During the 1980s there have been many changes within the administrative system of Poland. The latest, and perhaps the last, major step in this programme of reform has been the establishment of the Commissioner for Citizens' Rights, whose task is to investigate and report on complaints that the rights and freedoms of citizens have been infringed. This introduction of an Ombudsman within a socialist system is an interesting development and the text of the law creating his office and setting out his powers and duties is given below.

The Commissioner enjoys a wide jurisdiction, covering all forms of official and quasi-official bodies within the state and without any major area of state activity being excluded from his competence, although cases concerning defence and security matters are treated differently. His concern is with infringements of the rights and freedoms of citizens but extends beyond breaches of the law to include breaches of the principles of social coexistence and social justice which are seen as lying at the foundation of the state.

As has already been noted by one commentator, it is possible to identify four functions which will be performed by the Commissioner. First, he has an investigative function, examining individual grievances and ascertaining whether or not the rights of citizens have been infringed in particular cases. Investigations can be begun as a result of complaints from individuals, whether or not they are the aggrieved persons, as a result of complaints from social and cooperative organisations and on the Commissioner's own initiative. The Commissioner is equipped with wide powers to hold his own inquiries, to obtain evidence, to inspect official documentation and to call for assistance from the other bodies within the state charged with supervisory and investigative duties.

Secondly, the Commissioner is involved in remedying any infringements which he discovers. He is not vested with any new and extraordinary powers to intervene personally and override other institutions in order to provide an

appropriate remedy, but rather his role is to set in motion the means of recourse which are already available within the existing system. In some cases he may limit himself to pointing out to a complainant the remedies which the complainant can pursue. In others he can make specific recommendations to the body found to have been at fault, which must notify him within 30 days of the remedial action which it is taking or of its response to his report; if the Commissioner is not satisfied with what is being done, he has no direct sanction but can refer the matter to the relevant higher authority, *e.g.*, the body which is superior within the administrative hierarchy to the one at fault. Where appropriate, the Commissioner’s report can call for the institution of civil, criminal, administrative or disciplinary proceedings, and in all but the last instance he can participate in the proceedings with the same rights as are enjoyed by the Procurator.

A *third* role for the Commissioner is as an instigator of reform. In addition to his recommendations in individual cases, the Commissioner is authorised to transmit to the appropriate authorities more general comments on how the rights and freedoms of citizens can be better protected and on how the efficiency of the procedures for dealing with individuals and their affairs can be improved. More specifically, he is empowered to submit his own proposals for legislative changes or for other legal steps to improve the position.

The Commissioner’s *final* role is as educator and source of information. A report is to be submitted annually to Parliament outlining the Commissioner’s activities and containing his comments on the general level of respect within the state for the rights and freedom of citizens. This report is to be published and may well provide a focus for discussion and debate on issues involving citizens’ rights. More generally, the mere fact of the Commissioner’s existence is likely to draw attention to the need to respect the rights of citizens. Through his activities the public may become more aware of the rights and freedoms to which they are legally entitled and consequently more ready to assert such rights. At the same time the prospect of being subject to investigation may bring home to those within the administration the need to pay heed to the rights of citizens at all times, producing a general improvement in the way in which individuals and their affairs are treated.

Among the initial problems which the Commissioner will face are those of settling the exact place of his office within the broader structure of the administration of the state and of working out relationships between his activities and those of other supervisory and investigative agencies. In particular there would appear to be the possibility of considerable overlap between the responsibilities of the Commissioner and those of the Procurator, since under Article 64 of the Constitution of the Polish People’s Republic, one of the tasks of the Procurator-General is to “ensure that the rights of citizens are respected”. Since the notion adopted by some socialist states of a Procurator