



Judiciary crisis in Poland

Why in news?

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The Poland government reversed its earlier ruling on the forced retirement of judges recently.

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How does the issue evolve?

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 - The government of Poland lowered the retirement age of judges from 70 to 65 earlier this year, forcing many to quit.
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 - Since then, about of third of the total judges have been forced to retire arguing that the changes would overhaul an inefficient judicial system.
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 - The ruling gave politicians the sweeping powers over the judiciary.
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 - Against this, the European Court of Justice (ECJ) ordered that Poland suspend the application of its new law.
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 - The European Commission had also asked ECJ on whether Poland's judicial overhaul was at odds with the bloc's common policies.
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 - Brussels, on its part, launched a formal probe into Poland's adherence to fundamental European values.
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 - Poland's Supreme Court too had referred the contested provision to the ECJ to ascertain that there was no discrepancy between the national and European statutes.
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 - Against this backdrop, the government of Poland has recently agreed to allow the judges who were forced into early retirement to return to work.

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What are the other such regressive measures?

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- Since winning a commanding majority in 2015, the ruling government in Poland has undermined media freedoms and democratic institutions.
- The lower age of retirement for the judges was seen as part of a design to politicise the judiciary.
- This was followed by the subversion of the constitutional tribunal, which adjudicates the validity of laws.
- It has also criminalised references to Nazi atrocities recently, which was condemned as an assault on freedom of expression.
- Also, Poland and Hungary face a legal challenge over non-compliance with the policy to share responsibility for the treatment of Syrian migrants.
- All these measures were viewed as part of the government's design to pull the country out of the EU.

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What should be done?

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- The government has already appointed the majority of judges to the Constitutional Tribunal, which has the power to veto legislation, and also controls the body that nominates all judges in Poland.
- Hence, Poland need to reverse these changes as well to avoid any standoff with the European commission and that of the EU as a whole.

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Source: The Hindu

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Quick Facts

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European Court of Justice

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- The European Court of Justice (ECJ) is the supreme court of the European Union in matters of European Union law.
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- It is tasked with interpreting EU law and ensuring its equal application across all EU member states.
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- The Court was established in 1952 and is composed of one judge per member state.
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- It is not possible to appeal the decisions of national courts to the ECJ, but rather national courts refer questions of EU law to the ECJ.
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- However, it is ultimately for the national court to apply the resulting interpretation to the facts of any given case.
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