

**Address by Sam Townend KC,
Chair of the Bar Council of England and Wales,
to the Annual Assembly of the Warsaw Bar Association**

25 May 2024

Dzien dobry.

My name is Sam Townend KC, I am the Chair of the Bar Council of England and Wales, the representative body of barristers for my country.

It is a privilege and an honour to be asked to speak at the annual assembly of the Warsaw Bar Association, the oldest legal professional association of Poland, and on the occasion of the award of the Ludovic-Trarieux Human Rights prize.

Lawyers are under pressure in many countries right now. They face governmental take-overs of Bar Associations, arbitrary disbarments, detention or even physical violence wherever there is a crackdown on the rule of law. Even in England it has become unfortunately routine for parts of the media to attack lawyers for acting for clients that they do not like and for certain political leaders to target other lawyer politicians for clients they advised 25 years ago. This is, of course, contrary to the 1990 UN Basic Principles on the Role of Lawyers that lawyers are not to be associated with the causes or character of their clients.

In Poland, however, you have faced a far more grave set of rule of law challenges with a near ten year campaign by the then ruling political

party exercising a deliberate campaign against legal and constitutional norms.

In the face of these attacks the Warsaw Bar Association has shown steadfast commitment to the Rule of Law. This has been displayed in so many ways:

- Your consistent advocacy for judicial independence
- By pursuing legal challenges against unconstitutional laws and government actions. The Warsaw Bar Association played a critical role in the case referred to the Court of Justice of the European Union (CJEU), which examined fundamental issues about the independence and role of lawyers within the EU legal framework. This case had wide-reaching implications beyond its specific subject matter, addressing the independence of lawyers, the self-governance of the legal profession, and the institutional safeguards necessary for these roles. Bar Associations around the world thank you for your leadership.
- Lawyers here found innovative ways to defend the rule of law such as the Wolne Sądy, the Free Courts Foundation, where lawyers communicated to people through media, namely film, rather than legal papers and articles, and filed dozens of cases at the ECHR and the CJEU. In 13 rulings from Europe's top courts, the Polish government had lost 13

times, according to Wolne Sądy. The group has also represented judges in Poland forced out of their jobs, including Małgorzata Gersdorf, the head of the supreme court, whom the government attempted unsuccessfully to force out via early retirement.

You have individually and collectively shown acts of bravery and resilience

- Defending the rights of individuals against state overreach
- Organising and participating in protests and public demonstrations

You have built up international solidarity and support

- Engaging with European and international legal bodies to uphold rule of law principles.
- Building alliances with legal professionals and organisations worldwide
- Included in this is my own Bar Council of England and Wales and the Bar Human Rights Committee, which supported your efforts to resist the attempts to waive Judge Tuleya's immunity.

Mikolaj Pietrzak and the broader Polish legal community have been vocal in their criticism of the government's actions, highlighting the vital

role of legal professionals in defending justice, democracy, and the Rule of Law.

Now we see that recent developments here have been positive and there is hope for restoration of the Rule of Law

- There are positive changes with Donald Tusk's leadership, and that of the Minister of Justice, Adam Bodnar.
- There are efforts under this leadership to restore judicial independence, which are pivotal for Poland's future within the European Union.
- But continued vigilance and advocacy is needed
- It is important for the Polish Bar to maintain its role in keeping up the pressure for reforms
- And it is appreciated that there is a need for ongoing support from the international community
- The European Union Commission's decision to end six years of Rule of Law proceedings against Poland marks a "new chapter" for the

country, reflecting the positive direction under the new pro-EU course.

- Poland's legislative and non-legislative measures to address justice system independence concerns demonstrate a renewed commitment to EU principles. There is recognition of the primacy of EU law and a renewed commitment to implementing the judgments of the Court of Justice of the European Union and the European Court of Human Rights. These are, indeed, significant steps toward restoring the Rule of Law.
- Finally, can I thank you for giving me the opportunity to address this important issue. The Bar of England and Wales supports you in your efforts in returning Poland towards a robust Rule of Law and democracy.
- Thank you for all of your blood, sweat and tears.
- Thank you for your work.
- Dziękuję