



UIA Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

“Rassembler les avocats du monde • Bringing Together the World's Lawyers • Reunir a los abogados del mundo”

Jerome ROTH

President

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Paris, January 15, 2020

Prof. Dr Tomasz Grodzki

Marshal of the Senate of the Republic of Poland

00-902 Warsaw

ul. Wiejska 6

Poland

Transmitted by Email: senator@grodzki.senat.pl

Re: Bill to Amend Various Laws including Those Relating to Common Courts and the Supreme Court

Dear Professor Grodzki,

I write in my capacity as President of UIA (International Association of Lawyers), the world's oldest, most multi-cultural international association of lawyers. Established in 1927 and with members in over 110 countries, UIA is dedicated to international exchange of information and professional development, cross-border networking, and promotion of the Rule of Law.

Over the last several years, our organisation has observed with increasing concern successive legislative changes adopted in Poland in the context of the wide-ranging judicial reform commenced in 2015. Numerous key international, European and local members of the legal community, including UIA, have repeatedly warned Polish authorities that the so-called “reform” posed a grave threat to the Rule of Law, including the separation of powers and the independence of the judiciary. On several occasions, UIA has called upon the Polish authorities to immediately reconsider their position and to cease all present and future attacks against the independence of Polish judges.

We note with deep concern today that, despite the objections to the reform as undertaken, including those of the European Commission, the lower chamber of the Polish Parliament adopted an extremely troubling new bill on December 20, 2019. The bill would further amend various laws including those relating to the system of Common Courts and the Supreme Court (9th Term Sejm, Parliamentary Paper No. 69) in a manner that is inconsistent with the Rule of Law.

The new bill proposes, *inter alia*, new types of disciplinary offences for judges that can result in substantial sanctions. Some of these offences directly contravene the right of judges to act independently and to engage in free expression, including, for example, the disciplinary offence of “questioning the status of Polish judges and challenging the validity of their appointments.” Other proposed disciplinary charges are extremely vague and overly broad, such as those that provide for sanctioning “public activities that are incompatible with the principles of judicial independence and the impartiality of judges”.

Furthermore, under the new provisions, judges would be subject to more stringent restrictions to their freedom of expression and association, restrictions that are certain to have a profoundly chilling effect and to discourage independent thinking and dialogue. Among other things, for example, judges would be prohibited from “adopting resolutions undermining the principles of functioning of the authorities of the Republic of Poland and its constitutional bodies”.

UIA strongly opposes the new bill. If adopted, it will further erode the already embattled independence of the judiciary in Poland, and it will undermine the Rule of Law in the country more generally. The bill would also substantially undermine the freedom of judges to speak out about any past, present or future reform of the judiciary or to counter any attack against their independence.

Adoption of this legislation would be particularly misguided at this time in light of the European Commission’s request that the European Court of Justice issue interim measures against Poland in connection with the ongoing proceedings regarding abuse of disciplinary proceedings against judges.

We therefore join the recommendation - made by many national, European and international expert voices - that **the Senate reject this proposed legislation in order to uphold the separation of powers and the independence of the judiciary in Poland.**

UIA further requests that the Senate ensure that any reform to Poland's judiciary system will conform to the Rule of Law, will be developed in consultation with the judiciary and all relevant national stakeholders, and will meet European and international standards of judicial independence, including those set forth in the past and future recommendations of the Venice Commission.

We respectfully request that you convey our concerns to the esteemed members of the Senate.

Thank you for your attention to these matters, which UIA believes are vital to upholding the Rule of Law in Poland.

Respectfully yours,



Jerome Roth
UIA President