

RESOLUTION
OF THE SENATE OF THE REPUBLIC OF POLAND

of 27 February 2020

in defence of impartiality of judges and independence of the judiciary

The judicial system in the Republic of Poland is being demolished, with unimaginable consequences. Within four years only, the reputation of the Constitutional Tribunal was tarnished. The unconstitutional changes introduced into the National Council of the Judiciary have left it largely dependent on the executive power.

Opinions, resolutions and decisions of such European institutions as the Court of Justice of the European Union, the Council of Europe and the Venice Commission are being disregarded. The rulings and resolutions of the Supreme Court are openly being discredited. The independence of the judiciary is being challenged, and judges themselves have been targeted by the authorities with various aggressive actions. The state institutions, financed from the public funds, are disavowing courts, and in many cases, also individual judges. Recognising the need to reform the judicial system, as expressed by the public, the Senate of the Republic of Poland notes the negative effects of the introduced changes on the citizens and legal entities alike.

As a consequence of these actions, Poland is internationally no longer considered a democratic state based on the rule of law.

Recalling Article 173 of the Constitution: “The courts and tribunals shall constitute a separate power and shall be independent of other branches of power”, and its Article 178(1): “Judges, within the exercise of their office, shall be independent and subject only to the Constitution and statutes”, the Senate of the Republic of Poland calls for the following:

1. Ceasing the repression of judges and respecting the independence of judiciary.
2. Halting political interference in judicial institutions.
3. Ensuring safety at work for all judges.
4. Recognising the rights of the judicial self-government to properly represent their professional group.
5. Implementing the decisions of European institutions, including in particular the Court of Justice of the European Union, and the recommendations included in the Council

resolution of 28 January 2020 on the functioning of democratic institutions in Poland, without undue delay and untrue suggestions that these are to the detriment of the Republic of Poland.

6. Taking urgent measures to implement the resolution of three chambers of the Supreme Court of 23 January 2020.

The Senate of the Republic of Poland praises all judges and representatives of other legal professions who have shown courage and despite threats and repression have defied the demolition of the justice system, often facing harmful consequences. As Senators of the Republic of Poland, we guarantee that time will come when all harm is remedied, all dishonoured acts are condemned, and all unlawful conduct is judged.

This resolution will be published in the Official Journal of the Republic of Poland "Monitor Polski".

MARSHAL OF THE SENATE

Tomasz GRODZKI