

**Summary of the doctoral dissertation**  
**„Right to a fair trial in the Constitution of the Republic of Poland**  
**of 2nd April, 1997”**  
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The first act of international law that directly expressed the right to a fair trial was the Universal Declaration of Human Rights. According to article 10 „Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”. Right to a fair trial from the Universal Declaration of Human Rights was an example for other covenants, especially article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms and article 14 of the International Covenant on Civil and Political Rights. According to article 6 paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms „In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. While according to article 14 paragraph 1 of the International Covenant on Civil and Political Rights „In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

The right to a fair trial as a classic human right was thus guaranteed in a universal and regional system of human rights protection.

Right to a fair trial is included in article 47 of the Charter of Fundamental Rights of the European Union. It is also guaranteed by many constitutions of member countries of the European Union, among them, the Constitution of the Republic of Poland of 2nd April, 1997.

The Constitution of the Republic of Poland contains two aspects of the right to a fair trial – positive and negative. In the first instance: „Everyone shall have the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court” (article 45 paragraph 1). The negative aspect is expressed in article 77 paragraph 2 of the Constitution of the Republic of Poland: „Statutes shall not bar the recourse by any person to the courts in pursuit of claims alleging infringement of freedoms or rights”.

The aim of the dissertation is to show the genesis of the right to a fair trial and the evolution of views on it, including the influence of international law standards, doctrine attainment and judicial decisions on its present form in the Constitution of the Republic of Poland.

The dissertation consists of an introduction, three chapters, an ending, and a bibliography. The first chapter focuses on the considerations regarding the shaping of the right to a fair trial in Polish constitutionalism. Considering the right to a fair trial, it was not possible to ignore the analysis of the acts of international law, in which that right was determined – article 6 paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, article 14 paragraph 1 of the International Covenant on Civil and Political Rights or article 10 of the Universal Declaration of Human Rights. However, the starting point for all considerations regarding the right to a fair trial under the international law is the right to a fair trial contained in article 6 paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms. This chapter also presents the progress of the preparation and adoption of the Constitution of the Republic of Poland of 2nd April, 1997, including works on the right to a fair trial.

The second chapter analyzes the constitutional model of the right to a fair trial in the Polish legal order. The analysis in this chapter concerned several groups of issues, including constitutional construction of the right to a fair trial, as well as the subjective and objective scope of the right to a fair trial. Moreover, the analysis was always connected with the interpretation made in the doctrine of law and complemented with the views expressed in the judicial decisions.

The third, concluding chapter is related to the right to a fair trial on the ground of the judicial decisions of the Constitutional Tribunal. The starting point for all considerations regarding in this chapter was to present the essence of the right to a fair trial on the ground of the judicial decisions of the Constitutional Tribunal since the Constitution of the Republic of Poland came into force. In this chapter has been also examined the concept of „the case” under article 45 paragraph 1 of the Constitution of the Republic of Poland in the judicial decisions of the Constitutional Tribunal.

At the end of the doctoral dissertation, final conclusions and the *de lege ferenda* postulates were indicated.