

Summary of the Doctoral Dissertation: International Standards of the Right to Legal Assistance

The subject of the doctoral dissertation is the analysis and evaluation of international standards concerning the right of individuals to legal assistance. The right to legal assistance is a crucial element of a fair and effective justice system based on the rule of law. These international standards have evolved through provisions included in both universal and regional international agreements, as well as other documents adopted by international organizations. The research objective of this dissertation is to present the content and scope of the right to legal assistance based on international and national regulations and case law of international tribunals, as well as to identify limitations and challenges in accessing legal assistance at the pre-trial stage and in proceedings before judicial authorities. Efforts to harmonize the norms, criteria, and procedures for providing legal assistance and ensuring their compliance with international standards are hindered by the diverse legal and cultural traditions of states, as well as political, economic, and social conditions, along with previously established organizational and legal solutions. The dissertation examines the extent to which Polish regulations and those adopted in selected countries align with international standards of legal assistance.

The choice to research this topic was influenced by its significant practical relevance and the societal importance of the issues presented. The selection of the dissertation topic is also justified by the lack of comprehensive monographs on these issues in Polish legal literature.

The broad and multifaceted nature of the issues presented in the dissertation influenced the selection of research methods. The primary research method was the legal-dogmatic method, used to analyze international and national legal acts as well as case law. The comparative legal method was employed to compare legal regulations, institutions, and practical solutions concerning legal assistance at the international – universal, regional, and national levels.

The dissertation consists of five chapters, an introduction, and a conclusion. The first chapter is introductory in nature and provides a general overview of the right to legal assistance and defines its scope. The second chapter presents the standards of the right to legal assistance as outlined in documents adopted by the United Nations, aimed at ensuring effective and universally accessible legal assistance for individuals. The third chapter focuses on the standards of the right to legal assistance in regional international documents, with particular attention given to documents from the Council of Europe and the European Union. The fourth

chapter addresses access to legal assistance in proceedings before international courts and the case law related to this issue. The fifth chapter analyzes the principles and forms of providing legal assistance, the scope and methods of its funding within the Polish legal system and in the national laws of selected countries. This chapter also takes into account the results of studies on legal assistance conducted in several countries and presented in detailed reports. The conclusion of the dissertation contains findings and recommendations concerning the right to legal assistance. It includes an evaluation of the adopted legal and organizational solutions and outlines directions for actions aimed at improving the accessibility and quality of legal assistance. The recommendations de lege ferenda (proposals for future legislation) indicate the need for reforms to adapt national legal assistance systems to international standards and contemporary needs, drawing on experiences and proven practices.

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