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Polish judicial reform

The German Federal Bar warns against interference with the rule of law

On 11 December 2017 the Venice Commission of the Council of Europe (European Commission for Democracy through Law) found that the planned judicial reforms in Poland violate the Polish Constitution as well as human rights and the principles of the rule of law. They enable the legislative and the executive powers to interfere massively with the Polish judicial system; they jeopardize the rule of law and may indirectly affect the lawyer's activities for the respective clients also in a way that is against the rule of law.

The German Federal Bar therefore supports the resolution adopted a few days ago by the Plenary Session of the Council of Bars and Law Societies of Europe (CCBE).

“The independence of judges is one of the fundamental pillars of a functioning state governed by the rule of law”, Rechtsanwalt und Notar Dr. Thomas Remmers, Vice President of The German Federal Bar points out, adding that “this independence is violated if the executive branch has the possibility to interfere with the setup and functioning of the highest courts. This also includes the planned shortening of the term of office of Poland's highest judges and the possibility to overrule final judgments retroactively for special reasons.”