

SUMMARY

Diplomatic protection is an institution in the field of public international law and internal (systemic) law. Despite attempts made, it has not been codified. It was based on rigorous premises that were not questioned until the middle of the 20th century. Due to repeated, sometimes quite spectacular, cases of violation of elementary rights of individuals, an attempt was made to redefine diplomatic protection. The development of international human rights law is an important factor that has influenced the present shape of this institution.

The aim of the work is as complete as possible, and thus taking into account the doctrinal and jurisprudential development, discussion of the legal structure of diplomatic guardianship. One of the issues that require a broader analysis concerns the answer to the question whether the evolution of the right to diplomatic protection brings any added value in relation to the model formed. In particular, does international law create a regime of which the duty to provide diplomatic protection is part, or whether it supports the formation of a norm expressing the entitlement of victims of human rights violations to diplomatic protection? The main hypothesis of the dissertation assumes that, on the basis of inviolable human rights, the state is obliged to undertake diplomatic protection in the event of violation of the mandatory norms of international law (*ius cogens*). In the course of the research, the basic research methods of legal sciences were applied: historical, descriptive and legal analysis.

The first chapter contains an introduction to the issues of diplomatic protection and is a theoretical lecture on the subject of the research undertaken. It contains a general description of diplomatic protection, emphasizing the aspects relevant from the point of view of the topic of the work.

The second chapter is devoted to the criterion of the *locus standi* of diplomatic protection – citizenship, which is an institution situated on the border of international and national law, which determines the legal situation of an individual.

The third chapter covers the *conditio sine qua non* of the admissibility of diplomatic protection. It indicates the indispensable premise of this institution, which is an unlawful – in the light of international law – act of the state. The principle of exhausting the paths of international law and the principle of “clean hands” were also presented.

Chapter four discusses the institution of European Union citizenship and its relationship with national citizenship. The right to diplomatic protection guaranteed to citizens of the European Union and the procedural aspects of granting it were presented.

In turn, chapter five indicates the development of international law, in particular human rights, and the presence of diplomatic protection in the system of common values adopted and used by the international community.

Conclusions from the analysis carried out at the level of universal and regional international law are included in the conclusion. The analysis of the research material made it possible to achieve the aim of the work and led to significant conclusions regarding the impact of international protection of human rights on diplomatic protection.