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Summary of the doctoral dissertation

The architect's artistic expression in the light of human rights standards

This dissertation concerns a special kind of artistic expression such as this realized by the architects. One should remember that in the context of human rights system, the scope of legal protection is created by the appreciation of the limits which are connected with every right or freedom. Therefore, the main purpose of this dissertation is to indicate such limits (“boarders”) and to provide an appropriate explanation resulting from the unique nature of the freedom at stake. This uniqueness is apparent according to the specificity of title kind freedom of expression. First of all, it comes from its utilitarian character and secondly from the special responsibility which is connected with professionals whose freedom of expression is under consideration. The analysis of the legal protection also takes into account the considerations concerning the systematic attitude to human rights.

Although, the artistic expression is protected by international and national human rights standards, these standards rarely refer to the architect's expression. Consequently, this is the main reason why in this dissertation *ratio legis* of the usage of this standards in the context of architect's expression has been indicated.

The most primary and significant areas which include principle of the limitation of the architect's expression (and also secure the rights of other individuals) are: international human rights standards, constitutional law, construction law, authors right, civil law, protection of heritage, environment protection and nature conservation.

In the first chapter one can find explanation of the most important terms such as *inter alia*: the subject matter of copyright, designers in the context of construction law and monument in the light of heritage protection. Moreover, in this dissertation the evolution of the legal protection of the architect's expression in Poland at the present time has been described. The hypothesis that architect performs the profession of public trust and

additionally he is public person has been proven. Likewise, this dissertation has indicated the constitutional provisions which can be referred to the architect's expression (directly and indirectly).

The second chapter has been devoted to the issue of international protection of freedom of expression both in the universal and regional systems (European, Inter-american, African and Arabian systems). Remarks presented in this chapter could – *per analogiam* – referred to the architect's expression. Furthermore, in this chapter the position of the architect's expression in the light of system of human rights has been indicated. It was indispensable to show each dimensions of expression, i.e. individual dimension (I generation of human rights), cultural dimension (II generation) and collective dimension (III generation).

In the third chapter the protection of the architect's expression in the light of the authors rights has been analyzed. The hypothesis that legal protection covers the process of creating (mainly under civil law protection) and effects of this process - opus of architect's (mainly under authors rights protection) has been proven. The choice of forms of the above-mentioned protection has belonged to the Author. This dissertation contains detailed analysis of each moral authors rights mentioned in Polish Act on Copyright and Adjacent Rights in the context of limitation resulting from this rights.

In the fourth chapter the Author has pointed out other specific limitations which resulted from the construction law, heritage protection, spatial planning, environment and nature protection.

In the last chapter an attempt to answer the question if the criticism of the architect's expression can be restriction or is natural consequence of artistic expression has been undertaking. The key moment of this analysis was professional ethics and special responsibility for the health and comfort of users. Moreover, the scope of analysis concerns unlawful criticism included legal protection on the ground of civil and penal law. Additionally the case-law of Polish courts and European Court of Human Rights has been taken into account.

Most of the hypothesis formulated by the Author in the introduction have been able to be proved. Thus, it has made it possible to pronounce that architect's expression is a full-fledged kind of art which is protected by international and national legal system of human rights protection.