

## **Abstract in English**

The aim of this thesis is to provide an analysis of the situation on the Polish-Belarusian border from the perspective of international human rights law, with a focus on Poland's behaviour towards migrants on the border. In the context of this analysis, this thesis focuses both on the persons located on the specific border and on Poland's obligations to them under international and European Union law. The issue of migration is one of the most debated topics in the international community. In these discussions, the terms migration, asylum and refugee are often conflated; for this reason, the first chapter of this thesis serves to provide a basic definition of the differences between them. The second chapter focuses on international law protection, not only for refugees. This chapter distinguishes between the different categories of persons who may be at the border. Refugees are a specific category of persons governed by the 1951 Convention Relating to the Status of Refugees, which includes the key principle of non-refoulement. The bulk of this chapter is devoted to this principle, namely its definition and overlap with international human rights law and its personal and territorial scope. I conclude here that the principle of non-refoulement under international human rights law applies to all persons who would be subjected to inhuman or degrading treatment if returned. The third chapter focuses on the anchoring of the right of asylum at the level of the European Union. This regulation implies a number of obligations for Poland, as a member state of the European Union, to comply with in relation to persons at the border. This includes accepting applications for international protection, examining them impartially and fairly, and allowing asylum seekers to stay on its national territory while asylum proceedings are ongoing. The last chapter deals with the situation on the Polish-Belarusian border. It reflects on what is happening on the border with the help of reports from human rights organisations that have been active on the ground since the beginning of the crisis. This chapter describes the behaviour of the Belarusian and Polish border guards. Poland's practice of pushbacks in relation to migrants is analysed. This involves returning people back to the border without assessing their applications for international protection. Poland's efforts to legalise this practice in their national legislation and its compliance with international law and the law of European Union. These

conclusions are supplemented towards the end by a landmark decision of the European Court of Human Rights of *M.K. and others v. Poland*.

I conclude that Poland's behaviour towards persons at the border is contrary to international law. Poland is obliged to protect human rights and to comply with its obligations under the international conventions to which it has committed itself as a sovereign state.