**Amnesty International**

**Detailed recommendations to Polish Authorities**

**Independence of judiciary**

Repeal any laws that have undermined the independence of the judiciary and to restore full respect for the rule of law in Poland.

Amend the Law on the National Council of the Judiciary to ensure that members who are judges are elected by their peers and not by the executive and/or the parliament.

Review the constitutionality – in particular compliance with the principle of separation of powers – of the establishment and operation of the two new Supreme Court chambers: Extraordinary and Disciplinary. These chambers are composed of new judges elected by the National Council of the Judiciary, independence of which has been undermined by the reform of the judiciary. While both chambers technically are part of the Supreme Court, they have special powers and are effectively above all other chambers, creating a risk that the whole judicial system will be dominated by them.

Take immediate and concrete steps to restore and guarantee the independence of the Supreme Court, which has been undermined by the amendment of the Law on the Supreme Court that entered into force in April 2018.

Ensure full compliance with the interim measures ordered by the Court of Justice of the European Union issued on 19 October, specifically:

* Take measures to ensure that Supreme Court judges who were forced to retire under the April 2018 law can return to their posts and continue to perform their duties;
* Refrain from adopting any measures concerning the appointment of judges to the Supreme Court that would provide for the replacement of the judges who were forced to retire.

Review the new system of disciplinary proceedings that concentrates power over the system in the hands of the Minister of Justice. Ensure that judges can exercise their judicial functions free from retaliatory action or other forms of pressure, including politically motivated disciplinary proceedings, harassment and intimidation.

**Right to protest**

* Peaceful protest is a human right, not a crime. The authorities in Poland must recommit to protecting the rights to freedom of assembly and expression, and to ensuring that the judiciary can adjudicate in a full, fair and independent manner to ensure that those who exercise those rights are protected and those who violate those rights are held to account. Amnesty International therefore urges the authorities in Poland to:
* Refrain from applying criminal sanctions to people who exercise their right to freedom of assembly by participating in peaceful protests and demonstrations. Any pending criminal charges against peaceful protesters should be dropped;
* Avoid the use of force unless absolutely necessary in policing protests and demonstrations;
* Ensure that any law or regulation that infringes on the right to peaceful assembly is amended or repealed to ensure respect for the right to peaceful assembly in accordance with Poland’s international human rights commitments;
* Explicitly recognize the legitimacy and contribution of all those defending human rights, to publicly support their crucial work, and to create a safe and enabling environment in observance of the Declaration on Human Rights Defenders;