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Dear Colleagues

My name is Urszula Szafrńska. I am a Polish Judge seconded to the Ministry of Justice of the Republic of Poland and I currently hold the position of the Head of the *Unit for Proceedings before the European Court of Human Rights* within the *International Cooperation and Human Rights Department*.

First of all, I would like to thank the organizers for kindly inviting me to give this talk at the Council of Europe. I am indeed honored to participate in this extremely interesting Seminar here in Strasbourg; and feel privileged to speak to you today about the Polish experience pertaining to the translation and dissemination of the European Court of Human Rights' judgments. We all know how important it is for national judges and other legal practitioners to be aware of the jurisprudence of the Strasbourg Court.

Poland as a member of the Council of Europe is represented before the Court by the Plenipotentiary of the Ministry of Foreign Affairs, who closely cooperates with other governmental authorities responsible for the implementation of the Convention within their competences. Since the majority of violations of the Convention appears to be caused by the issues faced by the Polish judicial system, the Ministry of Justice's contribution in cooperation with the Government Agent is very significant.

Poland became the member of the Council of Europe in 1991, but the Convention started to be part of our legal system couple of years later, in 1993. Today we celebrate our 25th anniversary of being a part of the European human rights protection system. I consider this a special moment to share Poland's experience with you.

During the initial period following ratification, only some of the Court's judgments were translated into Polish; and this involved mainly the most important Polish cases, such as *Kudła v. Poland* or the pilot judgment in the case *Broniowski v. Poland*. These translations were provided by the Council of Europe Information Office in Warsaw: an institution supporting the Council's activities in Poland that was active between 1991 and 2010. The Office was replaced in

June 2011 by the current Council of Europe Office in Warsaw. The Council of Europe Information Office in Warsaw had launched a very important project addressed to lawyers, judges and prosecutors which consisted of training sessions and seminars on the application of the Convention in the domestic legal system. A total of 1,200 lawyers participated in the project since the mid-1990s.

In 2010 the Ministry of Justice assumed the role of assisting judges in familiarizing themselves with the European standards. The Ministry's Department of Human Rights established a special algorithm in order to address every judgement issued by the Strasbourg court against Poland and to execute it in terms of general measures.

Between 2007 and 2010 the number of judgements issued against Poland was indeed significant - over 100 cases per year - majority of which concerned problems well known in Strasbourg case-law such as the excessive length of pretrial detention or court proceedings. Because of this, at first it was decided that the Ministry of Justice would translate and publish only judgments issued in non-repetitive cases.

With time the number of judgments decreased significantly from 107 in 2010 to 20 in 2017. Given this development, at present, the Ministry of Justice translates all judgments issued against Poland.

Since 2015 Poland started to translate certain judgments issued by the Strasbourg Court against other Member States. This was the result of a special agreement reached in November 2014 between the Ministry of Justice, the Ministry of Foreign Affairs, the Polish Constitutional Court, the Supreme Administrative Court and the National Public Prosecutor's Office. Every year each of the above-mentioned institutions decides which of the judgments are most relevant for the Polish judicial system; and after receiving the approval of the rest of the signatories, prepares the translation of at least ten judgments. The translated judgments are then published both on the website of the respective institution and on the website of the Ministry of Justice. Every translation is reviewed and – if necessary – properly edited before being published. In the case of very extensive and comprehensive judgments, only its summary is translated and published. Every translated judgement is then forwarded by the Ministry of Foreign Affairs to the Council of Europe so that the Polish language version could be published in the HUDOC data base.

As a result, the Ministry of Justice created and still develop a huge database of the Strasbourg Court's judgments on the Ministry's website www.ms.gov.pl under the *Human Rights* tab. The access to our database is open and free for everyone. Search tools are very simple and effective, allowing anyone to find the relevant judgment by typing in one or more of the following details: the name of the applicant, the number of the application, the article of the Convention or

the date of judgement. Today, the total number of published judgements, including those translated by the Council of Europe Information Office stands at 718. The average number of translations made per year is 55. Among them there are 145 judgments concerning other countries and 52 summaries.

Translating and publishing Strasbourg Court's judgements is not the only activity carried out by The Ministry of Justice aimed at increasing the awareness of the Polish judges regarding the human rights protection system. Since 2013 Poland has translated and updated the fact-sheets prepared by the Court, which concerned the most important groups of violations. At the moment Ministry of Justice website contains 48 translated fact-sheets, and many more are in the process of being updated. Apart from that we translate all final resolution issued by the Committee of the Ministers of the Council of Europe in Polish cases which were considered as executed. Also, the Ministry of Justice on the daily basis informs the public about the judgements and decisions issued by the Court against Poland by publishing their summaries on its website under the *News* tab. Apart from that, once a month special *Newsletter* is sent to every court, prosecution office and every person who subscribed it.

Moreover, whenever a judgement concerning a violation of the Convention by the Polish Judicial System is issued by the Court, a summary of such judgment coupled by the request to disseminate it among judges is sent by the Ministry of Justice directly to the President of the Court involved. The translation of the judgement is always attached to the letter.

What is also important, judges seconded to the Ministry of Justice conduct special lectures and workshops concerning the jurisprudence of the Strasbourg Court for judges working in particular courts in Poland, in which the specific problems related to the application of the Convention have been identified - in order to show judges their own mistakes and prevent new violations.

It is worth mentioning that thanks to the recent amendment concerning the common courts system in Poland, in every regional court two coordinating judges – one civil and one penal - have been tasked with helping other judges to find information about the European Convention on Human Rights and Strasbourg Court's jurisprudence. Towards this end, last May the Ministry of Justice in cooperation with the Polish National School of Judiciary and Public Prosecution organized a special training session for ninety co-ordinators, which was conducted by judges seconded to the International Cooperation and Human Rights Department.

Thanks to all of these awareness-raising activities judges are nowadays far more familiar with the Convention mechanisms and judgments than ever before. This is also reflected in the

increased number of references to Strasbourg standards made by Polish judges in their judgments and the decreasing number of applications lodged against Poland.

To conclude, I would like to underline that the Ministry of Justice will continue all of its efforts to educate, encourage and familiarize our judiciary with this greatly important topic. I strongly believe that soon applying the Convention will become as natural to Polish judges and prosecutors, as applying our domestic laws.

Thank you very much for your attention. If you have any questions I will be more than happy to answer them.