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ORAL STATEMENT

INTERACTIVE DIALOGUE WITH SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS

UN Human Rights Council

Thirty Eight Session

18 June 2018 – 6 July 2018

Mr. Vice-President,

Amnesty International welcomes the report of the Special Rapporteur on the independence of judges and lawyers pursuant to his mission to Poland in October of last year.

Mr. Rapporteur,

In your report, you highlight that the Polish government has actively hampered the independence of the judiciary by enabling the executive and legislative branches to interfere with the administration of justice. We agree that such interference threatens to have significant negative consequences for human rights in Poland.

Amnesty International's own research echoes these concerns. The legislative changes introduced by the government of Poland in 2016 and 2017 have eroded the independence of the judiciary. These "reforms" threaten the right to due process and other safeguards of a fair trial, guaranteed by the International Covenant on Civil and Political Rights, to which Poland is a signatory. The most significant aspect of the reform is that the laws governing all arms of the judiciary – Constitutional Tribunal, National Council of the Judiciary, common courts and the Supreme Court – have been made vulnerable to political influence over courts, judges, and judicial institutions.

In light of your report, Amnesty International calls on the government of Poland to:

- Constructively engage with your mandate and act on your recommendations without delay;
- Urgently amend the Law on the Common Courts, the National Council of the Judiciary and the Supreme Court and remove any provisions that undermine the full independence of the judiciary and put the right to fair trial at risk.
- Ensure that judges can exercise their judicial functions free from retaliatory action or other forms of pressure, including politically motivated disciplinary proceedings, harassment and intimidation.

Thank you Mr. Vice-President.