

Rule of law in Poland: MEPs point to “overwhelming evidence” of breaches

The Civil Liberties Committee is set to adopt a draft resolution on the continuing deterioration of democracy, the rule of law and fundamental rights in Poland.

Following Tuesday’s vote on [amendments](#), the [draft interim report](#) will be tabled for final approval at committee level on Thursday morning, by chair [Juan Fernando López Aguilar](#) (S&D, ES).

The text focuses on the functioning of the legislative and electoral system, the independence of the judiciary and the rights of judges, and the protection of fundamental rights in Poland.

MEPs are deeply concerned that the situation in Poland has seriously deteriorated since Article 7(1) was triggered, despite hearings held with the Polish government in the Council following the December 2017 [European Commission proposal](#), multiple exchanges of views with MEPs, alarming reports by the United Nations, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe, and four infringements procedures launched by the Commission.

The following are among key concerns reflected in the text:

- the constitutional revision powers taken on by the parliament since 2015, the use of expedited legislative procedures, as well as recent developments pertaining to changes to the electoral law and elections organised during a public emergency;
- broad changes to the country’s judiciary, enacted during the last few years, ranging from the way appointments are made, to disciplinary procedures, posing a serious risk to judicial independence;
- the situation of fundamental rights, particularly freedom of expression, media freedom and pluralism, academic freedom, freedom of assembly and association;
- the *de facto* criminalisation of sexual education, as well as hate speech, public discrimination, violence against women, domestic violence and intolerant behaviour against minorities and other vulnerable groups, including LGBTI persons, and the drastic limitation, coming close to *de facto* banning of abortion and limiting access to emergency contraceptive pills.

Consequently, it “calls on the Council and the Commission to refrain from narrowly interpreting the principle of the rule of law, and to use the procedure under [Article 7\(1\) TEU](#) to its full potential [...] for all the principles enshrined in [Article 2 TEU](#), including democracy and

fundamental rights”. Noting that the last hearing in the Council “was held as long ago as December 2018”, the text urges the Council “to finally act [...] by finding that there is a clear risk of a serious breach by the Republic of Poland of the values referred to in Article 2 TEU, in the light of overwhelming evidence thereof”.

You can watch recordings of the debates on the report [here](#) and on the vote on the amendments [here](#).

Next steps

The amended text will be put to the vote on Thursday morning, with results expected in the afternoon. The interim report is scheduled to be debated and voted on in plenary in September 2020.

Further information

[Procedure file](#)

[The pandemic is no excuse to weaken democracy and the rule of law, MEPs say \(EP press release, 23.04.2020\)](#)

[Rule of law concerns in member states: how the EU can act \(infographic\)](#)

[EPRS Briefing: Protecting the rule of law in the EU: Existing mechanisms and possible improvements](#)

[EPRS Briefing: European added value of an EU mechanism on democracy, the rule of law and fundamental rights - Preliminary assessment \(23.04.2020\)](#)

[EPRS Briefing: The Impact of Covid-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU](#)


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[Civil Liberties Committee web page](#)

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