



INTERNATIONAL OMBUDSMAN INSTITUTE CALLS FOR IMMEDIATE ELECTION OF POLISH COMMISSIONER FOR HUMAN RIGHTS ACCORDING TO INTERNATIONAL STANDARDS

Following the decision of the Polish Constitutional Tribunal on 15 April 2021, (ref. no. K 20/20) Article 3(6) of the Act of 15 July 1987 on the Commissioner for Human Rights stating that "The current Commissioner shall perform his duties until the new Commissioner takes office" is inconsistent with Article 209(1) in conjunction with Article 2 and in conjunction with Article 7 of the Constitution of the Republic of Poland.

The IOI reiterates its opinion, as outlined in its letter of 16 October 2020, to Mr Adam Bodnar that the present constitutional procedures for the selection and appointment of the new Polish Commissioner for Human Rights are in line with relevant international standards, such as the Paris Principles and the Venice Principles and must not be circumvented. These standards guarantee the independence, impartiality and authority of the institution.

In particular, Article 6 of the Venice Principles states that "The Ombudsman shall be elected or appointed according to procedures strengthening to the highest possible extent the authority, impartiality, independence and legitimacy of the Institution. The Ombudsman shall preferably be elected by Parliament by an appropriate qualified majority."

Art. 7 further emphasizes that the "(...) procedure for selection of candidates shall include a public call and be public, transparent, merit based, objective, and provided for by the law."

The IOI stresses the importance of the prompt selection of the successor of Mr. Adam Bodnar in line with the principles mentioned above to prevent any vacancy in the important position of the Polish Commissioner for Human Rights.

The IOI has had a longstanding, very good cooperation with the Polish Commissioner of Human Rights. The former Commissioner, Prof. Lipowicz, was a very valuable member of the IOI Board of Directors and Regional President of the IOI's European Region. The excellent relationship continued with current office holder, Mr. Adam Bodnar, during whose term in office many close exchanges have happened. The IOI can thus confirm the strong, independent and important work the Polish Commissioner for Human Rights has been doing over the past years.

The IOI will continue to closely monitor the situation in Poland, as we take any threat to the independence of any of our member institutions very seriously and we will act according to the IOI Guidelines on the Support to Colleagues under Threat.



The IOI strongly calls for the timely election of new Polish Commissioner for Human Rights. An effective and independent OI, in compliance with the Venice Principles, is a key element for the promotion and protection of human rights in Poland, Europe and beyond.

For the IOI,

A handwritten signature in black ink, appearing to read 'Peter Tyndall', written on a light grey background.

Peter Tyndall

IOI President

A handwritten signature in black ink, appearing to read 'Rafael Ribó', written on a light grey background.

Rafael Ribó

IOI Regional President Europe

A handwritten signature in black ink, appearing to read 'Werner Amon', written on a light grey background.

Werner Amon

IOI Secretary General

Vienna, 16 April 2021