

zapominać, iż jego efektywność zależy jednak od postawy obu stron toczącego się dialogu sędziowskiego, a zatem nie tylko postawy sądów krajowych, ale także samego ETPC.

Adam Wiśniewski

**REMARKS ON THE APPLICATION OF STRASBOURG STANDARDS
IN CASES CONCERNING THE PROTECTION OF PERSONAL INTERESTS
(AGAINST THE BACKGROUND OF RECENT ECHR JUDGEMENTS
IN CASES AGAINST POLAND)**

Cases concerning the protection of personal interests belong to some of the most difficult to be decided by courts. The important guidelines are provided by the voluminous case-law of the Supreme and appellate courts. However, one should not forget, that the important point of reference is also the case-law of the European Court of Human Rights which should be relied upon if a national judge is to issue a judgment acceptable in the multicentric system of law. The analysis undertaken in this article focuses on crucial issues in cases concerning the protection of personal interests, namely the duty to prove the truth of one's allegations and the standard of due diligence adopted in the case-law of the ECHR in relation to journalists. The important trend in the recent cases decided by the Strasbourg court is to expand the scope of application of the standard of due diligence in establishing the truth of allegations also to persons who are not journalists. This will require the change of the line of case-law by Polish courts.

The analysis conducted in this study shows that the ECHR often undertakes a very detailed analysis and critique of the motives of the judgments of Polish courts deciding cases on the protection of personal interests. Therefore, the greater openness and receptiveness in relation to the Strasbourg case-law is required on the part of Polish courts. On the other hand, if the process of the judicial dialogue between national courts and the Strasbourg court is to be successful, some requirements should also be fulfilled by the ECHR itself. This refers primarily to the level of the elaboration of the motives of its judgments which is often too laconic to provide useful and readable guidelines to national courts. The expansion of the standard of due diligence to persons who are not journalists is also debatable and raises a number of reservations and questions.

The Constitutional Tribunal points out that the Strasbourg Court sometimes presents a very detailed analysis and criticism of the approach of national courts to matters concerning the protection of the freedom of expression, in particular, in regard to establishing the truth and journalistic integrity.