



The Court communicates four applications concerning procedures for appointing and promoting judges

On 14 May 2020, the European Court of Human Rights communicated¹ four applications (**Sobczyńska and Others v. Poland**, applications nos. 62765/14, 62769/14, 62772/14 and 11708/18) to the Government of Poland, and requested them to submit their observations after the non-contentious phase.

The applications concern the Polish President's refusal to appoint the applicants to vacant judicial posts in various courts in Poland.

The applicants argue that they met the legal conditions in force at the relevant time, and complain about the administrative courts' and the Constitutional Court's refusal to examine their appeals, declining jurisdiction in that sphere.

A statement of facts setting out the applicants' complaints and the questions put to the parties is available in French only on the Court's website ([link](#)).

The applicants are six Polish nationals who, at the relevant time, were three trainee judges, two sitting judges and a public prosecutor. They had all applied for vacant judicial posts in a number of first- and second-instance courts.

Between 2005 and 2006, having completed a three-year course in accordance with the legislation in force at the time, the three trainee judges submitted their applications for vacant judicial posts in courts of first instance. The applications were approved by the general assemblies of members of the courts in question and by the National Council of the Judiciary. They were then transmitted to the President of the Republic for appointment. By unreasoned decision published in the Official Gazette in January 2008, the President of the Republic refused to appoint them.

On different dates the two judges and the public prosecutor applied for vacant judicial posts with, respectively, a court of appeal, a regional court and a district court. The applications were approved by the National Council of the Judiciary. They were subsequently transmitted to the President of the Republic, who refused to appoint the applicants to the posts in question. That decision was published in the July 2016 issue of the Official Gazette.

All the applicants lodged appeals with the administrative courts, which declared them inadmissible on the grounds that they had no jurisdiction to consider decisions taken by the President of the Republic in the exercise of his discretionary powers as regards appointments of judges and prosecutors. Three of the applicants appealed to the Constitutional Court, which also declined jurisdiction.

The applicants relied, in particular, on Article 6 (right to a fair trial / right of access to a tribunal), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights.

The applications were lodged with the European Court of Human Rights on 7 September 2014 and on 28 February 2018.

¹ Under Rule 54 § 2 (b) of the Rules of Court: "the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply."

Press Release

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.