

Marta Kolendowska-Matejczuk, PhD, attachment no 3 to the motion to initiate postdoctoral procedure in legal sciences in the area of law – summary in English

On the basis of Article 179 (2) of the Act of 3 July 2018 - provisions implementing the Act – Law on higher education and science (Journal of Laws of 2018, item 1669) in conjunction with Article 18 (1) of the Act of 14 March 2003 on scientific degrees and the scientific title and on degrees and the title with respect to arts, I hereby present this summary as attachment to the motion of 21 November 2018 to initiate postdoctoral procedure in legal sciences in the area of law.

SUMMARY

1. Full name:

Marta Kolendowska-Matejczuk

2. Diplomas and scientific degrees held, title of doctoral dissertation:

- In 2002 I completed a Master's course in law at the Faculty of Law and Administration at the University of Rzeszów with a 'very good' result and obtained the title of Master of Arts in Law (*magister prawa*). My Master's thesis entitled "Indictment" was completed under the scientific supervision of prof. dr hab. Zbigniew Sobolewski.
- Between 2003 and 2008 I completed interdisciplinary doctoral studies at the Institute of European Sciences of Jagiellonian University (Faculty of International and Political Studies).
- In 2008 I obtained the degree of Doctor of Philosophy in political sciences (*doktor nauk humanistycznych w zakresie nauk o polityce*). The title of my doctoral dissertation was "The European Court of Human Rights and the Polish Justice System". The dissertation was prepared under the scientific supervision of prof. nadzw. dr hab. Bogusława Bednarczyk. The reviewers were prof. dr hab. Halina Zięba-Załużka and prof. dr hab. Michał Chorośnicki.
- In 2003 I completed postgraduate studies in "Expertise in European Integration" with a 'very good' result (Faculty of Political Sciences and International Relations at Jagiellonian University).
- Between 2003 and 2006 I completed advocate's training at the District Bar Association in Rzeszów concluded with passing the bar exam with a 'very good'

result in 2006 (currently I am a member of the Bar Association in Warsaw, due to being employed by a public authority my entry in the advocates' list is passive).

3. Information on employment:

A) At research organisational units:

- Since 2009 up until now I've been employed as assistant professor at the Department of International Law of the European University of Law and Administration in Warsaw where I give lectures and teach classes as well as Master's seminars relating to international and European law.
- In 2009 I conducted seminars on The System of Human Rights Protection in the European Union at the Faculty of Journalism and Political Sciences of Warsaw University (Department of European Studies).
- In 2009 I gave specialist lectures on Poland before the European Court of Human Rights at the Faculty of International Relations of Andrzej Frycz Modrzewski Kraków University.
- Between 2005 and 2007 I taught classes on civil law as part of the course on Public Administration at the Rzeszów School of Engineering and Economics.

B) Other employment:

- Since June 2007 up until now I've been employed at the Office of the Commissioner for Human Rights – until 2012 as chief expert and since 2012 up until now as Deputy Director of the Criminal Law Department.
- Between March 2003 and May 2007 I worked at a law firm.

4) Description of the achievement as required by Article 16 (1) and (2) of the Act of 14 March 2003 on scientific degrees and the scientific title and on degrees and the title with respect to arts (consolidated text: Journal of Laws of 2017, item 1789):

A) Title of the scientific achievement:

The possibility to challenge incidental rulings provided for in the Criminal Procedure Code in the light of constitutional standards. Systemic considerations.

B) Bibliographical data:

Author: Marta Kolendowska-Matejczuk, year published: 2018, publisher: European University of Law and Administration, ISBN no: 978-83-65581-22-8 (softcover); 978-83-65581-23-5 (hardcover); 978-83-65581-24-2 (e-book), number of pages: 484, publishing reviewer: dr hab. Szymon Pawelec.

C) Description of the scientific achievement's objective:

The choice of topic, objective and research premises of the dissertation

Out of all the branches of national law, it is criminal law that interferes most dramatically with the constitutional rights and freedoms of an individual. This is because it imposes on individuals obligations, unknown to other branches of law, which are often connected with an intrusion into the most sensitive sphere of a person, pertaining to physical freedom and personal integrity. The particular repressiveness of criminal law, including procedural criminal law, gives rise to an obligation of the lawmakers to exercise special care in order to furnish an individual participating in criminal proceedings with appropriate guarantees and procedural rights, so that the proceedings are fair and just.

In the area of criminal law understood broadly, the role of introducing appropriate modes and rules of proceedings, as well as rights and obligations of its participants, falls to procedural criminal law, in particular the Criminal Procedure Code.

There can be no doubt that the fundamental procedural rights of participants to proceedings include the right to challenge procedural decisions, as guaranteed by the Constitution itself. It is therefore necessary to regulate procedural measures in a way which will ensure a balance between the relative positions of all participants of the proceedings. An appropriate regulation of rights of the parties to the proceedings is determined by other considerations as well. The lawmakers must take into account also the general aims of the proceedings and other values, balancing conflicting interests. Achieving a correct balance between these values is a great challenge for lawmakers and bodies upholding the law alike.

Rulings concluding a given case are not the only ones passed in the course of criminal proceedings; there are also incidental rulings. Such rulings are described as "collateral" in literature since they pertain to matters secondary to the main thrust of proceedings and it could appear that their role is not as important as that of rulings addressing the chief subject of proceedings. Nevertheless, despite this apparent "collateral" nature, incidental proceedings can frequently affect the rights and liberties of individuals and influence the course of the main proceedings, often determining their final outcome.

Guarantees relating to the system of appealing against procedural rulings should then apply equally to incidental rulings. This significance of the issue in question was the prime deciding factor leading to the problem of challenging incidental rulings being chosen as my main research topic.

Furthermore, several other factors contributed to the choice of the topic relating to challenging incidental decisions set out in the Criminal Procedure Code in the light of constitutional standards. It must be noted that despite its significance for the right of participants of criminal proceedings, this subject-matter has not yet been examined in depth. The dissertation indicated as a scientific achievement within the meaning of Article 16 (2) of the Act of 14 March 2003 on scientific degrees and the scientific title and on degrees and the title with respect to arts (consolidated text: Journal of Laws of 2017, item 1789) is the first attempt made in Polish jurisprudence to comprehensively and exhaustively encapsulate this issue in book form.

The chief scientific objective of the research was to examine the current model of challenging incidental rulings provided for in the Criminal Procedure Code, to carry out a first original and comprehensive analysis of this model and to compare it with applicable constitutional standards. These included: determining the role of the Constitution in criminal proceedings; presenting the constitutional standards relating to challenging incidental rulings; describing the model of challenging these rulings provided for by the Criminal Procedure Code and finally assessing this model in the light of the standards laid down by the Constitution and, in the event of systemic deficiencies being observed, proposing own foundations of such a model.

The aim of the dissertation was then to address the general tenets of the challengability model pertaining to incidental rulings in criminal proceedings in order to obtain the most comprehensive picture of the matter in question. As such, the work does not constitute merely a commentary or reporting but rather its basis is formed by deliberations of a systemic and structural character.

The constitutional perspective was therefore of vital importance to the dissertation topic. On one hand the necessity to address this aspect comes from the fact that the lawgiver decided to regulate the general framework of court proceedings, including matters relating to challenging rulings, at the level of the Constitution. Including a broad constitutional perspective was also necessary due to the highly repressive nature of criminal proceedings which often affect rights and liberties guaranteed at the constitutional level. The Constitution, with its highest place in the hierarchy of sources of law, directly influences the model of

criminal proceedings. Its provisions address aspects of criminal proceedings, primarily by introducing fundamental rights and guarantees shaping the position of the individual in a criminal case (so-called constitutionalisation of procedural criminal law). Since the aim of this dissertation was to propose model systemic solutions, to which the starting point should be, and indeed was, the Constitution, it had to take on an interdisciplinary character.

The research objective thus formed made it necessary to examine the analysed subject-matter in the light of the case-law of the Constitutional Court relating to the challengeability of incidental rulings as well as the views of jurisprudence presented on this matter. It is important to note that the analysis encompassed not only issues relating to criminal law, but other branches of law as well, in order to obtain a full picture of constitutional standards relating to challengeability of incidental decisions. Only the full sum of observations made by the Constitutional Court's case-law as well as members of the jurisprudence on this matter can form a basis for carrying out a comprehensive analysis of the topic and proposing one's own conclusions. A similar practice appears to be followed in the case-law of the Constitutional Court which, when examining the constitutionality of provisions of procedural criminal law, often addresses views relating to other types of procedure. However, the case-law of the Constitutional Court in this respect can be somewhat inconsistent which in turn causes a lack of unison among members of the jurisprudence. One of the aims of this dissertation is to point out these inconsistencies and develop one's own views on this matter so as to finally determine the actual core constitutional standards in this respect.

The analysis of constitutional grounds for challengeability allowed for forming comprehensive conclusions relating to the issue of challengeability of incidental decisions provided for in the Criminal Procedure Code, both relating to the current state (*de lege lata*) and desirable changes (*de lege ferenda*).

At the same time it must be stressed that the right to challenge rulings can be infringed both directly – by disallowing or limiting an appeal measure – and indirectly, e.g. by introducing formal requirements of an appeal measure which ultimately would frustrate it or render filing it overly difficult. The analysis presented in this dissertation focuses on the former, further-reaching aspect.

The topic chosen for the dissertation does not have a merely theoretical value, it is in fact very practical. The scientific achievement is a synthesis of many years of research as well as over 10 years of professional experience in this respect.

Thesis statement

The challengeability model adopted by the lawgiver for incidental provided for in the Criminal Procedure Code does not conform with constitutional standards and therefore needs appropriate legislative action in order to bring it in line with requirements provided for by the Constitution.

Methodology and structure of the dissertation

With respect to methodology, the analysis presented in this dissertation was conducted using the dogmatic method, including in particular the analysis and classification of the question of challengeability of incidental decisions in criminal proceedings as well as formulating one's own conclusions in this basis. Due to its topic, the dissertation relies to a significant extent on the case-law of the Constitutional Court as well as on Polish-language literature pertaining to this issue.

The structure of the dissertation was largely determined by the premises and scientific objectives set. The volume is divided into an introduction, four interrelated chapters and conclusions presenting a multi-aspect glance at the research subject-matter.

As part of introductory remarks, I deemed it necessary to explain the choice of the research topic and set out its general boundaries. In the introduction, I focussed primarily on presenting the justification and necessity of carrying out research relating to the chosen topic as well as the proposed scope of research. This section also contains the explanation of the structure of the volume and the research methods as well as the broad constitutional context adopted as a starting point for examining the issue of challengeability of incidental rulings in criminal proceedings. I indicated therein that since the Constitution itself sets out the framework for challenging rulings, including those of an incidental nature, the first step in conducting the research for this dissertation should be a detailed analysis of constitutional standards, as well as the extensive case-law of the Constitutional Court formed on their basis.

The first chapter is devoted to the role and significance of the Constitution in the process of shaping the model of challengeability of incidental rulings in criminal proceedings. In order to present a comprehensive analysis, I deemed it necessary to first present a general overview of Polish criminal proceedings, in particular incidental proceedings. This part of the dissertation focusses on matters serving as an introduction to the chosen topic and at the same time having a fundamental nature from the perspective of the challengeability system of incidental rulings, such as: functions and objectives of criminal proceedings; the role of the

Constitution in criminal proceedings and its direct application; the multi-centric nature of criminal proceedings. This part introduces a proposed definition of incidental rulings, basing on definitions already put forward in jurisprudence, and also examines the implications of Constitutional Court judgments with a specific scope pertaining to legislative omissions which have a particular significance for the challengeability of incidental rulings, particularly in the context of the lawmakers failing to account for the determinations made by the Constitutional Court in judgments which found a legislative omission to be a breach of the Constitution. In the first chapter particular attention was also paid to determining a list of principles of a due process and defining the right to fair trial which in turn made it possible to demonstrate the importance of being able to challenge incidental decisions in this regard.

The second chapter contains an analysis of the challengeability of incidental rulings within the context of the constitutional right of access to court. The essence of the right to court was examined in detail, including the role, definition and attributes of a court, as well as the scope of Article 45 (1) of the Constitution. I also deemed it necessary to address concepts such as a court case, the issue of procedural justice and the right to fair proceedings. For this purpose, an analysis of selected judgments of the Constitutional Court pertaining to the definition of a court case and fair proceedings under Article 45 (1) of the Constitution was conducted in relation to incidental rulings. The second chapter then addresses Article 77 (2) of the Constitution (prohibition of denying the right to appeal to court). The paramount importance of this provision for the model of challengeability of incidental rulings made by extrajudicial bodies, including by authorities conducting pre-trial proceedings, was underscored here. This allowed for the second chapter to provide an answer to the question whether, and under what conditions, it is permissible to exclude judicial review of such rulings. Finally, the second chapter contains a comprehensive analysis of the grounds for limiting the right of access to court which were additionally compared with the prohibition of denying the right to appeal to court (Article 77 (2) of the Constitution).

The third chapter features a detailed analysis of the constitutional standard of judicial review (Article 78 of the Constitution), including an explanation of its essence and a determination of its boundaries. Next, the exceptions to the right to judicial review were presented along with a comparison between Article 78 of the Constitution on one hand and Articles 45 and 176 of the Constitution on the other. The analysis conducted in this section of the dissertation aimed to present conclusions which would answer questions quintessential for its topic, such as: which incidental rulings are, and which should be, challengeable; which elements of the challengeability of incidental rulings model can be deemed fundamental; what

are the permissible limitations and exceptions to challengeability in this respect. Other important points are raised relating to defining the term “first instance” used in Article 78 of the Constitution and its consequences for the right to challenge decisions, including within the scope of rulings issued on the basis of the Criminal Procedure Code. A part of the third chapter was devoted to the question of relations between Articles 78 and 176 (1) of the Constitution. This served as a basis for assessing the constitutional grounds for distinguishing challengeability from right to hierarchical appeal in relation to incidental rulings. The findings in turn allowed to choose a permissible, and at the same time optimally effective, system of challenging rulings, between the horizontal and vertical model.

Finally, the national standards for challengeability of incidental rulings were examined through the lens of applicable provisions of international law. Comparative questions relating to standards arising from Articles 45 (1) and 77 (2) and also Articles 78 and 176 (1) of the Constitution as well as binding norms of international law concerning the challengeability of incidental decisions – due to the topic of the dissertation – were discussed only briefly (the final sections of the second and third chapter).

The fourth chapter is devoted to examining the model of challenging incidental decisions adopted in the Criminal Procedure Code. The specific nature of the research subject-matter required that that this model be confronted with the appropriate constitutional standards determined in the previous parts of the dissertation. Furthermore, this chapter contains an analysis of judgments of the Constitutional Court issued between 1 September 1998 (i.e. when the current Criminal Procedure Code entered into force) and 1 September 2018 (the date of closing the dissertation) in cases concerning a lack of challengeability (or lack of judicial review) of incidental rulings set out in the Criminal Procedure Code. As such, this chapter features commentaries on eleven judgments of the Constitutional Court, fundamental to the subject-matter in question. This, along with an analysis of applicable legal provisions of the Code, made it possible to present *de lege lata* conclusions concerning the conformity of the challengeability model with constitutional standards. Significant space was also devoted to formulating and justifying *de lege ferenda* conclusions which could potentially serve as remedy for the shortcomings of the current system indicated in the conducted analysis.

Conclusions

Any process of taking a binding decision carries the risk that the eventual ruling will be incorrect. The consequences of erroneous rulings of public authorities are quite obviously

unwanted, if only because of the interests they affect. Ruling made in the course of criminal proceedings – due to the specific nature of this highly intrusive branch of law – affect the fundamental rights and liberties of the individual most seriously. For this reason alone it is extremely important for every state upholding the rule of law that each participant to the proceedings has an adequate possibility for review of any ruling issued in criminal proceedings which can affect the outcome of the case, even if only potentially, in particular if it interferes with constitutional rights and freedoms.

The vast majority of rulings issued in criminal proceedings has a secondary character in relation to the main subject of the proceedings (incidental rulings). Nevertheless they have a fundamental significance for criminal proceedings for two reasons: first, they affect the most basic rights and liberties of the individual and second, such rulings often have, or can have, at least an indirect influence on the final judgment passed by the court concerning criminal responsibility. The possibility to challenge such decisions before a court serves to avoid mistakes and limit arbitrariness of criminal proceedings. In this sense, the right to challenge incidental rulings constitutes one of the fundamental guarantees of due process and determines procedural fairness which without a doubt is an element of the constitutional right of access to court.

However, the analyses conducted in this dissertation show that the model of challenging incidental rulings provided for in the Criminal Procedure Code is characterised by a significant lack of uniformity which comes to the fore when examining the various solutions adopted by the lawmakers concerning: the mode of challenge – the lawgiver variously adopts either a horizontal or vertical path of challenging individual incidental ruling; competence of bodies authorised to consider the challenges – the lawmakers saw fit to delegate this power to the court sitting as a single judge or in a panel and in some cases to the public prosecutor; deadlines for filing and considering appeals against incidental rulings – the general rule is a 7-day deadline for filing the appeal and essentially a lack of a deadline for considering it, yet the lawgiver still introduced exceptions to both these rules.

Furthermore, this lack of uniformity in solutions adopted by lawmakers doesn't always seem aptly considered or justified in the light of constitutional standards, as elaborated upon by the extensive case-law of the Constitutional Court concerning the question of challengeability of incidental rulings.

One can have the impression that to a certain extent the model of challengeability of incidental rulings adopted by the lawgiver for the Criminal Procedure Code is characterised by a state of "illusion of constitutionality". From time to time this model is shaken by a

judgment of the Constitutional Court issued in relation to its frames and foundations. As a result of such judgments, the lawgiver introduces pinpoint changes to the Criminal Procedure Code which are supposed to translate constitutional standards into practice. At the same time, as the analysis made for this dissertation showed, there is no effective mechanism for the lawgiver to monitor cases pending before the Constitutional Court or judgments of the Court which might affect not only the immediate subject of the case but also indirectly the provisions of the Criminal Procedure Code. The problem of individual measures comprising the model of challengeability of incidental rulings under the Criminal Procedure Code being in compliance with the Constitution is still current today since there are still solutions in the criminal law system which appear to be incompatible with constitutional standards. One example might be the mechanism of appealing against certain incidental rulings to the supervising public prosecutor without any form of judicial review, even though the case-law of the Constitutional Court found an extra-judicial mechanism of reviewing incidental rulings which affect the rights and liberties of individuals to be insufficient. Furthermore, there is an entire group of incidental rulings in criminal proceedings which are not challengeable at all, even though such decisions often concern the rights and liberties of individuals and frequently are material to the entirety of the criminal process. Examples of such rulings, including an indication of the rights and liberties they affect, are presented in the fourth chapter of this volume.

It must be stressed that the analysis conducted for this dissertation showed reasons to conclude that the exclusion of the right to challenge incidental rulings is primarily motivated by the desire to ensure expediency and efficiency of proceedings. However, as the Constitutional Court indicated in its case-law, the expediency of proceedings cannot be a valid argument for limiting the right to challenge because it is not a value which would justify the sacrifice of individual rights. Even though the exclusions of the right to challenge introduced in certain provisions may be viewed as useful for the expediency, efficiency and speed of criminal proceedings before a court, nevertheless in the majority of instances they fall short of the necessity requirement or the requirement of proportionality *sensu stricto*. In addition to that, when filling the frames of the model for challengeability of incidental decisions, the lawmakers often introduce discrepancies, not merely within the Criminal Procedure Code itself, but also between individual spheres of law, with some incidental decisions being challengeable in one branch of law and such possibility being denied in another branch of law, thereby creating a feeling of inequality and injustice in participants to various proceedings.

One must admit though that crafting an ideal model for challengeability of incidental rulings provided for in the Criminal Procedure Code is not an easy task for several reasons. Firstly, it requires the weighing of values and finding the difficult compromise between the need to grant effective appeal measures so that the procedural standing of various participants to the proceedings is balanced on one hand and the lawgiver's obligation to ensure the realisation of the objectives of the proceedings, as well as other values, such as the efficiency of proceedings on the other.

Secondly, the reason for the difficulties in fulfilling this task correctly and the appropriate weighing of the abovementioned values is a lack of a single model of challengeability which could serve as a template for the lawmakers when drafting acts of law, including in the process of shaping the rules of appeal procedures. Creating such a single model, applicable to all procedures would be unfeasible anyway. Constitutional standards do however set rules of a more general nature applicable to all judicial and non-judicial proceedings which the lawmakers should be particularly sensitive to when regulating the challengeability of incidental rulings, so as not to be accused of infringing the Constitution in this respect. Admittedly, when determining such standards of challengeability, as was already mentioned above, the Constitutional Court can be somewhat inconsistent. These inconsistencies show for example in the determination of the nature and scope of rights arising from Article 45 (1) of the Constitution (e.g. is challengeability an element of this right), Article 77 (2) of the Constitution (including whether this provision concerns any and all rights and liberties or only those set out in the Constitution), Article 78 of the Constitution (where a striking example is the difference in interpreting the term "first instance" used therein) and Article 176 (1) of the Constitution (including whether it also applies to collateral rulings), as well as the interrelation of the abovementioned constitutional standards (which is described in more detail in the second and third chapter of this volume) which has a significant influence on shaping the frames of challengeability of incidental rulings provided for by the Criminal Procedure Code. A certain remedy to this phenomenon could be the proposal to limit the power of the Constitutional Court to present a different view on a matter previously adjudicated only to the Court sitting as a full panel of all its judges, irrespective of the size of the panel which issued the original view which the Court would like to set aside.

Apart from the above, difficulties in forming a model for challengeability can also arise from the distributed and non-uniform character of incidental rulings as well as from a lack of a defined, uniform list of "rights, liberties and obligations" of individuals which the lawgiver should take into account when regulating the frames of such model or, finally, form

the lack of a closed list of exceptions to the right to challenge. Addressing that latter issue, one must observe though that the lawmakers do not have an unbridled freedom when creating such exceptions. As the analysis of case-law of the Constitutional Court conducted in this dissertation proved, exceptions to the right to challenge cannot lead to an infringement of other constitutional norms, let alone completely frustrate this general principle and any departure from the rule laid down in Article 78 of the Constitution must be caused by extraordinary circumstances which would justify depriving the parties to proceedings of their right to appeal. Limiting or excluding appeal measures should be done with deference to the rules provided for in Article 31 (3) of the Constitution, i.e. considering proportionality. As indicated by the principal trend in the case-law of the Constitutional Court, the justification for such exceptions cannot be merely the efficiency and expediency of proceedings; this view remains applicable concerning criminal procedure, including incidental rulings. A different view could lead to the conclusion that while the ruling is made quickly and efficiently, it does not necessarily have to be just and fair. Yet this does not mean that the lawgiver should multiply appeal measures without end as that too would eventually frustrate the nature and objectives of proceedings. However, the weighing of these values cannot simply assume *a priori* that efficiency and expediency of the proceedings stand above the right to appeal. The lawmakers must skilfully craft the shape of a given procedure so that the right to a fair trial and, by extension, the right to a just and fair judgment, be protected. As the analysis of the case-law of the Constitutional Court in this dissertation shows, excluding the right to challenge a ruling is not an effective method of reaching the difficult compromise connected with weighing abovementioned values. This is because in such case the lawmakers expose themselves to the allegation of a breach of the Constitution.

All, of the above arguments, which have been elaborated on in detail in this dissertation, lead to the conclusion that there is a need to revise and determine anew the foundations of the challengeability model relating to incidental rulings set out in the Criminal Procedure Code in order for them to be in compliance with constitutional standards and for changes in this respect to be introduced before any further infringements of rights and liberties of participants in criminal proceedings, thereby limiting the need to bring further complaints before the Constitutional Court.

The model of challengeability of incidental rulings set out in the Criminal Procedure Code proposed in this dissertation, basing on established and accepted constitutional standards concerning this matter, postulates in particular: that incidental rulings issued in pre-trial proceedings which affect the constitutional rights and liberties of the individual be

challengeable before a court; that the right to challenge encompass first-instance court rulings if they affect the constitutional rights liberties and/or obligations of the individual, in particular if they can have a material influence on the final outcome of the case; that the right to challenge encompass also incidental rulings – by analogy, those which are or should be challengeable in the first instance (in accordance with *de lege ferenda* proposals presented in this dissertation – issued by a second-instance court (with the exception of rulings issued by the Supreme Court) but adjudicating on a given matter for the first time. At the same time, alongside the proposed foundations for a new frame of challengeability of incidental rulings which in essence extend the scope of challengeability of such rulings, the dissertation proposes solutions to serve as a mechanism ensuring the due course of proceedings. Furthermore, it provides a catalogue of classes of exceptions to the right of challengeability of incidental decisions set out in the Criminal Procedure Code which could be permissible in the light of the Constitution. The individual suggestions for the model in this respect are described and justified in full detail in this volume.

5) Description of other scientific and research achievements

A) Description of the academic body of work – academic research areas:

My scientific and research body of work comprises 50 publications out of which 5 have been published before I attained the PhD degree or are an effect of research conducted for the doctoral dissertation, whereas 45 publications have been published after I attained the PhD degree.

The above includes 2 books (including the volume describing the present scientific and research achievement and the book *The constitutional right to defence in the practice of the Commissioner for Human Rights* published in 2013), 9 texts in collected editions, 21 articles, 11 commentaries on court judgments and 1 published review, 1 text in a book popularising science. In 6 of the publications I am a co-author. Furthermore, I have been co-editor of 3 post-conference books and I am an editor of an academic handbook. The list of my published works is presented in attachment no 4.

After attaining my PhD degree, my scientific activities were concentrated on three aspects of the law: criminal law, constitutional law and international law. My body of work after attaining my PhD degree is a reflection of issues following from the above branches of law as well as my professional experience. The core of my scientific interest is criminal law in

the light of its consistency with constitutional and international standards, as indicated by the character of my publications. My scientific interests are focussed on 3 basic topics.

I. The principal topic concerns questions pertaining to procedural guarantees granted to participants of criminal proceedings

My research concerning the right to defence is particularly important for this field. This topic has been the subject of a research project I conducted at the Office of the Commissioner for Human Rights which resulted in publishing the book:

- *Constitutional right to defence in the work of the Commissioner for Human Rights* numbering 247 pages and published in 2013 by the Office of the Commissioner for Human Rights. This publication was supplemented with data for the year 2013 by the text *Activities of the Commissioner for Human Rights for the right to defence* (p. 40-48) which constituted a chapter of the post-conference book *Right to defence in penal proceedings. Selected aspects* which I co-edited together with K. Szwarc (publ. Office of the Commissioner for Human Rights, Warsaw 2014).

I also wrote a series of articles addressing the right to defence, in which I presented *de lege lata* and *de lege ferenda* proposals with regard to individual solutions concerning the constitutional right to defence, which include the following texts:

- *The core of the right to legal assistance for an arrested person* (p. 45-55, co-authored with P. Tarwacki), published in 2013 in *Palestra* which presented the issues connected with lack of effective access to legal aid by arrested persons;
- *Appointment of a defence counsel under legal aid in criminal proceedings. Observations in the light of the judgment of the Constitutional Court in case under file no K 30/11 and amendments to the law set to enter into force on 1 July 2015* (p. 53-64) published in 2014 in *Palestra* in which I indicated the consequences of the judgment of the Constitutional Court addressing the issue of lack of challengeability of a ruling on the appointment of a defence counsel under legal aid or revoking such appointment also in the context of proposed amendments to the criminal procedure, as well as putting forward legislative solutions which could serve as an effective implementation of the abovementioned judgment by the lawmakers;

- *The convicted person's right to court and defence at the stage of enforcement of a deprivation of liberty penalty which had been conditionally suspended* (p. 47-61) published in 2014 in *Przegląd Więziennictwa Polskiego* in which I indicated negative changes introduced over the previous several years interfering with the convicted person's right of access to a court and right to defence and I stressed the need to remedy that;
- *The arrested person's right to remain silent* (p. 70-83, co-authored with M. Warchoń) published in 2015 in *Państwo i Prawo* which presented questions concerning the right to defence at the early stages of criminal proceedings, including in a comparative manner;
- *The lack of possibility to extend the deadline for filing an appeal in criminal proceedings as an infringement of the right to a fair trial* (p. 30-39) published in 2016 in *Forum Prawnicze* in which I supported the proposals to extend the deadline for filing an appeal in particularly complex criminal cases and I postulated legislative solutions which could remedy the issue indicated in this publication.

The following commentaries on court rulings also address the right to defence:

- *commentary on the decision of the Supreme Court – Criminal Chamber of 23 March 2011, case file no I KZP 1/11* (p.126-132) which was published in 2011 in *Palestra* concerning the amount of costs of proceedings payable to the defendant in the event of an acquittal or discontinuation of proceedings;
- *commentary on the decision of the Supreme Court – Criminal Chamber of 22 January 2015, case file no III KK 399/14* (p. 70-78) which was published in 2016 in *Orzecznictwo Sądów Polskich* concerning the rules governing the reimbursement of expenses connected with the appointment of a chosen defence counsel;
- *commentary on the resolution of a 7-judge panel of the Supreme Court – Criminal Chamber of 28 January 2016, case file no I KZP 16/15* (p. 637-646) which was published in 2016 in *Orzecznictwo Sądów Polskich* concerning the rules governing the settlement of costs of proceedings in pre-trial proceedings, in particular the reimbursement of justified expenses made by the suspected person.

In this context one should also consider publications pertaining to the rights of the victim in criminal proceedings. These issues were addressed *inter alia* in the following publications:

- *Protection of the rights of victims of hate crimes in Polish criminal law* (p. 256-278) published in 2017 in the collaborative work *Problems in victimology. A book dedicated to professor Ewa Bieńkowska*, L. Mazowiecka, W. Klaus, A. Tarwacka (editors) which was an analysis of the reasons for discontinuing proceedings in hate crime cases, a phenomenon occurring ever more frequently.
- *Protection of the rights of crime victims in the activity of the Human Rights Defender* (p. 203-210) which appeared in the post-conference book *Improving Protection of Victims' Rights: Access to Legal Aid*, P. Wiliński, P. Karlik (editors) constituting a compendium of issues relating to the protection of crime victims' rights which come to light in the cases communicated to and addressed by the Commissioner for Human Rights.
- *Protection of the rights of victims in European Union law in the light of Directive 2012/29/EU* (p. 61-71) published in 2013 in *Krakowskie Studia Międzynarodowe* in which I conducted an analysis of European Union secondary legislation pertaining to victims of crimes, with particular attention to the directive of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, as well as indicating the areas of Polish law which should be revised by the lawmakers in the process of implementing this directive.
- *State compensation for victims of crime – critical reflections on the Polish compensation law* (p. 147-159) which was published in 2014 in *Ruch Prawniczy, Ekonomiczny i Socjologiczny* providing a list of shortcomings of the Polish compensation law as well as proposals on improving it in order for victims' rights to be effectively protected.
- *A procedural representative for a minor victim in criminal proceedings in the light of the case-law of the Constitutional Court* (p. 61-78) published in 2015 in *Prokuratura i Prawo* in which I presented the matter of appointing a procedural representative for a minor victim in criminal cases in which one of the minor's parents is the accused person and proposed legislative changes which would ensure the compliance of the relevant solutions with constitutional standards.

II. My academic and research interests also include matters concerning the compliance of criminal law provisions (understood broadly) with the Constitution

A series of publications on this topic comprises texts whose research objective was to obtain a picture of the state of legislation in this area of law and through that identify the most frequent mistakes of a constitutional nature. For this part, the deliberations are then of a systemic character.

In this respect I deem the following publications most important:

1) in the area of procedural law:

- the book constituting the scientific achievement: *The possibility to challenge incidental rulings provided for in the Criminal Procedure Code in the light of constitutional standards. Systemic considerations*, Warsaw 2018 (484 pages);
- the text *Standards of incidental proceedings in criminal cases* (p. 78-86) which was published in 2015 in the post-conference book *Selected aspects of the amendments to the criminal law. The question of money laundering in the light of proposed changes. Competence of courts in collateral cases in criminal proceedings* which I co-edited together with K. Szwarc refers to a certain extent to the topic of the volume indicated by me as the principal scientific achievement and was one of the stages of the research conducted towards its conclusions;
- *commentary on the judgement of the Constitutional Court of 19 May 2015, case file no SK 1/14* (p. 173-182) which was published in 2016 in *Prokuratura i Prawo* concerning the constitutionality of Article 55 § 1 of the Criminal Procedure Code;
- *commentary on the judgment of the Constitutional Court of 27 October 2015, case file no K 5/14* (p. 80-87) which was published in 2016 in *Europejski Przegląd Prawa i Stosunków Międzynarodowych* concerning the constitutionality of Article 464 § 1 and 2 of the Criminal Procedure Code;
- *commentary on the judgment of the Constitutional Court of 5 October 2010, case file no SK 26/08* (p. 101-108) which was published in 2011 in *Europejski Przegląd Prawa i Stosunków Międzynarodowych*, concerning the compliance with the Constitution of the grounds to refuse the surrender of a person sought with an European Arrest Warrant;
- *commentary on the judgment of the Constitutional Court of 15 July 2014, case file no K 23/13* (p. 127-132) which was published in 2015 in *Przegląd Sejmowy* concerning

the constitutionality of Article 101 § 1 of the Code of Proceedings in Petty Offence Cases;

- *commentary on the judgment of the Constitutional Court of 11 October 2016, case file no K 24/15* (p. 79-86) which was published in 2017 in *Palestra* concerning the compliance with the Constitution and international law of provisions of the Act on road traffic pertaining to applying the sanction of retention of a driver's license.
- 2) in the area of substantive criminal law:
- *Proportionality of the detention penalty for a petty offence* (p. 169-180) published in 2016 in a post-conference book *Nodal issued of petty offences law – do we need a reform?* which I co-edited together with V. Vachev. In this publication I carried out a detailed analysis of the solutions adopted by the lawmakers in the Petty Offences Code concerning the detention penalty and indicated the deficiencies of individual solutions as well as putting forward *de lege ferenda* proposals which could remedy the identified systemic shortcomings;
 - *Selected aspects of the consistency with the Constitution of criminal law provisions of the act on copyright and intellectual property rights* (p. 265-281) published in 2018 in the collected edition *Challenges to modern law. Commemorative book dedicated to Supreme Court Judge Tadeusz Szymanek*, B. Bajor, P. Saganek (ed.). In this publication I conducted an analysis of the criminal law provisions of the act on copyright and intellectual property rights and indicated the legislative shortcomings affecting, in my view, individual provisions concerning their consistency with the Constitution;
 - in the articles *The issue of minimal harm to the society of a forbidden act not constituting grounds for exclusion of liability for a petty offence* (p. 25-35, co-authored with M. Warchoł) published in 2015 in *Przegląd Sejmowy* and *The question of consistency with the Constitution of the solution adopted in Article 10 § 1 of the Petty Offences Code* (p. 69-76) published in 2015 in *Palestra* I raised *de lege ferenda* postulates concerning, respectively, Article 1 and Article 10 of the Petty Offences Code in order to bring them in line with the Constitution;
 - in the article *Responsibility for the forbidden act of acting to the detriment of a commercial company or partnership – observations concerning the repeal of*

- Article 585 of the Commercial Companies Code* (p. 41-48) which appeared in 2011 in *Europejski Przegląd Prawa i Stosunków Międzynarodowych I* indicated the risks carried by ill-considered amendments of the law even though the original intentions of the lawmakers, i.e. the desire to remove overly vague provisions from the legal system, in themselves are laudable;
- in the article *Selected aspects of the issue of limiting the scope of the Act of 23 February 1991 on the invalidation of rulings issued against persons persecuted for activities for the independence of the Polish State* (p. 66-79) which appeared in 2016 in *Europejski Przegląd Prawa i Stosunków Międzynarodowych I* indicated the shortcomings of the so-called February Act and I proposed solutions which could ensure compliance with constitutional standards in this respect;
 - in the text *Several remarks on the suspension of the run of the penal measure of deprivation of public rights* (s. 61-76) published in 2012 in *Przegląd Więziennictwa Polskiego I* indicated in turn the risks of infringement of constitutional standards which may be caused by suspension of the run of the penal measure of deprivation of public rights.
 - *commentary on the decision of the Supreme Court of 17 December 2010, case file no V KK 383/10* (p. 911-916) which was published in 2011 in *Orzecznictwo Sądów Polskich* concerning the determination of circumstances indicated in Article 115 § 2 of the Criminal Code and the practice of the courts employing the security measure of remanding a suspected person in a closed psychiatric ward;
 - *commentary on the resolution of the Supreme Court of 27 March 2014, case file no I KZP 30/13* (p. 1458-1477) which was published in 2014 in *Orzecznictwo Sądów Polskich* concerning the issue of applying legal provisions whose presumption of constitutionality was quashed by a judgment of the Constitutional Court in the period of time for which the Constitutional Court deferred its waiver;
 - *commentary on the judgement of the Constitutional Court of 25 February 2014, case file no SK 65/12* (p. 183-191) which was published in 2015 in *Przegląd Sejmowy* concerning the constitutionality of Article 256 § 1 of the Criminal Code;
- 3) This area also includes articles in which I conducted an analysis of the manner in which the lawgiver balances two constitutionally protected values, i.e. the need to

guarantee public safety on one hand and the obligation to safeguard human rights and liberties on the other. The following articles belong in this category:

- *Reflection on the use of CCTV monitoring in Poland in the context of the protection of constitutional rights* (p. 738-756; co-authored with E. Dawidziuk) featured in the 2015 book *Crime in the 21st century. Prevention and prosecution. Technological and IT issues*, E. W. Pływaczewski, W. Filipkowski, Z. Rau (scientific editors). This article highlighted the need to adopt a comprehensive act of law regulating the capture and use of CCTV footage, including in prisons and detention facilities, as well as indicating the areas which should be regulated by such an act, in particular from the perspective of human rights protection;
- *How much limitation and how much freedom in a civic society in the context of ensuring security of citizens and the state* (p. 53-70) which appeared in 2012 in the post-conference book *Protection of classified information, business secrets and personal data. Materials from the 8th Congress*, M. Gajos (ed.). This article addresses the question of legal provisions serving as a basis for state services to intrude into the sphere of constitutionally protected rights and liberties of the individual, including by conducting operational and investigative activities;
- *The use of DNA in searching for missing persons in the light of the amendments to the Act on the Police* (p. 66-78, co-authored with K. Szwarec) which appeared in 2015 in *Ius Novum*. The article contains an analysis of the current legal state and amendments to the law regulating DNA tests as the most effective tool to identify bodies and human remains of unknown identity;
- *Tension between human rights protection and the necessity to ensure public security in the context of Polish anti-terrorism law* (s. 153-180, co-authored with K. Szczucki) which appeared in 2016 in *Studia Iuridica*. This article addresses the matter of the Act of 10 June 2016 on antiterrorist activities and indicates the risks this Act carries for human rights and fundamental freedoms.

III. The third separate group are publications concerning international law (including EU law).

These include the following:

- *A legal analysis of criminal law provisions in the Anti-Counterfeiting Trade Agreement (ACTA)* (p. 24-25) which appeared in 2012 in *Europejski Przegląd Prawa i Stosunków Międzynarodowych*.
- *The ACTA treaty – a success of the Polish presidency?* (p. 103-114) published in 2012 in *Krakowskie Studia Międzynarodowe*.
- *The principle of non-discrimination as one of the fundamental bases of European integration*, published in 2014 in *Krakowskie Studia Międzynarodowe*.

In this area, one should also indicate one academic handbook:

- *Substantive EU law. Selected aspects* published in 2013 which I edited as well as writing the introduction and the first chapter concerning the freedom of movement of workers within the European Union (p. 15-56).

B) Participation in scientific conferences

Over the years, after attaining my PhD degree, I participated in a number of scientific conferences, apart from that I organised two conferences and two expert seminars. Presentations given by me were on many occasions a basis for publications in post-conference books or scientific articles. Below I will only present those conferences or seminars in which I gave a presentation or participated actively in the discussions:

International conferences:

- 1) Seminar-conference as part of the Ombudsman Cooperation in the Eastern Partnership Countries, Office of the Commissioner for Human Rights, 25-27 September 2012 – speaker, presentation title: *Relations with the Supreme Court and the Constitutional Court on the example of criminal cases*.
- 2) Conference “Improving protection of victims’ rights: access to legal aid” concluding a project co-financed by the European Commission, Adam Mickiewicz University in Poznań, 9 June 2014 – speaker, presentation title: *Selected issues related to protection of the rights of crime victims in the activity of the Human Rights Defender*.

Domestic conferences:

- 3) Conference “What can state services do?”, National Chamber of Commerce in Warsaw, 14 September 2011 (participation in the discussion).

- 4) Conference “ACTA – freedom and rights in the Internet” Faculty of International Relations of Andrzej Frycz Modrzewski Kraków University, International Centre for Human Rights, Cracow 24 February 2012 – speaker, presentation title: *Criminal provisions in the ACTA treaty*.
- 5) Conference “The status of a judge in Poland”, Academia de Virion, University of Warmia and Mazury in Olsztyn, 17 May 2012 – speaker on the conference’s main topic.
- 6) 8th Congress on the protection of classified information, business secrets and personal data, Zakopane 23-25 may 2012 – speaker, presentation title: *How much limitation and how much freedom in a civic society in the context of ensuring security of citizens and the state*.
- 7) Expert panel “The correct manner of obtaining and processing data from itemised bills, localisation information and other data mentioned in Article 180c of the Act of 16 July 2004 – Telecommunications law by authorised bodies”, Supreme Audit Office, 15 June 2012 – speaker, presentation on the panel’s main topic.
- 8) Conference “Legal aid and the right of access to court”, National Bar Association, Warsaw, 15-16 September 2012 – speaker, presentation title: *Legal aid in criminal cases – reflections from the practice of the Commissioner for Human Rights*.
- 9) Conference “Mediation – another form of justice”, Office of the Prosecutor-General, 17 October 2012 – speaker, presentation title: *Mediation in criminal cases as an important institution for the victim*.
- 10) Conference “The right to defence as a foundation of a fair criminal trial”, Helsinki Foundation for Human Rights, Warsaw, 31 October 2013 (participation in the discussion).
- 11) Conference “Prevention of violence against women”, Office of the Commissioner for Human Rights, 20 November 2013 (participation in the discussion).
- 12) Conference “Antisemitism. A diagnosis of the phenomenon in Poland against the backdrop of the situation in the European Union”, Office of the Commissioner for Human Rights, 5 December 2013 (participation in the discussion).
- 13) Expert seminar “The constitutional right to defence in penal proceedings – reflections on the current legal framework as well as amendments set to enter into force on 1 July 2015”, Office of the Commissioner for Human Rights, 27 January 2014 – co-organiser of the seminar, speaker, presentation title: *Activities of the Commissioner for Human Rights for the right to defence*.

- 14) Seminar "Representation of a minor victim of a crime in criminal proceedings – the procedural representative", Office of the Prime Minister, "Dzieci Niczyje" Foundation, Warsaw, 31 March 2014 (participation in the discussion).
- 15) 4th Conference "Searching for missing persons in Poland and in Europe – 2014" organised by the "Itaka" Foundation – Search Centre for Missing persons, Ministry of Internal Affairs and the Main Police Headquarters, 20-21 November 2014 – speaker, presentation title: *Analysis of genetic material and the rights of the individual*.
- 16) Conference "Selected aspects of the amendments to criminal law: - the question of money laundering in the light of the impending changes, - the competence of courts in collateral matters in criminal proceedings" dedicated to the memory of Janusz Kochanowski PhD, 11 March 2015, Office of the Commissioner for Human Rights – co-organiser of the conference, presentation on the introductory topic of the 2nd panel.
- 17) Conference "State liability for unfounded conviction, deprivation of liberty or indictment" which took place on 11 December 2015 at the Faculty of Law and Administration of Jagiellonian University. It was organised by: the Department of Criminal Law at the Faculty of Law and Administration of Jagiellonian University, the Professor Zbigniew Hołda Association and the Office of the Commissioner for Human Rights – speaker, presentation title: *State liability for unfounded indictment – de lege ferenda remarks*.
- 18) Conference "Nodal issues of petty offences law – do we need a reform?" which took place on 11 April 2016 at the Office of the Commissioner for Human Rights – co-organiser of the conference and chair of the 3rd panel entitled *The excessive punitivity of petty offences law*.
- 19) Expert discussion "The issue of administrative sanctions" which took place on 11 May 2016 at the Office of the Commissioner for Human Rights – speaker, presentation title: *Double jeopardy of the same offence in administrative law and criminal law*.

C) Participation in expert and award commissions

After attaining my PhD degree I was a member of the following bodies:

- 1) Award commission of the written stage of the Constitutional Court Competition organised by the Professor Zbigniew Hołda Association, 2016 edition.
- 2) Expert commission on alimony created by the Commissioner for Human Rights of the 7th term (appointment of 12 February 2016).

- 3) Award commission for the assessment of submissions accepted to the competition organised by the Commissioner for Human Rights for the best PhD dissertation in law on the topic of social exclusion in 2015 (decision of the Commissioner for Human Rights no 2/2015 of 3 July 2015).
- 4) Award commission of the written stage of the Constitutional Court Competition organised by the Professor Zbigniew Hołda Association, 2014 edition.
- 5) Award commission for the “Law, People, Cases” competition organised by the Commissioner for Human Rights, 2011 edition.
- 6) Award commission for the socio-legal students’ competition of EWSPA, 7th edition – 2010/2011 (topic: The European Union in the face of challenges connected with climate change).
- 7) Award commission for the socio-legal students’ competition of EWSPA, 8th edition – 2011/2012 (topic: Common agricultural policy).
- 8) Award commission for the socio-legal students’ competition of EWSPA, 9th edition – 2012/2013 (topic: Common foreign and security policy).
- 9) Expert advisory team to the President of the Republic of Poland: Public Discourse Forum “Effective and subsidiary state” in the years 2011-2012. The result of the team’s operation was the *Green paper – law-making system in Poland*, K. Bramorski, P. Janik, M. Laskowska, T. Stawecki, K. Urbańska, T. Zalasinski (editors) published in 2013.
- 10) The Professor Zbigniew Hołda Association (since June 2016 until now).

D) Expert opinions and other assessments drafted

I have written or co-written over twenty legal opinions presented to the Commissioner for Human Rights which concerned the compliance of criminal law provisions understood broadly with the Constitution, including pertaining to the need for the Commissioner to join proceedings pending before the Constitutional Court and opinions on draft legislation in the area of criminal law.

E) Reviewing international and domestic projects

I am a reviewer of the report *Protection of minors from sexual exploitation and human trafficking. A report on the implementation into the Polish legal system of the Directive on*

combating the sexual abuse and sexual exploitation of children and child pornography and the Directive on preventing and combating trafficking in human beings and protecting its victims (author: Olga Trocha) which was drafted by the “Dzieci Niczyje” Foundation as part of a programme financed from a grant of the Stefan Batory Foundation “Monitoring the implementation of EU directives concerning protection of children – victims of crime” (review dated 10 July 2014).

F) Awards and honours

After attaining my PhD degree I received the following:

- 1) Bronze service medal awarded by the President of the Republic of Poland for distinguished and exemplary discharge of obligations in the service of the state (decision of 16 October 2014, no 468-2014-56).
- 2) Award of the Commissioner for Human Rights of 18 June 2012 in recognition of the efforts in the project team of the Internet portal “CodziennikPrawny.pl”.
- 3) Award of the Commissioner for Human Rights of 29 December 2011 in recognition of the efforts to draft case examples and organise the students’ competition “Law, People, Cases”.
- 4) Award of the Commissioner for Human Rights of 7 January 2010 in recognition of professionalism and comprehensive expertise in criminal and international law.

G) Information on activities popularising science and research:

- 1) I wrote one of the chapters in the book *CodziennikPrawny.PL [EverydayLaw.PL]. All you should know about the law*, M. Zubik (ed.), C.H.Beck (publ. 2009) which is an accessible commentary on legal provisions, with the part written by me (p. 407-431 and 440-454) concerning selected provisions of substantive and procedural criminal law.
- 2) I was a member of the editorial committee (2009) and member of the Project Team (2012) of the Internet legal handbook “CodziennikPrawny.pl”. On the basis of this portal, the Ministry of Justice and the National Council of Legal Advisors conducted a pilot legal education programme in Łódź high schools (school year 2010/2012).
- 3) I wrote the review of a four-volume book edited by Jerzy Jaskiernia (Adam Marszałek Publishing House, Toruń 2015) constituting the outcome of the 6th International Scientific Conference “Models of Human Rights Protection: European and American.

Axiology, Institutions, Effectiveness” (publ. Europejski Przegląd Prawa i Stosunków Międzynarodowych, no 2/3 of 2015, p. 91-98).

- 4) I also wrote the review of one of the articles published in 2009 in Krakowskie Studia Międzynarodowe.
- 5) My book *The constitutional right to defence in the practice of the Commissioner for Human Rights* was recommended as academic material by the President of the National Bar Association to heads of training of advocate trainees in all Advocates’ Chambers in Poland in 2013 (letter of the President of the NBA of 17 October 2013).

H) Information on teaching achievements and scientific supervision over students

After attaining my PhD degree I have constantly been an academic teacher, giving lectures, conducting activities and seminars.

I have been the academic supervisor of 44 Master’s theses and 4 Bachelor’s theses and a reviewer of 35 Master’s theses and 7 Bachelor’s theses. These include theses from the areas of international crime (11), the human rights protection system (18), international security (19) and broadly understood rights of EU citizens (42). As a member of the commission I participated in numerous defences of Master’s and Bachelor’s theses.

Teaching experience:

- 1) European University of Law and Administration in Warsaw – giving lectures on international law, institutional EU law and substantive EU law as well as supervising seminar groups (since November 2009 up until now).
- 2) Warsaw University – conducting the seminar: Systems of human rights protection in the European Union (February 2009 – September 2009).
- 3) Andrzej Frycz Modrzewski Kraków University – giving a specialist lecture: Poland before the European Court of Human Rights (February 2009 – September 2009).
- 4) Rzeszów School of Engineering and Economics – teaching classes on civil law as part of the Public Administration course (October 2005 – June 2007).

As was already mentioned, I am the editor and author of the introduction and first chapter (*Freedom of movement of workers within the European Union*) of the academic handbook *Substantive EU law. Selected aspects* published in 2013.

Olona Kobielska - Olęcka