

Resolution on the situation of the rule of law and democracy in Poland

2017/2931(RSP) - 15/11/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 438 votes to 152 with 71 abstentions, a resolution on the situation of the rule of law and democracy in Poland.

The resolution was tabled by the EPP, ALDE, S&D, GUE/NGL and Greens/EFA groups.

Parliament considered that **the current situation in Poland represents a clear risk of a serious breach of the values** referred to in Article 2 of the TEU. It instructed its Committee on Civil Liberties, Justice and Home Affairs to draw up a specific report with a view to holding a plenary vote on a **reasoned proposal calling on the Council to act pursuant to Article 7(1) of the TEU to prevent a serious violation of the rule of law.**

It expressed its support for the Commission's recommendations on the rule of law and the latter's infringement procedure against Poland for non-compliance with EU legislation.

Members were particularly concerned about changes in the areas of public media, criminal law, police law, civil service law, the law on counter-terrorism, NGO law, asylum law, freedom of assembly and women's rights.

They regretted strongly and with growing concern the fact that no compromise solution has been found to the fundamental problem of the proper functioning of the **Constitutional Tribunal** (its independence and legitimacy, and to the **redrafted legislation relating to the Polish judiciary**, as regards specifically its potential to structurally undermine judicial independence and weaken the rule of law in Poland.

The resolution urged the government and the Polish parliament to:

- not to adopt new laws unless they fully **guarantee the independence of the judiciary**;
- implement fully all recommendations of the Commission and the Venice Commission expressing deep concern over the 'worsening situation' in Poland;
- ensure that anyone who expresses an intention to seek asylum or international protection at Poland's borders enjoys **full access to the Polish asylum procedure** in line with international obligations and EU law;
- respect the right to **freedom of assembly**;
- repeal the law on establishing a **National Institute for Freedom** - Centre for the Development of Civil Society, which hinders access to state funding from critical civil society groups;
- investigate media reports of **police surveillance of opposition and civil society leaders**;
- take a firm stand on the rights of women and girls by providing them with free contraception and accessible without discrimination;
- take appropriate action on and **strongly condemn the xenophobic and fascist march** that took place in Warsaw on Saturday, 11 November 2017;

In general, Parliament asked the Polish Government to respect all provisions relating to the rule of law and fundamental rights enshrined in the Treaties, the Charter of Fundamental Rights, the European Convention on Human Rights, international human rights laws, and to engage in direct dialogue with the Commission.

The latter was invited to **keep Parliament regularly informed** in a transparent manner of the progress made and the measures taken.