

Poland 2025

Information from: Commissioner for Human Rights of Poland

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Polish Commissioner for Human Rights (CHRP) was last re-accredited in [March 2023](#). The SCA acknowledged the efforts of the CHRP in discharging its mandate effectively, despite the challenging context in which it operates.

The SCA noted that the CHRP has engaged in a wide range of activities to promote human rights, including the establishment of the Centre of Societal Projects. At the same time, the SCA reiterated its 2017 recommendation for the CHRP to continue interpreting its mandate in a broad manner and to advocate for amendments to its enabling legislation to give it a more comprehensive mandate to promote human rights.

Moreover, the SCA recommended that the CHRP continues its efforts to conduct follow-up activities to ensure that the State responds to its recommendations and upholds its protection obligations.

Additionally, with regards to the selection and appointment of the Commissioner, the SCA advised that the CHRP advocates for changes to its enabling law to ensure that the position of the Commissioner for Human Rights does not remain vacant after the mandate of a Commissioner expires and that the selection and appointment process is launched in a timely manner. Further, the SCA recommended that the NHRI advocates for the formalisation and application of a selection process for the Commissioner, which would fulfil the requirement to publicise vacancies broadly, maximise the number of candidates from a wide range of society groups; promote broad participation; and assess applicants based on objective, publicly available criteria.

The SCA recommended that the NHRI takes further steps to ensure pluralism in its staff composition, and further notes that ensuring pluralism through staff that are representative of the diverse segments of society is particularly relevant for single member NHRIs, such as Ombuds institutions.

Finally, the SCA recommended that the CHRP advocates for the funding necessary to ensure it can effectively carry out its mandate.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Commissioner for Human Rights (CHR) [continues to actively engage](#) with the OHCHR, GANHRI, ENNHRI, and other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods, similarly as reported in previous years (see for example, ENNHRI [2023 Rule of law report](#) and ENNHRI [2024 Rule of law report](#)).

The Commissioner publishes information on its activities, especially on submitted general motions to the authorities or legal opinions presented within the framework of the legislative process. The CHR publicizes on its [website](#) information on measures taken, or not taken, by public authorities in implementing specific recommendations.

Additionally, the Commissioner advocates for an increase in its budget to allow for the effective fulfilment of its mandate.

Furthermore, the SCA recommended that the CHR take further steps to ensure pluralism in its staff composition. The information gathered during the reaccreditation procedure remains generally accurate. While the CHR informed the SCA of the gender balance among its staff and the presence of more than six percent of persons with disabilities in its staff composition in line with relevant national legislation, the Commissioner also underlined that it is prohibited by law to process sensitive personal data such as ethnic background. At the same time, the Labor Code provides for equal treatment of all candidates and applicants to the Office of the Commissioner for Human Rights.

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the Commissioner for Human Rights has changed since January 2024. In December 2024, the Act on the Protection of Whistleblowers entered into force, which included a [new role for the Commissioner for Human Rights as an intermediary between whistleblowers and public authorities](#). The primary responsibility of the Whistleblower Team at the Office of the Commissioner for Human Rights is to receive, initially verify, and forward reports from external whistleblowers regarding violations of the law in the areas covered by the Act to the

appropriate public authorities. This is done in accordance with the procedure for receiving external reports established by the Commissioner for Human Rights.

The Commissioner's mandate, which is relatively strong, allows, among other things, for joining court proceedings, and challenging laws before the Constitutional Tribunal, remains unchanged.

As reported in 2022, according to Art. 7 (2) and (4) of the [Act of 15 July 1987 on the Commissioner for Human Rights](#), the Sejm may dismiss the Commissioner by a 3/5 majority of votes in the event of "betrayal of the oath". Since the oath of office refers to extremely general, undefined concepts such as "respect for rules of justice" or "respect for principles of community life", in practice the Sejm may arbitrarily assess the significance of this premise for dismissal. In the Commissioner's opinion, there is a need to repeal the above-mentioned regulation.

NHRI enabling and safe space

NHRI enabling and safe space

Most state authorities have a good understanding of the CHR mandate and respect its independence and role. However, there are still cases where some authorities ignore the Commissioner's questions or provide vague answers. Nevertheless, the Commissioner follows up on its recommendations and publishes replies to general motions on its website.

As regards the access to law and policy making, despite the structural problems with the legislative procedure in Poland reported in previous years (see for example, [2024 Rule of law report](#) or [2023 Rule of law report](#)), the Commissioner can participate in all stages of the legislative process without any serious complications. Recommendations and opinions submitted by the Commissioner are at least considered during the legislative process, and some of them [have a direct impact on the proposed regulations](#).

Lack of adequate resources

However, the Commissioner notes that it lacks adequate resources to carry out the full breadth of its mandate. Despite an increase in the CHR's budget, the Commissioner's staff and budget remain insufficient in comparison to his vast responsibilities, which include handling citizens' complaints and requests for intervention, a number that increases each year ([e.g. in 2023 – over 80 000](#)), monitoring conditions in over 3,000 prisons, psychiatric hospitals and detention centres, and intervening in judicial proceedings in civil, criminal and administrative cases.

In 2024, [the Commissioner for Human Rights informed Parliament](#) that the

financial situation of the CHR Office "is inadequate in relation to the tasks facing the office, the number of complaints received by the office and the competence and dedication of the employees".

Practical difficulties in implementation existing measures to ensure timely and reasoned responses to the Commissioner's recommendations

Furthermore, there have been no relevant measures or practices implemented to ensure timely and reasoned responses to the Commissioner's recommendation. There is a legal obligation for state authorities to provide a reasoned reply to the Commissioner's motions within a prescribed time limit. However, in practice, this obligation is not always properly fulfilled.

Functional immunity and measures to protect and support the NHRI

As regards the functional immunity of the leadership and staff of the NHRI, the Commissioner and staff enjoy protection as public officials. Moreover, without the prior consent of the Sejm, the Commissioner may not be held criminally liable and may not be deprived of liberty (Article 7a of the Act on the Commissioner for Human Rights). The Commissioner may not be arrested or detained, except when caught in the act of committing an offense, and if his/her arrest is necessary to ensure the proper course of the proceedings. Such an arrest shall be immediately notified to the Marshal of the Sejm, who may demand the immediate release of the arrested Commissioner.

As reported in [2023](#), there were incidents where public authorities hindered on-site interventions carried out by representatives of the Commissioner, despite the fact that they presented an official ID card authorizing them to carry out activities on-site (e.g., during the immigration crisis on the Polish-Belarusian border or during an inspection at one of the prisons). Moreover, there have been incidents in 2023 and 2024 where citizens threatened the Commissioner himself or the staff in written complaints directed to the Commissioner. Each of these cases is assessed by the Commissioner in the context of the need to take further steps, such as notifying the police.

NHRI's recommendations to national authorities

NHRI's recommendations to national authorities

The recommendations of the Commissioner for Human Rights in Poland remain unchanged since 2023 and include the following:

1. Increasing the number of field offices of the Commissioner for Human Rights to allow citizens direct contact with a lawyer to whom they can file complaints about violations of their civil rights. It is particularly necessary to increase the number of offices in the eastern part of

Poland. Currently, the Commissioner is based in Warsaw, with field plenipotentiaries only in three locations: Katowice, Wrocław, and Gdańsk.

2. Increasing the budget of the Office of the Commissioner for Human Rights to strengthen staff and provide necessary raises to employees who, in many cases, are underpaid despite their high qualifications.
3. Repealing Article 7(2) and (4) of the [Act of 15 July 1987 on the Commissioner for Human Rights](#).
4. Focusing on the NHRIs' independence and NHRIs' enabling space to the greater extent in their actions, for instance, in the regional actors' rule of law reporting.

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Information from: Commissioner for Human Rights of Poland

Human rights defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Commissioner's human rights monitoring and reporting found evidence of laws, policies and/or state measures that negatively impact on freedom of association, freedom of assembly, freedom of expression, create barriers in access to information and law and policymaking processes and limit access to funding - including from foreign sources.

Humanitarian crises on the Polish-Belarusian border and the regulation on a temporary ban on staying in a specific area in the border zone

In June 2024, the Minister of Internal Affairs and Administration issued a regulation on a temporary ban on staying in a specific area in the border zone with Belarus. The Commissioner - while not denying the need to take measures to increase the level of security - [pointed to the possible risk of human rights violations and a deepening of the humanitarian crisis on the Polish-Belarusian border](#) as an effect of the introduction of this regulation. The ban introduced by this regulation on entering a specific area in the border zone, in accordance with the Law of October 12, 1990 on the Protection of the State Border, also applies to journalists, who can only submit an application to the commander of

the Border Guard post, who “in justified cases” may “allow them to stay, for a specified period of time and under specified rules” (art. 12b p. 2) in the area covered by the entry ban. [The Commissioner has already drawn attention to this problem with the amendment of this law in 2021](#). The Commissioner recently [asked the Ministry for information](#) on how many such permits have been issued in recent months. [In response](#), the Minister explained that between 11 September 2024 and 9 December 2024, 155 applications were submitted for permits to stay in the restricted border zone. Out of these, 135 permits were issued for the restricted buffer zone. Permits were issued to journalists, representatives of humanitarian organisations, MEPs, employees carrying out surveying work, employees of the Białowieża National Park, people working on the forest inventory and people visiting residents of the prohibited area.

Legislation prohibiting photographing, filming or otherwise capturing the image or likeness of facilities related to the military or the administration of the Ministry of Defence

The amendment to the Law on Defence of the Fatherland from August 17, 2023 prohibits, without authorization, photographing, filming or otherwise capturing the image or likeness of numerous facilities related to the military or the administration of the Ministry of Defence and critical infrastructure, if they are marked with a graphic sign expressing this prohibition, as well as persons or movable property located in these facilities. Those who fail to comply with the prohibition are liable to be punished by arrest or a fine. The court may order the confiscation of objects derived from the offense or used to commit it - even if they are not the property of the offender. The prohibition unreasonably restricts the freedom to receive and spread information. As a result, in March 2024, [the Commissioner has submitted a proposal to amend the legislation](#) to the Deputy Prime Minister, the Minister of Defence.

Restricted freedom of expression for members of sports associations

[The Commissioner monitors issues related to the protection of freedom of expression for members of sports associations](#). In practice, individuals accused of criticizing sports association members are not guaranteed the right to a defence, and those who receive disciplinary punishment do not have the right to appeal to court. The definition of criticism is often not clearly outlined in these associations, leading to potential discretion. Disciplining players, coaches, members of the training staff, or club representatives for such "criticism" of sports association members, referees, or coaches represents a significant infringement on freedom of speech.

Policies and practices restricting access to documentation discriminating against persons with disabilities

The Commissioner receives numerous complaints regarding policies and practices adopted by associations that restrict access of their members to

relevant documentation, discriminate against persons with disabilities, or involve incidents of mobbing. The Commissioner intervenes in these individual cases by addressing the board of the association or supervisory body.

Regulation on police officers' uniforms

[The Commissioner also reiterates its recommendation](#) to amend the provisions of a regulation on police officers uniforms. The Commissioner emphasizes that all uniformed police officers must display individual identification, which is crucial during police interventions at peaceful assemblies to identify officers who may be abusing their power. The CHR acknowledged the attempt to amend regulations in line with the Commissioner's proposal, but the changes made do not fully address all of the Commissioner's concerns. The Commissioner believes that the proposed police officer identification form (a six-digit number sequence) might be challenging for witnesses of police interventions to read and remember, especially in dynamic situations like public gatherings with fast and large crowds. Even if the intervention is captured in photos or videos, the long character sequence may be hard to identify as it can become blurred and unreadable due to motion.

NHRI's support to LGBTQ+ human rights defenders facing unique challenges

Simultaneously with countering 'LGBTQ+ ideology' resolutions, some local authorities decided to adopt resolutions called Local Government Charter of Family Rights (pl. Samorządowe Karty Praw Rodziny, hereinafter: the Charters). Although the Charters do not raise such concerns as the anti-LGBTQ+ resolutions, some of their provisions go beyond the scope of the tasks of local governments.

In [the letter to local authorities](#) the Commissioner emphasized that the concept of "family" used in the Charters should be understood in a manner consistent with the Constitution and the European Convention on Human Rights, as also including relationships that are not based on marriage. The provisions of the Charters may lead to the exclusion of single parents from protection and to inadmissible differentiation of access to financing for non-governmental organizations. The Charters provide for the appointment of family rights ombudsmen in local government, which exceeds the statutory competences of these entities.

In November 2024, the Commissioner requested 4 local authorities (i.e. where such Charters remain in force) to eliminate the criticized provisions of the Charters. In response, [the Commissioner has received letters from authorities in Dębica and Łańcut](#) indicating that the local governments intend to start working on changes to the Charter. The Commissioner also welcomed [the resolution of Odrzwół authorities, which repealed the Charter](#) in November 2024.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Commissioner's human rights monitoring and reporting found also evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, particularly in the form of intimidation, harassment or violence before, during or after protests.

On the 6th of March 2024, the police employed direct coercive measures against farmers protesting in front of the Sejm of the Republic of Poland, including physical force, handcuffs, and chemical incapacitating agents. Additionally, one policeman was accused of throwing an unidentified object into a group of protesters. The Commissioner for Human Rights expressed concern over the use of such measures in a particularly violent manner or without adequate justification and requested explanations from the [Chief of the Metropolitan Police Department](#). Subsequent analysis of the cases indicated that the police conducted an internal investigation, which confirmed some minor violations. In a response dated 26 March, the CHR was informed that disciplinary proceedings had been initiated in relation to the incident involving the police officer throwing the unidentified object. The officer was found guilty of the disciplinary offense and received a disciplinary reprimand. The decision was not binding at that time, as per the information provided in the letter dated March 2024. Additionally, investigations were launched into cases involving the performance of police duties on 6 March 2024. These cases required clarification of the circumstances, specifically regarding the legitimacy and correctness of the officers' use of direct coercive measures. As of the response date, the investigations were still ongoing. The issue of excessive violence by police officers against participants in legally organized assemblies remains a key area of interest for the Commissioner.

Moreover, while the CHR has not joined any SLAPP proceeding, yet he has received complaints from local activists claiming that their activities were being hindered by actions of public authorities. The CHR initiated a procedure to examine the complaints.

In addition, as regards online and/or offline threats or harassment, as well as surveillance by state authorities, the CHR continues to monitor these issues. For example, the CHR monitors legislative proposals concerning online content moderation which may be of great importance in the context of online harassment. The legislative work is still in progress (the Ministry of Digital Affairs presented a proposed act on online moderation. The Commissioner presented its [opinion on the act](#), indicating, among other things, an insufficient judicial review procedure with regard to blocking online content).. The CHR also

continues to monitor the legal framework for the use of secret surveillance tools, such as the Pegasus spying system. Moreover, the Commissioner monitored proposed legal changes and/or practices related to hate speech and hate crimes. The Commissioner also recommended to relevant state authorities to undertake effective anti-disinformation actions.

Protection of human rights defenders at the national level

There are no specific regulations aimed at protecting human rights defenders, although they can invoke more general guarantees prescribed by law. For example, in the context of SLAPPs, the Polish code on civil procedure provides mechanisms to limit bringing actions that are manifestly unfounded.

Human rights defenders under threat can access all forms of support (e.g., [legal aid](#)) offered by the government to all citizens. However, this kind of support is not directly targeted to HRDs. Additionally, CSOs offer specific support programs for HRDs.

Moreover, [the Ministry of Justice is currently working](#) on implementing the EU anti-SLAPP Directive and the Council of Europe recommendations, which are designed to protect freedom of speech and media independence.

Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders
The Commissioner for Human Rights has also taken several initiatives in 2024 to promote civil society space and human rights defenders, such as in the form of award of prizes or organization or participation at joint meetings and/or roundtables.

Award of prizes and organization of joint meetings

In particular, the Commissioner promotes CSO activists and human rights defenders by rewarding and funding awards, including the [RPO's Badge of Honor](#) "For Merits for the Protection of Human Rights," [RPO's Pawel Wlodkowic Award](#), and [RPO's Dr. Maciej Lis Award](#).

Moreover, the Commissioner also organizes and participates in numerous meetings with CSOs and human rights activists providing them with a platform to address their causes. The Commissioner often supports groups whose rights are not the focus of mainstream public discourse. Many of the Commissioner's meetings with CSO's representatives and HRDs are held within the framework of the "Our Commissioner" initiative established in 2022 by a group of civil society organizations, human rights defenders and social initiatives supporting the Commissioner's independence (see ENNHRI [2023 Rule of law report](#)).

Examples include a [meeting with social organizations on the situation of refugees from vulnerable groups evacuated from Ukraine to Poland](#), a [meeting with the Environmental Protection/Climate Team of the “Our Commissioner” Initiative](#), an [ODIHR consultation meeting on gender equality problems in Poland](#), a [meeting with the Women's Rights Team of the “Our Commissioner” Initiative at the Commissioner's Office](#), and a [meeting with activists working on the Polish-Belarusian border](#).

Activities and initiatives to support civil society space and human rights defenders

The Commissioner for Human Rights also supports civil society actors, including human rights defenders, through various activities, such as issuing relevant opinions and recommendations to state authorities as well as by intervening before the courts in cases relevant to a thriving civic space.

An especially valuable source of information on the state of civic space in Poland is the annual “Information on the Activities of the Commissioner and the State of Respect for Human and Civil Liberties and Rights.” This multi-page document contains a description of problems in areas such as freedom of expression, freedom of assembly or freedom of association, among others, along with suggestions on how to address them (see: [Report on the activities of the Commissioner and the state of observance of human and civil rights and freedoms in 2023](#), and its [summary available in English](#)).

Complaints from HRDs and CSOs

The Commissioner has been handling tens of thousands of complaints annually in recent years, including many complaints from HRDs and CSOs. For example, in 2024, the Commissioner made numerous interventions in public administration bodies and other entities obligated to provide public information, demanding explanations as to why public information was not made available to applicants. An interesting example was an intervention on behalf of an applicant who submitted numerous requests for public information to the mayor of his commune and was repeatedly told that his actions constituted an abuse of the right to access public information. The Commissioner for Human Rights disagreed with the notion that frequent use of the right of access to public information could disqualify an applicant's applications in advance based solely on that premise, as the Polish legal system does not impose quantitative restrictions on access to public information.

Providing legal assistance

The Commissioner also provides appropriate legal assistance to individual citizens within the limits of his competence by pointing out opportunities for independent action or directly involving himself in the case. While the

Commissioner implements the principle of subsidiarity in his activities, meaning he does not replace citizens in handling their cases and does not provide typical advocacy services, he intervenes when the assistance provided by a professional attorney is insufficient or when the case is of strategic importance. For instance, [the Commissioner filed a cassation to the Supreme Court](#) in the case of a journalist who was sentenced to a fine for defaming an MP who had filed a private indictment against him over a critical article on how MPs spent their funds on foreign trips.

Issuing recommendations and opinions to state authorities

The Commissioner also provides recommendations and opinions to state authorities on the protection of civic space, civil society organizations and human rights defenders. For example, the [Commissioner submitted a negative opinion on a bill that aimed to restrict freedom of assembly and freedom of expression for LGBTQ+ persons](#). The Commissioner assessed the bill's assumptions as contrary to current scientific knowledge: medical, psychiatric and psychological, and based on prejudice against LGBTQ+ persons, as well as violating the Polish Constitution and international obligations.

Protection of whistleblowers and establishment of the Whistleblower team

[The Law on the Protection of Whistleblowers](#) was enacted on June 14, 2024, granting the Commissioner the authority to receive external reports. Among other responsibilities, the Commissioner conducts preliminary verifications of reports and forwards them to the relevant public body for further action, providing whistleblowers and related individuals with information and advice on their rights and protections against retaliation. The Commissioner has issued an [order on the procedure for external reporting of whistleblowers in his Office](#) and established a dedicated organizational unit - the Whistleblower Team.

Follow-up on the relevant recommendations issued by European actors

The CHR reports (e.g., to ENNHRI) on the situation of human rights defenders in Poland and monitors the implementation of relevant recommendations from international and regional actors. Additionally, the CHR conducts meetings with representatives of these actors and other interested parties to discuss HRDs' issues. As part of international cooperation, the staff of the Office of the CHR participate in workshops to exchange experiences in this area.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The Commissioner recommends to national authorities:

1. ensure equal press access to information presented by public officials at press conferences in public offices;
2. amend statutory solutions that limit the right to receive and spread information, without which freedom of expression is incomplete, in accordance with the Commissioner's recommendations (see interventions [on journalists' access to the zone near the border with Belarus](#) and the [ban on photographing certain objects](#), mentioned above).
3. amend legal regulations on displaying individual identification of uniformed police officers to make it easier to identify officers who may be abusing their power.

The Commissioner also recommends to European actors to actively monitor the implementation and enforcement of the Digital Service Act, and to take into account HRDs' recommendations concerning the protection of their rights in the processing digitalization era.

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Information from: Commissioner for Human Rights of Poland

Functioning of justice systems

The Commissioner's human rights monitoring and reporting identified significant challenges affecting access to justice and/or effective judicial protection in areas including: independence and impartiality of judiciary, delays in court proceedings, professionalism, specialisation and training of judges, timely and effective execution of national courts' judgments, and delay in and/or a lack of publication of judgments.

The constitutional crisis in the judiciary

The most pressing problem remains the constitutional crisis in the judiciary, where the legality of the status of 30% of the judicial corps and the entire composition of the Constitutional Tribunal is being questioned. Judgments issued with the participation of judges appointed between 2018 and 2024 are sometimes implemented and sometimes ignored. Since March 2024, the government has suspended, without clear legal basis, the publication of judgments of the Constitutional Tribunal - not only those issued by incorrect panels but also those issued by correct panels. The ongoing crisis has

deepened the problem of delayed court proceedings and disarray within the judicial community. The Polish judiciary faced efficiency problems even before 2018, but now citizens are often uncertain about the legality of the appointment of the judge hearing their case.

Challenges in access to justice disproportionately impacting marginalised gender groups

The Commissioner observes that transgender individuals in Poland continue to face numerous challenges in accessing justice, stemming from legal, social, and institutional barriers. These obstacles not only impede their ability to seek legal gender recognition but also perpetuate discrimination and marginalization within the judicial system.

The primary barriers that transgender plaintiffs encounter in Poland stem from the lack of a specific legal framework on gender reassignment. The absence of clear, rapid, and transparent legal procedures for amending gender markers on official documents creates significant hurdles for transgender plaintiffs.

The Commissioner notes with concern that the current legal framework, which relies on a general provision, namely art. 189 of the civil proceedings code, creates significant difficulties not only for plaintiffs but also for judges reviewing the cases.

In particular, the law does not stipulate what evidence is required in legal recognition cases, leaving it at the judge's discretion. This lack of guidance often leads to the mishandling of cases involving transgender plaintiffs, forcing them to undergo involuntary medical assessments and/or submit excessive evidence. As a result, the duration of legal gender recognition varies greatly from a couple of months to several years, depending on the judge. In this context, the Commissioner welcomed the recent (2024) amendment to the [resolution of the Minister of Justice](#), previously recommended by the Commissioner, to streamline these legal proceedings by categorizing them as "urgent," which is intended to mitigate to some extent the risk of delays. In 2024, the Commissioner has received several complaints from individuals seeking legal gender recognition. The Commissioner systematically monitors these cases and, if necessary, joins the plaintiffs. In order to align legal gender recognition proceedings with international legal standards, the Commissioner published [a guide for judges, which contains a review of case law and practical guidance](#) based on the current legislation applicable to the gender reassignment procedure. Nevertheless, the Commissioner highlights the need for urgent legislative changes in this area.

Progress regarding follow-up and implementation by state authorities of European Courts' judgments

In order to implement the ECtHR judgment in the [Xero Flor v. Poland](#) case, the

parliament [passed laws](#) introducing profound changes to the Constitutional Tribunal. However, these laws have not yet entered into force because the [president challenged](#) them before the Constitutional Tribunal. In the opinion of the Commissioner for Human Rights, these laws not only fail to implement the Xero Flor judgment but also raise new problems that could deepen the constitutional crisis and potentially lead to violations of Article 6 of the Convention. For example, the ex lege invalidation of approximately 100 judgments of the Constitutional Tribunal or ex lege removal from office of the current President of the Constitutional Tribunal raises serious concerns about its legality. The Commissioner has presented three opinions on this matter: (1) [regarding the invalidation of 100 judgments and other problems with the current Tribunal](#), (2) [regarding organisation of the future Tribunal](#), and (3) [regarding supplementary opinions](#).

The Senate proposed a solution to the problems related to the Constitutional Tribunal by submitting a [bill to amend the Constitution](#). The bill provides the ex lege termination of the mandates of all current judges of the Constitutional Tribunal. The Sejm would then elect a new composition of the Constitutional Tribunal by a 3/5 majority vote. If this majority is not reached, they could be elected by an absolute majority vote (50%+1). [In his opinion](#), the Commissioner for Human Rights indicated that while the proposal falls within the parliament's margin of appreciation, it may not effectively solve the problem. The amendment would require a 2/3 majority in the Sejm, which would likely need support from the opposition. However, the proposed procedure could allow all 15 judges of the Constitutional Tribunal to be appointed by an absolute majority without attempting to reach a political compromise with the opposition.

Moreover, in order to implement the ECtHR judgments from the [Reczkowicz group](#) and [Wałęsa v. Poland](#) (and similar judgments of the CJEU), the Ministry of Justice and the Codification Commission for the Judiciary are working on bills addressing the status of over 3,000 judges and judicial assessors appointed at the request of the defectively formed National Council of the Judiciary between 2018-2024. The final versions of the bills have not been presented yet (with one exception of a [bill on ex lege termination of the constitutional term of the National Council of the Judiciary](#) and the election of a new one with the participation of judicial communities).

[In the opinion of the Commissioner for Human Rights](#), the premises of propositions that involve ex lege removal from office of some judges by declaring their appointments as "non-existent", as well as ex lege confirmation of the constitutionality of the status of the remaining judges, are unconstitutional, as it is not within the parliament's authority to decide on the legality of judicial appointments. While the appointments were made in violation of the law, the judges are still judges, albeit with a legal defect that needs to be addressed. The Commissioner for Human Rights supports [the](#)

[opinion of the Venice Commission](#), stating that there is no basis for considering the NCJ resolutions of 2018-2024 as ex tunc invalid and the appointments made based on them as non-existent. Each case should be evaluated individually, respecting the constitutional guarantee of a judge's irremovability, which can only be revoked by a court decision (Article 180 (2) of the Constitution). The Minister of Justice has promised to consider the Venice Commission's opinion, but no specific proposal has been presented yet.

[On the other hand, the proposal regarding the NCJ is a step in the right direction, with minor caveats](#). The act was adopted by the parliament, but has not come into force as the [president challenged it before the Constitutional Tribunal](#).

Further actions taken by the Commissioner to support the implementation of the European Courts' judgments

The Commissioner for Human Rights refers to the judgments of European Courts' in the reports and recommendations to state authorities, especially in legislative opinions and speeches presented in both chambers of the parliament, for example: [opinion 1](#), [opinion 2](#), [interview with the Commissioner](#)), in [letters to the Prime Minister](#)).

Moreover, as it was reported in [previous reports](#), the CHR is invited to participate in working team dealing with execution of judgments of ECtHR set up by Minister for Foreign Affairs.

Additionally, the Commissioner also presents his views on implementation of the European Courts' judgments on [scientific conferences](#) and interviews for press – for example: [interview 1](#), or [interview 2](#)).

The Commissioner for Human Rights also notes that the non-binding recommendations and opinions issued by European actors (such as the European Commission – 2024 EU Rule of Law Report, Enlargement Package, Eastern Partnership, the Council of Europe, the OSCE) serve as a point of reference in the Polish public debate on this issue. However, the discussions mostly focus on the rulings of the European Court of Human Rights and the Court of Justice of the EU.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities
The Commissioner recommends to national authorities to:

1. Address the status of over 3000 judges and judicial assessors appointed between 2018-2024 at the request of the National Council of the

Judiciary, which is dominated by representatives of the legislative and executive branches, by:

1. setting up a temporary mechanism to assess each deficient appointment individually and make a final decision regarding its validation or invalidation;
 2. reforming the National Council of the Judiciary to ensure its independence from the legislative and executive branches;
 3. setting up a temporary mechanism that would allow concerned parties to reopen proceedings in cases handled by irregular panels.
2. Reform the Constitutional Tribunal, by:
 1. addressing the status of 3 judges appointed in violation of Article 194 (1) of the Constitution;
 2. setting up a temporary mechanism to reopen proceedings in cases handled by irregular panels
 3. establishing a procedure for judicial review of the legality of appointments to the Constitutional Tribunal.
 3. Reform the extraordinary appeal to the Supreme Court in accordance with the requirements of the ECtHR judgment in *Wałęsa v. Poland*.

Poland 2025

Information from: Commissioner for Human Rights of Poland

Media freedom, pluralism and safety of journalists

The Commissioner's human rights monitoring and reporting has identified significant challenges affecting media freedom, in the form of continuous decline in media independence and in media pluralism, independence and effectiveness of media regulatory bodies, misinformation and/ or disinformation as well as access to public interest information/documents. In relation to harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs), the Commissioner for Human Rights has not joined any SLAPP proceedings, yet he has received complaints from local journalists claiming that actions of public authorities were hindering their activities. The CHR started a procedure to examine the complaints.

The legitimacy of the appointment of members of management and supervisory boards of the public broadcasters and the independence of public media

In recent years, Polish public media [have failed](#) to ensure pluralism, impartiality, balance, and independence in their messaging. It is important to note that the model for appointing members of management and supervisory boards of the public broadcasters, as outlined in [the Act of 30 December 2015 amending the Broadcasting Act](#), does not ensure the independence of public media from political authorities. This Act was reviewed by the Constitutional Tribunal, which found that its provisions were inconsistent with the Constitution since it deprived the National Broadcasting Council of the powers necessary for that body to carry out its function of “upholding freedom of expression, the right to information and the public interest in broadcasting” (Article 213 of the Constitution) and transferred them to the newly established National Media Council (judgment of the Constitutional Tribunal of 13 December 2016, case no. [K 13/16](#)). Therefore, it must be acknowledged that the legitimacy of the management and supervisory boards appointed after the Constitutional Tribunal's judgment by the National Media Council was based on an unconstitutional legal norm, as the National Broadcasting Council did not participate in the appointment procedure. However, according to the Commissioner for Human Rights, the way these changes were introduced in December 2023 may raise questions about their legality. In 2024 the [Commissioner has continued his correspondence with the Minister of Culture on this matter](#) and [with the Chairman of the National Broadcasting Council](#).

Threats to pluralism of media and journalists’ activity in the form of publication of own press by local government units

Another significant threat in the context of pluralism of media and journalists’ activity is the publication by local government units of their own press, which, due to public funding, has more influence than the press published by private entities, limiting the reach of the latter. The qualitative difference between materials on the actions of local politicians published by independent journalists and by the “local government press” becomes apparent during the election campaign (eg., in the 2024 local elections), when the materials of the press published by local governments praise the incumbent authorities and criticize or omit counter-candidates. This phenomenon has been repeatedly addressed by the Commissioner since 2016, [the last time in 2022](#), and this year was recognized by the government, [which is working on a law to ban the press publishing by local authorities](#). Therefore, the Commissioner notes that the government [undertook initial steps](#) in order to address the issue of the press publishing by local authorities.

Lack of regulation for moderating content and access to information on the social media profiles of public institutions

In the context of the role of public interest information and manipulating information, the Commissioner would like to point out the problem of the lack of regulation of rules for moderating content and access to information on the

social media profiles of public institutions. Citizens have pointed out to the Commissioner that these profiles often involve unjustified blocking of access to information on public affairs and removal of critical comments. This issue is particularly relevant in the context of local elections, as [a significant number of local authorities use social media accounts](#). By removing content and blocking access to some users, the image of reality can be manipulated, including distorting the image of real support for the actions of the authorities. For this reason, the Commissioner [has asked](#) the Minister of Digitization to prepare a regulation that would respond to this problem.

[In response](#), the Minister informed the CHR that public administration activities must, above all, comply with applicable laws, including regulations governing the protection of personal data (including cookies), copyright, or EU Regulation 2022/2065 (Digital Services Act). The provisions of the Digital Services Act aim to enhance transparency in decision-making processes that impact portal users, such as removing their published content or restricting access to the service. Furthermore, it is important to note that public institutions using social networking sites must adhere to the rules and internal regulations of these platforms. Every entity, including public institutions, utilizing social networking sites is obligated to comply with these rules. This is especially crucial for public institutions, which should lead by example in appropriate online behaviour by following the regulations of the respective service.

The Minister also suggested that requiring employees responsible for social media to undergo regular training to enhance their skills and update their knowledge, particularly in legal regulations, could be beneficial. Additionally, public administration bodies should monitor the content posted under their entries and take appropriate action against comments that violate the law or contain offensive content, as well as against their authors.

The Minister declared its openness to further discussion on this issue.

Restrictions specifically targeting journalists

In recent months, the Commissioner has also noticed the concerning practice of the [Prime Minister's Office](#) and [other government administration offices](#) not allowing some journalists working for media affiliated with the opposition to attend official press conferences. Such actions deprive some journalists of the opportunity to confront representatives of public authorities with difficult issues of importance to public opinion. It should be noted that journalists have [struggled with similar obstacles in the past](#) (see also: [Commissioner's intervention](#)).

Measures taken to follow-up on the recommendations concerning media freedom issued by European actors

The European Commission, in its 2024 Rule of Law Report, recommended to

pursue efforts to ensure an effective legislative framework for the independent governance and editorial independence of public service media, in line with European standards. The Ministry of Culture [is currently working on a legislative proposal](#) to establish a new regulatory framework for public service media. A relevant open public consultation was conducted and summarized.

The Commissioner also reminds that the [European Commission called on Poland](#), among others, to comply with the Digital Services Act. Poland has so far failed to designate and empower national Digital Service Coordinators and to establish rules of penalties under the DSA, which [the Commissioner has brought to the government's attention](#). However, [progress is being made](#) on enacting the law implementing the DSA.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The Commissioner recommends to:

1. restore the powers of the National Broadcasting Council to appoint and dismiss supervisory boards and management boards of State media, as well as creating additional guarantees of the fairness of the selection of appropriate candidates;
2. establish rules for moderating access and content in profiles used by public institutions on major social media platforms to ensure freedom of expression and access to public information;
3. continue legislative efforts to regulate press publishing by local governments and implement the Digital Services Act while considering the standards for exercising freedom of expression and accessing information.

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Other challenges to the rule of law and human rights

In addition, the Standing Committee of the Council of Ministers [has adopted a bill that separates the functions of the Prosecutor General and the Minister of](#)

Justice.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

The Commissioner recommends to national authorities to:

1. review the recommendations of monitoring bodies in order to assess the possibility of changing the legislation applicable to the issues raised by these bodies, in close cooperation with professional association bodies and civil society;
2. give due account to the standards and recommendations of monitoring bodies when drafting relevant legislative acts, strategies, policies, guidelines and regulations.

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