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Abstract of Doctoral Dissertation

Local government's acts in the activities of the Human Rights Defender (Ombudsman)

The subject of the discussed doctoral dissertation is a problem of local legal acts enacted by local government bodies as well as presentation of the powers and actions taken in this respect by the Human Rights Defender. On the one hand, the subject of the study points to the location of the analyzed issues in the space of local government units, i.e. communes, poviats and provinces; on the other hand, on the activities of the Human Rights Defender.

The aim of the study is to analyze the legal regulations relating to the activities of the Human Rights Defender, their legal position and the impact of these regulations on the possibility of performing the entrusted tasks, and thus the possibility of acting in the context of local legal acts. The aim of the work is to present the use of the indicated competences of the Defender in practice and to evaluate the adopted model. My doctoral research is also an attempt to answer the question whether the Commissioner for Human Rights needs a change, especially in the context of the functioning of local representatives and their role in controlling local law. Considerations in this regard will be presented against the background of legal solutions in individual European Union countries and in Great Britain.

The dissertation consists of five chapters. The first chapter presents the basic issues related to the institution of the Human Rights Defender. The presentation of the historical outline of the Ombudsman's institution, legal status and auxiliary apparatus is an attempt to present the essence of their activity. This chapter also discusses the relations between the Human Rights Defender and the legislative, executive and judiciary authorities, as well as the relations of this institution with local government. In this part of dissertation I also present the institution of local representatives. In addition, the basic concepts are presented, which include the control of public administration, or the principles of decentralization, independence and subsidiarity.

The second chapter of the dissertation presents legal solutions adopted in selected European Union countries and in Great Britain. First, an outline of the evolution of the ombudsman institution as well as the local ombudsman institution is presented. This chapter is also intended to present the basic issues related to the competences of ombudsmen operating at

local levels with local competences in Great Britain, Spain, Germany, Austria, Belgium, the Netherlands and Italy. Because of the introduction of legal solutions adopted in other countries in the context of ombudsman institutions at the local level, it is possible to take a new look at the institution of local representatives in Poland by indicating their role and possibilities of action.

Chapter three is an attempt to define the position of the Human Rights Defender in the activities of local government. This chapter presents the public tasks of local self-government, which include the enactment of acts of local law. The discussion of local government control is, in turn, to create a functional and structural basis for considering the control of local government activities exercised by the Defender.

The fourth chapter aims to discuss the rights of the Human Rights Defender in the context of the sources of generally applicable law, including the enactment of local law by local government bodies. The powers of local representatives in the scope of local legal acts will also be presented. In addition, the effectiveness of activities undertaken by the Human Rights Defender and this subject matter is analyzed. The problems faced by the Human Rights Defender are discussed, as well as an attempt of possible directions of changes in the control of local legal acts exercised by the Human Rights Defender through *de lege ferenda* conclusions.

In chapter five, I analyze the Ombudsman's general and individual speeches in this respect. This analysis is supplemented with the jurisprudence of administrative courts, the Supreme Court and the Constitutional Tribunal. The research material presented in this way allows for the identification of irregularities in the scope of local legal acts that were signaled by the Commissioner for Human Rights.

Each chapter contains a summary containing partial conclusions from the research carried out in them. The whole of dissertation is completed by the ending which presents the final conclusions containing the desired directions of changes in the Polish legal system.

The result of the considerations in this dissertation is the analysis and evaluation of the solutions adopted by the Polish legislator. Moreover, the result of the research in question is also the formulation of *de lege ferenda* postulates towards the Polish legislator in order to indicate the proposed directions of changes.