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An abstract from the PhD dissertation:  
entitled „*An efficiency of human rights protection systems applied within  
the Council of Europe and the European Union*”.

The topic of this dissertation is an issue covering efficiency of human rights protection systems applied in the Council of Europe and the European Union. These organization are considered crucial in the European human rights protection system. Both the Council of Europe and the European Union are liable for identifying new threats to the human rights protection, imposed by the development of civilization, yet also for searching for mechanisms related to more effective protection of freedom and human rights. Therefore, it shall be deemed reasonable to address a question: how efficient are the systems established by the Council of Europe and the European Union?

A significant grounds for considering this particular issue is the fact that a reference European model of human rights protection focused on the Council of Europe and the Convention for the Protection of Human Rights and Fundamental Freedoms, along with the control mechanism implemented by the European Court of Human Rights, however, over the recent decades these have been the European Union and the European Court of Justice that raised an interest in the human rights (fundamental rights). All these efforts resulted in adoption of the Charter of the Fundamental Rights of the European Union, that, as of date the Treaty of Lisbon became effective, have turned into a legally binding act. It caused a serious scientific problem, whether operations of these two organizations are not doubled and whether it does not expose the entire European system of human rights protection to the risk of weakening.

This issue has been referring to the questions posed in the following manner: 1) What are the criteria and standards to be fulfilled in order to provide the human rights protection system, applied both within the Council of Europe and the European Union, with the feature or the name of the efficient system, the one that protects effectively freedoms and rights of a human and a citizen? 2) What type of factors ought to be used to evaluate reasonably

efficiency of the human rights protection system? 3) What direction shall the reform or modernization of institutional systems and human right protection mechanisms, applied within the Council of Europe and the European Union, taken up to increase efficiency of respecting and protecting achieved human rights standards, head for? 4) Does the fact that the European Union signed the Convention for the Protection of Human Rights and Fundamental Freedoms, means that drawbacks, resulting from maintaining numerous protection systems in the European human rights system, are going to be get rid of?

The issues contained herein have been principally based upon the hypothesis, predicting that efficiency of human rights protection systems, including the human rights protection system set up by the Council of Europe and the European Union, mostly depends on how efficient implementation procedures as well as those related to fulfillment of human right liabilities by the Member States are. Nonetheless, efficiency and efficacy of both institutional human rights protection systems also depend on how tight the Council of Europe and the European Union will be able to cooperate and support each other within the area of respecting freedoms and rights of a human and a citizen, taking into consideration the fact of coexistence of the Convention and EU systems. A possible lack of collaboration and, what is worse, competing of these two institutional systems, meant to protect the human being rights, may result in “dilution” of human rights standards, applied in the European area covering human rights protection as well as reduction of efficiency regarding both protection systems.

An output of the surveys and analyses carried out in relation to this paper have verified positively this research hypothesis and nearly fully proved other detailed hypotheses, claiming that: 1) the foundation of the human rights protection system is based on an assumption that these are national protection systems, that have a significant influence upon its performance; 2) an accession of the EU to the European Convention for the Protection of Human Rights and Fundamental Freedoms is still a crucial goal to be achieved, not neglecting the increase of efficiency in cooperation of the institutions involved in operations of both international originations; 3) an essential mechanism, meant to enhance the European system of human rights protection, is developing and materializing the content of international structures through jurisdiction of international courts, including the European Court of Human Rights and the Court of Justice of the European Union; 4) efficiency of the European human rights protection system depend not only on the quality of European or national legally binding solutions, yet also on the political will of the states fulfilling

particular human right related liabilities as well as efficiency of operations conducted by the Convention and EU authorities and institutions, holding relevant competences.

This dissertation consists of an introduction, four chapters and a summary.

Chapter 1 provides an overall characteristics of the international human rights protection system, pointing out the universal system applied in the United Nations as well as regional systems. At the beginning, the author refers to the origins and evolution of human rights, that have been gradually covered by the national, and then international, institutional protection. The crucial issue is that it defines fundamental and key terms relating to human rights and their protection. Simultaneously, a dominant theme and the most essential component of Chapter 1 is marking and characterizing the evaluation criteria referring to efficiency of the international human rights protection system, that are also applied to regional systems used in the Council of Europe and the European Union.

Chapter 2 covers the background and development of the institutional human rights protection system applied by the Council of Europe, its legal basis, both those that are legally binding and those that are recognized as “soft laws”. A considerable feature of this Chapter’s characteristics is a description and analysis of operations carried out by the convention institutions as well as non-convention institutions dealing with human rights protection. It ends with the assessment related to efficiency of the entire institutional human rights protection system applied by the Council of Europe, that, due to some legal solutions, is intentionally named “the most effective one”.

Chapter 3, similarly to the preceding one, contains an intro encompassing a description of the roots and expansion of the institutional system applied within the European Union. A key aspect of this portion of the dissertation is highlighting the characteristics of this somehow peculiar, supranational system, legal order, to the benefit of which the Member State delegated some of their prerogatives. Here, the author also lists and depicts sources of human rights protection, focusing in particular on those featuring original, secondary and “soft laws” as well as on the profile of operations conducted by certain institutions copying with human rights protection, present with the European Union. The Chapter is closed with an evaluation of efficiency of institutional system dealing with the human rights protection, applied in the European Union.

Undoubtedly, Chapter 4 could be recognized as substantial to the entire dissertation. It describes areas, fields, where the institutional cooperation, synergy of human rights protection systems of the Council of Europe and the European Union occurs or ought to occur. It particularly refers to the issues related to coordination of operations conducted

by the European Court of Human Rights and the Court of Justice of the European Union; coordination of operations carried out by the Commissioner for Human Rights of the Council of Europe and the European Ombudsman; coordination of operations performed by the Secretary General of the Council of Europe and the European Union Agency for Fundamental Rights. Moreover, this Chapter specifies mandatory requirements, or directions, suggesting new areas to be covered by legal regulations, emphasizing new institutional solutions, that shall be adopted within the Council of Europe and the European Union, but also in their Member States, and an increase of efficiency in both institutional systems of human rights protection.