

**Maria Curie-Skłodowska University
in Lublin
Faculty of Law and Administration**

Dr hab. Katarzyna Dudka, UMCS Professor

Self-presentation

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I. Directions of research before habilitation

I was a law student at the Faculty of Law and Administration of the UMCS in Lublin from 1986 to 1991. Right after my graduation, on the 1st October 1991, I started to work as an assistant in the Department of Criminal Procedure at the Faculty of Law and Administration of the UMCS in Lublin and after the unit's transformation – in the Chair of Criminal Procedure of the UMCS, directed by Prof. Edward Skrętowicz.

In the years 1991-1993 I went through the legal training for prosecutors, which ended with a prosecutor's examination passed with the highest grade.

In the years 1998-2000 I was employed as a adjunct (assistant professor) in the Higher Humanities and Environmental School in Sandomierz where I conducted lectures, regular classes and seminars in criminal procedure for students of administration.

Under the scientific guidance of Prof. dr hab. Edward Skrętowicz I prepared my doctoral dissertation entitled “The control of correspondence and of other forms of data gathering and sharing in Polish criminal procedure”. The reviewers in the doctoral procedure were Prof. dr hab. Tomasz Grzegorzczak from the Łódź University and dr hab. Zbigniew Sobolewski, professor of the UMCS Subsidiary in Rzeszów. The dissertation was being prepared at a very special time, as on the 6th of June 1997 the new Code of Criminal Procedure was accepted by the Parliament and it came into effect on the 1st September 1998. My doctoral dissertation was therefore, besides its scientific merits, of great practical significance as it referred to issues which were not regulated by statutes, i.e. it discussed problems connected with telephone-tapping and computer-tapping, the normative shape of these institutions and risks connected with the use of such methods.

On the 13th May 1998 the Council of the Faculty of Law and Administration of the UMCS in Lublin decided to grant me the degree of doctor in the field of law.

From the 1st October to the 31st December 2006 I was employed in the Chair of Criminal Procedure as an adjunct (assistant professor).

During the period before my doctoral degree my scientific interests

concentrated around the legal issues referring to the position of participants of criminal proceedings, evidence in such proceedings and the human rights in criminal proceedings.

The problems to which I was devoting my attention at that time could be divided into 4 basic groups. The first one comprised those procedural activities (mainly to gather evidence) which interfere with human rights. The following publications were devoted to such issues: the monograph "Correspondence control and wire tapping in Polish criminal procedure" (Wydawnictwo UMCS, Lublin 1998) and articles such as: "Control and recording of conversations in the project of the Code of Criminal Procedure from 1991" (Przełąd Sądowy 1994, no 7-8), "Limiting the contacts of the accused person with his lawyer" (Annales UMCS, Sectio G - Ius, vol. XLII, Lublin 1996), "Retention of correspondence in the project of the Code of Criminal Procedure from 1995 in comparison with binding regulations" (Prokuratura i Prawo 1996, no 4), "Changes in some of the provisions referring to evidence law in the years 1989-1996" (in: Poland in the 1990s. Transformation of state and law, Lublin 1997), "Computer-tapping in the new Code of Criminal Procedure – chosen issues" (Prokuratura i Prawo 1999, no 1), "Search in the Code of Criminal Procedure – chosen practical problems" (Annales UMCS 2000, no XLVII, Sectio G - Ius).

The second group of research problems was connected with the legal position and the participation in criminal proceedings of the participants of the criminal process. The following articles discussed such problems: "The participants of criminal proceedings according to the new Code of Criminal Procedure" (co-authors: E. Kruk, I. Nowikowski, E. Skrętowicz; in: New Code of Criminal Procedure. Crucial issues, Kraków 1998; New criminal codification. Code of Criminal Procedure. Crucial Issues, Wyd. Min. Sprawiedliwości Warszawa 1997r.; New Code of Criminal Procedure – conference materials – Lublin 1997); "Subsidiary complaint of the auxiliary prosecutor" (in: Book in honour of Professor T. Nowak, Poznań 2001); "The role of the Police in preparatory proceedings - a voice in the discussion" (in: Criminal proceedings in the XXI century. Conference materials - Popowo 2001; Warszawa 2002); "Restricting the number of auxiliary prosecutors in the Polish criminal

proceedings” (Prokuratura i Prawo 2004, no 7-8); “The participation of the victim in the activities of preparatory proceedings” (in: Problems of the revised criminal procedure, Z. Sobolewski, G. Artymiak, Cz. P. Kłak (eds.), Zakamycze 2004); “The legal obligation to inform about an offence and responsibility of the victim for the offence described in art. 240 of the Criminal Code” (Czasopismo Prawa Karnego i Nauk Penalnych, 2005, no 1); “The participation of the victim in the checking activities and in the basic investigation” (Czasopismo Prawa Karnego i Nauk Penalnych 2005, no 2); “Legal character and the role of the specialist in Polish criminal proceedings” (in: Problems of the theory and practice of criminal law. Book in honour of Professor Andrzej Wąsek, L. Leszczyński, E. Skrętowicz, Z. Hołda (eds.), Lublin 2005); “The principle of informing in the Code of Administrative Procedure and the principle of information in the criminal proceedings (co-author M. Książek, Prokuratura i Prawo 2005, no 11); “Preventive measures for offenders in family violence cases” (Wojskowy Przegląd Prawniczy 2006, no 1); „The admissibility of the so-called private evidence and the implementation of the material truth principle” (in: Material truth principle, Zakamycze 2006, s. 347 – 356); „Subjects entitled to file a motion to prosecute an offence committed against a minor” (Prokuratura i Prawo 2006, no 9). These problems were also discussed in popular science articles: “When the victims accuses on his own” (Rzeczpospolita 28.06.2005); “We are all investigators” (Rzeczpospolita 12.07.2005), “Important issues will be decided by the minister” ((Rzeczpospolita 12.08.2005) and “Lustration of journalists and of post-graduate students” (Rzeczpospolita 3.08.2006).

The third group of analysed problems comprised issues connected with the protection of the right to privacy as one of the basic human rights. This topic was discusses in the following articles: “The protection of the right to privacy and its limitations in Polish criminal law. Part I” (Czasopismo Prawa Karnego i Nauk Penalnych 2000, no 4); „The case-law of the European Court of Human Rights in Polish criminal law cases and the need to change the Polish procedural criminal law and the practice of its application” ((Nowe prawo karne po zmianach, Lublin 2002); “The protection of the right to privacy and its limitations in Polish criminal law. Part II” (Czasopismo Prawa Karnego i Nauk Penalnych 2002, no 1).

The fourth group of publications referred to chosen aspects of the forms and course of criminal proceedings. These were discussed in the following articles: “Sending a case back to complete the preparatory proceedings on the basis of art. 397 of the Code of Criminal Procedure” (Czasopismo Prawa Karnego i Nauk Penalnych 2004, no 1); “An anonym and starting criminal proceedings” (Prokuratura i Prawo 2005, no 4); “Chosen problems referring to investigations in case of offences prosecuted on private accusation” (Prokuratura i Prawo 2005, no 6).

The culmination of my research referring to the legal position of the participants in criminal proceedings was my habilitation dissertation: “The effectiveness of instruments designed to protect the victim's rights in preparatory proceedings in the light of empirical research” (Wyd. UMCS, Lublin 2006). On the basis of this dissertation together with other scientific achievements the Council of the Faculty of Law and Administration of the UMCS in Lublin granted me on the 22nd November 2006 the degree of *doctor habilitatus* in the field of criminal law, criminal procedure specialisation.

In my habilitation book I analysed dogmatically the legal instruments designed to protect the victim's rights during preparatory proceedings connected with his/her: participation in the activities of starting the proceedings (informing about the commission of a crime, filing a motion to start the proceedings, withdrawing the motion to start the proceedings, participation in checking activities and in the basic investigation, the right to lodge a complaint about the decision to refuse to start criminal proceedings or about the inactivity of a procedural organ), participation in the activities of the running preparatory proceedings (the right to file motions about conducting evidence investigation activities, participation in activities that cannot be repeated and in other activities, including activities conducted on the basis of art. 325H of the Code of Criminal Procedure, the right to read case files and make copies of documents and protocols of procedural activities, the right to file a motion to conduct mediation and the right to complain about decisions made during preparatory proceedings), participation in activities connected with claiming civil law rights (the right to come up with a civil action, with a motion to be granted compensation for damages on the basis of art. 46 § 1 of the Criminal Code, the claim to have one's

pecuniary claims secured) and participation in activities connected with the termination of preparatory proceedings (the right to file a motion to have the investigation completed, complaint about decisions referring to material evidence and about decisions terminating preparatory proceedings, the right to file a subsidiary act of indictment, a motion to transfer the civil action to a civil court, the right to be informed about the sending of the act of indictment to the court). Then I analysed in detail the results of empirical research.

The habilitation dissertation was based on extensive, two-tier empirical research conducted as an empirical project referring to the effectiveness of instruments designed to protect the victim's rights in preparatory proceedings which was financed by the Committee of Scientific Research, registered under the number 2H02A 021 23. The project comprised file analysis of all preparatory proceedings conducted in Poland in the period 1999-2001 in connection with the offence from art. 189 of the Criminal Code and surveys of victims appearing in analysed cases.

The aim of the file analysis (940 cases) was the impartial assessment of the level of the victim's activity in preparatory proceedings, finding out in what type of activities he did participate in upon his own initiative and which were initiated by procedural organs. It was also important to check the extent of the victim's lawyer participation in preparatory proceedings. The survey was directed to 1215 victims who appeared in the analysed cases and its aim was to establish the subjective causes of the victim's activity or its lack during preparatory proceedings as well as to establish whether in the victim's opinion, the legal measures available to him were sufficient for protecting his rights, how he assesses the possibility to effectively execute these rights without the aid of an attorney and whether the criminal proceedings and the actions of the process organs are perceived as effective and just.

Comparing the results of the file analysis with the results of the survey made it possible to answer the question whether the instruments the victim can use during preparatory proceedings are sufficient to protect his rights in criminal proceedings, and therefore, whether the aim of criminal proceedings declared in art. 2 § 1 point 3 of the Code of Criminal Procedure is being implemented. This is of great importance as the effective protection of the victim's rights during the investigation has influence on the

effectiveness of his activities during court proceedings and therefore on the protection of his rights during the whole criminal proceedings. The obtained results led to the conclusion that the norms designed to protect the victim's rights in preparatory proceedings are constructed in the right way. Their diversity and the details described in them serve well the protection of the victim's rights. De lege ferenda some changes are nevertheless needed, though they are not fundamental. The greatest reservations are connected with the regulations referring to informing the victim about his rights. Art. 16 of the Code of Criminal Procedure is not applied correctly. Its guarantee character is often overlooked. The analysis of the legal institutions and of the practice of their application conducted in the habilitation dissertation led to the formulation of some propositions de lege ferenda, referring to, among others, letting the victim participate in the final introduction to the preparatory materials and extending the complaint about the inactivity of the process organ (besides complaints about not taking a decision about starting the proceedings or refusing to start it) to decisions made during the investigation. Both propositions were accepted by the law maker by introducing changes into the Code of Criminal Procedure (art. 321) and the statute from 17th June 2004 on the complaint about infringing on the right of the party to the proceedings to have the case examined in preparatory proceedings conducted or supervised by the prosecutor and the right to have the case examined in court proceedings without unjustified delay.

In the years 2001-2004 I co-operated with the Helsinki Foundation for Human Rights by conducting lectures about issues connected with the protection of the right to privacy in the School of Human Rights and in the International School of Human Rights educating the lecturers and activists of non-governmental organisations.

During this co-operation, on the commission of the Helsinki Foundation for Human Rights I was the head of the project "Legal action in public interest" which was addressed to the members of non-governmental organisations occupied with the protection of human rights from Middle and East European countries. The main aim of the project was to promote among the members of these organisations the strategic litigation, i.e. activities leading to the change of law or its application by making use of available procedures and law measures (civil procedure, criminal procedure,

administrative procedure, complaint to the Constitutional Court, complaint to the European Court of Human Rights) in their domestic systems and on the international level.

Altogether, before obtaining the degree of doctor habilitatus, I published 43 various publications, including 2 monographs (with the habilitation dissertation), 24 scientific articles, 5 popular science articles, 4 glosses to Supreme Court decisions, 2 book reviews, 2 reports from conferences and 4 others.

II Research directions after obtaining the degree of doctor habilitatus in the field of law

After I obtained the degree of *doctor habilitatus*, from 1st January 2007 to 31st July 2009 I was employed in the Chair of Criminal Procedure of the UMCS on the position of and adjunct with the degree of doctor habilitatus, and from the 1st August 2009 up till now I have worked in the same unit on the position of associate professor.

For the last few years I have been a member of the Counselors Team on Crime Victims in the Attorney General's Office, whose work is, among others, devoted to analysing binding legal regulations shaping the situation of crime victims, preparing propositions to change the law so as to protect the victim's rights more effectively, preparing opinions and consulting draft bills referring to victims, preparing programs for prosecutors' training in the fields of victimology and international standards of dealing with crime victims by prosecutors.

Since June 2008 I have been employed on the position of associate professor in the Institute of Justice Execution in Warsaw, where I conduct extensive empirical research of the practice of law application by Polish prosecution and justice organs. So far I have conducted on my own the following research projects based mainly on file analysis of cases from the whole territory of Poland:

1. The activity of the public prosecutor during the main hearing in the light of the contradictory principle – 2009
2. Applying non-isolation preventive measures in the practice of justice

organs – 2011

3. The grounds for discontinuing and refusing to start criminal proceedings in rape cases – 2012

4. Implementing the openness principle in Polish criminal procedure – 2012

5. The adequate application of the provisions of the Code of Criminal Procedure in disciplinary proceedings against advocates and legal counsels – 2013

6. The uniformity of pronouncing disciplinary punishments in the legal professions of public confidence – 2013

7. The rules and range of adequate application of the provisions of the Code of Criminal Procedure in disciplinary proceedings against notaries. The rules of cost distribution in disciplinary proceedings against notaries as compared with other legal professions – 2015

I was also the co-author (co-executive) in 6 research projects conducted in the Institute which were also based on file analysis:

1. The intervention of the public prosecutor in case of offences prosecuted on private accusation (co-author: M. Mozgawa) – 2009

2. Criminal law protection of animals. Dogmatic analysis and the practice of prosecuting offences defined in art. 35 of the statute of 21st August 1997 on the protection of animals (co-authors: M. Mozgawa, M. Budyn-Kulik, M. Kulik) – 2011

3. Compensation for unjust conviction, provisional custody or detention in the jurisprudence practice of common courts (co-author: B. Dobosiewicz) – 2012

4. The situation of the victim in criminal proceedings, with special attention to his role as an auxiliary prosecutor or civil law plaintiff (co-author: G. Artymiak) – 2012

5. The effectiveness of non-isolation preventive measures (art. 275 § 3 i 275a of the Code of Criminal Procedure) (co-author: T. Gardocka) – 2012

6. The organisational court session according to art. 349 of the Code of Criminal Procedure) (co-author: H. Paluszkiewicz) - 2014.

At present I am closing another research project: The functioning of the institution of court referendaries in cases of petty offences and in enforcement proceedings, conducted at the commission of the Criminal Law Department of the Ministry of Justice. I am also a scientific patron of a research project conducted by an advocate apprentice ML M. M. Śliwa “The functioning of the system of advocate on-call time and the provision of legal aid in accelerated proceedings in the light of the possibility of extending it to implement the planned directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (COM (2013) 824 final)” - the subject was commissioned by the Criminal Law Department of the Ministry of Justice.

My research interests after obtaining the degree of doctor habilitatus comprise a few thematic spheres. Besides continuing the topics connected with the protection of human rights in criminal proceedings and position of the participants of criminal proceedings, my research interests have been extended to include the relationship between substantial criminal law and procedural criminal law, the problem of disciplinary responsibility in various professions (including academic teachers, legal professions and uniformed professions) as well as the problem of application of non-isolation preventive measures in criminal proceedings.

The following publications referred to problems such as: protection of human rights in criminal proceedings, the standards of fair criminal trial, the protection of the right to privacy and the right to be free from torture and inhuman treatment: “Private and journalistic wire-tapping and criminal proceedings” (in: Court application of law. A book in honour of professor Edward Skrętowicz, Lublin 2007), “The proposal to chemically castrate some offenders guilty of sexual offences and the right to private and family life” (in: Dilemmas of human rights, T. Gardocka, J. Sobczak (eds.), Warszawa 2008), “Access to the files of preparatory proceedings in the light of the fair trial principle” (in: Fair criminal proceedings. A book in honour of Professor Z. Świada, Wrocław 2009), “The contradictory character of proceedings as a standard of fair criminal proceedings” (in: The problems of penology and human rights at the beginning of the XXI century. A book in memory of Professor Zbigniew Hołda, B.

Stańdo-Kawecka, K. Krajewski (eds.), Warszawa 2011), “The extent of applying the standards of fair criminal proceedings to a subject obliged to return pecuniary gains” (in: Fair criminal proceedings. Conference materials, Trzebieszowice 17 – 19 September 2009, J. Skorupka, W. Jasiński (eds), Wolters Kluwer Polska, Warszawa 2010).

The problem of the rights and legal position of the participants of criminal proceedings is a separate and most extensive sphere of my scientific interests. I am especially interested in the problems of protecting the victim during criminal proceedings, especially in the light of implementing the directives of the Parliament of the European Union and Council which oblige Poland to introduce regulations strengthening the position of the victim in criminal proceedings. The rights of the participants of criminal proceedings were discussed in the following publications: “Commentary to the directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, L. Mazowiecka, E. Bieńkowska (eds.), Warszawa 2014 (co-authors: E. Bieńkowska, C. Kulesza, L. Mazowiecka, P. Starzyński, W. Zalewski, E. Zielińska), and scientific articles: “Complaint about the inactivity of a process organ – remarks de lege ferenda” ((Prokuratura i Prawo 2006, no 12), “The forms of social organisation participation in criminal proceedings” (Ius Novum 2007 no 4), “Some problems connected with the participation in proceedings referring to a juvenile of a woman who got married at the age of 16” (in: Problems of reforming the procedure in juvenile delinquency cases, conference materials, Lublin 18-19 September 2008), “On the justification of changing the prosecution mode in cases of rape” (in: The reform of criminal law – propositions and commentaries. Book to celebrate the 70th birthday of Professor Barbara Kunicka-Michalska, Warszawa 2008), “The participation in criminal proceedings of a subject bearing auxiliary responsibility” (in: Complaints procedure model of criminal trial. A book offered to Professor Stanisław Stachowiak, Warszawa 2008), “The European prosecutor in the system of Polish criminal procedure law” (co-author: B. Dudzik), (in: The protection of financial interests and the institutional transformations of the European Union, Wydawnictwa Akademickie i Profesjonalne i

OLAF, Warszawa 2009), "The condition of the profession of a judge from three perspectives" (in: Legal professions, T. Gardocka, J. Sobczak (eds), Wydawnictwo Adam Marszałek, Toruń 2010), "About investigative journalism or is the journalist allowed to do everything?" (in: Does the 4th power exist? The freedom of press in theory and in practice, T. Gardocka, J. Sobczak (eds.), Wydawnictwo Adam Marszałek, Toruń 2010), "Social interest as a reason for the prosecutor's interference in proceedings started on private accusation on the basis of art. 60 of the Code of Criminal Procedure (co-author: M. Mozgawa), (in: The functions of criminal proceedings. A book in honour of Professor Janusz Tylman, T. Grzegorzczak (ed.), Warszawa 2011), "The role of the victim in contemporary criminal proceedings" (in: Contemporary tendencies in the development of criminal proceedings from the point of view of dogmatics and the theory and philosophy of law, J. Skorupka, I. Haýduk-Hawrylak (eds.), Lex a Wolters Kluwer business, Warszawa 2011), "The activity of the public prosecutor in court proceedings in the light of the contradictory principle , Prawo w działaniu 2012, no 11, "The interference of the prosecutor into proceedings started on private accustaion (co-author: M. Mozgawa) (in: The application of law. Jubilee book of the Institute of Justice Execution, A. Siemaszko (ed.), Wolters Kluwer, Warszawa 2011, pp. 410 – 478), Compensation for unjust conviction, provisional custody or detention in the light of empirical research (co-author: B. Dobosiewicz), Themis Polska Nova, 2012, no 1(2), "The influence of the defence council on the contradictory feature of criminal proceedings" (in: Problems of administering criminal justice, A book in honour of Professor Jan Skupiński, Warszawa 2013), "The role of the prosecutor in the revised criminal proceedings" (Prokuratura i Prawo 2015, no 1- 2), "The possibility to apply the programs of restorative justice other than mediation in criminal proceedings" (in: European Union standards of restorative justice programs, L. Mazowiecka (ed.), Warszawa 2015), "Procedural consequences of the individual assessment of victims in criminal procedure" (in: Individual assessment to discover special needs of crime victims referring to their protection, L. Mazowiecka (ed.), Warszawa 2015), "The determinants of the defence council in criminal proceedings" (in: About the guarantees of contemporary criminal proceedings. A book in honour of Professor Piotr

Kruszyński, M. Rogacka- Rzewnicka, H. Gajewska-Kraczkowska, Warszawa 2015), “The object of pardon - chosen issues” (in: FIAT IUSTITIA PEREAT MUNDUS. A book in honour of Supreme Court Justice Stanisław Zabłocki, P. Hofmański (ed.), Warszawa 2014).

Another important issue discussed in my scientific activity is the relationship between substantial criminal law and procedural criminal law. There can be no doubt that these two branches intertwine and influence each other and the creations of norms for one of these branches has to take into account the needs and specificity of the other. The following scientific articles were devoted to these problems: “The influence of substantial criminal law on the statutory definition of the victim (in: The interdependence of substantial and procedural criminal law, Z. Ćwiąkowski, G. Artymiak (eds.), Warszawa 2009), “On the need to change some provisions of the Code of Criminal Procedure and the Criminal Code” (in: The Criminal Code and the Code of Criminal Procedure after 10 years of their validity. Evaluation and perspectives of change, M. Mozgawa, K. Dudka (eds), Warszawa 2009), “Criminal law protection of animals – dogmatic analysis and the practice of prosecuting the offences defined in art. 35 of the statute of 21st August 1997 (co-authors: M. Mozgawa, M. Budyn-Kulik, M. Kulik, Prawo w działaniu 2011, no 9), “The obligation to compensate for damages as a penal measure (art. 46 of the Criminal Code)” (Iuris Effectus. Kwartalnik Krajowej Szkoły Sądownictwa i Prokuratury. Zeszyt Specjalny, 2009 r.), “Remarks on the proposed changes of the Code of Criminal Procedure provisions referring to civil responsibility” (in: Substantial criminal law and procedural aspects of compensation for damages, Z. Ćwiąkowski, G. Artymiak (eds.), Warszawa 2010), “The obligation to compensate for damages caused by a crime committed by a notary (in: Criminal responsibility of the notary, A. Oleszko (ed.), Wyd. Stowarzyszenie Notariuszy Rzeczypospolitej w Kluczborku, 2010), “Procedural aspects of rape” (in: The offence of rape, M. Mozgawa (ed.), Wolters Kluwer, Warszawa 2012), “Procedural aspects of offences against dignity and bodily inviolability” (in: Offences against dignity and bodily inviolability, Lex a Wolters Kluwer business, Warszawa 2013), “The procedural law expert's remarks on

criminalisation and some relationships between substantial and procedural criminal law” (in: *Between the theory and practice of criminal law. A book in honour of Professor Lech Gardocki*, Warszawa 2014).

Another object of my scientific interests is the disciplinary responsibility of different professions and issues connected with adequate application of the provisions of the Code of Criminal Procedure to disciplinary proceedings. This last issue is quite crucial as disciplinary responsibility is closely connected with criminal responsibility. There is even an opinion that it is a type of criminal law which is different from state criminal law due to its particular character. The adequate application of the provisions of the Code of Criminal Procedure guarantees that proper standard of procedure will be maintained and gives protection to the rights of participants in disciplinary proceedings. The following publications are devoted to this topic: “Disciplinary responsibility and the range of application of the Code of Criminal Procedure provisions in disciplinary proceedings against academic teachers” (*Studia Iuridica Lublinensia* 2007, vol. IX), “Application of the Code of Criminal Procedure provisions in disciplinary proceedings against academic teachers” (in: *Crucial problems of criminal procedure*, P. Hofmański (ed.), Warszawa 2010), “The adequate application of the Code of Criminal Procedure provisions in disciplinary proceedings against notaries” (*Rejent*, special issue, marzec 2010), “Crucial problems of disciplinary responsibility of soldiers in the light of concurrence of disciplinary responsibility with other types of repressive responsibility” (in: *Concurrence of disciplinary responsibility with other types of repressive responsibility in uniformed services*, P. Józwiak, K. Opaliński (eds.), Piła 2014), “Implementation of the legality principle in disciplinary proceedings against academic teachers (in: *The legality principle in criminal proceedings*, B. Dudzik, J. Kosowski, I. Nowikowski (eds.), Lublin 2015), “Application of the Code of Criminal Procedure provisions in disciplinary proceedings regulated under the statutes on advocates and legal attorneys, *Prawo w działaniu*, 2014, no 18.

The newest object of my research interests is the problem of application of non-isolation preventive measures in criminal proceedings. These measures have met so far with lesser attention than provisional custody. Yet, every preventive measure of non-

isolation character infringes on human rights (the right to privacy, the right to property, the right to freely leave the state, which are regulated by the European Convention on Human Rights and additional protocols no 1 and 4). Therefore the proper practice of applying such measures is quite important. These problems were discussed in the following articles: “The practical problems of counting the non-isolation preventive measures as part of penal measures (in: Theoretical and practical problems of contemporary criminal law. A book in honour of Professor Tadeusz Bojarski, I. Nowikowski, A. Michalska-Warias, J. Piórkowska-Flieger (eds.), Lublin 2011), “Chosen problems in the application of non-isolation preventive measures” (in: Theoretical and practical problems of contemporary criminal law, T. Bojarski, A. Michalska-Warias, I. Nowikowski, K. Nazar-Gutowska, J. Piórkowska-Flieger, D. Firkowski (eds.), Lublin 2011), “The influence of human rights on the making and application of non-isolation preventive measures” (Wojskowy Przegląd Prawniczy, 2012, no 1 – 2).

The culmination of my research on non-isolation preventive measures is the monograph: “The practice of application of non-isolation preventive measures in Polish criminal proceedings” (printed by WoltersKluwer Publishing Company in November 2015, yet the assigned year of publication is 2016). In the monograph I made the dogmatic analysis of the legal regulations referring to non-isolation measures and the conditions of applying them, so that I could set a model which was the basis for empirical research. The necessity to conduct such research stemmed from the fact that in many cases it is not the imperfections of provisions that make certain legal institutions ineffective but it is rather due to the incorrect practice of the law enforcement and justice organs, which in turn becomes the barrier for their effectiveness. The monograph discusses the results of extensive research on the application of individual non-isolation preventive measures on the whole territory of Poland. The research was divided into two phases. In the first phase I analysed criminal proceedings terminated in 2006, in which process organs (courts and prosecutors) applied non-isolation preventive measures. This included 666 cases conducted by 103 prosecutor's offices of different levels and 91 courts – the district courts applied 504 non-isolation preventive measures, and regional courts – 36. The prosecutor's offices

and courts were chosen at random. In the analysed cases altogether 1193 preventive measures were applied.

The second phase of the research referred to criminal proceedings terminated in 2014, chosen at random from the courts and prosecutor's offices included in the first research. It was assumed that this stage was to be a control one and its main aim was to assess changes in the practice of non-isolation preventive measures application. This decision about the research directions was connected with the fact that during the first stage, when I was analysing the cases terminated in 2006 I observed many errors, some of which were fundamental, leading to infringements on basic human rights, e.g. not discontinuing the preventive measure in spite of terminating criminal proceedings. Therefore it was crucial to determine if the errors in the application of preventive measures still exist or the organs started to pay greater attention to human rights protection and the accused's right to defence is properly respected. This time the analysis comprised 600 cases conducted in 2014 by 68 district prosecutor's offices, by 4 regional prosecutor's offices and by 60 district courts and 10 regional courts. The analysis referred in the end to 507 cases in which 973 non-isolation preventive measures were applied. The results obtained during this phase of research led to the conclusion that the quality of preventive measures application in the Polish criminal proceedings improved during the analysed 8-year period, and the errors observed during the examination of cases from 2014 are not of a systematic character.

De lege ferenda it is however necessary to introduce some changes in the Code of Criminal Procedure by unifying the terminology used to name the preventive measures mentioned in art. 276 of the code (obligations and interdictions referring to certain activities), modifying the conditions of the application of the interdiction to leave the country and changing the construction of the preventive measures of conditional Police supervision and the order to temporarily leave the premises occupied by the accused together with the victim. At present these two measures are almost identical and in practice it is difficult to distinguish them. I propose to renounce the conditional Police supervision and the introduction of changes in the construction of the provision referring to the temporary leaving of premises occupied by the accused together with the victim.

Another important sphere of my activity is connected with preparing didactic publications, i.e. textbooks.

In 2015 I wrote and published together with H. Paluszkiewicz a textbook for students “Criminal proceedings” (Wyd. Wolters Kluwer,). My share in the book is around 55%. At present this is the only textbook on the law publications market describing the new model of criminal proceedings in the shape established by the revision of the Code of Criminal Procedure from 27th September 2013 which became binding on the 1st July 2015. The textbook has immediately become a bestseller.

I was also the co-author and editor of two other textbooks: “Special and separate proceedings in criminal proceedings (co-authors: B. Dudzik, B. Dobosiewicz, J. Kosowski, E. Kruk, M. Mozgawa-Saj), Warszawa 2012, Wolters Kluwer, and “Criminal proceedings. Cases and their solutions” (co-authors: B. Dudzik, B. Dobosiewicz, J. Kosowski, E. Kruk, M. Mozgawa-Saj), Warszawa 2012, Wolters Kluwer.

I was also the co-author of the textbook “Riddles of criminal proceedings”, Wydawnictwo Od Nowa, 2014, which presented the most interesting problems of criminal proceedings.

After obtaining the doctor habilitatus degree I have published 66 publications altogether (some scientific articles and textbooks as a co-author), including 1 monograph, 42 scientific articles, 3 textbooks, 2 commentaries, 14 reports from research projects, 2 reviews of compact publications and 2 others. I was the scientific editor of 3 publications (2 textbooks and 1 publication of conference materials). I was also the author of 12 legal opinions, 10 of which were commissioned by public organs (Sejm Office, Office of the President of the Republic of Poland and the Minister of Justice).

Altogether since I started my work in 1991 I have published 104 publications, 5 popular science publications and I prepared 13 legal opinions.

III. Research projects

At present I continue my research work connected with the position of the victim in

criminal proceedings. It is mainly connected with being a member of the Counselors Team on Crime Victims in the Attorney General's Office, At present I am finishing my work on the commentary to Chapter VI "Investigation, prosecution, procedural law and protective measures" of the Council of Europe Convention on preventing and combating violence against women and domestic violence. A chapter devoted to the auxiliary prosecutor in the "System of Criminal Procedural Law" (vol. VI, C. Kulesza (ed.)) is now being printed. I have also finished the writing of another chapter in the "System of Criminal Procedural Law" (vol. VII, R. A. Stefański (ed.)) about the participation of parties in preparatory proceedings and I am currently working on a chapter on the access of the parties to the files of criminal proceedings which is to appear in "System of Criminal Procedural Law" (vol. X, I. Nowikowski (ed.)).

The problem of the relationship between substantial criminal law and procedural criminal law as well as the problems of disciplinary responsibility against criminal responsibility keep occupying me.

I am planning to apply for a research grant which would be devoted to the problem of the uniformity of Polish procedural regulations with EU law requirements in order to establish which provisions of the Polish Code of Criminal Proceedings should be modified as to conform with EU regulations and in which spheres the Polish law maker has greater liberty in shaping the institutions of procedural criminal law and which matters are not covered at all by EU regulations. The problem of the influence of EU regulation on Polish law is a new sphere in my research interests which I intend to work on in the future. This seems necessary as a result of the extending europeanisation of criminal law.

IV. Participation in scientific conferences

After my habilitation I took part in a number of conferences, including international ones, where I also had presentations. The most important of these are:

A. National conferences:

1. Conference of the Attorney General prepared together with the Polish Ombudsman: " Individual assessment to discover special needs of crime

victims referring to their protection, Warsaw 26 February 2015, presentation: ““Procedural consequences of the individual assessment of victims in criminal procedure””;

2. Conference: “Disciplinary proceedings for the legal professions” organised by the Research Circle of Democracy Defenders of Adam Mickiewicz University in Poznan, 19th March 2015; presentation: “The adequate application of the provisions of the Code of Criminal Procedure in disciplinary proceedings”;
3. Conference: About the guarantees of contemporary criminal proceeding – a conference to celebrate the 70th birthday of advocate Professor Piotr Kruszyński, 25-26th June 2015, Warsaw University; presentation: The influence of the right to defence on the position of chosen participants of criminal proceedings.
4. Conference: “Legal advisers in the light of the changes in criminal law and criminal procedure, Zielonogórski University, 17th November 2015, Zielona Góra; presentation: “The participation of the legal advisor in preparatory proceedings”;
5. Conference: VII. Seminar in disciplinary responsibility in uniformed services: Appeal procedure in disciplinary proceedings, Police School in Piła, 20th November 2015, presentation: Court control of disciplinary sentences;
6. Conference of the Attorney General in co-operation with the Helsinki Foundation for Human Rights: Rape. Definition, reaction, victim support, 1-2 December 2015, presentation: The practice of prosecuting the offence of rape.
7. Seminar: “The practice of pronouncing and executing protective measures for offenders guilty of offences connected with their sexual preferences distortions”, Institute of Law Execution in Warsaw, 14th December 2015; presentation: “Protective measures for offenders guilty of offences connected with their sexual preferences distortions”;
8. Conference of the Attorney General: “Victim rights”, Warsaw 24th February 2014, presentation: “The right of victims to protection”;
9. Seminar of the Government Agent on Gender Equality and of the Foundation “Nobody's Children”: Representation of a child-victim of a crime in criminal

proceedings – process tutor”, Warsaw, Office of the Prime Minister, 31st March 2014, presentation: “The participation of the process tutor in criminal proceedings”;

10. Conference: “The legality principle in Polish criminal proceedings, UMCS in Lublin, Nałęczów, May 2014; presentation: “Implementation of the legality principle in disciplinary proceedings against academic teachers”;
11. Expert seminar: “Mediation as an alternative method of solving disputes”, Office of the President of the Republic of Poland, Presidential Palace, Warsaw 10th September 2014;
12. National conference: “Helping child-victims of crimes”, Foundation Nobody's Children, Warsaw 20-21 October 2014, participation in a panel: Process tutor;
13. Conference of the Attorney General prepared together with the Polish Ombudsman: “Restorative Justice in the directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime”, 22nd October 2014, chairman in the panel discussion devoted to the program of restorative justice;
14. Conference: V. Seminar on disciplinary responsibility in uniformed services “Guilt as an element of disciplinary responsibility in uniformed services”. Police School in Piła, 13-14 November 2014, presentation: “Practical problems of establishing guilt in disciplinary proceedings against uniformed services”;
15. Conference: Jagiellonian Days of Mediation, “How much mediation in the state? How much state in the mediation?” Jagiellonian University, Cracow 22-23 November 2014; participation in the panel “Mediator, who is he?”
16. Conference: “Towards contradictory principle? The criminal procedure in the project of the Criminal Law Codification Committee, UAM Poznań 22-23 April 2013., presentation: Remarks on the project to revise the Code of Criminal Procedure;
17. Conference: Scientific seminar devoted to the problems of disciplinary proceedings, UAM, Poznań 24th April 2013, presentation: “Adequate application of the provisions of the Code of Criminal Procedure in disciplinary

- proceedings against students”;
18. Conference: IV. Seminar on disciplinary responsibility in uniformed services “Concurrence of repressive responsibility in uniformed services”, Police School in Piła, 7th November 2013, presentation: “Crucial problems of the disciplinary responsibility of soldiers”;
 19. Conference: Offences against dignity and bodily inviolability, UMCS Lublin 10th December 2012, presentation: “Procedural aspects of offences against dignity and bodily inviolability”
 20. Conference: XXX Days of Human Rights “The rights of the dead?”, presentation: “Protection of the dead and their rights in Polish criminal proceedings”;
 21. Conference: “Boundaries of press freedom”; Higher School of Social Psychology in Warsaw, 24th February 2011, presentation: “Criminal law boundaries of journalistic provocation”;
 22. Conference: “The condition of the legal professions”, Higher School of Social Psychology in Warsaw, 21st January 2010, presentation: “The condition of the profession of a judge from three perspectives”;
 23. Conference: „Does the 4th power exist? The freedom of press in theory and in practice”, Higher School of Social Psychology in Warsaw, 16th March 2010, presentation: “Investigative journalism - or is the journalist allowed to do everything?”;
 24. Conference: “Contemporary tendencies of criminal law in the light of theory and dogmatics”, Wrocław University, Brunów, 16-18 May 2010, presentation: “The role of the victim in contemporary criminal proceedings”;
 25. Conference: “Legal consequences of reaching agreement or settlement in the presence of the mediator”, Regional Court in Lublin, 19th October 2010, presentation: “Consequences of an agreement reached in the presence of the mediator in criminal proceedings”;
 26. Conference: “Dishonesty in science”, Kazimierz the Great University, Bydgoszcz, 3-4 November 2010, presentation: Practical problems of adequate application of the provisions of the Code of Criminal Procedure in disciplinary

proceedings against academic teachers”;

27. Conference: “Substantial criminal law and procedural aspects of compensation for damages”, Univeristy of Rzeszów, Czarna, 22-24 October 2009;

B. Presentations at the most important international conferences:

1. VIII. Cracow Conference on Court Psychology, member of the debate referring to the topic: “The role of the expert in contradictory criminal proceedings”, Jagiellonian University, Cracow, 28-29 December 2015;
2. Conference: “The protection of financial interests and the institutional transformations of the European Union”, Research Society on European Law and OLAF, Warsaw 2009, presentation: “The European prosecutor in the system of Polish criminal procedure law” (co-author: B. Dudzik);

V. Expert opinions commissioned by central administration organs and participation in expert teams created by central administration organs

Before my habilitation I was the author of 1 legal opinion prepared on the commission of the Sejm Office and its topic was: “Can the “disclosure” of secret information not constituting a state secret (in the meaning of the statute of 22nd January 1999 on the protection of classified information) written in a classified document be treated as the offence described in art. 265 of the Criminal Code? - 2005.

After I obtained the degree of doctor habilitatus I prepared 9 legal opinions on the commission of public organs:

1. On the commission of the Minister of Justice – about the project of the statute from 30th March 2009 on the changes in the Code of Criminal Procedure – 2009;
2. A legal opinion in the Ministerial Team no. 5/10/DSP about the advisability of introducing the institution of court referendaries into criminal proceedings – 2010;
3. On the commission of the Minister of Justice – about the project of the statute

changing the Criminal Code and some other statutes (1st February 2010 version) – 2010;

4. On the commission of the Minister of Justice – about the project of the statute changing the statute on the protection of animals and on the cleanliness and order in communities – 2011;
5. On the Commission of the Commandant of the Municipal Guard in Lublin on the topic: “Do the officers of the municipal guard have the right to punish with penal tickets the drivers who park behind the D-18 sign with the information “Parking chargeable” without a valid parking ticket?” - 2011;
6. On the commission of the Minister of Justice – on the topic: “Can the execution of protective measures (isolation and non-isolation ones) connected with the pharmacological treatment of offenders guilty of serious crimes against life and health and of sexual offences be treated according to Polish law as a punishment in the meaning of art. 7 of the ECHR?” - 2012;
7. On the Commission of the Office of the President of the Republic of Poland on the topic: The types of punishments and penal measures which can be the object of pardon proceedings and the range of making the convicted person immune to them or of making these punishments less severe for the convicted person – 2013;
8. On the Commission of the Office of the President of the Republic of Poland – an additional opinion on the object of the right of pardon and chosen problems of the pardon proceedings – 2013;
9. On the Commission of the Chief Council of Notaries - opinion about the need to introduce changes into chapter 6 of the statute from 14th February 1991 – the law on notaries “Disciplinary responsibility of notaries” in connection with the entry into force of the statute from 27th September 2013 on changes in the Code of Criminal Procedure and some other statutes – 2014;

After I got my degree of doctor habilitatus I was a member of a few expert teams:

In 2008 I was a member of the Team of External Experts on Analyses Delphi of the National Program Foresight Poland 2010, organised by The Minister of Science and Higher Education.

From January 2010 to March 2010 (i.e. till its liquidation) I was the vice-chairman of the Team for analysis of the already binding and proposing new legal solution in the field of rationalisation of criminal proceedings, which was constituted by the decision of the Minister of Justice from 6th January 2010 (Official Journal of the Minister of Justice, no 1, position 1).

At present I am a member of the Team of Experts on Crime Victims in the Attorney General's Office.

Since 2011 I have been a member of the Polish Academy of Sciences Division in Lublin.

VI. Didactic activities and scientific supervision

A. Didactic activities

After I obtained the doctor habilitatus degree I have conducted the following lectures: “Criminal proceedings” and “The principles of proceedings in cases concerning petty offences” for student of law and of administration, lectures on post-graduate (doctoral) studies devoted to chosen aspects of procedural criminal law and seminars in criminal proceedings for law students (full-time and part-time students).

At present I conduct lectures in criminal proceedings for III-year students of full-time and part-time law (together with dr hab. I. Nowikowski) and lectures in criminal proceedings for II-year students of full-time and part-time first degree internal security.

I have also seminars in criminal proceedings for IV and V-year full-time students of law. During the seminar hours I organise trips to the Supreme Court, provisional custody places, the Department of Forensic Medicine of the Medical University in Lublin where students can witness an autopsy, as well as trips to the Foundation “Nobody's Children” where the students can see a safe interrogation room for children and learn about the special character of work with hurt children. I also

organise meetings with outstanding lawyers, including the lecturers of the National School of Justice and Prosecution, specialist in media knowledge and others.

Since 2007 I am the supervisor of the Criminal Section on Family Violence of the Student Legal Clinic, where the students prepare legal opinions for persons unable to afford legal aid. These opinions have to be approved by me before they are presented to the Section's clients.

B. Promoter in doctoral proceedings finished with granting the doctor degree

I was the promoter in three doctoral proceedings which led to granting the doctor degree by the Council of the Faculty of Law and Administration of the UMCS in Lublin:

1. Dr Marta Mozgawa, doctoral dissertation: Extradition in Polish criminal law;
2. Dr Rafał Skowron, doctoral dissertation: The court's influence on the contradictory character of court criminal proceedings;
3. Dr Ewa Ryś, doctoral dissertation: The role of the labour inspector in cases of offences against employees' rights.

C. Promoter in open doctoral proceedings:

I am now the promoter in two open doctoral proceedings:

1. ML Bartłomiej Dobosiewicz, dissertation title: Compensation for unjustified conviction, preventive detention and police detention in Polish criminal proceedings;
2. ML Beata Mazur, dissertation title: Prosecuting offences on private accusation in Polish criminal proceedings;

The progress of these works is such that at least one of them (B. Mazur's dissertation) should be finished in 2016.

D. Reviewer in finished habilitation proceedings which led to the granting of

the doctor habilitatus degree

I was the reviewer in one habilitation proceedings:

Dr hab. Dobrosława Szumiło-Kulczycka, Jagiellonian University, habilitation dissertation: „Operation and reconnaissance activities and their relation to criminal procedure” (LexisNexis Publishing House, Warszawa 2012), the degree of doctor habilitatus granted by the decision of the Council of the Faculty of Law and Administration of the UJ from 20th May 2013 (decision no. 72/V/2013).

E. Reviewer in doctoral proceedings which led to granting the doctor degree

So far I have been the reviewer in four doctoral proceedings which ended in granting the doctor degree in law:

1. Dr Barbara Dudzik, Maria Curie-Skłodowska University in Lublin, doctoral dissertation: “Renewal of court proceedings ex officio in Polish criminal proceedings”, Lublin 2008;
2. Dr Dorota Siewierska, Łódź University, doctoral dissertation: “The position of the subject bound to return the pecuniary gain obtained through the commission of an offence by another person in Polish criminal proceedings”, Łódź 2009;
3. Dr Magdalena Żbikowska, Adam Mickiewicz University in Poznań, doctoral dissertation: “The use of the loyalty principle towards the victim in Polish criminal proceedings”, Poznań 2014;
4. Dr Iwona Gierula, Warsaw University, doctoral dissertation: “The offender's attorney in criminal proceedings as a person being guilty of being accessory after the act”, Warszawa 2014;

VII. Editorial activities

After my habilitation I have been the editor (in one case co-editor) of three scientific publications:

1. The Criminal Code and the Code of Criminal Procedure after 10 years of their

validity. Evaluation and perspectives of change, Warszawa 2009 (co-editor – M. Mozgawa);

2. Special and separate proceedings in criminal proceedings, Warszawa 2012;
3. Criminal proceedings. Cases and their solutions, Warszawa 2013.

VIII. Organisational functions in higher education

Since the beginning of my work in the UMCS I have occupied many organisational positions. These include activities of different types:

1. General functions:

1999-2001 – member of the Library Council of the UMCS

2012-2016 – member of the Senate Commission on Publishing

2. Functions connected with disciplinary proceedings:

1993-1996 – Secretary of the Senate Disciplinary Commission for Students of the UMCS

2001-2003, 2005-2008 – Secretary of the Disciplinary Commission for Academic Teachers of the UMCS

2003-2005 – Disciplinary Spokesman for Academic Teachers of the UMCS

2004-2008 – Coordinator of trainings for UMCS students in ethics and disciplinary responsibility; I was the originator and organiser of that training

2008-2012 – member of the Disciplinary Commission for Academic Teachers of the UMCS.

At present, in the years 2012-2016 I am occupying the position of the Disciplinary Spokesman for Academic Teachers of the UMCS.

3. Faculty functions:

2008-2016 – member of the Faculty Didactic Commission of the Faculty of Law and Administration of the UMCS

2012-2016 – member of the Faculty Commission on Obtaining External Funds of the Faculty of Law and Administration of the UMCS

4. Functions connected with student professional practices:

2001-2007 – the substitute of the Dean of the Faculty of Law and Administration of the UMCS on student professional practices

1993-2007 – supervisor of student practice in the prosecutor's office

5. Functions connected with student recruitment

1993-1997 – secretary of the Faculty Recruitment Commission for candidates to study at the Faculty of Law and Administration;

2000 – 2003 – deputy chairman of the Faculty Recruitment Commission for candidates to study at the Faculty of Law and Administration;

2003-2008 – member of the University Recruitment Commission for the 1st year of studies.

X. Activities to popularise science

My activities to popularise science go in two directions – writing popular science articles and conducting lectures popularising science among children.

I have written 6 popular science articles, which include: “Advertisements and ad-makers” (Prawo i Życie 1992 r.), “When the victims accuses on his own” (Rzeczpospolita 28.06.2005); “We are all investigators” (Rzeczpospolita 12.07.2005), “Important issues will be decided by the minister” ((Rzeczpospolita 12.08.2005) and “Lustration of journalists and of post-graduate students” (Rzeczpospolita 3.08.2006). I am also the co-author of a book entitled “Riddles of criminal proceedings”, D. Szumiło-Kulczycka (ed.), Wydawnictwo Od Nowa 2014, which presents in an easy way the most interesting and the most controversial problems of criminal procedural law.

The second way of popularising science is to conduct lectures. Since 2013 I have been making, as a social activity, lectures for children at the Children University of the UMCS in Lublin about the role of law in the civil society. During these lectures

I explain to the children what law is, what its role is, what the rights of children are and I organise with the children a simulation of criminal proceedings in a case concerning maltreatment of animals. I have also been regularly organising similar lectures for children from the Maria Montessori Primary School No 27 in Lublin for several years.

In 2014, together with dr hab. Grzegorz Smyk from the Department of the History of Law and State, I organised for the children from the Children University of the UMCS in Lublin a lecture entitled “Why don't we burn witches at the stake any more?”. During that lecture we prepared a simulation of a medieval inquisition process. The scenario for that process was based on authentic court trial from the middle of the XVII century which took place in Lublin. During the lecture we also presented some human rights protection problems to the children.