

Council of Europe
The Secretary General

Strasbourg, 7 December 2021

Dear Minister,

I should like to refer to Article 52 of the European Convention on Human Rights, which states that “on receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention”.

I hereby avail myself of the competencies conferred on me by that provision and have the honour to request that your Government furnish the explanations called for in the appendix.

I would be grateful to receive these explanations no later than 7 March 2022.

Yours sincerely,


Marija Pejčinović Burić

Mr Zbigniew Rau
Minister for Foreign Affairs
Republic of Poland

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Appendix

Request for an explanation in accordance with Article 52 of the European Convention on Human Rights

The Secretary General of the Council of Europe,

Referring to Poland's engagements under the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter referred to as "the Convention") and its additional Protocols;

Referring further to Article 6, paragraph 1 of the Convention, as interpreted by the long-standing case-law of the European Court of Human Rights, according to which, in the determination of his civil rights and obligations or of any criminal charge against him, the High Contracting Parties shall secure to everyone within their jurisdiction a fair hearing by an independent and impartial tribunal established by law;

Recalling that under Article 32 of the Convention, the European Court of Human Rights has exclusive competence to authoritatively interpret the Convention;

Considering recent developments in the domestic law, notably the judgment of the Constitutional Court of 24 November 2021 in the case K 6/21;

Acting in accordance with Article 52 of the Convention;

Invites the Republic of Poland

to furnish explanations concerning the manner in which the internal law ensures the effective implementation of Articles 6 and 32 of the Convention following the judgment of the Constitutional Court of 24 November 2021 in the case K 6/21.