

Summary

The right to life occupies a very notable place not only in Poland's Constitution, but also in international treaties that are binding upon Poland. The previous constitutions either did not include this right or placed it in their final sections. Chapter II of the Constitution (which formulates the right to life) also occupies a very important place in the hierarchy of constitutional norms. There is no doubt that this high position of the right to life, both in Poland's constitution and in international treaties which are binding on Poland, is not accidental. Of all the rights listed in the catalogue of human rights, this right holds a supreme position. No state can guarantee other rights without effectively implementing and assuring that its observance. The right to life is a non-derogated element of respect for human dignity and freedom. It appears that the regulation of this fundamental right by Poland's Constitution results from the compromise between Catholics, who support protection of life from the moment of conception, and atheists, who prefer using more general terms in such legal acts. As has been rightly observed, "when comparing the provision of art. 38 of Poland's Constitution to the international standards of protection of human rights that are binding on Poland, one notices that the Polish legislator has decided to legally protect the life of every person, whereas the international treaties formulate the requirement of protection of the right to life. This apparently minute difference has significant consequences with regards to the positive duties of the state and, in this sense, the Polish solution imposes higher standards of protection on the Polish state. Such phrasing of the standard imposes not only the duty to protect all people from arbitrary deprivation of life by organs of the state, but also the duty to maintain appropriate policies regarding the protection of human life in all areas where it is exposed to real dangers.

Compared to the normative approach to this right in the constitutions of many European countries, the regulation of the right to life in Poland's constitution undoubtedly constitutes a modern outlook on the problem of individual rights. The Polish regulation of the right to life not only meets international standards of protection of human rights, but assures better protection of this fundamental right.