, H. Dybrowska [13], where the authors, based on statistical data and positive experience with the use of human biological samples, expressed their belief in the need for further intensifying the use of such samples in the investigation of crimes. In turn, the issue of constitutionality of the DNA samples use, in particular in the context of Polish law, was raised in the work of J. Wójcikiewicz and V. Kwiatkowska-Wójcikiewicz [14]. The discussion on the relationship between the privacy of information containing human DNA and the public interest in the use of such information in the investigation of crimes is illustrated in the work of R. Erbaş [15]. A similar question was raised by K. Dedrickson [16], where the author concludes that the correct approach to the creation of universal DNA bases will guarantee maximum achievement in the fight against crime, with minimal interference with privacy. Controversial issues of the restriction of somatic human rights, the specifics of the use of compulsory medical procedures depending on the procedural status of a person, peculiarities of the application of various medical methods in order to obtain evidence are illustrated in the work of A. Gambaryan [17].

CONCLUSIONS

1. In practice, the ECHR clearly distinguishes between the need for compulsory medical procedures that are caused by therapeutic indications and compulsory medical procedures aimed at obtaining evidence in the investigation of crime. The use of compulsory medical procedures for taking of biological samples for the purpose of investigating a crime by itself does not indicate a violation of the rights of a person provided for in Art. 3 and Art. 8 of the Convention, but when assessing the admissibility of such procedures, the ECHR pays particular attention to the factors: the extent to which forcible medical intervention

was necessary to obtain evidence, the health risks of the suspect, the way in which the procedure is performed, the physical pain and the mental suffering experienced by the person, the degree of medical supervision and the impact on the suspect's health.

2. The ECHR maintains a clear position that the right not to incriminate oneself is applied exclusively to verbal information (evidence) and does not relate to taking of human biological samples, in particular such as samples of blood, saliva, urine, fingernail clippings, and even voice samples.
3. In resolving the issue of the admissibility of restricting the right to respect for private life in the use of human bio samples during the criminal procedure, the ECHR not only decides whether such interference with the public interest is proportional, but also takes into account aspects such as: (a) differentiation of the interference degree with privacy in bio samples using, depending on the specifics of such bio samples (or information received from them): fingerprints, cages, DNA profiles; (b) the severity (qualification) of the crime as a factor affecting the permissibility question resolution of the use and retention of bio samples and the information obtained with their use and the term of such retention; (c) the results of the investigation, in which the biological samples were taken, and the trial: in particular, whether the person was convicted or acquitted.

REFERENCES

1. Case of Jalloh v. Germany, application no. 54810/00, 11 July 2006. See at: http://hudoc.echr.coe.int/eng?i=001-76307
2. Case of Salikhov v. Russia, application no. 23880/05, 3 May 2012. See at: http://hudoc.echr.coe.int/eng?i=001-110718
3. Case of Saunders v. United Kingdom, application no. 19187/91, 17 December 1996. See at: http://hudoc.echr.coe.int/eng?i=001-58009
4. Case of P.G. and J.H. v. The United Kingdom, application no. 44787/98, 25 September 2001. See at: http://hudoc.echr.coe.int/eng?i=001-59665
5. Case of S. and Marper v. The United Kingdom, applications nos. 30562/04 and 30566/04, 04 December 2008. See at: http://hudoc.echr.coe.int/rus?i=001-90051
6. Konventsiya o zaschite prav i dostoinstva cheloveka v svyazi s primeneniem dostizheniy biologii i meditsinyi: Konventsiya o pravah cheloveka i biomeditsine (Oviedo, 4 April 1997) [The Convention for the Protection of Human Rights and Dignity of the Human Being with regard to Application of Biology and Medicine: Convention on Human Rights and Biomedicine]. See at: https://rm.coe.int/168007d004 (in Russian).
7. Recommendation No. R(92)1 of the Committee of Ministers on the use of analysis of deoxyribonucleic acid (DNA) within the framework of the criminal justice system (Adopted by the Committee of Ministers on 10 February 1992 at the 470th meeting of the Ministers' Deputies). See at: https://rm.coe.int/09000016804e54f7
8. Case of Amann v. Switzerland, application no. 27798/95, 16 February 2000. See at: http://hudoc.echr.coe.int/eng?i=001-58497
9. Case of Van der Velden v. The Netherlands, application no. 29514/05, 07 December 2006. See at: http://echr.ketse.com/doc/29514.05-en-20061207/view/
10. Problemy bioetiki v svete sudebnoy praktiki Evropeyskogo Suda po pravam cheloveka [Problems of bioethics in the light of the jurisprudence of the European Court of Human Rights]. See at: https://rm.coe.int/case-law-2017/1680736451 (in Russian).
11. Case of M.K. v. France, application no. 19522/09, 18 April 2013. See at: http://hudoc.echr.coe.int/eng?i=001-119075
12. Tatsiy V., Gutorova N., Pashkov V. Legal aspects of cancer deseases prophylactics: patients rights context. Wiad Lek. 2017;71(I):1108–1113.
13. Goc M., Dybrowska H. The present and future of DNA database in Poland. Z Zagadnień Nauk Sadowych, z. L. 2002;150–154. See at: http://www.forensicscience.pl/pfs/50_goc.pdf
14. Wójcikiewicz J., Kwiatkowska-Wójcikiewicz V. The constitutionality of taking DNA reference samples. doi: http://dx.doi.org/10.12775/CLR.2017.009
15. Erbaş R. The tension between genome privacy and criminal justice in the wake of DNA databases. Journal of Penal Law and Criminology. 2017;5(2):163–178. See at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3081456
16. Dedrickson K. Universal DNA databases: a way to improve privacy? Journal of Law and the Biosciences. 2017;4(3):637–647. See at: https://doi.org/10.1093/jlb/lsx041
17. Gambaryan A.S. Otkaz ot prava i voprosyi ugolovno-protsessualnogo vmeshatelstva [Waiver and Issues of Criminal Procedure Intervention]. 2018;352. (in Russian).

Authors' contributions:
According to the order of the Authorship.

Conflict of interest:
The Authors declare no conflict of interest.

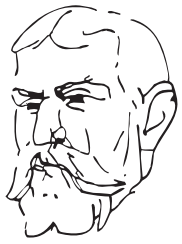
CORRESPONDING AUTHOR

Ivan A. Titko
Poltava Law Institute of Yaroslav Mudryi National Law University
Pershotravnevyi prospekt, 5, 36000, Poltava, Ukraine
tel: +380975150748
e-mail: titko.iv@gmail.com

Received: 24.03.2019
Accepted: 10.07.2019

Wiadomości Lekarskie

Czasopismo Polskiego Towarzystwa Lekarskiego



Pamięci
dra Władysława
Biegańskiego

TOM LXXII, 2019, Nr 8, sierpień

Rok założenia 1928

Aluna Publishing

W ogłoszonym 31 lipca br. przez Ministra Nauki i Szkolnictwa Wyższego wykazie czasopism naukowych Wiadomości Lekarskie otrzymały 20 punktów (pozycja 27088).

Wiadomości Lekarskie is abstracted and indexed in: PubMed/Medline, EBSCO, SCOPUS, Index Copernicus, Polish Medical Library (GBL), Polish Ministry of Science and Higher Education.

Zasady prenumeraty miesięcznika Wiadomości Lekarskie na rok 2019

Zamówienia na prenumeratę przyjmuje Wydawnictwo Aluna:

– e-mailem: prenumerata@wydawnictwo-aluna.pl
– listownie na adres:

Wydawnictwo Aluna
ul. Z.M. Przesmyckiego 29, 05-510 Konstancin-Jeziorna

Prosimy o dokonywanie wpłat na numer rachunku Wydawnictwa:
Credit Agricole Bank Polska S. A.: 82 1940 1076 3010 7407 0000 0000

Cena prenumeraty dwunastu kolejnych numerów: 240 zł/rok (w tym 5% VAT)

Cena prenumeraty zagranicznej: 120 euro/rok.
Cena pojedynczego numeru – 30 zł (w tym 5% VAT) + koszt przesyłki.
Przed dokonaniem wpłaty prosimy o złożenie zamówienia.

Wiadomości Lekarskie

Managing Editor:
Agnieszka Rosa amarosa@wp.pl

International Editor:
Lesia Rudenko l.rudenko@wydawnictwo-aluna.pl

Distribution and Subscriptions:
Bartosz Guterman prenumerata@wydawnictwo-aluna.pl

Graphic design / production:
Grzegorz Sztank www.red-studio.eu

Publisher:
ALUNA Publishing
ul. Przesmyckiego 29, 05-510 Konstancin – Jeziorna
www.aluna.waw.pl www.wiadomoscilekarskie.pl
www.medlist.org