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SUMMARY OF DOCTORAL DISSERTATION

"THE RIGHT TO HEALTH CARE FOR PEOPLE WITH DISABILITIES IN THE LIGHT OF THE EUROPEAN COURT OF HUMAN RIGHTS CASE LAW ON THE RIGHT TO PROTECTION OF LIFE AND HEALTH"

written under the supervision of prof. dr. hab. Jerzy Jaskiernia

The aim of the dissertation is to determine how the member states of the Council of Europe realize the right to protect the life and health of people with disabilities, which should be derived from the European Convention on Human Rights. In this dissertation, the subject of the analysis is the jurisprudence of the European Court of Human Rights. Based on them, specific standards have been constructed, binding Member States.

The implementation mechanism of the ECHR has been presented, taking into account the specificity resulting from the nature of the right to health care for disabled people.

Undoubtedly, governments are trying to create appropriate conditions to ensure the protection of people with disabilities, in accordance with the provisions of the ECHR and other documents of the Council of Europe, both of a legally binding nature, as well as the nature of the so-called "Soft law". However - as practice indicates - it is not always an easy process and requires appropriate measures as well as actions to implement it. The aim of the dissertation is to identify the barriers that cause that not all rights to the health protection of disabled people, resulting from the ECHR, are implemented. It is about analyzing the reasons for this state of affairs, as well as identifying ways to improve the situation.

It is also important to point out the need for complementarity and synergy between European international organizations in this area. Therefore, the activities of the Council of Europe will be confronted with the activities of the European Union, as well as the recommendations of the World Health Organization. This enabled us to obtain a realistic picture of what role the Council of Europe plays in this area and how it could increase the effectiveness of its contribution to the process of protecting the rights of disabled people.

Chapter 1 contains the general characteristics of the Council of Europe's axiological system and the place of the European Convention on Human Rights in it. The intention of this chapter is, among others presenting the origins of the Council of Europe, the structure and competences of its organs, as well as the role of the ECHR in this system, taking into account its legal character, rights protected by its provisions, as well as the control mechanism.

Chapter 2 shows the right to protection of life and health in the light of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights. For this purpose, a general description of the right to life and health protection, the jurisprudence regarding the right to life protection will be presented, i.e. the problem of the permissibility of abortion, damage caused to the child before birth, assisted procreation of man, the end of the right to life - the right to death, positive obligation to ensure safety, negative obligation - prohibition of depriving citizens of life by state officials, the problem of the admissibility of the death penalty, procedural obligations in the event of deaths due to a third party's fault, the problem of the admissibility of euthanasia; case law regarding the right to health protection, i.e. an appropriate standard of medical care, respect for patient autonomy, and liability for medical errors.

Chapter 3 shows the right to health care for disabled people in the light of the European Convention on Human Rights and the case law of the European Court of Human Rights. For this purpose it was presented: the general characteristics of the right to health care for disabled people, accessibility of disabled prisoners for freedom of movement and dignified conditions of their stay in prison, the rights of a disabled child to an adequate form of education and the scope of parental authority of parents, the rights of parents with disabilities to care for their children and the welfare of the child, as well as social rights of disabled people.

Chapter 4 presents trends which will increase the effectiveness of protection of the rights of persons with disabilities in the European system of protection of human rights. The activity of the Council of Europe was confronted here with the activities of the European Union and the World Health Organization in this regard. This created the opportunity to answer the question of what is the actual role of the Council of Europe not only in the creation of standards for the protection of the rights of disabled people, but also in the implementation of the systematic practice of the Member States. It also allowed to indicate the direction of better coordination of international organizations in this area, in order to achieve synergy and greater efficiency in the scope of implemented projects in this field.

In the dissertation the main hypothesis was verified, which assumes that the right to the health of disabled people is an important element of the right to protection of life and health in

the light of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights. Its implementation, however, has its specificity, resulting from the financial and technical conditions that make the effectiveness of the enforcement of this law in the practice of the member states of the Council of Europe deviates from the assumed international standards. An important issue is therefore the identification of barriers and indicating ways to overcome them.

Keywords: Disability, People with disabilities, Protection of life and health, Protection of human rights, European Court of Human Rights, European Convention on Human Rights.