

Concerning the political interference into the Polish judiciary

Resolution by the Presidents of the Associations of Judges of Denmark, Finland, Iceland, Norway, Sweden, Estonia and Latvia

At its yearly meeting the presidents of the Associations of Judges of the Nordic countries invited the Associations of Estonia and Latvia and a representative of the Polish Association of Judges IUSTITIA to discuss the current situation of the Polish Judiciary. All countries are members of the European Association of Judges (EAJ) which has also expressed its concern during its meeting in Berlin in May this year.

The Parliament of Poland has recently changed the law on retirement for Supreme Court judges effectively forcing 40% of the judges to retire. Also, the mandate of the President of the Supreme Court has been terminated earlier than stipulated by the Constitution. At the same time the appointment procedure of the National Council for the Judiciary has been changed. The Parliament is now empowered to appoint all members of the Council. In this way the politicians have the possibility to influence appointment of judges in a way that is not in accordance with European minimum standards.

We note that the political interference into the Polish judiciary started in 2016. This has been demonstrated by the changes in the organization of the Prosecution Office, by the termination of the mandate of the members of the Constitutional Tribunal and later by arbitrary dismissals of more than 150 presidents and vice presidents of Polish courts.

The judicial reform in Poland has been carried out by a democratically elected Parliament but without amendments of the Constitution. The changes constitute a serious threat to democracy and undermine the principles of division of powers and the independence and accountability of the judiciary.

An independent judiciary holding the confidence of the public is a cornerstone for all democratic states. It is a safeguard for the effective protection of Human Rights and for the democratic rights of citizens and the guarantee for the Rule of Law.

We express our deepest concern and urge our governments through contacts with Polish authorities and through other international relations to take immediate action with the strongest possible means.

Helsinki, August 31, 2018



Kimmo Vanne



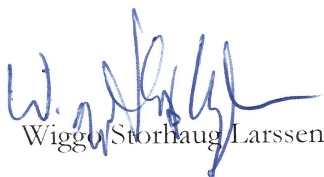
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