



**LIBE Democracy, Fundamental Rights and Monitoring Group (DFRMG)**  
**January 2024**

<b>Questions to the Polish government</b>
---

1. The new Polish government has taken up various applaudable initiatives to strengthen the Rule of Law and restore the respect for fundamental European values in Poland. One important concern over the past decade related to the separation of the offices of the Minister of Justice and the Prosecutor General, for which the Government presented a draft law recently. Considering that its adoption requires the signature by President Andrzej Duda, what steps does the Government plan to undertake to pass the law? (S&D)
2. What measures does the Government envisage to address the serious concerns regarding the capture of the Constitutional Tribunal? (S&D)
3. How does the Polish government plan to address the lack of independence of the ordinary courts, in particular the Supreme Court? In particular, how does the Government intend to fulfil the milestones set up in Poland's RRF-Plan on judicial independence? (S&D)
4. How does the Government plan to re-establish women's rights, in particular the access to life-saving, safe abortions? (S&D)
5. How does the Government plan to re-establish the protection of LGBTIQ-rights, in particular the right to adopt and the principle of non-discrimination? (S&D)
6. As this new government is inheriting a captured judiciary filled with many neo-NCJ judges, it is challenging to bring the system back in line with the European standards on judicial independence and to comply with all CJEU judgements on the matter. How are the governments' plans to restore the independence advancing, especially the potential assessment, vetting and re-appointment of judges, as well as the termination of unwarranted disciplinary proceedings? (Renew)
7. As many of the announced and proposed measures to restore the Rule of Law risk to be vetoed by the Polish President, what options does the Government consider to still make advances towards restoring the Rule of Law in the meantime? (Renew)
8. According to reports, pushbacks at the external border are still ongoing. What measures does this government foresee to ensure the respect for EU and international law and grant asylum seekers access to an asylum procedure? (Renew)
9. We see that the new government's efforts to restore the Rule of Law in Poland are being obstructed in numerous ways, such as attacks and unwillingness to sign new laws by President Duda; obstructing rulings from the Constitutional Tribunal, opposition within the government institutions (like the Ministry of Justice, Prosecution Service, etc.).



---

*Committee on Civil Liberties, Justice and Home Affairs*

---

What does the government plan to do to adopt and endorse rule of law related reforms if the President vetoes these laws? (Greens/EFA)

10. We know that draft laws have been prepared by IUSTITIA on the reform of the National Council of the Judiciary (NCJ) and by Lex Super Omnia on the restoration of independence of the prosecution services.
  - Are the authorities planning to work towards the formal adoption of these laws and if so, what is their strategy for getting these draft laws signed by President Duda?
  - If the authorities are planning to put these draft laws forward in a revised manner in hopes of getting them signed by President Duda, could the authorities then specify what exact elements will be taken up and which elements they expect will be changed? (Greens/EFA)
  -
11. We understand that the problem of disciplinary proceedings against judges is ongoing, as the disciplinary prosecutors are still in office and launching cases and there have been no changes yet to the disciplinary court system.
  - What are the authorities' plans for addressing these problems?
  - And will they also take formal steps to repeal the Muzzle Law? (Greens/EFA)
12. What are the government's plans for the revetting process of the court system in order to ensure that every court again becomes an independent tribunal within the meaning of the European Convention on Human Rights and meets all the rule of law standards? (Greens/EFA)
13. The 2023 Rule of Law report of the European Commission raised concerns on the lack of progress on ensuring that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets, and on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media. Which step is the government planning to take in order to remedy the situation? (Greens/EFA)
14. How does the government intend to reform the Constitutional Tribunal, so that it again meets the rule of law standards? (Greens/EFA)
15. How does the government plan to ensure access to sexual and reproductive health and rights, including the right to access to abortion? (Greens/EFA)
16. In the meantime, how does the government plan to ensure persons helping to access abortion care, including activists and health professionals, are not prosecuted? (Greens/EFA)
17. How does the government plan to ensure that the rights of LGBTIQ persons are fully respected, in particular the right to private and family life and non-discrimination? (Greens/EFA)



---

*Committee on Civil Liberties, Justice and Home Affairs*

---

18. How does the government intend to ensure that treatment of migrants and asylum seekers at the border with Belarus fully complies with the right to asylum and EU law, as well as human rights standards? (Greens/EFA)
19. The 2023 Rule of Law report of the European Commission highlighted several issues concerning the Ombudsperson, including (i) insufficient financial resources and (ii) the dismissal of the deputy Ombudspersons dealing with migration related issues at the Polish-Belarusian border. How does the government plan to ensure the Ombudsperson have sufficient financial and human resources in order to implement their mandate properly? (Greens/EFA)
20. On what legal basis does the Polish government claim that it will not comply with the Constitutional Court's ruling on public media? (ECR)
21. On what legal basis does the government claim that it will not recognise the court's decision on the new authorities of Polish Public Television (TVP) and Polish Radio and then on the liquidators? (ECR)
22. On what legal basis does the government consider the Constitutional Court's decision on the prosecutors to be non-existent? (ECR)
23. The Speaker of the Sejm, after an unfavourable court ruling, asks for a new panel of judges to be appointed. Are these the standards of independence? Is it a standard that the Speaker of the Sejm is entitled to request the Supreme Court to appoint such and not other judges to hear his case? (ECR)