



Organization: Lawyers for Lawyers

Item: 6

Date: 24, 27, 28 March 2023

Speaker: Ms. Marije Pricker

Oral Statement to the 52nd Session of the UN Human Rights Council from Lawyers for Lawyers and the International Bar Association's Human Rights Institute, NGOs in special consultative status

Mr President,

We deplore that Poland has refrained from accepting any of the recommendations made at its fourth UPR related to the protection of human rights defenders, including lawyers, and the functioning of the justice system.ⁱ We call upon Poland to accept and effectively implement these recommendations without delay.

This is particularly worrying, considering a fundamental aspect of the rule of law is access to legal representation by an independent legal profession. Lawyers must be able to carry out their professional duties without harassment, intimidation or improper interference.

However, Polish lawyers face systematic interference and harassment while exercising their legal professional duties.

In some cases, prosecutors interview lawyers the investigation phase, to discuss matters that specifically fall under attorney-client confidentiality. Further, since Poland has limited the potential judicial oversight over phone tapping in 2016, this practice is easily used. Reportedly, the Polish government has used Pegasus software to hack certain attorneys representing opposition leaders.ⁱⁱ This secret surveillance not only interferes with the individual right to privacy, but additionally with the attorney-client privilege.

Furthermore, several lawyers in Poland have informed us about the harassment of lawyers in the country. Lawyers sometimes face legal harassment and/or disciplinary actions related to exercising their legal professional duties in politically sensitive cases.

We urge Poland to:

- Accept and effectively implement the recommendations with regards to the protection of human rights defenders and the justice system without delay;
- Give explanation why Poland did not accept recommendations on the justice system.
- Take immediate measures to safeguard the independence of lawyers and provide protection against any form of undue interference with their work.

Thank you.

ⁱ Report of the Working Group on the Universal Periodic Review, 13 March 2023, A/HRC/52/16/Add.1.

Noted Recommendations:

114.41 Strengthen legislation and implement comprehensive policies for the protection of human rights defenders, including environmental defenders, activists and journalists (Costa Rica);

114.93 Continue efforts and initiatives to improve the functioning of the justice system (Islamic Republic of Iran);

114.94 Continue efforts to finalize reforms initiated with a view to improving the functioning of the justice system (Uzbekistan);

114.95 Continue efforts on the reforms initiated by the Government with a view to improving the functioning of the justice system (Armenia);

114.96 Continue to strengthen the justice system (United Republic of Tanzania);

Rejected Recommendations:

114.100 Recognize the key role of human rights defenders and activists in protecting human rights and improve the police code of conduct in terms of treatment of peaceful protesters (Finland);

ⁱⁱ Associated Press, 'AP Exclusive: Polish opposition duo hacked with NSO spyware', 21 December 2021, available at:

<https://apnews.com/article/technology-business-poland-hacking-warsaw-8b52e16d1af60f9c324cf9f5099b687e>