



14 June 2019

The members of the *JUSTICIA* European Rights Network (a coalition of the European leading civil liberties organizations working on the right to a fair trial) would like to express their deep concerns regarding the recent Polish Parliament decision to adopt an amendment to the Criminal Code introducing a possibility to sentence a convict for a whole life sentence.

Pursuant to the newly adopted provision the Criminal Court will have a power to exclude the possibility of conditional early release whenever the nature or circumstances of convict's crime, as well as its personal characteristics, indicate that the convicted person's release from prison will result in a permanent threat to the life, health, liberty or sexual freedom of any other person. Moreover, the Court will also be able to make a similar decision in the case of convicts who were previously sentenced to life imprisonment.

The *JUSTICIA* European Rights Network would like to emphasize that these provisions raise serious concerns regarding their compatibility with the Convention for the Protection of Human Rights and Fundamental Freedoms (the "**Convention**").

The European Court of Human Rights has on numerous occasions pointed out that all life prisoners cannot be denied a prospect of a release and they should have a possibility to apply for the review of their sentence<sup>1</sup>. Otherwise, their punishment will result in inhuman treatment violating requirements arising from art. 3 of the Convention.

This is also required by other international human rights standards. The International Covenant on Civil and Political Rights, for example, indicates that the essential aim of the penitentiary system should be a prisoner's reformation and social rehabilitation. Moreover, the Council of

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<sup>1</sup> See e.g.: ECtHR judgement (Grand Chamber) of 9 July 2013 in the case *Vinter and Others v. the United Kingdom*, application no. 66069/09; ECtHR judgement (Grand Chamber) of 26 April 2016 in the case *Murray v. Netherlands*, application no. 10511/10; ECtHR judgement of 4 October 2016 in the case *T.P. and A.T. v. Hungary*, application no. 37871/14

Europe Recommendations indicate conditional release to be available to all sentenced prisoners, including life-sentenced prisoners<sup>2</sup>.

Likewise, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“**CPT**”) has indicated its serious reservations regarding countries which have introduced whole life sentence. In the CPT’s opinion, imprisonment for life without any real hope of release has constitutes inhuman treatment.<sup>3</sup>

Therefore, the members of *JUSTICIA* European Rights Network hope that Polish authorities will revoke proposed changes in Criminal Code and ensure compliance of the national system of conditional release with the requirements of the Council of Europe. As a result, we call upon the President of Poland to veto the proposed amendment. The adoption of this law will significantly undermine human rights in Poland.

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<sup>2</sup> Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole)

<sup>3</sup> Situation of life-sentenced prisoners, Extract from the 25th General Report of the CPT, published in 2016, available at: <https://rm.coe.int/16806cc447>