



ORDO IURIS

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In recent years there has been an ongoing discussion about the state of the rule of law in some European countries such as Hungary and Poland. Ordo Iuris Institute would like to share some thoughts regarding the judiciary reform in Poland.

The judiciary reform was much needed and awaited by Polish society, which wanted faster proceedings, fairer trials, settlement with the communist past and dealing with - according to some – judge's caste. Unfortunately, the judiciary reform has been criticized from the beginning. Though some solutions implemented by Polish government turned out to be partially highly controversial and inefficient, Ordo Iuris Institute is positive about a few changes, such as the principle of random assignment of cases in civil proceedings or increasing the transparency of the operation of the National Council of the Judiciary.

After intervention of the European Commission the government withdrew from some ideas such as the age of retirement of the judges. Nevertheless, national and international organizations still draw public's attention to some disturbing incidents such as recent disciplinary proceedings intervening in courts' judgments.

Ordo Iuris Institute feels that the discussion concerning Polish courts is too emotional, unjustly focuses only on downsides of the reform and negative conducts of some members of government or judiciary bodies. At the same time it lacks constructive reflection allowing Polish government to resolve the distinctive problems concerning courts in Poland - simple repealing of the judiciary reform may not be possible as it may constitute another violation of the law.

Therefore, Ordo Iuris Institute wishes that the core of the discussion regarding the rule of law in Poland was the issue of possible legal solutions that would reconcile all sides of the conflict and at the same time would serve the society by facilitating access to fair and fast trials.

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