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THE POLISH PATH TO ATTAINING THE INTERNATIONAL STANDARD OF RESPECT FOR AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS

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I. INTRODUCTION

Since the end of World War II, we have been witnessing a huge growth and spread of the human rights cause, and development of international human rights laws. Poland has been taking an active part in that process. Early on, Poland participated in the creation of a legal act of a fundamental significance to human rights - the Universal Declaration of Human Rights, adopted in 1948 by the U.N. General Assembly. In 1977, Poland ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (known jointly as International Covenants on Human Rights), in which most principles of the Universal Declaration adopted almost 20 years earlier were put into a set of legally binding documents.

The adoption of the Universal Declaration and International Covenants created an international system for the protection of human rights, which achieved the status of universal principles covering all spheres of man's activity.

These international regulations constituted a normative blueprint also for Polish human rights laws. As it were, the existence of international regulations forced the introduction of corresponding laws into the domestic legal system. These laws were also meant to guarantee the effectiveness of the domestic human rights system, whereas international human rights institutions were meant as repositories of individual complaints and instruments of exerting pressure on governments that violated international human rights standards.

However, when it comes to human rights, it is the domestic legislation that is of paramount importance. The recognition of human rights and freedoms does not in itself carry much weight when there are no procedures enabling individuals to effectively counter their violations. This was particularly visible in Poland before 1989, which guaranteed human rights and freedoms constitutionally and ratified the International Covenants on Human Rights, but denied citizens the access to appropriate procedural regulations. In developed democratic countries, the cause of protecting human rights and freedoms is served by courts, including administrative and constitutional tribunals, parliamentary commissioners on human rights, civic legislative initiative and constitutional appeal institutions, and by the state power directly applying constitutional references to human rights and international human rights treaties.

The Polish path to achieving this type of international standards has been long. In the years following World War II, the "climate" favoring such spontaneous development of human rights was simply not there. Institutional solutions characteristic to democratic states of law, which Poland was to join in the near future, began finding acceptance in Poland only in the early 1980s. At that time, several institutions were successively established to monitor state compliance with the law and oversee the system of accountability for its violations. Among these institutions was the Supreme Administrative Court, established in 1980, and:

- Constitutional Tribunal - established in 1985;
- State Tribunal - established in 1982 to adjudge the constitutional accountability of ministers and State Council members (the State Council was a collective executive state body in communist Poland);
- Commissioner for Civic Rights (1987).

As mentioned earlier, the Constitution of 1952 that was binding in communist Poland contained a compendium of basic rights and obligations, but only of the civil nature. The chapter "Basic Rights and Obligations of the Citizen" remained in effect after the fall of communism by virtue of transitory provisions issued on 17 October 1992. This Law on Mutual Relations between the Legislative and Executive Power in the Polish Republic and the Territorial Self-Government (the so-called "Little Constitution") was binding until the implementation of a new constitution adopted on 2 April 1997, i.e. until 17 October 1997. This meant that constitutional rights and freedoms were narrowed to the rights and freedoms

vested into an individual by virtue of his citizenship. The Constitution of 1952 did not explicitly list any human rights and freedoms. That had to wait until the constitution of 1997. Consequently, 42 years had to pass before Poland ratified the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. This happened when, in the 1990s, Poland became a member of the Council of Europe and party to the Convention. A little later, in 1993, Poland declared its recognition of the European Commission of Human Rights and the European Court of Human Rights. Since then, Polish citizens can lodge human rights grievances with the Strasbourg Court and do so at an increasing pace indeed.

Until 1987, i.e. until the year of the appointment of the first Polish ombudsman – the Commissioner for Civil Rights – there had not been any legally recognized possibility of lodging grievances against human rights violations. As stated earlier, Poland was not yet a party to the European Convention on Human Rights and, after all, the Declaration of Human Rights was not a legal act empowered to enforce human rights compliance. It was a "soft law" without any power other than that to serve as a political and moral blueprint. It treated human rights in a cursory manner by stating that their protection was indispensable. Although a body tasked with overseeing the respect for human rights listed in the International Covenants was established, Polish citizens (and foreigners residing in Poland) obtained the right of grievance to the Commission on Human Rights only 15 years after Poland had ratified the Covenants. Indeed, Poland ratified the Optional Protocol to the International Covenant on Social and Political Rights, which regulated the procedure of lodging and examining individual grievances, only in 1994. Only then did Polish citizens acquire the right to complain to the Commission on Human Rights. Before that, there had been no realistic possibility of turning to any human rights institution whatsoever.

In the context of these reflections one must recognize that it is not possible to make up for 50 years of inaction in only a few years. The values and institutions that fashioned the human rights protection standards throughout the decades in other countries are only now beginning to take root in the Polish legal system. Still, there is one advantage to this situation in that Poland can use the experience of other states to create an institutional model that will best serve its tradition and current reality.

In Poland, there has been and still is the need to change many habits and customs, recognize the boundaries which the government in a democratic state of law must not cross, and realize that the often used reference to human subjectivity and dignity means something very specific, i.e. the treatment of citizens by the State in various situations.

Notwithstanding the fact that building a state system where the rights of the individual are fully complied with is a long-term task, it is fair to say that Polish legislation adapted to international normative acts relatively quickly, i.e. in 1997, when the new constitution came into force. In a sense, these changes were forced into taking place by the need to quickly adapt the Polish law to European Union standards, also in the area of human rights.

II. APPOINTMENT AND ROLE OF THE COMMISSIONER FOR CIVIL RIGHTS

The year 1987 is an important date in the development of Polish institutions mandated with protecting human rights. It was the year of the establishment of the Office of the Commissioner for Civic Rights. In our part of the continent, that fact had huge ramifications. Here was an institution established specifically for the purpose of protecting people's rights and freedoms. As its result, Poland joined the group of countries which institutionalized the cause of protecting human rights. There is no doubt that the Commissioner's office was established in response to an enormous societal need. By virtue of the law, the human rights ombudsman is not equipped with legislative powers but can exert influence through moral authority and extraordinarily high qualifications. Interestingly, in creating the Act on the Office of the Commissioner for Civil Rights, the Polish parliament had the courage to link that position to personal qualities of the individual who would hold it - which is not a known

practice in other countries (Art. 2 of the Act on the Office of the Commissioner for Civil Rights states that "the Commissioner must be a Polish citizen notable for his outstanding legal knowledge, professional experience and unquestioned authority based on high moral values and social sensitivity.").

Legal bases on which the institution of the Commissioner for Civil Rights stands are the same as in developed democratic states, but the Polish institution was established and was initially compelled to function under very different circumstances. Contrary to the State and Constitutional Tribunals, the Office of the Commissioner for Civil Rights did not receive a constitutional status at establishment, but only by a constitutional amendment of 7 April 1989.

The Commissioner's primary task is to guard human and civil rights and freedoms specified in the Constitution and in other legal acts. There is a set of legal measures that the Commissioner may take when he is made aware of a possible human rights violation. He can take these measures pursuant to requests submitted by:
1) Members of the community and community organizations;
2) Local self-government bodies;
3) Commissioner for the Rights of the Child;
4) Or on own initiative, e.g. pursuant to information disseminated in the mass media or after an inspection conducted by his staff.

In addition, the Commissioner is empowered to lodge extraordinary appeals against decisions of the Supreme Administrative Court and last result appeals in criminal matters (during the so-called transition period, i.e. from the time of the separation of powers in Poland into three branches of government until June 1998, the Commissioner was also empowered to lodge last result appeals of final decisions issued prior to 1 July 1996 by civil courts). An extraordinary or last resort appeal must be grounded in the affirmation of the court having committed a flagrant legal violation.

In addition, the Commissioner for Civil Rights may:
1) Request a launch of a civil or administrative legal proceeding, or participate in any such proceeding on terms granted to public prosecutors;
2) Lodge a complaint to the Supreme Administrative Court against actions or activities of public administration bodies;
3) Request a launch of a preparatory proceeding by an authorized public prosecutor in criminal matters prosecuted *ex officio*;
4) Move for a judgment or for invalidation thereof in misdemeanor cases;
5) Request that relevant organs introduce new laws or change laws issued by a lower instance (the Commissioner himself does not have the power to undertake legislative initiatives);
6) Request that the Constitutional Tribunal examine consistence of a law with the constitution and with ratified international treaties, or consistence of legal acts issued by lower instances with those issued by higher instances. Similarly, the Commissioner may also request the Supreme Administrative Court to examine consistence of local laws with legal acts issued by higher instances.

It should be stressed that the Commissioner's initiative in matters concerning civil rights and freedoms violations has served as a type of substitute for the right to lodge individual constitutional grievances, which came into force later.

The Commissioner's importance has been growing steadily. Today he is a recognized public authority. The significance of his role ensues primarily from the fact that he stands on guard of all rights and freedoms, not only those inscribed in the constitution. This is particularly important considering that rights other than those guaranteed under the constitution cannot be pursued using the constitutional grievance procedure. The Commissioner not only examines the legality of actions taken by state institutions or bodies, but also their

consistence with the principles of social coexistence and justice. No other organ is capable of replacing the Commissioner in this area or has competencies as broad as his. The strength of the institution of the Commissioner for Civil Rights, in addition to its constitutional status, is embedded in the provisions of the constitution itself, which equip it with the attribute of "sovereignty and independence from other state bodies". It should also be remembered that the role of the Commissioner for Civil Rights has somewhat changed under the new system. In the totalitarian system, its primary role was to respond to the necessity of protecting citizens against government lawlessness and restriction of freedoms. Today, there is also the need to counteract abuses of freedom which collide with the rights and freedoms of other people and with respect of social values. The adoption of the new constitution and expansion of the range of protected human and civil rights and freedoms provides new challenges for the Commissioner for Civil Rights.

We should also mention that in the year 2000, upon the initiative of non-governmental organizations and communities involved in the protection of children's rights, the office of a "specialized" civil rights commissioner was established, namely the Commissioner for the Rights of the Child. His task consists in guarding children's rights as provided in the *Constitution of the Republic of Poland and Convention on the Rights of the Child*. In acquitting himself of his responsibilities, the Commissioner is guided by the child's welfare and conviction that family is the natural environment in which children should be raised. Although there are many institutions in Poland that deal with children's rights, the establishment of the Office of the Commissioner for the Rights of the Child meant that there now was an independent institution empowered to monitor and counsel, as well as initiate legislation, and which was supportive of the effort to maximally protect children's rights. It should be stressed that the institution of the Commissioner for the Rights of the Child has a constitutional status (Art. 72, Sec. 4).

Both Commissioners are elected by the Sejm and approved by the Senate, and are required to submit annual activity reports to the parliament.

It should be also mentioned that a similar role to that of the Commissioner for Civil Rights is played by the Constitutional Tribunal. The similarity is primarily embedded in the duty to protect civil rights. The Commissioner turns to the Tribunal for judgments concerning the unconstitutionality of legal regulations. The Commissioner constitutes a body that most often comes forward with such initiatives and most important decisions taken by the Tribunal in recent years have concerned precisely the issues that he advanced. The activities of the Commissioner and the Tribunal are complementary to each other. The Commissioner always acts on behalf of the individual, whereas the Tribunal judges the existent law. In both cases, the reference point lies in the values expressed in the constitution. The Tribunal is tasked with ascertaining the constitutionality of laws, whereas the Commissioner's responsibility is to evaluate their application and efficacy, and reveal barriers and obstacles that prevent their application in the protection of the individual. Both concepts are associated with the activities of institutions appointed to protect the rights of the individual and they complement one another.

As the Office of the Commissioner for Civil Rights was being established, there were fears that the institution would be only a facade without any actual power. The reality and practice proved that these fears had been unfounded. Today, the construction of the Polish ombudsman's institution, its empowerments and position in the system, are considered exemplary. However, the main reason for the appeal of the Commissioner for Human Rights lies in his manner of acquitting himself of his responsibilities, which has enabled the institution to enjoy a great deal of prestige ever since its establishment.

III. CONSTITUTION OF 1997

Poles had to wait a long time for a constitution that met the requirements of a democratic state of law. Considering that work on a new constitution needed time, the first step after 1989 was to amend the constitution of 1952 and, in 1992, adopt the so-called "Little Constitution", which was meant to be in force during the transition period, i.e. until adoption of a new "full" constitution. The "Little Constitution" did not deal with all constitutional issues and, for example, left out human and civil rights and freedoms. These matters continued to be regulated by the relevant chapter of the constitution of 1952.

The new constitution of 1997 opened a completely new chapter in the treatment of human rights. It regulates the issue of rights and freedoms in a fundamentally different way. The new regulations stem from a totally different constitutional philosophy based on man's freedom - a philosophy espoused by free men in a free country. The new constitution greatly strengthens the guarantees of civil and human rights and freedoms. The very placement of the regulations dealing with human and civil rights and freedoms in Chapter 2 of the constitution indicates how much importance is ascribed thereto (these issues were dealt with in Chapter 8 of the constitution of 1952). The weight and significance of the provisions of Chapter 2 are also confirmed by the particular, qualified, approach to the possibility of their amendment (the applicant may request that a referendum on the amendment be conducted within 45 days of its ratification by the Senate).

The new constitution is a constitution of human and civil rights and freedoms. From the preamble through successive chapters, the issues of human and civil rights and freedoms are dealt with either indirectly or directly (Chapter 2). The position of both the Constitutional Tribunal and the Commissioner for Civil Rights is reinforced and consolidated. The great consequence and significance of the recognition that constitutional provisions dealing with human rights must be applied directly merit a separate mention. The constitution reflects the wording of the European Convention on Human Rights in the construction of the provisions dealing with human and civil rights, which is also a part of the domestic legal system that is applied directly and which in case of a collision between various provisions has precedence over Polish law.

The principle of a state of law provided in Chapter 2 of the constitution is a source of the requirement to comply with the standards of proper legislation and legal safety. Creating unclear and ambiguous laws constitutes a constitutional violation. The accuracy, precision and clarity of legal provisions are particularly important when it comes to the protection of constitutionally guaranteed civil and human rights and freedoms. The addressee of a legal norm must understand what types of his behavior have a legal significance and why.

Among instruments meant to protect rights and freedoms stated in and, consequently, guaranteed by the constitution are:

1) Grievance to the Constitutional Tribunal against violations of constitutionally guaranteed rights and freedoms;
2) Legal course for asserting one's rights and freedoms;
3) Possibility of turning to the Commissioner for Civil Rights for assistance in the protection of one's rights.

Of course, this short list does not exhaust all state established or recognized procedural guarantees of compliance with the rights and freedoms of the individual by public administration bodies.

The institution of constitutional grievance - a new instrument in our legal system - deserves special attention. It has a double purpose: first and foremost, it is a mean to protect civil rights and freedoms, and it is also a way of eliminating unconstitutional laws from the legal system. As a rule, the grieving individual can refer to any constitutional provision which may be read as dealing with his rights and freedoms rather than only to human rights guaranteed explicitly in the constitution. He can also justify the grievance by arguing a violation of a right or freedom specified in an act of international law ratified by Poland, which in accordance

with the constitution is a part of the domestic legal system. Anyone who believes that his constitutional rights or freedoms have been violated may lodge a grievance with the Constitutional Tribunal, which will then consider the constitutionality of the law or another normative act that has served as a basis for the court or relevant public administration institution to issue the final decision with respect to the grieving individual's constitutional freedoms, rights or obligations. Constitutional grievances may deal only with normative acts (laws, ordinances, regulations, etc.). The Constitutional Tribunal does not act on constitutional grievances that refer exclusively to a particular decision issued by a court or public administration institution. A constitutional grievance may only question the legal regulation that has served as the basis for the issuance of a particular decision.

Under the new constitution, international agreements have been added to the national compendium of the sources of law.

IV. SENATE AND PROTECTION OF HUMAN RIGHTS

The Senate has always recognized the issue of human and civil rights protection in its activities. In 1989, during the so-called round table negotiations, the parties agreed that the reinstated Senate, elected by a sovereign will of the Nation, would serve as an important instrument of control, particularly in the area of human rights and the rule of law. Although that particular task of the Senate was not sufficiently underlined in the amendment to the old constitution or, unfortunately, in the new constitution of 1997, the Polish Senate, reinstated in 1989, has always shown a particular sensitivity to issues dealing with respect of human and civil rights. To a certain extent, this is in step with the Senate's historical legacy. Indeed, even in Poland before the partitions, the opinion was that the Senate's task was to "guard the law and rely thereon".

In the initial period of Polish systemic transformations, the Senate was the only body of state power elected by a free and democratic vote. This is why it enjoyed a great deal of societal trust. Consequently, already in the first few days of its reinstatement after 50 years, both the institution of the Senate and individual senators began receiving grievances referring to old and newly suffered wrongs, real and imagined. They concerned all aspects of life: economic abuses and illegal dispossessions and arrests, unfair tax assessments and compulsory deliveries of produced goods (which in the past have ruined many small private producers), as well as politically motivated dismissals. For the purpose of examining and assessing this abundant and diverse correspondence, preparing materials for senatorial interventions and undertaking necessary measures on behalf of the senators, it was decided to create a Senate Intervention Bureau (SIB) at the Senate Chancellery. After establishing the justifiability of a grievance, SIB personnel would intervene at various levels. Whenever it was possible for the grieving individuals to act without assistance, SIB personnel would provide them with exhaustive advice and explain relevant regulations.

Sometimes, when the wrong and the violation of human rights were obvious but the existing legal system prevented taking remedial measures, SIB would provide grieving individuals with a relevant and exhaustive explanation. In such cases, SIB employees would prepare a report and an expert study demonstrating the imperfect nature of the given legal act and its incompatibility with the new political and economic reality. These substantive studies were always based on an analysis of specific situations. Once enough evidence on the subject matter was collected, SIB would make justified generalizations and point at loopholes or shortcomings in the legal system that governed the given aspect of life.

SIB employees devoted special attention to grievances against violations of human and civil rights. Their examinations and resulting interventions were supported by the Senate Human Rights and the Rule of Law Committee. A place of choice among such grievances was occupied by lists of prisoners that had been detained provisionally but were then kept in re-socialization centers. There were multitudes of grievances against excessively long

provisional detentions without trial (sometimes for two, three or more years), forced transfers to social rehabilitation centers after completion of the prison term, use of illegal and unjustified types of punishment, refusals to grant passes or conditional discharges. There were reports of economic abuses committed by officials at some penitentiaries and production plants attached thereto. It should be added that in 1989/1990 many inmate revolts and protests have taken place.

Supported by the Senate Human Rights and the Rule of Law Committee, SIB officials reacted by inspecting many penitentiaries and provisional detention facilities. During such inspections, SIB officials would familiarize themselves with inmates' living conditions and examine documents referring to the course of the punishment and to the system involved in imposing penalties and granting rewards and passes. They would also inspect isolation cells and examine the reasons used to justify the refusal to grant a pass or conditional discharge. When they came across a case of a lengthy provisional detention, they would ask the public prosecutor or the court for reasons behind drawing out the legal proceeding.

SIB would submit inspection reports to the Human Rights and the Rule of Law Committee jointly with recommendations of the desired changes in the criminal law and in its practical application.

Alarming signals that SIB was receiving from residents of juvenile delinquent centers and shelters for juveniles about brutal treatment by personnel of these institutions (such as beating, denying food, lengthy detention in dark cells) and about violations of the Law on the Treatment of Juveniles compelled the Chairman of the Human Rights and the Rule of Law Committee to order an inspection of all such facilities by CIB officials.

As a result, re-socialization facilities were found to be almost routinely violating human rights by way of torturing inmates or submitting them to punishment without due cause, or by denying them the right to an objective trial and to an effective instrument of appeal. Provisions of the Convention on the Rights of the Child, which Poland signed in 1991, were being violated almost everywhere and there was almost no facility where the text of the Convention was available to residents. Only a few among close to 40 juvenile delinquent centers and shelters performed their re-socialization tasks properly and with due consideration for the law, without using illegal corporal punishment, extended detention in dark cells or other prohibited practices. Some even effectively applied novel educational methods.

The material collected in the course of inspections of juvenile re-socialization facilities enabled SIB to compile a report on the condition of juvenile delinquent centers and shelters for juveniles, and submit it to the Human Rights and the Rule of Law Committee and to the Justice Ministry. The report not only demonstrated the terrifying condition of juvenile detention facilities but also pointed at the defective legal environment in which they operated. It served as a stimulus for changes effected in the Law on the Treatment of Juveniles and for a reform of juvenile detention centers and other re-socialization facilities.

The Senate Intervention Bureau was closed in 1995 because it did not fit the traditional vision of the division of powers between three branches of government. As the situation normalized and Polish democracy matured, new human rights institutions became established and gradually gained societal confidence. Consequently, a special bureau in the Senate Chancellery tasked with the protection of human rights was little by little becoming obsolete. Still, to this day, the Senate Chancellery receives human rights grievances and signals of their violations. Their authors mistakenly believe that the Senate Chancellery has taken over the empowerments of the Intervention Bureau and count on it to intervene on their behalf. Many of these grievances concern matters which should be resolved by other bodies, particularly the court system. The role of the Senate Chancellery is limited to providing legal advice or indicating available legal procedures and means.

The Human Rights and the Rule of Law Committee has been functioning throughout the Senate's all terms in office (during the Senate's current term in office, it is called the Legislation and the Rule of Law Committee). Its field of interest concentrates on the issues of the respect for human and civil rights, their constitutional guarantees, law abidance and matters associated with the administration of justice.

There is no body within the Senate that specializes in the evaluation of proposed pieces of legislation from the viewpoint of their consistence with human rights. Such evaluations are done within the framework of examinations of the consistence of legal acts with the entire legal system, of which human rights are only one element. This task is performed by legislators who have received comprehensive training in constitutional law. When preparing opinions on individual bills, they are obligated to report all uncertainties associated with their consistence with human and civil rights.

V. COURTS AND PROTECTION OF HUMAN RIGHTS

The real burden of putting the constitutional treatment of international human rights regulations into practice rests on the courts, which stand guard over rights and freedoms. Indeed, the best guarantee of an effective protection of civil rights lies in the possibility of turning to an independent and sovereign body which passes judgments on the basis of the constitution and other legal acts. This includes courts established by international agreement, such as the European Tribunal of Human Rights.

For many years, the courts – which should act as the backbone of the system of the administration of justice – were only a peripheral part of the state apparatus. Today, the law applied in the courts is not limited to legal acts and their executive orders. Courts must reserve a prominent place in their work for what the current Polish constitution and the European Convention have to say about civil and human rights because it is a prerequisite to understanding common laws and knowing the limit of their influence on the life of an individual. Judges are also permitted to ask the Constitutional Tribunal for an opinion on the constitutionality of a specific legal regulation applied in a given case.

The administration of justice should be founded on fundamental rights. The return after 1989 to the doctrine that international treaties also bind the domestic legal system had a lot of effect on jurisprudence. Broad foundations were soon created for the courts to consider the domestic law also through the prism of its consistence with international human rights regulations. Today, when the courts apply the law, they may reach not only for the set of values that are at the foundation of the national legal system but, when establishing the legal status of a particular case, may also confront domestic provisions with the guidelines of international human rights regulations. This process has ended with the adoption of the new constitution. The text of its human rights provisions approximates the wording of the European Convention on Human Rights.

It needs to be stressed that decisions issued by the Strasbourg Tribunal had an immense effect on Polish jurisprudence and legislation. Decisions issued by the Tribunal force or expedite changes in Polish legislation.

VI. NON-GOVERNMENTAL ORGANIZATIONS AND PROTECTION OF HUMAN RIGHTS

Since the tendency to restrict human rights has been for centuries an immanent feature of the forces in power, it seems that the involvement of community and non-governmental organizations on behalf of human rights is particularly important. When talking about the development of human rights in Poland, one cannot but point to the effect of NGOs on that process and mention in particular the Helsinki Foundation for Human Rights and Amnesty International.

The Helsinki Foundation for Human Rights was established in 1989. Its emergence was preceded by seven years of work of Helsinki Committee in Poland, which had operated in the underground since 1982. After the political transformation in 1989 members of the Committee decided to come out into the open and to establish an independent institute for education and research in human rights. As independent institutes were banned under Polish law at that time, it was decided that a foundation would be formed to perform those functions.

Today the foundation is mainly involved in training NGO leaders, officials from the offices of foreign human rights commissioners, representatives of other state control institutions and members of intergovernmental missions. It provides everyday human rights assistance to citizens across the country and to tens of people seeking to obtain a refugee or resident status in Poland. It prepares materials and studies used by state institutions such as the police, courts, penitentiary service or border guards. Its 200 plus volunteers monitor human rights across Poland and organize public human rights events.

VI. CLOSING NOTES

The strength of human rights resides in their universal nature and in the universal endeavor by individual countries to embrace them in their legal systems. According to one of Polish Commissioners for Civil Rights Professor Adam Zieliński, human rights are one of crucial "legal discoveries" of the second half of the 20th century. In addition, human rights constitute a dynamic category and that is why their inventory is expanding both in the domestic legal system and in international law. The debate on new human rights is accompanied by various problems and threats, such as the threat to the right to privacy created by growing information technology or new problems associated with the boundaries of the freedom to conduct scientific research. Consequently, new laws and freedoms are being established, procedures are being developed to effectively guarantee their compliance, and various techniques are being used to counter violations of formally recognized human rights.

The adoption of human rights standards was simpler in West European countries because it was a consequence of the respect for and domestic normative recognition of fundamental rights. In Poland on the other hand, fundamental rights were introduced by way of international treaties.

In Poland - a country where democracy is a relatively new phenomenon – there is still a lot left to be done. Democracy and human rights are coupled and indivisible, and the development of human rights indicates the development of democracy. The legal achievement associated with the adaptation of the Polish law to international and European standards is indeed impressive. The real challenge, however, lies in putting these regulations into practice.