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Summary of the doctoral dissertation
'Right of a crime victim to initiate the proceedings'

The issue of the victim's right to initiate the proceedings is relatively rarely a subject of literature. The existing studies focus rather on the other elements of the right to trial, especially on the issue of a victim as the beneficiary of the fair trial. Meanwhile, the issue of the victim's rights is extremely up-to-date, the proof of which is a rapid growth of regulations concerning crimes' victims in the international arena, as well as increasing standards of protection of victims in the judicial decisions of the European Court of Human Rights and the Constitutional Tribunal.

The purpose of the doctoral dissertation is proving that a victim is the subject using the constitutional right to initiate proceedings in the criminal cases. It is also proved that the guarantees specified in Art. 45.1 of the Constitution concern not only the court proceedings, but also the preparatory proceedings. It results in the lawmaker's duty to form the criminal proceedings so that it provided the victim with real access to the trial.

The dissertation consists of six chapters. The first chapter concerns the constitutionalization of the criminal law and proceedings. In the second chapter, there is an answer to the question, whether one may speak of the existence of a standard of victim's right in the UN, the Council of Europe and the EU forum. The following chapter concerns the status of a crime victim in the Polish criminal proceedings in the light of the criminal law codification from the years 1928, 1969 and 1997. The fourth chapter is dedicated to the issue of the victim's right to trial in view of the international law acts. The deliberations over the right to trial pursuant to Art. 6.1 ECHR and the concept of so-called positive procedural obligations of the state constitute an essential part of the chapter. In the fifth chapter, the issue of the right to trial in the Republic of Poland has been noted. The final chapter of the dissertation concerns the limitations of use of the constitutional victim's right to initiate the proceedings within the meaning of Art. 31.3 and Art. 77.2 of the Constitution.



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