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**UN Human Rights Council
Thirty-sixth session**

Consideration of UPR reports

POLAND

Mr. President,

We welcome Poland's commitment to implement the recommendations of the Venice Commission and the European Commission with regard to the rule of law.¹ Poland also agreed to take measures to protect the independence of the judiciary and the separation of powers.² It made a commitment to ensure that any reform of the justice system is in line with international human rights standards.³

These commitments come at a time when the government and the President will be submitting new proposals on the reform of the judiciary.

In response to a recommendation to respect the integrity of the Constitutional Tribunal, Poland said that the Tribunal is an independent institution.⁴ This stands in direct contradiction to the observations in July of the European Commission that "the independence and legitimacy of the Constitutional Tribunal are seriously undermined and, consequently, the constitutionality of Polish laws can no longer be effectively guaranteed".⁵

Poland further noted that the judicial reforms are "in line with relevant European standards".⁶ Amnesty International takes this opportunity to note that these judicial reforms are in direct breach of international human rights standards as observed by a large number of intergovernmental organizations and independent bodies. The reforms risk seriously undermining judicial independence and pose a direct threat to the rights to effective remedy and fair trial.

We are concerned that Poland rejected a recommendation to repeal the restrictive amendments to the Law on Assemblies and to restore full freedom of peaceful assembly.⁷ The law prioritizes monthly pro-government assemblies in central Warsaw and, since April, it has been used to ban alternative or counter-

¹ A/HRC/36/14/Add.1, recommendation 120.85 (Sweden)

² A/HRC/36/14/Add.1, recommendation 120.86 (Guatemala); 120.88 (Belgium); 120.90 (Austria);

³ A/HRC/36/14/Add.1, recommendation 120.87 (United States of America); 120.89 (Switzerland); 120.98 (Germany).

⁴ A/HRC/36/14/Add.1, recommendation 120.91 (Chile)

⁵ Commission Recommendation of 26 July 2017: http://europa.eu/rapid/press-release_IP-17-2161_en.htm

⁶ A/HRC/36/14/Add.1, recommendation 120.98 (Germany).

⁷ A/HRC/36/14/Add.1, recommendation 120.110 (Canada)

assemblies and to effectively monopolize the public space near the Presidential Palace for a particular group.

Finally, we welcome Poland's support for eight recommendations to ensure access for women to safe and legal abortion, in line with international human rights law and the European Court decisions.⁸ We note, however, current initiatives by civil society groups and MPs to introduce further restrictions to access to abortion and other sexual and reproductive rights services.

Thank you, Mr. President.

⁸ A/HRC/36/14/Add.1, recommendations 120.128 (France); 120.129 (Australia); 120.130 (Sweden); 120.131 (Norway); 120.132 (Iceland); 120.133 (Canada); 120.134 (Iceland); 120.135 (Netherlands).