



Donors and Foundations Networks in Europe



DAFNE AND EFC STATEMENT

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Dear

European philanthropy alarmed by dismantling of an independent judiciary in Poland

We would like to express our concern about the recent developments in Poland, which we consider are putting at risk the independence of courts and the rule of law in Poland and call on the European Commission to start an infringement procedure against the Law on the Supreme Court.

An independent judiciary is a precondition for the division of powers in a pluralistic society and a guarantee for proper implementation of civil rights and freedoms, which also includes the space for philanthropy. The control of courts, prosecutors and judges must not lie with the executive and a single political party. In the face of criticism by European institutions the Polish government has pursued a strategy to destroy the possibility for independent courts to control its actions. The Council of Europe's Venice Commission warned already at the end of 2017 that the changes bore "a striking resemblance with the institutions which existed in the Soviet Union and its satellites." On 3 April 2018 a new law on the Polish Supreme Court entered into force. This law foresees the dismissal and new appointments of dozens of judges, the majority of which would be "government friendly" judges. The appointment of the new judges will take place on 3 July, unless something is done beforehand.

As outlined in a [report](#) by the European Stability Initiative and the Stefan Batory Foundation, swift, concrete actions by the European Commission, member states and the European Court of Justice can still pre-empt the worst. To this end, former President of Poland [Lech Wałęsa](#), [120 civil society organisations](#), [97 artists and intellectuals](#), 17,000 Polish citizens as well as the [European People's Party](#) call on the European Commission:

to launch an infringement procedure against the Law on the Supreme Court immediately before the Court of Justice, with the aim to stop the mass dismissal of judges which is set to take place in early July and which would be almost impossible to reverse later.

We fully support this call and urge the College of Commissioners to launch this procedure today at the next meeting in Strasbourg.

Yours sincerely,

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About Donors and Foundations Networks in Europe (DAFNE)

DAFNE is Europe's largest network of donors and foundations associations. With 26 member associations with a collective membership of more than 10,000 foundations and grant-makers, DAFNE is a leading voice of European foundations. It underpins individual activities of its members by encouraging dialogue and collaboration between the national associations. DAFNE is currently chaired by Felix Oldenburg, General Secretary of the Association of German Foundations. www.dafne-online.eu

About The European Foundation Centre (EFC)

The European Foundation Centre is the platform of institutional philanthropy with a focus on Europe, but also with an eye to the global philanthropic landscape. It is a network of foundations and philanthropic institutions committed to the development and promotion of institutional philanthropy in Europe and globally. With the aim of being the voice of institutional philanthropy in Europe, the EFC promotes and communicates the value of institutional philanthropy to society thus contributing to an environment in which philanthropy can flourish. It serves as a hub of sector exchange and intelligence, to help its members increase the impact of their added value in society.
www.efc.be