

Public Statement

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Judicial Reform in Poland: a Threat to the Rule of Law

The International Association of Lawyers (UIA) and the International Association of Judges (UIM-IAJ) have been following with great concern the judicial reform in Poland in view of the very serious threats to the independence of the judiciary that will necessarily result from this reform.

Previously, we noted with grave concern the declaration of President Andrzej Duda when signing into law the bills reforming the Supreme Court and the National Council of the Judiciary and formally putting the country's judiciary under the political control of the ruling majority.

As the European Commission has triggered the Article 7 procedure, identifying these newly-enacted laws as violative of EU law and as a threat to democracy, we now call on the Polish authorities to review their position and consider the Commission's Recommendations, which clearly established actions Poland must take to remedy the current situation¹.

We also call on all EU Member States to clearly express their support of the Commission's position and condemn the judicial reform as a violation of the rules of democracy and EU standards.

In the absence of any clear response to these concerns by Poland or any modification of the current laws, at the next meeting of the Council of the European Union, EU Member States should reach a global agreement declaring that Poland's judiciary overhaul constitutes "a clear risk of a serious breach of EU values" and Member States should consider a suspension of Warsaw's voting rights.

*The **International Association of Lawyers (UIA)**, as a global and multi-cultural organization, facilitates professional development and international exchange of information and ideas, promotes the rule of law, defends the independence and freedom of lawyers worldwide, and emphasizes friendship, collegiality and networking among members. www.uianet.org*

*The **International Association of Judges (UIM-IAJ)** was founded in Salzburg (Austria) in 1953. It is a professional, non-political, international organisation, bringing together national associations of judges, not individual judges, approved by the Central Council for admission to the Association.*

The main aim of the Association is to safeguard the independence of the judiciary, which is an essential requirement of the judicial function, guaranteeing human rights and freedom.

The organization currently encompasses 87 such national associations or representative groups, from five Continents. www.iaj-uim.org

Contacts:

Mr. Giacomo Oberto (Italy), UIM-IAJ Secretary-General Giacober@tin.it

Ms. Romina Bossa Abiven, UIA Human Rights and Legal Profession Project Assistant rbossa@uianet.org

¹In order to protect the independence of the judiciary, Polish authorities must move quickly to reverse changes implemented recently. Specifically, the Polish authorities must (1) refrain from forcing judges from retiring at an earlier age as mandated by recent changes; (2) withdraw the discretionary power of the President of Poland to prolong the mandate of Supreme Court Judges; (3) revoke the new retirement regime for judges recently enacted and withdraw the discretionary powers of the Minister of Justice with respect to judges; and (4) restore the independence and legitimacy of the Constitutional Tribunal.