

# AMNESTY INTERNATIONAL

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## Poland: New law undermines the independence of the judiciary

Responding to new legislation adopted by the Polish parliament today that may result in ending the independence of judiciary in the country, Amnesty International's Poland Researcher, Barbora Černušáková said:

"Today's vote puts rights and freedoms in Poland at great risk. The right to a fair trial is one of the key requirements of international human rights law as well as of the Polish constitution. This level of political interference with the judiciary can only lead to decreased trust in the fairness of trials."

"Voices warning against the adoption of the law fall on deaf ears and Poland is now heading to a situation where legislative powers will exercise influence over the process of selecting judges, members of the National Council of the Judiciary."

An amendment to the law on the National Council of the Judiciary (NCJ) puts this body, which safeguards the independence of courts and judges, under control of parliament.

The amendment was met by protests outside the Polish parliament.

## BACKGROUND

Prior to today's vote, several international organizations, including the Office for Democratic Institutions and Human Rights and the Consultative Council of European Judges, an advisory body of the Council of Europe, warned against the adoption of the amendment.

In response to the amendment, Amnesty International has launched a [petition](#) calling on the government of Poland to ensure that reforms of the judiciary are in line with international human rights law.

Amnesty International has also submitted an open letter to the European Commission demanding it invokes Article 7 of the Treaty of the European Union which allows for the imposition of sanctions, including the suspension of voting rights.

Under the amendment, the members of the NCJ, the constitutional organ safeguarding the independence of courts and judges, will be elected by parliament. Out of a total 25 members of the council, 15 members would be judges chosen by the lower chamber of parliament. The remaining 10 would be appointed by the president and the lower and upper chambers of parliament.

Another amendment adopted on 12 July by parliament involves the law on Common Courts and changes the nominations of the presidents and vice-presidents of the common courts. The decisive role in this process is now with the Minister of Justice.