

Kamil Gozdek

Summary of the doctoral dissertation entitled: “Complaints about the activities of the Police in the Lower Silesian Voivodship, which are related to human rights violations”, prepared under the scientific supervision of prof. Jerzy Jaskiernia together with co-supervisor, phd. Łukasz Piłkuła.

Throughout history, the development of a catalogue of human rights deriving from inherent and inalienable human dignity as the source of all fundamental rights guaranteed ever more precise legal conditions for the protection of fundamental rights. The Republic of Poland, as a member of the structures of the United Nations, the Council of Europe, the Organization for Security and Co-operation in Europe, and the European Union, has undertaken to accept and respect the rights contained in documents treating natural rights. The basic document defining human rights in Poland is the Constitution of the Republic of Poland. However, there are serious doubts about the protection it is actually supposed to provide (there are opinions that it does not currently provide this protection due to the actions of the government).

In the Republic of Poland, one of the organs having as its statutory tasks the protection of the security of citizens - also in the area of human rights violations - is the Police, which we can define as a non-military organisation to which the government has given a general right to use coercion to enforce the law and whose fundamental purpose is to respond to conflicts arising from unlawful behaviour. This formation should also embody respect for the inherent and inalienable dignity of the human being. However, recently a significant part of police activities has been treated by the society and public opinion as contradictory contrary to the purpose of the existence of this body. Excessive use of force, inhumane treatment of suspects and detainees, unjustified searches - these are the key charges that the Polish police have had to face in recent years. For citizens to feel safer, they must not only know their rights but also trust key state authorities. One of them is the police.

In this paper I intend to present the key problems of human rights violations in Poland (failure to sign and ratify selected conventions, blocking of certain solutions that could better protect citizens, etc.), by drawing an international and domestic contrast. The main tasks of the police will be discussed and the human rights that law enforcement

agencies are obliged to respect will be presented. The system of control of police activities in Poland will also be discussed, and the key problems of human rights violations by the Police in Poland in the period 2013-2018 will be analysed (e.g. violation of the right to assembly, violation of freedom from torture, inhuman treatment, violation of bodily integrity during medical examinations at the police station, beating, murder). Finally, the analysis of statistics concerning the number of complaints against Police actions both in Poland (in general) and in Lower Silesian Voivodeship (the number of complaints, what they concerned, how many were discontinued, how many ended up in court, what were the sentences, what rights were violated) will hopefully allow me to find answers to key questions related to the subject matter of this paper.

The analysis was conducted in the Dissertation in 4 chapters:

Chapter 1 of this thesis deals with the general characteristics of respect for human rights in police activity. In this chapter, the concept of human rights will be presented together with a historical outline briefly describing the stages of development of human rights in philosophical and legal thought. Next, the fundamental mechanisms of human rights protection will be presented. The intention of this chapter is also to indicate the areas of human rights that may be endangered by police activity. Next, the types of procedures for responding to violations and breaches of fundamental rights within police activity will be demonstrated.

Chapter 2 will present the universal (connected with the structures of the United Nations) and regional systems of human rights protection and the related standards of observance of fundamental rights in police activity. Among regional systems the procedures related to the Council of Europe, the European Union and the Organisation for Security and Co-operation in Europe will be characterised.

Chapter 3 will present the rules of respect for human rights by the police on the grounds of Polish legislation. The legal regulations contained in the Constitution of the Third Republic of Poland, specific laws (including the Act of 24 May 2013 on means of direct coercion and firearms) and ratified international agreements (an important element will be the list of unratified international agreements), as well as executive acts will be indicated.

Chapter 4 will present the standards of human rights observance in police activities in the light of research on the activities of police officers in the Lower Silesian Voivodeship. On the basis of the provided materials, the most frequently violated human rights will be presented, as well as the reasons for this state of affairs in the eyes of the

public and police officers. An analysis will be made of the legitimacy of complaints lodged and ways of completing complaint proceedings. Implemented and planned methods of preventing human rights violations by the police will be indicated. On the basis of previous research, final conclusions will be drawn and proposed changes aimed at increasing human rights protection in police activities will be presented.