

Załącznik do wniosku o dalsze stadia przewodu doktorskiego –

- streszczenie pracy pt. „Pozycja i funkcjonowanie prokuratury w standardach prawnych Rady Europy” w j. polskim

The position and functioning of the prosecution service in light of Council of Europe standards

(abstract)

The purpose of this dissertation is to establish what consequences for the structure, competences and functioning of the prosecution service of a State derive from the fact of its membership in the Council of Europe as an international organisation. Part one analyzes the structure and competences of the prosecution service in major European countries and emphasises the close relationship between the prosecution service and sovereignty, as well as the diversity of the prosecution service in CoE member States resulting from their different legal traditions. This part identifies also the areas of international law that influence the functioning of the prosecution service and justify the opportunity or the need to create international standards related thereto: international cooperation in criminal matters, international protection of human rights, international criminal law, law of international organisations and international soft law. Part two defines the concept of the CoE standard as covering only the written law of this organisation and identifies the CoE bodies entitled to set standards related to the prosecution service; a special place is devoted in this respect to the Consultative Council of European Prosecutors. Part three analyses relevant standards in a dynamic approach, i.e. as constantly evolving and interacting. The author indicates the most desirable features of the prosecution service's structure, competences and functioning in light of CoE standards; he stresses, however, that member States have no legal obligation to establish a prosecution service. A special place is dedicated to the standard of prosecutorial independence which has four different meanings according to different CoE instruments. The author also examines the legal impact of relevant standards (hard law vs. soft law) as well as their coherence. He formulates observations and proposals de lege ferenda.



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/Piotr Turek/

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