

December 17, 2015

Honorable Members of Parliament, Ladies and Gentlemen,

The Constitutional Tribunal is an institution that is designed to safeguard civil rights and liberties. Most cases brought before the Constitutional Tribunal have an impact on the daily lives of the Polish people and may include issues such as tax free income, pre-school and school recruitment or the freedom of assembly. The newly proposed amendment will prevent the Tribunal from exercising its vital functions, which will be to the detriment of all citizens.

If passed, the amended Constitutional Tribunal Law will paralyse the institution. The Bill proposes that most cases will have to be adjudicated by the full panel of at least 13 judges. The Tribunal examines dozens of constitutional complaints, legal queries and motions every year. Today, most cases are adjudicated by panels of just several judges. Should each case require the involvement of a full panel of judges the time to judgement will increase radically. The new rule is to apply to all the pending cases as well.

Further, the proposed 2/3 of votes rather than a simple majority required for ruling unconstitutionality may actually mean that some more controversial cases will not be ruled at all.

The legislative process leading up to the amendment of the Constitutional Tribunal Law has been very hasty, which has limited the opportunity for citizens, experts and civil society organisations to comment on the proposed bill. Matters of fundamental importance for the political system of Poland and the rights of its citizens must be decided with due consideration and prudence and not by racing against the time and working nights.

The legal opinion attached hereto has been developed by the Helsinki Foundation for Human Rights and it details all our concerns regarding the new Bill.

We appeal to Parliament not to pass the current Bill but instead to proceed with due care and to allow a meaningful public review.

Honorable Members of Parliament, we ask you not to give us a Christmas gift in the form of this Bill that compromises civil rights and liberties.

Amnesty International

The Batory Foundation

The e-Government Foundation

The Panoptykon Foundation

The Helsinki Foundation for Human Rights

INPRIS – the Law and Society Institute

The Institute of Public Affairs

The Watchdog Poland Citizen Network

The Legal Intervention Association