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Independence of the Judiciary from the Perspective of the Council of Europe or what inspiration judges should take from developments in Poland and Hungary

Key words: Venice Commission, ECtHR decisions, independence of the judiciary

Summary. The article discusses the basic documents of the European Commission for Democracy through Law (Venice Commission) dealing generally with the rule of law and judicial independence as one of its main guarantees and the Venice Commission's opinions concerning the situation in Hungary and Poland. There is author´s personal experience as a rapporteur of some of these opinions. The article offers a summary of the principal reasons why it has been quite easy to attack judicial independence in these countries and how it has happened. The article also contains the description of the rule of law as one of the foundations of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the analysis of the recent decision of the European Court of Human Rights in the case of Grzęda v. Poland and the conclusions the Court has drawn in relation to the issue of the rule of law.

"Niezależność sądownictwa z perspektywy Rady Europy, czyli czym sędziowie powinni inspirować się wobec rozwoju w Polsce i na Węgrzech"

Słowa kluczowe: Komisja Wenecka, decyzje ETPCz, niezależność sądownictwa

Streszczenie. W artykule omówiono podstawowe dokumenty Europejskiej Komisji na rzecz Demokracji przez Prawo (Komisja Wenecka) traktujące ogólnie o państwie prawa i niezawisłości sądów jako jednej z jego głównych gwarancji oraz opinie Komisji Weneckiej dotyczące sytuacji na Węgrzech i w Polsce. Autor ma osobiste doświadczenia jako sprawozdawca niektórych z tych opinii. Artykuł zawiera podsumowanie głównych powodów, dla których atak na niezawisłość sądów w tych krajach był dość łatwy i w jaki sposób do niego doszło. Artykuł zawiera również opis rządów prawa jako jednego z fundamentów Europejskiej Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności oraz analizę ostatniej decyzji Europejskiego Trybunału Praw Człowieka w sprawie Grzędy przeciwko Polsce i wniosków, jakie Trybunał wyciągnął w odniesieniu do kwestii rządów prawa.

In this article I discuss the basic documents of the European Commission for Democracy through Law (Venice Commission) dealing generally with the rule of law and judicial independence as one of its main guarantees. I focus especially

* This article expresses solely the views of the author, not those of the institutions in which she works or has worked.

on the Venice Commission's opinions concerning the situation in Hungary and Poland. I consider them also from my personal experience as I was among the rapporteurs who authored some of these opinions. As there have been more opinions regarding both countries, I offer a summary of the principal reasons why it has been quite easy to attack judicial independence in these countries and how it has happened. Next, I describe the rule of law as one of the foundations of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as 'the Convention'). Finally, I analyse the recent decision of the European Court of Human Rights ('the ECtHR' or 'the Court') in the case of Grzęda v. Poland and the conclusions the Court has drawn in relation to the issue of the rule of law.

There are three basic documents of the Venice Commission concerning the issue of judicial independence - the Report on the Rule of Law, the Report on the Independence of the Judicial System and the Rule of Law Checklist.

The Report on the Rule of Law[1] identifies necessary elements of the modern rule of law;[2] one of them being the access to justice before independent and impartial courts, including judicial review of administrative acts.

The Report on the Independence of the Judicial System[3] comprises of two parts dealing with the independence of judges and prosecutors. This general document is frequently referred to in the opinions on the Polish and Hungarian judiciary which will be mentioned in detail below. Having in mind the Polish context, it is worth noting that the Report was partly prepared by Hanna Suchocka, a former Polish member of the Venice Commission. She is a well-known and respected lawyer, former prime minister and minister of justice, but after the Law and Justice Party had won the elections, she ceased to represent Poland in the Venice Commission. Nevertheless, she continues to participate in its work and activities as an expert.
The last document to be mentioned is the Rule of Law Checklist[4]. It is important to emphasize some of its conclusions:

The independence of the judiciary means that the judiciary is free from external pressure, and is not subject to political influence or manipulation, in particular

[1] Study No 512/2009 . Report on the Rule of Law (March 2011; CDL AD(2011)003rev; all cited documents of the Venice Commission are available on the website: https://www.venice.coe.int/

[2] The modern concept of the rule of law was brought to attention in particular by the British constitutional lawyer Professor A.V. Dicey in his Introduction to the Study of the Law of the Constitution (1885).On the issue, see f. e. Jeffrey Jowell, "The Rule of Law and its Underlying Values", in The Changing Constitution, edited by Jeffrey Jowell and Dawn Oliver, 7th edition, Oxford University Press 2011; Kaarlo Tuori, The Rule of Law and the Rechtsstaat, in Ratio and Voluntas, Ashgate 2011, chap. 7, pp. 8 ff;

[3] Report on the Independence of the Judicial System Part I: The Independence of Judges (March, 2010; CDL-AD(2010)004)

[4] Study No 711/2013 on the Rule of Law Checklist (March, 2016; CDL-AD(2016)007)

by the executive branch. This requirement is an integral part of the fundamental democratic principle of the separation of powers.[5]

The ECtHR highlights four elements of judicial independence: the manner of appointment, the duration of the term of office, the existence of guarantees against external pressure (including in budgetary matters), and whether the judiciary appears as independent and impartial.[6]

Impartiality of the judiciary must be ensured in practice as well as in the law. The public's perception can assist in assessing whether the judiciary is impartial in practice.

All decisions concerning appointment and professional career of judges should be based on merit applying objective criteria within the framework of the law. An appropriate method for guaranteeing the independence of the judiciary could involve an independent judicial council with a decisive influence on the appointment and career of judges. In all cases the judicial council should have a diverse composition, with a substantial part (if not the majority) of the members being judges. With the exception of ex-officio members, these judges should be elected or appointed by their peers.

Bonuses and non-financial benefits for judges, the distribution of which involves a discretionary element, should be avoided.

There is no common standard on the organisation of the prosecution service. However, sufficient autonomy must be ensured to shield prosecutorial authorities from undue political influence. Autonomy must also be ensured inside the prosecution service. Prosecutors must not be submitted to strict hierarchical instructions without any discretion and should be in a position not to apply instructions contradicting the law.[7]

The Venice Commission uses these general criteria also to assess the situation in the individual countries. As regards Hungary, the Venice Commission adopted several opinions concerning not only the judiciary, but also other issues of public life.

In Hungary, the unacceptable changes appeared after the current governing party gained qualified majority in the parliament and started to prepare a new constitution. A difference between the situations in Hungary and in Poland becomes evident. As the governing parties in Poland have not gained a qualified majority, they have not been able to pursue changes in the system and organisation of the judiciary through constitutional laws. The opposite is true in Hungary, where

[5] In Federalist No. 78, Alexander Hamilton, citing Montesquieu, redefined the judiciary as a separate branch of government coequal with the legislative and the executive branches.

[6] See in particular ECtHR judgement Campbell and Fell v. the United Kingdom, 28 June 2014, no 7819/77 and 7878/77, § 78.

[7] Report on European Standards as regards the Independence of the Judicial System: Part II - the Prosecution Service, adopted by the Venice Commission (December, 2010; CDL-AD(2010)040)

the governing party, enjoying a qualified majority in the parliament, managed to adopt a new system of appointment of the highest judicial officials. Hungarian presidents of courts and the president of the National Judicial Council have much broader powers than is usual in the standard judicial systems. The president of the Hungarian supreme court (Curia) is elected by the 2/3 majority in the parliament and holds his or her office until a new president is elected. That is very important from the point of view of a relevant political minority and its ability to induce a change in that post. Even if the current political majority loses its qualified majority or becomes political minority, it has already secured an important tool to keep the current president in office after the end of his term.

Overall, the Venice Commission adopted two opinions criticising the process of adoption as well as particular provisions of the new Hungarian constitution in 2011.[8] But later, mostly in 2012, several other opinions followed – concerning the Act on the Legal Status and Remuneration of Judges and the Act on the Organisation and Administration of Courts, the Act on the Constitutional Court of Hungary, and the Act on the Prosecution Service.[9] In March 2019, the Venice Commission paid attention to the new legislation on Administrative Courts.[10] Moreover, the Venice Commission criticised also some other Hungarian laws and regulations, interfering with fundamental rights, such as an amendment to the new constitution on protection of marriage and family, the freedom of expression and media legislation, the so-called "Stop Soros" legislative package, or the legislation imposing control over NGOs receiving support from abroad and the legislation introducing special immigration tax.[11]

As regards Poland, the Venice Commission dealt with their new laws and changes in several opinions, too. These opinions, adopted in 2016 and 2017, focused on legislation governing the Constitutional Tribunal,[12] the Public Prosecutor's

8 Opinion on three legal questions arising in the process of drafting the New Constitution of Hungary (March 2011; CDL-AD(2011)001), Opinion on the new Constitution of Hungary (June 2011; CDL-AD(2011)016)

9 Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary (March 2012, CDL-AD(2012)001); Opinion on Act CLI of 2011 on the Constitutional Court of Hungary (June 2012); Opinion on Act CLXIII of 2011 on the Prosecution Service and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and other Prosecution Employees and the Prosecution Career of Hungary (June 2012); Opinion on the Cardinal Acts on the Judiciary that were amended following the adoption of Opinion CDL-AD(2012)001 on Hungary (October 2012);

10 Opinion no. 943/2018 on the Law on Administrative Courts and the Law on the entry into force of the Law on Administrative Courts and certain transitional rules (March 2019)

11 See more: https://www.venice.coe.int/webforms/documents/?country=17&year=all

12 Opinion on amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland (March 2016; CDL-AD(2016)001); Opinion on the Act on the Constitutional Tribunal (October 2016; CDL-AD(2016)026)

Office,[13] and the draft amendments to the Act on the National Council of the Judiciary and to the Act on the Supreme Court, and the Act on the Organisation of Ordinary Courts.[14]

Given that in Poland the changes have been made by a political power without the qualified majority in the Parliament, the object of the reforms was not the Constitution itself, but rather the Constitutional Tribunal and its judges. The critical situation arose just after the parliamentary elections in autumn 2015. It resulted from the fact that the mandate of the President of the Constitutional Tribunal and several other judges expired around the time of the elections – the mandate of three judges was due to finish before the end of the term of the previous parliament and two more judges were due to finish their mandate shortly after the elections. However, all five successors of the outgoing judges had been elected before the parliamentary elections by the previous parliamentary majority. The new Government and parliamentary majority considered that election of the new judges as a breach of the principle of the government for a limited time and did not accept it, electing another five judges and swearing them into office shortly after the parliamentary elections. Later in 2016, the Prime Minister even decided not to publish certain decisions of the Constitutional Tribunal, which resulted in a kind of legal dualism because some institutions (such as the Supreme Court) kept respecting all the Tribunal's decisions although they were not published, while other institutions (such as the Parliament and the Government) did not respect them.

While the first steps concerning the judiciary were different in both countries, both governing majorities later used the same tactics in relation to the supreme courts – they lowered the retirement age of judges. Considering that the supreme court judges are usually rather senior, such regulation results in a part of the court being vacated upon the entry of the amendment in effect. These vacancies then may be filled in by judges selected by the current political majority. In Hungary, the retirement age was lowered to 62 years. A similar attempt was made in Poland, but eventually without success, *inter alia* thanks to the Court of Justice of the EU.[15] Nevertheless, Poland later carried out a large-scale reorganization of the Supreme Court so that the original judges were "diluted" by newly selected persons. In addition, the most politically sensitive cases (such as electoral matters) or disciplinary matters were assigned to new panels of the Supreme Court comprising of only

[13] Opinion on the Act on the Public Prosecutor's office (December 2017; CDL-AD(2017)028)

[14] Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court; and on the Act on the Organisation of Ordinary Courts (December 2017; CDL-AD(2017)031)

[15] C-192/18, Commission v. Poland, 2019 ECLI:EU:C:2019:529

newly appointed judges.[16] The disciplinary panels, dealing with offenses committed by judges and having the power to remove them from office, consist largely of former public prosecutors who, moreover, receive special rewards beyond standard judges' salary.

That is, in general, another tool introduced in both countries – establishing a special status for some judges who subsequently receive different remuneration than their colleagues in the same court.

In both countries the legislative changes in organisation of the judiciary and the public prosecution service were also used to replace presidents of courts as well as heads of prosecution offices without any reason. In Poland, at least 160 presidents of courts were replaced.

Another criticised measure adopted in Poland consisted in changing the method of election of members of the National Council of the Judiciary; judicial members of the Council were newly elected by the Parliament. But how can these judges be considered to be representatives of the judiciary when they are chosen not by their peers (the judiciary), but by another state power (the legislature)? As will be described below, the entire composition of the National Judicial Council has subsequently changed as a result of a change in the statutory scheme.

However, it was not only the political attempts to exert influence over the judiciary, but also an unacceptable infringement of the separation of powers. The most striking infringement of this principle consists in the combination of functions in the person of the Public Prosecutor General.[17] Until today, the Polish Public Prosecutor General, Zbigniew Ziobro, holds at the same time three other posts, being the president of one of the governing parties, a member of the parliament, and the minister of justice. In addition, unlike in the past, the Polish Public Prosecutor General has the power to intervene in ongoing criminal cases and to communicate with the media and transmit to them information regarding pending preparatory proceedings. In some instances, he has used these competences to scandalize the political opposition or some "disobedient" judges and prosecutors.[18] The most problematic aspect in these situations is often not the final measure introduced by the new legislation but the transitional period during which inconvenient or troublesome persons are removed from their offices, judges and prosecutors are relocated,

[16] Later, this procedure was found to be contrary to the Constitution and the European Convention (see more in Reczkowitz v. Poland, 22. July 2021, no 43447/19).

[17] In the past, the Polish legal system also contained provisions on the interconnection of the functions of the Minister of Justice and the Prosecutor General, but their separation has been welcomed by international institutions, because it respects more the rule of separation of powers. At that time (between 1990 and 2010), however, the Prosecutor General did not have many of the powers that he has acquired in the current arrangements (access to ‚live' files, powers and protection in the area of communication with the media).

[18] See similarly the ECtHR case *Garlicki v. Poland*, 14 June 2011, no 36921/07

and many persons encounter feelings of fear or desire to serve those currently in power in order to retain their positions.

Finally, the Venice Commission has paid attention to one more Eastern European country where judicial independence may be in danger for similar reasons as in Hungary and Poland – and that country is Romania. The Venice Commission has already adopted a series of opinions concerning the situation of the judiciary there which indeed does not promise bright prospects.[19]

When I was working on the opinion on the Hungarian administrative judiciary, I realized that accurate, technically precise and detailed criticism pursued in a polite manner may be much more effective than implicitly political and generalized criticism or – even worse – hysteria; polite criticism is more likely to result in a more constructive reaction by the criticised state. On the other hand, fierce and extremely political criticism may easily provoke and boost anti-European rhetoric and thus have a counterproductive effect towards the public in the affected countries.

Speaking about the public (in Hungary and in Poland), some of the reforms and changes in the judiciary were not easily accepted by the society; there were demonstrations in both countries and the Polish president vetoed the most controversial draft acts concerning the Supreme Court and the judicial council. Nevertheless, the majority of the people in both countries accepted the changes without explicit reservation. In both states, similar arguments were used to legitimize the changes. The new Governments pointed to some legal or political missteps made by the previous political majority, alleging that they were only attempting to remedy those missteps. That was the case for example with the disputed election of new constitutional judges in Poland, criticised for being made too early. They also reproached some mistakes made by courts in the past, and in Poland, the new Government referred to the need of removing communist-era judges. Drastic changes in the public prosecution service were explained by pointing to ineffective prosecution of economic crimes either committed by well-known people from the "elite" or damaging large groups of people; that was the case, for example, with delays in investigation of an investment fraud in Poland, the so-called pyramid scheme.

Considering these causes of such interferences in the judiciary in Poland and Hungary, accepted by large parts of the public, It is important to think about how

[19] Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation, and Law No. 317/2004 on the Superior Council for Magistracy (October 2018, CDL-AD(2018)017), Opinion on draft amendments to the Criminal Code and the Criminal Procedure Code (October 2018, CDL-AD(2018)021) Opinion on Emergency Ordinances amending the Laws of Justice (June 2019, CDL-AD(2019)014), Opinion od the draft law on the dismantling of the section of investigating criminal offences within the judiciary (March 2022, CDL-AD(2022)003)

the justice system should defend itself preventively.[20] The following recommendations are offered:

– Factual and constructive discussion containing arguments as to why possible interferences are unacceptable and how they may harm ordinary parties to proceedings
– Legitimizing the judiciary in the eyes of the public and increasing public trust in the judiciary
– Effectiveness and comprehensibility of judicial decisions, and
– Transparency of the judiciary and trying to be rather sympathetic and helpful than formalistic or problem-making.

Even as changes are taking place, judges should try to intervene and be proactive in some way.[21] One of the ways is to turn to the European courts. In addition to the possibility of using the preliminary references to the EU Court of Justice, judges can newly refer their own cases to the ECtHR. Perhaps the most significant decision in this regard is the recent decision of the Grand Chamber of the ECtHR in Grzęda v Poland.[22]

In its jurisprudence, the ECtHR repeatedly refers to the common fundamental values arising from the Convention.[23] In addition to such values as human dignity and solidarity, it also refers to the value of the rule of law. In addition, Convention phrases such as "necessary in a democratic society" are not defined anywhere. Yet, the Court has given them meaning over decades by relying on the values expressed in the Preamble to the Convention, on the common heritage of the Contracting Parties and by importing references from UN and other international law text.[24] There is also an interaction between EU law and the case law of the ECtHR.[25]

In deciding the Grzęda case, as well as other cases concerning the protection of judicial appointments and judicial careers in the case law of the ECtHR, it was necessary to grapple with the question of whether it is a problem that the ECtHR provides judges with a high standard of protection that is not available to other public office holders. The court did not explicitly address it and it remains unspo-

[20] Very interesting thoughts on this topic can also be found in David Kosar's book Perils of Judicial Self-Government in Transitional Societies. New York: Cambridge University Press, 2016. 488 s. Comparative Constitutional Law and Policy. ISBN 978-1-107-11212-4.

[21] The fact that this activity can be dangerous for judges, but at the same time they are morally obliged to undergo it, can be seen in the recent film Judges Under Pressure.

[22] 15. March 2022, no 43572/18,

[23] E.g. see Golder v. the United Kingdom, 21 February 1975, no 4451/70; Goodwin v. the United Kingdom, [GC], 27 March 1996, no 17488/90

[24] A. Bogdandy, *In the name of the European Club of Liberal Democracies: How to evaluate the Strasbourg jurisprudence,* EJIL: Talk!, 20. 12. 2018; available on the website https://www.ejiltalk.org/

[25] O´Leary, S. *The EU Charter Ten years On: A Vies from Strasbourg,* In: The EU Charter of fundamental rights in the member states / edited by Michal Bobek and Jeremias Adams-Prassl, EU Law in the Member States; Volume 7, Oxford : Hart Publishing, 2020 p. 37 - 66

ken behind all decisions in favour of judges. David Kosar and Katarina Sipulova provided a critique at the time of the Strasbourg court´s early treatment of rule of law and judicial independence questions in Baka v. Hungary.[26] The Court currently explains its approach by the idea that judicial independence is operationalised in the persons who are vested with judicial power, and that the judiciary must enjoy public confidence if judges ate to be successful in carrying out their duties. [27]

Even before the Grzęda decision, other decisions based on unacceptable changes in the Polish judiciary can be found, but these were less controversial, as they protected the rule requiring the state to administer justice by courts established by law.[28]

The Grzęda case concerns the dismissal of a Polish judge from the National Judicial Council (NJC) before the expiry of his term of office, and his inability to obtain judicial review of this measure, which was part of the judicial reforms carried out in Poland.

In particular, the Court has found that this lack of judicial review infringed the right of access to a court for Mr Grzęda. It said that the successive judicial reforms, including the reform of the NJC which affected Mr Grzęda, were aimed at weakening the independence of the judiciary, and that this goal was achieved because the judiciary was subjected to interference from the executive and legislative branches. The Grand Chamber decided by 16 votes to one (only the representative of Poland voted against) that this violated Article 6 of the Convention. The Court did not find any reason for the absence of judicial review in such situations. It emphasises that it is fully aware of the context of the case - a weakening of judicial independence and respect for the rule of law standards as a result of the reforms undertaken by the government, that were aimed at weakening the independence of the judiciary: to begin with, serious irregularities in the election of judges to the Constitutional Court in December 2015, then the National Council of the Judiciary was reshaped and new chambers were created within the Supreme Court, while the Minister of Justice's control over the courts was extended and his role in judicial discipline strengthened, among other measures. The Polish judiciary has been exposed to interference by the public authorities as a result of these successive reforms and its independence has been considerably weakened. The Court considers that the applicant's case is an illustration of this general trend.

The reason why the intervention of the ECtHR was necessary in this case was in particular that "judges can uphold the rule of law and give effect to the Convention only if domestic law does not deprive them of the guarantees required under the

[26] See Kosar, D., Sipulova K. *The Strasbourg Court meets Abusive Constitutionalism: Baka v. Hugary and the Rule of Law,* Hague Journal on the Rule of Law. 2018, roč. 10, č. 1, s. 83-110. ISSN 1876-4045. doi:10.1007/s40803-017-0065-y.

[27] § 301 and 302

[28] Xero Flor v. Poland, 7. Mai 2021, no 4907/18

Convention with respect to matters directly touching upon their individual independence and impartiality."[29]

Considering that the Polish authorities take a very lax approach to the enforcement of CJEU and ECtHR decisions, the following quote can be seen as very apt: „decisions from international institutions do not receive such due respect from the current Polish government. Usually, such judgments are politicised and declared to be the result of an international conspiracy against Poland and therefore lack applicability in Polish law."[30]

While execution of the judgements of the ECtHR is not optimal, judgments finding violations of Convention provisions are powerful tools which position human rights, the rule of law, and democracy in domestic public discourse. They are and will remain an essential source of support and confirmation for those who oppose abusive constitutionalism and worse.

On 25 April 2022, the ECtHR disclosed that it had communicated to the Polish government twenty new cases concerning the independence of the judiciary. Some of the cases concern the parties' objection that the relevant Chamber of the Supreme Court was not properly composed (civil cases, disciplinary cases), while others relate to the composition of the Supreme Judicial Council or the inadequate assessment of the termination of a judge's mandate at the age of 65.[31]

In our quest to safeguard judicial independence, whose importance is incontestable but also sadly not immediately obvious to all or many members of the public whose rights and interests courts exist to protect and serve,[32] we may lose sight of how estranged the European project may have become to some members of the general public.

This text was finalised at the time of the attack on Ukraine. Perhaps these events will lead us to believe that Europe will have to prove its commitment to many of its values - freedom, solidarity, democracy, and human dignity. The Council of

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[29] § 302

[30] M. Mechlinska, *When Is A Tribunal Not A Tribunal? Poland Loses Again As The European Court Of Human Rights Declares The Disciplinary Chamber Not To Be A Tribunal Established By Law In Reczkowicz V. Poland*, "Strasbourgobservers" 26.10.2021, available on the website wwww.strasbourgobservers.com

[31] Dudek v. Poland (no 41097/20), Szczepaniak v. Poland (no 53778/20), Modzelewska v. Poland (no 1412/21), Bojańczyk v. Poland (no 8916/21), Ejsmont v. Poland (no 26638/21), Prokopcow and Maciejko v. Poland (no 31053/21), I.G. v. Poland (no 42668/21), Piotrowicz v. Poland (no 50702/21), Poremba v. Poland (no 50708/21), Cholewiccy v. Poland (no 60827/21), Arydium Sp. z o.o. v. Poland (no 1210/22), Michalak v. Poland (no 1510/22), Półtorak-Libura and Libura v. Poland (no 43211/21), Burchard v. Poland (no 1470/22), Frąckowiak-Mitura v. Poland (no 21998/21), Hetnarowicz-Sikora v. Poland (no 22918/21), Odelski v. Poland (no 24398/21), Zielonka v. Poland (no 25545/21), Wójcik v. Poland (no 11000/21), Sokal v. Poland (no 15656/20)

[32] Sterk, K., van Dijk, F. *Judiciaries must build Support in societies*, Verfassungsblog 2021/2/04, www.verfassingsblog.com

Europe was established in the wake of tyranny, with the aim to prevent its return. Let us hope that we appreciate how important it is to protect one of the main values that distinguishes tyranny from a state based on the separation of powers and the protection of individual rights, which is not sustainable without the rule of law and an independent judiciary.

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