

# LIBERTIES

# RULE OF LAW

# REPORT

# 2026



CIVIL  
LIBERTIES  
UNION FOR  
EUROPE



HELSINKI FOUNDATION  
FOR HUMAN RIGHTS



#roi-report2026

# POLAND



Co-funded by  
the European Union

---

## FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

**[Download the full Liberties Rule of Law Report 2026 here.](#)**

# ***TABLE OF CONTENTS***

<b>FOREWORD</b> .....	<b>2</b>
<b>ABOUT THE CONTRIBUTING ORGANISATIONS</b> .....	<b>4</b>
<b>OVERALL ASSESSMENT: STAGNATOR</b> .....	<b>5</b>
Assessment of the trajectory .....	<b>6</b>
<b>JUSTICE SYSTEM</b> .....	<b>7</b>
General assessment .....	<b>7</b>
Implementation of 2025 Commission recommendations .....	<b>8</b>
Gaps in the Commission's Report .....	<b>16</b>
New Issues that Emerged in 2025 .....	<b>18</b>
Implementation of Judgments .....	<b>25</b>
<b>MEDIA ENVIRONMENT AND MEDIA FREEDOM</b> .....	<b>28</b>
General assessment .....	<b>28</b>
Implementation of 2025 Commission recommendations .....	<b>28</b>
New Issues that Emerged in 2025 .....	<b>31</b>
<b>CONTACTS</b> .....	<b>34</b>

# **POLAND**

## **ABOUT THE CONTRIBUTING ORGANISATIONS**

### **Helsinki Foundation for Human Rights**

# **HR HELSINKI FOUNDATION FOR HUMAN RIGHTS**

The Helsinki Foundation for Human Rights (HFHR) is a non-governmental organisation established in 1989 and based in Warsaw, Poland. The HFHR is one of the largest and most experienced non-governmental organisations operating in the field of human rights in Eastern and Central Europe. Since 2007, the HFHR has had a consultative status with the United Nations Economic and Social Council (ECOSOC). The HFHR's objective is the protection and promotion of human rights.

---

## OVERALL ASSESSMENT: STAGNATOR

Since the change of the ruling majority in Poland in October 2023, one of the key issues has been the restoration of the rule of law in numerous areas, particularly in the justice system.

The current coalition government, which has declared its full cooperation with the institutions of the European Union and the Council of Europe, is taking steps to reverse the effects of the changes introduced by the previous majority. Despite the expected victory of the ruling majority's candidate in the 2025 presidential election, the candidate supported by the opposition was elected to office. In a situation of cohabitation, reaching a consensus between the government and the president, who has the right to veto bills passed by parliament, remains difficult on many issues, and on key issues related to the rule of law – such as the status of the National Council of the Judiciary and the judges it nominates, or the functioning of the Constitutional Tribunal – it is virtually impossible.

In conditions of strong social polarisation and increasingly heated political discourse, the government, unable to introduce key legislative changes, sometimes resorts to sub-statutory measures. For example, the introduction of instructions to prosecutors on initiating proceedings for aiding and abetting abortion to limit the number of cases in which doctors would be punished for performing abortions contrary to the ruling of the Constitutional Tribunal of October 2020. Another example would be the replacement of the chairmen of state-owned media companies based on ownership rights and in accordance with commercial law, without amending the relevant legislation.

It should also be noted that in the current international (war in Ukraine, migration pressure from Belarus) and in domestic (rise in support for far-right parties) contexts, the actions of the ruling camp sometimes become more extreme and lead to the adoption of solutions that are blatantly contrary to international and constitutional standards. For instance, the adoption in 2025 of amendments that significantly restrict the right of foreigners to apply for asylum in Poland. Furthermore, the solutions proposed by the government, especially with regard to the status of the National Council of Judiciary and the judges appointed by it since 2018, also raise concerns about their compatibility with constitutional and international guarantees.

In the context of political conflict described above, the role of non-governmental organisations becomes crucial. Through advocacy, strategic litigation and education, they uphold standards and raise the alarm when proposed solutions may violate them.

## Assessment of the trajectory

The assessment of ‘Stagnator’ is based on the fact that, despite attempts to introduce changes restoring the rule of law, the ruling majority only managed to draft key legislative solutions at the end of 2025.

*This country report covers the areas of Justice System and Media Environment and Media Freedom.*

### State of play (versus 2025)

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

### Legend

- | Regression  | No progress   | Progress  |
|---|---|---|
|  |  |  |

## JUSTICE SYSTEM -

### General assessment

The year 2025 did not bring any tangible changes in the area of the justice system. The work commenced in 2024, following the change of the ruling majority, continued, but it was not until the end of 2025 that draft bills were submitted to the Sejm that could be considered a partial response to the European Commission's recommendations. However, none of the proposed pieces of legislation have been implemented yet.

In 2025, the rules governing the appointment of the National Council of the Judiciary (NCJ) remained unchanged. Consequently, the reservations towards the NCJ expressed by the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) remained valid throughout the year. The amendment to the Act on the NCJ, adopted in July 2025, included provisions to terminate the terms of office of judges currently serving in the 'new NCJ'. This solution was justified by the necessity to implement the judgments of the ECtHR and the CJEU and to limit the legal damage caused by the involvement of the new NCJ in the judicial appointment process, particularly regarding the ability to contest rulings issued by such judges. This issue became one of the primary reasons for the Polish president's decision to refer the amendment to the Constitutional Tribunal. The Tribunal upheld the challenges against this provision, ruling that it violated the constitutional regulation on the four-year term of office for NCJ members.

In November 2025, the Minister of Justice presented a new draft for amendments to the Act on the National Council of the Judiciary. This project again seeks to introduce mechanisms allowing for the election of the judicial members of the NCJ by the judges themselves. The proposed electoral system stipulates that NCJ members would be elected in a nationwide vote, with each judge receiving as many votes as there are seats to be filled. Simultaneously, the draft limits passive voting rights to candidates with appropriate seniority within the judiciary and in their specific judicial position. Crucially, this version does not have any provisions to terminate the terms of office of the current NCJ. In December 2025, the Ministry of Justice submitted the draft for parliamentary proceedings.

In the meantime, in a ruling delivered on 4 September 2025 in the *AW 'T'* case (C-225/22),<sup>1</sup> the CJEU further clarified the consequences of adjudications involving a Supreme Court judge appointed with the participation of the 'new NCJ'. The CJEU held that if judicial decisions were issued by a court, including a person appointed to the Supreme Court upon the motion of the 'new NCJ', they should be treated as non-existent in accordance with EU law.

---

1 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62022CJ0225>

## Implementation of 2025 Commission recommendations

### Recommendation: Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal (first made in 2025)

In 2025, no legislative changes to the NCJ entered into force. In June 2025, the Ministry of Justice proposed a draft law to amend the rules for appointing judges to the NCJ, but the Constitutional Tribunal ruled it unconstitutional in November 2025.

The legal framework governing the appointment and dismissal of court presidents and vice-presidents remained unchanged in 2025. The Minister of Justice retained exclusive competence over the appointment of court presidents, while vice-presidents were appointed by the Minister upon the request of the relevant president. The rules for dismissal also remained static, requiring a positive opinion from the court's board or, failing that, the consent of the NCJ.

In 2025, no statutory amendments regulating the disciplinary liability of judges were adopted, despite numerous draft laws and proposals aimed at reforming the judicial disciplinary system. The multiplicity and fragmentation of the proposed solutions into separate legislative acts hinder a comprehensive assessment of their potential impact on the functioning of the judiciary.

**Commission's 2025 assessment: N/A**

**HFHR's current assessment: In progress**

### Recommendation: Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the government (first made in 2022)

In 2025, the National Prosecutor's Office published extensive reports summarising hundreds of investigations conducted between 2016 and 2023. The findings of these reports pointed to systemic violations of prosecutorial independence, describing instances of manual steering of investigations and the conduct of trawling enquiries. At the same time, the Ministry of Justice failed to present a draft for a new Act on the Prosecution Service in 2025 that would comprehensively regulate the institution's functioning.

The promotion system within the prosecution service also remained unchanged. The appointment of a prosecutor remains at the discretion of the Prosecutor General upon the request of the National Prosecutor. However, such a request does not oblige the Prosecutor General to act; he is not required to issue a formal refusal or provide a justification for his decision, and no judicial appeal is available.

**Commission's 2025 assessment: Significant progress**

**HFHR's current assessment: In progress**

---

The Commission's recommendation to "Continue to advance on the implementation of the Action Plan on the Rule of Law, including as regards the National Council for the Judiciary and the Constitutional Tribunal" concerns many aspects that deserve further discussion in light of developments during 2025.

### ***The National Council of the Judiciary***

In 2025, no legislative changes regarding the National Council of the Judiciary entered into force. The Council continued to operate under its existing term of office, and the 2017 model whereby judicial members are elected by the Sejm remained applicable.

In June 2025, the Ministry of Justice proposed a draft law to amend the rules for appointing judges to the NCJ, aiming to restore the election of judicial members by their peers. The proposal envisaged separate elections within individual judicial groups, namely judges of district courts, regional courts, administrative courts, military courts, and the Supreme Court. Furthermore, the draft provided for the termination of the current NCJ's term and sought to exclude judges appointed via the post-2017 procedure from passive voting rights. During the legislative process, the Venice Commission and the Council of Europe (CoE) Directorate General Human Rights and Rule of Law issued an opinion stating that a blanket exclusion of such judges would be disproportionate.<sup>2</sup>

The President of Poland subsequently referred the amendment to the Constitutional Tribunal. On 20 November 2025, the Tribunal found the amendment unconstitutional insofar as it deprived specific judges of passive voting rights, provided for the premature termination of the NCJ's term, and enabled judicial review of National Electoral Commission decisions by the Supreme Administrative Court.<sup>3</sup> The government has not published this judgment.

By the end of the year, the Ministry of Justice presented a revised draft. This version abandoned the termination of the NCJ's term and the exclusion of certain judges from passive voting rights. Instead, it introduced eligibility restrictions based on seniority and professional experience. The revised model

---

2 [Poland - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law \(DGI\) of the Council of Europe on the draft law concerning the status of judges appointed or promoted between 2018 and 2025 and other related matters](#)

3 Poland, Constitutional Tribunal, [Kp 2/24 Ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa](#), 20 November 2025.

proposed nationwide elections, allowing each judge to cast as many votes as there are seats to be filled. The draft was submitted to the Sejm at the end of 2025.<sup>4</sup>

The Helsinki Foundation for Human Rights consistently raised its objections to the draft bills, including in their final form. In its latest opinion of December 2025, it indicated, among other things, the violation of the Constitution, the failure to take into account the comments of the Venice Commission, and the lack of a proper assessment of the impact of the proposed changes on the justice system.<sup>5</sup>

### ***The Legal Status of 'New' Judges***

Throughout 2025, public and institutional debate continued regarding the legal status of individuals appointed to judicial office, with the involvement of the NCJ, as reconstituted in 2017 (the 'new NCJ'). In June 2025, the Ministry of Justice presented a draft law to regulate the status of these individuals, which the Council of Ministers adopted with minor modifications at the end of the year.<sup>6</sup>

The explanatory memorandum to the draft argued that following the 2017 amendments, the NCJ lost its constitutional identity. Consequently, the drafters maintained that appointments made upon its motion possessed an exclusively statutory, rather than constitutional, basis. Under this reasoning, such individuals would not hold the status of judges within the meaning of the Constitution, unless they had already served as judges in lower courts before their contested appointment. This interpretation was used to justify legislative intervention that departed from constitutional guarantees, most notably the principle of judicial irremovability.

The draft law proposed the neutralisation of all NCJ resolutions concerning judicial appointments issued after 6 March 2018. It introduced a three-tier classification system for the affected judges.

---

4 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018-2025), print No. 2107, 29 December 2025.

5 Helsinki Foundation for Human Rights, Opinia HFPC ws ustawy, która uregulować ma status osób powołanych na stanowiska sędziowskie z udziałem tzw. nowej KRS, 6 December 2025.

6 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018-2025), print No. 2107, 29 December 2025.

The ‘Green’ Group: This group would remain in their current positions and included former judicial trainees (assessors), court referendaries, and judicial assistants. The ‘Yellow’ Group: This group would comprised judges who were already judges before being promoted via the ‘new NCJ’. They would be subject to an automatic transfer by operation of law back to their previously held positions, followed by a delegation back to the positions they had lost. The ‘Red’ Group: This group would concerned individuals appointed as judges for the first time after 6 March 2018 from other legal professions, such as advocates, attorneys, prosecutors, and academics. These individuals would lose their judicial positions and either return to their previous professions or be appointed as court referendaries.

Critics raised significant concerns regarding the compatibility of these measures with the Constitution, specifically the removal of judges by legislative means. Stakeholders also argued that the draft exceeded the limits established by the case law of the CJEU and the ECtHR. Furthermore, the draft was criticised for lacking procedural safeguards; affected individuals could only contest the Minister of Justice’s classification decision, but not the underlying legal consequences, such as reassignment or removal from office.

### **Court Presidents: Appointment, Dismissal, and Judicial Review**

The legal framework governing the appointment and dismissal of court presidents and vice-presidents remained unchanged in 2025. The Minister of Justice retained exclusive competence over the appointment of court presidents, while vice-presidents were appointed by the Minister upon the request of the relevant president. The rules for dismissal also remained static, requiring a positive opinion from the court’s board or, failing that, the consent of the NCJ.

Throughout the year, the Minister of Justice initiated dismissal procedures. In July 2025, procedures began for 46 court presidents and vice-presidents, and in September, a further 25 were dismissed. In several instances, these dismissals occurred without a positive opinion from the competent court board or consent from the NCJ. Despite the requirements established by the ECtHR judgment in *Broda and Bojara v. Poland*,<sup>7</sup> those dismissed were denied access to judicial review. The Minister justified these actions by claiming that court boards had lost their independence due to compositions favoured by the previous Minister – Zbigniew Ziobro, and that the NCJ failed to provide sufficient independence guarantees.

---

<sup>7</sup> European Court of Human Rights, *Broda and Bojara v. Poland*, applications nos. 26691/18 and 27367/18, 29 June 2021.

---

### **Promotion of Judges**

Due to ongoing doubts regarding the composition of the NCJ, the Minister of Justice continued to withhold announcements for judicial vacancies in common, military, and administrative courts. As a result, judges could only be appointed to these positions via delegation by a court president or the Minister of Justice.

### **Accountability of Judges**

In 2025, no statutory amendments regulating the disciplinary liability of judges were adopted, despite numerous draft laws and proposals aimed at reforming the judicial disciplinary system. The multiplicity and fragmentation of the proposed solutions into separate legislative acts hinder a comprehensive assessment of their potential impact on the functioning of the judiciary.

Changes continued at the personnel level, in particular through successive appointments of ad hoc disciplinary ombudsmen pursuant to Article 112b(1) of the Law on Common Courts Organisation (Prawo o ustroju sądów powszechnych), as well as through the dismissal of the Disciplinary Ombudsmen for Judges of Common Courts and their deputies. These dismissals, effected by decisions of the Minister of Justice prior to the expiry of their term of office, gave rise to controversy, as the applicable provisions do not provide for the premature termination of their mandates.

As regards legislative work, in January 2025 a draft law amending the Law on Common Courts Organisation and certain other acts (UD206) was prepared. It provided, inter alia, for the repeal of disciplinary delicts consisting in “refusal to administer justice”, “acts or omissions that could prevent or significantly hinder the functioning of an authority of the administration of justice,” and “acts questioning the existence of a judge’s service relationship, the effectiveness of a judicial appointment, or the authority of a constitutional body of the Republic of Poland.” The draft was not submitted to the Council of Ministers.

On 3 February 2025, the Codification Commission for the System of Courts and the Prosecution Service published two draft statutes aimed at restoring citizens’ right to an independent and impartial court established by law. On their basis, the Ministry of Justice published a further draft dated 13 May 2025, indicating that it covered, inter alia, changes to disciplinary liability, restoration of judicial self-governance, transparent selection of court authorities, and the elimination of delicts introduced by the so-called muzzle law. This draft likewise did not proceed.

Another draft, dated 15 September 2025, sought to amend certain acts in order to implement the judgment of the European Court of Human Rights of 23 November 2023 in *Wałęsa v. Poland* (application No. 50849/21). It was negatively assessed by the Codification Commission, which criticised

---

the fragmentary approach to disciplinary liability and the lack of regulation of its grounds, scope, and the second-instance disciplinary court, currently the Chamber of Professional Liability.

Ultimately, on 29 December 2025 the Government submitted to the Sejm a draft *ustawa o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018–2025*.<sup>8</sup> The draft does not, however, eliminate the provisions of the so-called ‘muzzle law’ so as to comply with the judgment of the CJEU of 5 June 2023 in case C-204/21. Nevertheless, the need for reform in this area appears undisputed, and the absence of such provisions at this stage should not be understood as a complete abandonment of regulation.

During the past year, alternative proposals concerning the functioning of the Chamber of Professional Liability were presented. The Chamber currently consists of eight members, only three of whom are Supreme Court judges appointed through a procedure not giving rise to doubts (SSN B. Skoczowska, SSN Z. Korzeniowski, and SSN P. Grzegorzczuk). By a non-final judgment, the Voivodship Administrative Court in Warsaw (case No. VI SA/Wa 8158/22) annulled the decision of the President of the Republic of Poland designating judge Grzegorzczuk to adjudicate in that Chamber.

However, the draft statute submitted to the Sejm on 29 December 2025 provides for the retention of the Chamber of Professional Liability (with the reservation that persons appointed in a defective procedure would cease to perform the function of Supreme Court judge), while modifying the rules for selecting its members. The process of selecting candidates for the – similarly to the current framework – is to be based on random selection from among all judges of the Supreme Court. The mechanism consisting in drawing a number of Supreme Court judges equal to three times the number of positions to be filled, from whom the President of the Republic of Poland makes the final selection, has been abandoned. Instead, the draft provides for the drawing of judges in a number corresponding to the number of vacancies, with the designation to be made not by the President of the Republic of Poland, as is currently the case, but by the First President of the Supreme Court. While this change strengthens the Chamber’s independence from the executive, random selection from among all Supreme Court judges may still raise concerns in light of the principle of judicial independence.

---

8 Poland, Government bill on restoring the right to an independent and impartial court established by law by regulating the effects of resolutions adopted by the National Council of the Judiciary in 2018–2025 (*Rządowy projekt ustawy o przywróceniu prawa do niezależnego i bezstronnego sądu ustanowionego na podstawie prawa przez uregulowanie skutków uchwał Krajowej Rady Sądownictwa podjętych w latach 2018–2025*), print No. 2107, 29 December 2025.

There were also developments on multiple fronts that related to the Commission’s recommendation to “Take forward the reform to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government.”

### ***Independence/autonomy of the prosecution service***

In 2025, the National Prosecutor’s Office published extensive reports summarising hundreds of investigations conducted between 2016 and 2023. The findings of these reports pointed to systemic violations of prosecutorial independence, describing instances of manual steering of investigations and the conduct of trawling enquiries. These involved in-depth analyses of the conduct of political opponents in the hope of uncovering compromising material. The reports also highlighted the issuance of orders and suggestions by the leadership of the National Prosecutor’s Office aimed at discontinuing criminal proceedings that were inconvenient for the parliamentary majority of the time.<sup>9</sup>

As a consequence of this audit, the prosecutorial authorities decided to reopen several discontinued cases and initiated disciplinary proceedings against some prosecutors.

At the same time, the Ministry of Justice failed to present a draft for a new Act on the Prosecution Service in 2025 that would comprehensively regulate the institution’s functioning. Legislative work in this area, conducted by the Codification Commission for the System of the Judiciary and the Prosecution Service, did not reach finalisation. Furthermore, the draft law prepared by the Ministry of Justice to separate the offices of the Prosecutor General and the Minister of Justice did not advance beyond the initial governmental legislative stage. Work on this reform was likely suspended in anticipation of the new legislation being prepared by the Codification Commission.

Furthermore, the National Prosecutor indicated during the meeting of the National Council of Prosecution that during his first year in office, he rescinded approximately 50 orders and instructions issued by the previous prosecutorial leadership. One of the revoked orders had instructed prosecutors

---

9 *Poland, National Prosecutor’s Office, Report on cases of public interest due to their subject matter and nature, conducted and completed in 2016–2023 in general organisational units of the public prosecutor’s office: Interim report of the prosecutors’ team investigating matters of public interest (Raport częściowy zespołu prokuratorów do zbadania spraw pozostających w zainteresowaniu opinii publicznej), Prokuratury, 14 January 2025, <https://www.gov.pl/web/prokuratura-krajowa/raport-czesciowy-zespołu-prokuratorow-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej> and The second part of the report of the prosecutors’ team to investigate matters of public interest (Druga część raportu zespołu prokuratorów do zbadania spraw pozostających w zainteresowaniu opinii publicznej), Prokuratury, 29 April 2025, <https://www.gov.pl/web/prokuratura-krajowa/raport>*

---

to ignore a Supreme Court resolution that excluded the possibility of using evidence obtained in violation of the law, known as the fruit of the poisonous tree, in criminal proceedings.

Conversely, at the end of 2025, the prosecution service announced the discontinuation of criminal proceedings concerning the abuse of power by a prosecutor who serves as a general councillor at the Ministry of Justice and is a close associate of the Minister of Justice. This investigation concerned the submission of motions for injunctions to courts across the country intended to block changes in public media. The prosecution's findings revealed that these motions were technically and substantively prepared by specific individuals working for a Warsaw law firm. Subsequently, using the infrastructure of that firm, some of the motions were printed, scanned, signed electronically by the prosecutor and sent to the courts electronically. According to investigators, these actions violated several sub-statutory regulations defining the scope of a prosecutor's duties and the procedures for handling official documents.

Significantly, media publications suggest that the prosecutor assigned to the case intended to bring charges and submit a motion to lift the associate's immunity. However, the proceedings were discontinued by the head of the department where the case was being handled due to the negligible social harm of the act. The official statement from the prosecution service indicates that the department head considered the identified violations to be primarily formal and organisational in nature, relating to sub-statutory regulations and internal rules of the prosecution service. Consequently, he determined that the criminal proceedings should be dropped and that the act should instead be assessed solely within the framework of disciplinary proceedings.

### ***Public Prosecutors: Selection and Challenges***

In 2025, the rules regarding the appointment of prosecutors remained unchanged. Prosecutors within ordinary organisational units continued to be appointed by the Prosecutor General upon the request of the National Prosecutor. During this period, isolated cases were reported where courts questioned the authority of prosecutors appointed via this route due to disputes regarding the legality of the National Prosecutor's own appointment.

This controversy centres on Prosecutor Dariusz Barski, whom the Prosecutor General deemed in early 2024 to have been improperly reinstated into prosecutorial service. This move was viewed by some as an attempt to circumvent the requirement for presidential consent when dismissing a National Prosecutor.

---

## **Promotion of Prosecutors**

The promotion system within the prosecution service also remained unchanged. The appointment of a prosecutor remains at the discretion of the Prosecutor General upon the request of the National Prosecutor. However, such a request does not oblige the Prosecutor General to act; he is not required to issue a formal refusal or provide a justification for his decision, and no judicial appeal is available.

In December 2025, media reports highlighted the case of Prosecutor Dawid Jackowski, who, acting as a deputy disciplinary spokesperson, led proceedings against one of prosecutors who was also a councillor in the Ministry of Justice and close associate of the Minister of Justice. The proceedings concerned a verbal attack by Prosecutor Wrzosek against a junior prosecutor over a procedural decision. Although the disciplinary court found Prosecutor Wrzosek guilty, subsequent reports linked Prosecutor Jackowski's lack of promotion to his role in prosecuting this high-profile associate.<sup>10</sup>

## **Gaps in the Commission's Report**

### **Independence of the Bar**

Pursuant to the Act on the Supreme Court, whose provisions remained unchanged in 2025, cassation appeals in disciplinary cases concerning advocates and legal advisers fall within the jurisdiction of the Chamber of Professional Liability of the Supreme Court. This Chamber was established by the amendment of 9 June 2022, replacing the Disciplinary Chamber, whose status as an independent and impartial court had been repeatedly challenged by domestic and international courts, including the ECtHR in *Reczkowicz v. Poland*, *Tuleya v. Poland* and *Juszczyszyn v. Poland*, as well as by the CJEU (C-791/19). Despite the formal establishment of the Chamber, its status as an independent and impartial body continues to raise serious concerns, particularly in light of personnel changes introduced over the past year.

Disciplinary cases of advocates and legal advisers are therefore examined by a body whose independence and impartiality are seriously contested, which directly affects the level of legal protection afforded to the parties and public trust in the justice system. Review by an independent court is a core element of the right to a fair trial, and its absence may lead to restrictions on the effective protection of professional rights and the professional autonomy of advocates.

---

10 E. Ivanova, *The Łódź disciplinary spokesman pursued Wrzosek. He did not receive a promotion from Żurek (Łódzki rzecznik dyscyplinarny ścigał Wrzosek. Awansu od Żurka nie dostał)*, *Wyborcza.pl*, 16 December 2025, <https://wyborcza.pl/7,75398,32472808,awans-nie-dla-lodzkiego-rzecznik-dyscyplinarnego-prokurator.html>

---

In 2025, several lawfully appointed Supreme Court judges retired, including the President of the Chamber, Wiesław Kozielowicz, who had overseen the Chamber's work. In the vote to select a new President, three candidates were nominated, two of whom had been defectively appointed by the National Council of the Judiciary after 2018. The only lawfully appointed candidate is Justice Barbara Skoczowska, who also adjudicates in the Criminal Chamber of the Supreme Court. The decision on the appointment of the new President will be taken by the newly elected President of the Republic of Poland, Karol Nawrocki, who will also designate three judges to the currently vacant positions in the Chamber. This decision, however, requires the countersignature of the Prime Minister, Donald Tusk, who may block the appointment of defectively appointed Supreme Court judges to the Chamber, thereby effectively paralysing its work. Now the Chamber has only seven members performing adjudicatory duties, including just two lawfully appointed Supreme Court judges – Justice Barbara Skoczowska and Justice Zbigniew Korzeniowski. Under such circumstances, it is not possible to constitute a full three-judge panel to hear certain cases.

In parallel, on 28 June 2025, during the National Congress of Advocates (Krajowy Zjazd Adwokatury), the highest body of the Bar self-government, a number of resolutions were adopted addressing challenges and threats to the independence of the legal profession. In particular, Resolution No. 48 concerned reform of the remuneration system for advocates providing ex officio legal aid. It called on the Minister of Justice to introduce clear and indexed fee rates, timely payments from the state budget, an advance payment mechanism, and remuneration for duty service and all procedural activities. The resolution also postulated the establishment of a compensation mechanism for past underpayment and the collection of detailed statistics on the costs of providing legal aid. These measures aim not only to ensure effective access to justice for citizens, but also to strengthen the financial and organisational independence of the Bar and the professional standing of advocates within the justice system.

On 13 May 2025, Poland acceded to the Convention on the Protection of the Profession of Lawyer adopted within the framework of the Council of Europe. The Convention establishes minimum standards for the protection of lawyers, including safeguards against pressure and reprisals, protection from unjustified interference by public authorities, and guarantees of professional secrecy. Accession constitutes an important signal of the State's commitment to safeguarding the autonomy of the legal professions and respecting their role in the justice system. While ratification alone does not automatically resolve existing systemic problems, it provides a normative basis for further reforms and a benchmark for assessing draft legislation affecting the independence of the legal profession.

The risk of institutional paralysis, combined with the predominance of defectively appointed judges, may significantly affect the effectiveness and recognition of the Chamber's decisions, thereby weakening guarantees of a fair disciplinary process for members of the legal professions. A preliminary reference concerning the status of the Disciplinary Chamber was submitted in 2024 by the Judges' Disciplinary Court at the Court of Appeal in Gdańsk to the CJEU.

---

## New Issues that Emerged in 2025

### Allocation of cases

In September 2025, the Minister of Justice amended the Regulation on the Rules of Procedure for Common Courts regarding the designation of multi-person judicial panels. The new version of the regulation introduced a provision allowing heads of departments to bypass the random selection of an entire panel. Instead, they may limit the use of the Random Case Allocation System to the selection of the judge-rapporteur only. In such instances, the remaining two judges are selected by the head of the department according to rules established by the court president after consulting the relevant court board.<sup>11</sup>

The Random Case Allocation System (or any equivalent) still does not operate within the Supreme Court, the Constitutional Tribunal, military courts, or administrative courts. In these institutions, panels continue to be assigned by specific individuals, such as the Presidents of the Supreme Court Chambers, heads of departments in the Supreme Administrative Court and regional administrative courts, or the President of the Constitutional Tribunal.

The regulation states that such actions may be taken to improve the efficiency of departmental work. Officially, the change was justified as a means to enhance court productivity, particularly within appellate departments. However, this narrative appeared to conflict with public statements made by the Minister of Justice, who indicated that these changes align with the jurisprudence of the ECtHR. The Minister suggested the measures serve to eliminate the risk of rulings being issued by unlawfully constituted panels, which may represent an attempt to prevent judges appointed after 2018 via the ‘new NCJ’ from adjudicating alongside judges appointed before those reforms.

Furthermore, the regulation capped the case inflow for certain officials, including the Disciplinary Commissioner for Common Court Judges and his Deputies, at a maximum of 10% of the regular workload. It is worth noting the volatility of this coefficient: until September 2024, it stood at 10%, subsequently rose to 90%, and has now been lowered again to between 5% and 10%. This most recent reduction coincided with the Minister of Justice’s decision to dismiss the existing Disciplinary Commissioner and his Deputies and appoint new judges to these roles.

---

11 TC/PAP, *New court regulations. Waldemar Żurek announces the end of the ‘Ziobrolotek’ (a ‘squabblers’)* (Nowy regulamin urzędowania sądów. Waldemar Żurek ogłasza koniec „ziobrolotka”), *Prawo.pl*, 3 October 2025, <https://www.prawo.pl/prawnicy-sady/nowy-regulamin-urzedowania-sadow-powszechnych-bez-ziobrolotka,535223.html>

---

### **Perception of justice system by the general public**

A public opinion poll, published in September 2025, by the Rzeczpospolita daily revealed a significant decline in public trust in judicial institutions. According to the findings, only 36.1% of Poles trust the justice system, representing a year-on-year decrease of 6.2 percentage points. The proportion of respondents expressing strong distrust rose by 10 percentage points to 23.1%, while overall distrust reached 57.4%. The same study indicated that trust in the prosecution service fell from 40% to 37.4%. Trust in the Constitutional Tribunal remained at a level similar to 2024, with 30.3% of respondents expressing confidence in the institution, while distrust rose by 4.8 percentage points to 54.5%.<sup>12</sup> This erosion of public confidence may be attributed to the deepening crisis within the justice system regarding the status of individuals appointed with the participation of the so-called ‘new NCJ’ and ongoing doubts concerning their impartiality and independence.

This crisis has directly impacted fundamental state processes, including the adjudication of the validity of the presidential election. The resolution on this matter was issued by the Extraordinary Control and Public Affairs Chamber, a body whose status remains contested both domestically and internationally because it is composed entirely of judges appointed via the new NCJ. Consequently, public debate has emerged questioning the effectiveness and legal certainty of the electoral process itself, leading to significant doubts as to whether a valid election of the President of Poland has actually taken place.

The issue of the Supreme Court’s lawful composition returned to the CJEU. In a landmark judgment on 4 September 2025 (C-225/22), the CJEU allowed for judicial decisions to be treated as non-existent if the court failed to meet the requirements of independence, impartiality, and being established by law, provided such a consequence is essential to guarantee the primacy of EU law.

Following this ruling, on 24 September 2025, the Supreme Court, sitting in a composition of seven judges, none of whom were appointed via the new NCJ, ruled that judgments of the Extraordinary Control and Public Affairs Chamber concerning extraordinary complaints must be considered non-existent.<sup>13</sup> In response, on 4 December 2025, the combined Labour and Extraordinary Control Chambers (composed primarily of ‘new’ judges) issued a resolution asserting that no court or public authority possesses the power to declare a Supreme Court judgment non-existent.

---

12 Piotr Szymaniak, *A red card for the courts. Over 57 percent of Poles distrust them* (Czerwona kartka dla sądów. Nie ufa im ponad 57 proc. Polaków), *Rp.pl*, 19 September 2025, <https://www.rp.pl/sady-i-trybunaly/art43033791-czerwona-kartka-dla-sadow-nie-ufa-im-ponad-57-proc-polakow>

13 Supreme Court, *RESOLUTION a panel of seven judges of the Supreme Court* (UCHWAŁA składu siedmiu sędziów Sądu Najwyższego) III PZP 1/25, *sn.pl*, 24 September 2025, <https://www.sn.pl/sites/orzecznictwo/OrzeczeniaHTML/iii%20pzp%201-25-1.docx.html>

The legal uncertainty has increasingly affected lower-instance courts. There are growing reports of judgments being overturned due to improper court composition or doubts regarding a judge's independence. A notable example was a ruling by the Court of Appeal in Poznań, which quashed a life sentence for a triple murder due to such procedural irregularities.<sup>14</sup>

Regarding the Constitutional Tribunal, its public standing continues to be marred by doubts over its composition, specifically the presence of three 'double judges' appointed to seats already filled. These issues, alongside irregularities in the appointment of the President of the Tribunal, were highlighted by the CJEU in its judgment of 18 December 2025 (C-448/23).

### **Accessibility of Justice**

In 2025, several legislative and administrative changes were implemented to improve access to justice and legal services in Poland, focusing on court fees, legal representation costs, and the accessibility of free legal aid.

**Civil Court Fees and Access for Businesses:** The Sejm passed an amendment to the Act on Court Costs in Civil Cases, significantly reducing the financial burden for litigants in high-value disputes. Specifically, the maximum proportional fee, which is charged in cases involving property rights exceeding zł (Polish złoty, PLN) 20,000, was lowered from zł200,000 to zł100,000. This adjustment is intended to enhance access to the courts for small and medium-sized enterprises (SMEs) by allowing them to pursue high-value claims with more manageable upfront costs.

**Remuneration for Legal Aid Counsel:** The Minister of Justice issued new regulations regarding the remuneration rates for advocates and legal advisers providing legal aid ex officio. As a result of these changes, fees for certain categories of cases were increased by 25% to 50%. For instance, the rate for legal defence in proceedings regarding a break in the execution of a sentence rose from zł360 to zł 540.

**Free Legal Aid Accessibility:** A significant reform impacting the accessibility of justice was the amendment to the Act on Free Legal Aid. This legislation permanently integrated solutions originally introduced during the pandemic, allowing for the provision of free legal assistance via telephone or email. Furthermore, the new regulations improved the situation for persons with disabilities, who now have the possibility of receiving free legal aid outside of designated consultation points, ensuring greater flexibility and inclusivity in the legal support system.

---

<sup>14</sup> Dorota Gajos-Kaniewska, *The court overturned a life sentence for a triple murder. The reason was a new judge* (Sąd uchylił wyrok dożywocia za potrójne zabójstwo. Powodem neosędzia), *Rp.pl*, 1 November 2025, <https://www.rp.pl/prawo-karne/art43263821-sad-uchylil-wyrok-dozywocia-za-potrojne-zabojstwo-powodem-neosedzia>

Despite these adjustments, the remuneration for court-appointed legal aid remains at a level that does not correspond with market rates, which continues to be a point of discussion within the legal profession.

### ***Resources of the Judiciary***

In 2025, the Polish justice system experienced a significant increase in financial resources. Total budgetary expenditure allocated to the functioning of the justice system increased by nearly 12%, reaching zł27.4 billion (approximately €6.5 billion). The largest share of these resources was allocated to the functioning of the common courts.

The increased expenditure in 2025 was largely linked to the return to mandatory indexation of judges' and prosecutors' salaries, based on the average wage in the national economy. In previous years, the suspension (freezing) of this indexation had been challenged before labour courts and the Constitutional Tribunal, which found that preventing the adjustment of judges' remuneration was incompatible with constitutional requirements.

In 2025, a similar development occurred with regard to prosecutors' remuneration. The Supreme Court, in case II PSKP 11/25, issued a judgment concerning the indexation of prosecutors' salaries, further reinforcing the relevance of salary indexation as a legal safeguard linked to the stability and independence of the justice system.

The 2025 budget also introduced measures aimed at strengthening support staff in courts. It increased the number of judicial assistant posts by more than 1,100 full-time equivalents and provided for salary increases for this position, reaching up to zł2,000 (approximately €450). These measures were intended to improve the attractiveness of the profession and facilitate recruitment among lawyers, including enabling persons to take up these functions already during law studies. While the objective of improving staffing levels and support for judges was widely noted, the latter element raised questions among stakeholders as to whether it would translate into a measurable improvement in the functioning and quality of justice.

Overall, 2025 was marked by a substantial increase in budgetary resources for the justice system, driven primarily by salary indexation and staffing-related measures, while also reflecting continued institutional disputes affecting funding decisions for certain constitutional bodies.

At the same time, the 2025 budget did not include funds for the remuneration of judges of the Constitutional Tribunal and for allowances of members of the National Council of the Judiciary. This approach was linked to the position of the parliamentary majority, which challenged the legality of

the composition of both institutions and questioned their independence and impartiality in light of selected judgments of the CJEU and ECtHR.

### **Digitalisation**

The digitalisation of the Polish justice system continued as part of a broader, multi-year transformation aimed at improving efficiency, accessibility, and transparency. While many foundational tools had been introduced earlier, 2025 can be seen as a year of consolidation and legislative groundwork for more advanced digital solutions.

A major development was the expansion of the national electronic delivery system (e-Doręczenia). From 1 January 2025, electronic registered delivery became mandatory for public administration bodies, and from 1 April 2025 for entities entered in the National Court Register.

In 2025, crucially, amendments to the Code of Civil Procedure adopted in 2025 introduced a legal framework for electronic filing of pleadings and submissions via the portal. The Common Courts Information Portal (*Portal Informacyjny Sądów Powszechnych*) remained a central interface between courts and users. In 2025, its role evolved from a largely informational tool toward a platform prepared for two-way electronic communication.

Within this change public access to judgments remained a stable pillar of digital justice. Judgments of common courts were published through the Ministry of Justice's Judgments Portal (Portal Orzeczeń),<sup>15</sup> while administrative court decisions continued to be available via the Central Database of Administrative Court Rulings (*Centralna Baza Orzeczeń Sądów Administracyjnych*).<sup>16</sup> In 2025, these systems functioned as established sources of case law, subject to anonymisation requirements and the rule that online databases are informational rather than official promulgation sources.

Beyond adjudication, digital development of court-run registers continued, including the electronic National Court Register (eKRS), land and mortgage registers, and insolvency-related systems such as the National Register of Debtors. Legislative amendments and system upgrades aimed to streamline procedures, improve data quality, and reduce reliance on paper filings.

Moreover, remote hearings, introduced more broadly during and after the COVID-19 period, became a normal and accepted element of court practice. Courts routinely use video conferencing for hearings

---

15 Ministry of Justice, Portal Orzeczeń Sądów Powszechnych, <https://orzeczenia.ms.gov.pl/>

16 Supreme Administrative Court, Centralna Baza Orzeczeń Sądów Administracyjnych, <https://orzeczenia.nsa.gov.pl/cbo/query>

involving parties, witnesses, or experts, subject to judicial discretion and technical feasibility. This contributed to reduced delays and improved access to justice, particularly for parties located far from the court seat.

Also the electronic recording of hearings (*e-Protokół*) continued as a standard practice. Audio and video recordings form part of case files, replacing or supplementing traditional written minutes. Courts provided technical tools for playback, reinforcing the role of digital evidence and documentation in everyday judicial work.

Artificial intelligence featured prominently in policy discourse in 2025. The Ministry of Justice formally launched the multi-year ‘Cyfrowy Sąd’ (DigitalCourt) programme, framing AI and advanced IT tools as part of a long-term strategy extending to 2028.<sup>17</sup>

In sum, 2025 was less about sudden technological breakthroughs and more about embedding digital solutions into law and institutional practice. For court users, this meant greater reliance on electronic communication, routine online access to case information and judgments, and clearer prospects for fully digital proceedings in the near future.

Although courts themselves were not yet universally obliged to use e-Doręczenia in all proceedings, these changes substantially increased digital readiness among court users (lawyers, companies, public institutions) and supported a gradual shift toward electronic service as a default mode of communication with the justice system.

Although the most extensive effects were scheduled to enter into force in subsequent years (starting from 1 March 2026), 2025 marked a turning point by embedding digital communication directly into procedural law rather than treating it as an auxiliary solution.

In practice, 2025 focused on planning, governance, and pilot discussions rather than actual deployment of AI tools in adjudication. Conferences and expert debates addressed potential uses of AI (e.g. document analysis, workflow support) alongside concerns about transparency, accountability, and judicial independence.

---

17 Ministry of Justice, *The Digital Court program will change the justice system* (Program „Cyfrowy Sąd” zmieni wymiar sprawiedliwości), *Ministerstwo Sprawiedliwości*, 19 March 2025, <https://www.gov.pl/web/sprawiedliwosc/program-cyfrowy-sad-zmieni-wymiar-sprawiedliwosci>

---

### **Case management and court statistics**

Core assessment functions remained embedded in nationwide ICT systems used by courts, including case management systems for common courts and administrative courts. These systems automatically generate statistical data on caseloads, clearance rates, duration of proceedings, backlog levels, and judge-specific workloads. In 2025, such data continued to be used by court presidents, the Ministry of Justice, and inspection bodies for operational supervision, allocation of resources, and organisational planning. The emphasis was on standardised indicators enabling comparisons across courts and regions.

Statistics increasingly served not only internal management but also public transparency.

Monitoring tools are combined with quantitative data (case duration, productivity indicators) and qualitative oversight mechanisms. These included periodic inspections of courts, internal audits, and evaluations conducted by the Ministry of Justice. ICT systems facilitated monitoring by enabling real-time or near-real-time access to performance data, reducing reliance on manual reporting. Importantly, assessment tools were framed as supporting administrative supervision rather than evaluating the substantive content of judicial decisions, in line with constitutional guarantees of judicial independence.

Artificial intelligence featured in assessment primarily at a conceptual and pilot level. Within the broader ‘Cyfrowy Sąd’ programme launched in 2025, AI was discussed as a potential tool for advanced statistical analysis, forecasting caseload trends, identifying bottlenecks, and supporting management decisions.

In 2025, Poland’s justice system used assessment tools mainly to strengthen administrative efficiency, accountability, and transparency, rather than to control adjudicatory outcomes. ICT-based statistics, monitoring systems, and surveys formed a maturing ecosystem of evaluation, while AI remained largely prospective. The year can be characterised as one of incremental refinement and standardisation, laying the groundwork for more sophisticated data-driven court management in the coming years.

While raw datasets were not fully open, the 2025 practice reflected a gradual shift toward clearer presentation of performance indicators, aligned with broader public-sector transparency standards.

However, in 2025, there was a widespread deployment of AI systems for automated evaluation of judicial performance. The dominant narrative emphasised caution, transparency, and the need for clear governance rules before integrating AI into assessment processes.

---

## Implementation of Judgments

According to data from the Council of Europe, after a period of steady decline between 2015 and 2020, the number of Polish cases pending execution has been increasing again since 2021. At the end of 2024, this number stood at 147 (compared to 125 in 2022 and 131 in 2023), including 52 leading cases; of the leading cases, 20 have been pending for five years or more.<sup>18</sup> The average time of implementation of leading cases in Poland is estimated at five years and five months, and the percentage of leading cases from the last 10 years, still awaiting execution, amounts to 51%.<sup>19</sup>

The pending caseload includes different groups concerning, among others: excessive length of proceedings, expulsion on security grounds, the discriminatory lowering of the age of retirement of judges, lack of legal recognition of same-sex couples, retention of data obtained during secret surveillance and insufficient guarantees provided by law against arbitrariness and abuse of secret surveillance.

Ahead of the quarterly meeting of the Council of Europe's Committee of Ministers in December 2025 to discuss the implementation of ECtHR judgments by Member States, the Helsinki Foundation for Human Rights presented its positions on the implementation of two important judgments issued in cases against Poland, namely *M.K. and Others v. Poland*<sup>20</sup> and *Poklikayew v. Poland*.<sup>21</sup> Both found that Poland had violated human rights in the context of migration. Although more than five and two years have passed since the judgments were delivered, the Polish state has not eliminated the violations found by the Court. The HFHR pointed to the failure of the Polish authorities to apply so-called general measures to prevent similar human rights violations in the future.<sup>22</sup>

The judgment in the case of *M.K. and Others v. Poland* was the first one, which established the existence of a regular practice of distorting or omitting explanations provided by persons seeking

---

18 Council of Europe, Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights. 18th Annual Report of the Committee of Ministers, March 2025, pp. 106-107, <https://www.coe.int/en/web/execution/annual-report-2024>

19 European Implementation Network (EIN), Country map: Poland, <https://www.einnetwork.org/poland-ecbr>

20 European Court of Human Rights, *M.K. and Others v. Poland*, Application No. 40503/17, 42902/17 and 43643/17, judgment of 23 July 2020, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-203840%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-203840%22]})

21 European Court of Human Rights, *Poklikayew v. Poland*, Application No. 1103/16, judgment of 22 June 2023, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-225324%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-225324%22]})

22 Helsinki Foundation for Human Rights, HFHR writes to the Council of Europe regarding Poland's failure to execute ECtHR judgments regarding migrants (HFPC pisze do Rady Europy w sprawie niewykonywania przez Polskę wyroków ETPCz dot. Migrantów), HFPC, 3 November 2025, <https://hfhr.pl/aktualnosci/hfpc-pisze-do-rady-euro-py-w-sprawie-niewykonywania-przez-polske-wyrokow-etpcz-dot-migrantow>

international protection in official notes drawn up by Border Guard officers during checks at the border crossing between Poland and Belarus in Terespol. In its judgment, the ECtHR ruled that Poland had violated Articles 3 and 13 of the European Convention on Human Rights (ECHR) and Article 4 of Protocol No. 4 to the Convention by, inter alia, refusing access to the international protection procedure, exposing them to the risk of inhuman and degrading treatment in connection with the possibility of their deportation by the Belarusian authorities to their country of origin, where they had been repeatedly returned, and expelling them from Poland without examining their cases individually. Although the Court found human rights violations in several similar cases, the Polish government has not implemented appropriate measures to prevent further similar violations of the Convention. The HFHR pointed out that ensuring the possibility of submitting applications for international protection at border crossings and issuing visas should be one of the basic measures taken by the Polish authorities to counter irregular migration.

The *Poklikayew v. Poland* judgment concerns Poland's violation of Article 1 of Protocol No. 7 to the ECHR by excessively restricting a foreigner's right to information about the grounds for his expulsion from Poland. The use of information classified as 'secret' by the authority and the lack of adequate justification for the decision meant that the applicant had no real opportunity to contest the allegations against him. The HFHR pointed out that the Polish legal system still lacks adequate safeguards for parties to deportation proceedings in which the authority bases its decision on classified documents that are not accessible to the party. Although Polish courts, including the Supreme Administrative Court, have confirmed that national legislation does not provide for any rights for foreigners that would ensure balance in relation to the complete secrecy of information concerning an alleged threat to security, no legal solutions have been developed in this regard.

In March 2025, the Ministry of Foreign Affairs published a draft law on the enforcement of judgments of the ECtHR.<sup>23</sup> The bill is intended to regulate the rules and procedures for the enforcement of ECtHR judgments issued in individual cases involving the Republic of Poland, including the coordination of cooperation between public entities for the purpose of enforcing these judgments. The draft bill addresses what the government perceives as a large number of unfavourable Strasbourg rulings against Poland that are subject to supervision by the Committee of Ministers on the one hand, and on the other hand, the relatively long time it takes to enforce judgments in Poland; the draft bill

---

23 *Government bill on the enforcement of judgments of the European Court of Human Rights, Government Legislative Process (Rządowy projekt Ustawy o wykonywaniu wyroków Europejskiego Trybunału Praw Człowieka), project No. UD177, 3 March 2025, <https://legislacja.gov.pl/projekt/12395200>*

---

is also part of the overall plan to restore the rule of law in Poland. In February 2026, the draft was submitted to the Sejm for review by the Legislative Office.<sup>24</sup>

The draft bill should be seen as a step towards improving the procedure for implementing ECtHR judgments in Poland, and thus fulfilling Poland's constitutional obligation to comply with binding international law. At the same time, as indicated by the HFHR in its opinion on the draft, consideration should be given to extending the scope of the Act to include rules of procedure for rulings and decisions issued by other international bodies, such as the UN Human Rights Committee. The HFHR also pointed to the need to make greater use of non-governmental organisations, including involving them in the process of discussing how individual judgments should be enforced. Finally, as indicated in the opinion, the Code of Civil Procedure should be amended to include the possibility of reopening proceedings in cases where this is necessary as a result of a decision by an international body acting under an international agreement ratified by Poland; such a provision would be particularly important in proceedings in which an individual seeks civil liability from state authorities or those with quasi-criminal characteristics (e.g. proceedings involving minors or persons with mental disorders who pose a threat to the life, health or sexual freedom of others).<sup>25</sup>

---

24 *Sejm, Government bill on the enforcement of judgments of the European Court of Human Rights (Rządowy projekt ustawy o wykonywaniu orzeczeń Europejskiego Trybunału Praw Człowieka), Rządowy Proces Legislacyjny, <https://www.sejm.gov.pl/sejm10.nsf/agent.xsp?symbol=RPL&Id=RM-0610-14-26>*

25 *Helsinki Foundation for Human Rights, A step towards a system for the execution of judgments of the European Court of Human Rights (Krok w stronę systemu wykonywania wyroków Europejskiego Trybunału Praw Człowieka), HFPC, 31 March 2025, <https://hfbr.pl/aktualnosci/wykonywanie-wyrokow-etpc>*

## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### General assessment

Compared to the 2025 Rule of Law Report, there have been substantial developments towards the planned media law reform aimed at addressing concerns related to the impartiality and independence of the media regulator, as well as the independence and pluralism of public service media more broadly. The proposed changes, intended to implement the European Media Freedom Act, generally move in a positive direction. The draft law has been presented, and subjected to public consultation, and is likely to be further discussed in the framework of a public hearing.

Despite an apparent decrease in the number of Strategic Lawsuits Against Public Participation (SLAPPs) cases, particularly those initiated by public entities, the draft law implementing the Anti-SLAPP Directive, originally expected to be adopted in the third quarter of 2025, has still not been taken up for legislative work in the Sejm. Concerns raised by civil society organisations regarding the reliance of the early dismissal mechanism on the existing Polish concept of a ‘manifestly unfounded claim’, which may limit its practical use, have not been taken into account.

There has been limited development with regard to access to documents, which has generally remained stable; however, there have been instances of unjustified refusals and even the penalisation of requests for access to information.

### Implementation of 2025 Commission recommendations

**Recommendation: Take forward reforms to ensure that fair, transparent and non-discriminatory procedures are adhered to for the granting of operating licences to media outlets (first made in 2022)**

A draft law to reform the Act on Radio and Television Broadcasting and ensure its compliance with the European Media Freedom Act has been proposed. Commonly referred to as the ‘Media Law’, it introduces a number of reforms concerning the National Broadcasting Council. A main pillar of the proposed changes relates to the procedure for appointing members of the Council. Public hearings of candidates are to be open, and the participation of civil society organisations is to be ensured.

Despite the draft law introducing changes that generally move in a positive direction with regard to the appointment of members of the Council, it does not alter the existing model, under which members are proposed and appointed by political actors, namely members of the Sejm and the Senate, as well as the President.

**Commission’s 2025 assessment: Some further progress**

**HFHR’s current assessment: In progress**

**Recommendation: Take forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media (first made in 2022)**

There was no observed progress towards taking forward reforms to ensure an effective legislative framework for the independent governance and editorial independence of Poland's public service media, despite this recommendation being long-standing, and despite the change in the ruling majority in 2023. The Commission's recommendation is relatively clear, but it does not have clearly defined steps for the country to take.

**Commission's 2025 assessment: Some further progress****HFHR's current assessment: No progress**

The proposed changes to address the first recommendation above, concerning the granting of operating licences to media outlets and the work of the National Broadcasting Council, warrant a more in-depth discussion of the developments over the last year. A draft law aimed at reforming national legislation – most notably the Act on Radio and Television Broadcasting – to ensure compliance with the European Media Freedom Act has been proposed. Commonly referred to as the media law, it introduces a number of reforms concerning the National Broadcasting Council.<sup>26</sup>

The main strand of the proposed changes relates to the procedure for appointing members of the Council. Public hearings of candidates are to be open, and the participation of civil society organisations is to be ensured. Moreover, the eligibility requirements for candidates are to be significantly strengthened. These include a ban on membership in a political party for five years prior to nomination, a prohibition on standing in elections on a party list within the previous ten years, and precisely defined requirements concerning professional experience in the field of media.

Despite the draft law introducing changes that generally move in a positive direction with regard to the appointment of members of the Council, it does not alter the existing model, under which members are proposed and appointed by political actors, namely members of the Sejm and the Senate, as well as the President. This means that even if the draft law is adopted in its current form, there remains a risk that the composition of the Council will be shaped by a single political option rather than reflecting political diversity in Poland.

26 *Minister of Culture and National Heritage, Draft law amending the Act on Radio and Television Broadcasting and certain other acts (Ustawa o zmianie ustawy o radiofonii i telewizji oraz niektórych innych ustaw), project No. UC130, Ministerstwo Kultury i Dziedzictwa Narodowego, 5 December 2025, <https://www.gov.pl/web/kultura/projekt-ustawy-o-zmianie-ustawy-o-radiofonii-i-telewizji-i-niektorych-innych-ustaw-uc-130>*

---

Civil society organisations have called for further reforms to the appointment procedure – such as qualified-majority voting, opposition involvement, and broader nomination rights – but it remains uncertain whether these proposals will be adopted, as they are not reflected in the current version of the draft.<sup>27</sup>

Under the draft law the number of members of the Council has been increased from six to nine, and staggered six-year terms have been introduced, with one third of the membership renewed every two years. The grounds for loss of membership in the Council have also been expanded. New grounds include joining a political party or other organisations, as a consequence of the revised eligibility requirements for Council membership, as well as acquiring shares or other interests in media service providers and engaging in gainful employment other than academic teaching or creative work.

With regard to additional safeguards, the draft provides for the repeal of the provision under which the rejection of the Council’s annual report by the Sejm and the Senate automatically results in the termination of the terms of office of all members of the Council. While this change should be assessed positively, it should also be considered in light of the possibility that the personal composition of the Council may remain influenced by a single prevailing political orientation.

Another change introduced by the draft law is the requirement that any administrative decision issued by the Chair of the Council be preceded by a resolution of the Council. This measure appears to be aimed at limiting the Chair’s discretion and should be viewed in the context of the exercise of this competence in recent years.

This is a new version of the draft media law, following an earlier version that had already been presented, and it has undergone a number of significant changes. Some of the demands put forward by civil society organisations have been taken into account, in particular with regard to the procedure for appointing members of the Council. Moreover, the draft was subject to public consultations lasting approximately seven weeks, which may be regarded as a positive development and as an indication of political willingness to include the views of civil society organisations and other non-political actors.

As regards the financing of the Council, the draft Budget Act envisages a slight increase in the Council’s budget.<sup>28</sup> At the same time, in its 2025 report, the Supreme Audit Chamber noted that the

---

27 Helsinki Foundation for Human Rights, *Comments from civil society organisations on the draft law implementing EMFA (Uwagi organizacji społecznych do założeń do ustawy medialnej)*, HFPC, 20 September 2024, <https://hfhr.pl/aktualnosci/item-142515321,l:929110969>

28 *Sejm, Budget Act for 2026 (Ustawa budżetowa na rok 2026)*, 9 January 2026, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20260000062>

funds allocated to the activities of the National Broadcasting Council are insufficient.<sup>29</sup> This should be considered in the context that, if the draft law is adopted, the Council will have an increased number of members and, as a consequence of the transposition of the European Media Freedom Act into Polish law, will also be entrusted with additional tasks.

The draft law does not modify the procedure for the appointment of the Chair of the Council, meaning that the existing appointment mechanism is to be retained. The Chair is elected from among their members and may be dismissed by the members of the National Broadcasting Council. Neither the Act on Radio and Television Broadcasting nor the Council's rules of procedure regulate the manner in which the Chair is elected. The election therefore takes place in accordance with the Council's ordinary mode of operation, that is, by way of a resolution adopted by at least two thirds of the members of the Council.

As noted above, the draft law introduces new grounds for such loss of membership.

The main change introduced by the draft law with regard to the functions of the Council concerns the restoration of constitutional order in the area of shaping the personal composition of single-shareholder joint-stock companies of the State Treasury, within which public radio and television broadcasters operate, including their management boards and supervisory boards. According to the case law of the Constitutional Tribunal, the complete exclusion of the Council from this procedure – which took place in 2015 – is unconstitutional.<sup>30</sup>

## **New Issues that Emerged in 2025**

In January 2025, Poland's Civil Law Codification Commission unveiled a draft anti-SLAPP law, aiming to implement the new EU Directive 2024/1069 on discouraging unfounded litigation. This draft (amended in April after consultations) was Poland's first legislative proposal explicitly addressing

---

29 Supreme Audit Chamber, *Implementation of tasks by the National Broadcasting Council and the National Media Council (press conference transcript)* (Realizacja zadań przez Krajową Radę Radiofonii i Telewizji oraz Radę Mediów Narodowych), *Najwyższa Izba Kontroli*, 22 May 2025, p. 63., <https://www.nik.gov.pl/aktualnosci/krajowa-rada-radiofonii-i-telewizji-rada-mediow-narodowych.html>

30 Constitutional Tribunal, *Act amending the Radio and Television Act K 13/16* (Ustawa o zmianie ustawy o radiofonii i telewizji K 13/16), Trybunał Konstytucyjny, 13 December 2016, <https://trybunal.gov.pl/s/k-1316>

SLAPPS.<sup>31</sup> Civil society organisations welcomed the initiative as a promising step toward shielding journalists, activists and others who speak out on matters of public interest. The bill introduced tools like early dismissal of manifestly unfounded suits and other safeguards. However, experts also warned that, as written, the law might fall short of its promise. Article 19 and a coalition of Polish NGOs cautioned that overly narrow criteria and procedural hurdles could render key safeguards ineffective in practice. For instance, the draft’s definition of a SLAPP was tied to a ‘manifestly unfounded’ standard and an exclusive intent to silence, which might be too strict to catch many abusive cases. It also lacked measures like shifting the burden of proof or allowing judges to award damages to SLAPP targets. In the July 2025 analysis, the Polish anti-SLAPP working group urged lawmakers to strengthen the bill before passage – recommending clearer SLAPP criteria, more ‘realistic’ early-dismissal rules, a true reversal of the burden of proof, and the ability for defendants to seek compensation within the SLAPP proceeding. Crucially, they also advocated barring public authorities (state or local) from suing individuals for defamation, and pairing the civil-law reform with changes to criminal law. These improvements, they argued, are needed to ensure the anti-SLAPP law will be effective in practice. As of the end of 2025, the draft law had not yet been submitted for parliamentary proceedings.<sup>32</sup>

At an international anti-SLAPP conference in Warsaw, April 2024, the Minister of Justice, Adam Bodnar, pledged to “abolish criminal defamation”, specifically Article 212 of the Penal Code.<sup>33</sup> Throughout 2024–2025, media freedom groups and Poland’s Anti-SLAPP Working Group kept up advocacy to hold the government to this promise. In 2025, progress was halting: although Bodnar’s ministry convened experts, and the Criminal Law Codification Commission produced a draft amendment, that proposal fell short of scrapping Article 212. Rights organisations reacted with disappointment, noting that dropping jail sentences is positive but not enough. Even without incarceration, leaving criminal defamation on the books means journalists and bloggers “would still face the risk of criminal proceedings, with a continued chilling effect”.<sup>34</sup> In April 2025, a coalition of media NGOs

31 *Poland, Civil Law Codification Commission, Draft bill on the protection of persons participating in public debate against manifestly unfounded claims or abusive legal proceedings (Projekt ustawy o ochronie osób uczestniczących w debacie publicznej przed oczywiście bezzasadnymi roszczeniami lub stanowiącymi nadużycie postępowaniami sądowymi)*, gov.pl, 14 April 2025, <https://www.gov.pl/web/sprawiedliwosc/projekty-aktow-prawnych3>

32 *ARTICLE 19, Poland: Anti-SLAPP draft law is a positive step but key improvements essential, 1 July 2025*, <https://www.article19.org/resources/poland-anti-slapp-draft-law-is-a-positive-step-but-key-improvements-essential/>

33 *D. Sitnicka, Adam Bodnar announces the abolition of Article 212 of the Penal Code on defamation (Adam Bodnar zapowiada zniesienie Article. 212 kodeksu karnego o zniesławieniu)*, OKO.press, 27 April 2024.

34 *Helsinki Foundation for Human Rights, Full Decriminalization of Defamation Necessary for Protection from SLAPPS. Appeal from Media and Civil Society Organizations (Pełna dekryminalizacja zniesławienia niezbędna dla ochrony przed SLAPP-ami. Apel mediów i organizacji społecznych)*, HFPC, 29 January 2025, <https://hfhr.pl/aktualnosci/pełna-dekryminalizacja-zniesławienia-apel,l:929110969>

issued an open appeal entitled “Fulfil promises – Decriminalise defamation now”, urging the government to fully repeal Article 212 to genuinely protect public watchdogs. They argued that civil and criminal law reforms must be comprehensive and coordinated – only then can Poland make full use of the EU anti-SLAPP directive to build a robust shield for journalists, activists and citizen reporters speaking out in the public interest.<sup>35</sup> In October 2025, activists in Kraków held a ‘#STOPSLAPP’ protest outside the courthouse, symbolically standing with journalists silenced.<sup>36</sup>

By the end of 2025, Poland’s climate for media had shifted with a new government, but the legacy of SLAPPs and punitive defamation laws persisted. While no journalists were imprisoned during the year, multiple convictions and ongoing lawsuits showed the urgent need for reform. There were clear moves in the right direction – a draft anti-SLAPP law, and official acknowledgment that criminal libel must go – yet key reforms remained pending.

There are also prominent examples of pending proceedings initiated by state entities. One such case concerns a forester who publicly spoke about excessive killings in a national park in an interview with a well-known journal and who had previously submitted numerous requests for access to public information to that entity.<sup>37</sup> While not a journalistic SLAPP, in the strict sense, the case was connected to a newspaper interview. As a result, the national park brought civil proceedings against him for the protection of its reputation, which are still pending. In addition, the director filed a private criminal complaint for defamation, which was discontinued due to the statute of limitations, as well as charges of stalking, of which the forester was acquitted. All of these proceedings were financed from public funds.

There was also a striking case in which a court ordered Radio Poznań not to mention a possible link between a prominent businessman and the disappearance of a journalist in the 1990s. Any breach of this injunction is punishable by a fine of zł50,000. The injunction was issued in civil proceedings for the protection of reputation, initiated by the businessman.<sup>38</sup>

---

35 *ARTICLE 19*, Poland: Fulfil promises – Decriminalise defamation now, 25 April 2025, <https://www.article19.org/resources/poland-fulfil-promises-decriminalise-defamation-now/>

36 *Batory Foundation*, Enough of being punished for telling the truth. Protest against repressive lawsuits #STOPSLAPP (Dość karania za mówienie prawdy. Protest przeciw pozwom represyjnym #STOPSLAPP), *maszglos.pl*, <https://www.maszglos.pl/2025/10/dosc-karania-za-mowienie-prawdy-protest-przeciw-pozwom-represyjnym-stopslapp/>

37 *M. Danielewicz*, National Park Director Chases Former Employee for Talking About Hunting (Dyrektor parku narodowego ściga byłego pracownika. Za słowa o polowaniach), *Wyborcza.pl*, 29 May 2024, <https://poznan.wyborcza.pl/poznan/7,36001,31013446,dyrektor-parku-narodowego-sciga-bylego-pracownika-za-slowa.html>

38 *P. Żytnicki*, Businessman Świtalski demanded censorship. Court gags radio station for podcast about journalist’s death (Biznesmen Świtalski zażądał cenzury. Sąd knebluje radio za podcast o śmierci dziennikarza), *Wyborcza.pl*, 12 January 2026, <https://poznan.wyborcza.pl/poznan/7,36001,32517314,biznesmen-switalski-zazadal-cenzury-sad-knebluje-radio-za-podcast.html>

---

## CONTACTS

### ***Helsinki Foundation for Human Rights***

The Helsinki Foundation for Human Rights (HFHR) is a non-governmental organisation established in 1989 and based in Warsaw, Poland. The HFHR is one of the largest and most experienced non-governmental organisations operating in the field of human rights in Eastern and Central Europe. Since 2007, the HFHR has had a consultative status with the United Nations Economic and Social Council (ECOSOC). The HFHR's objective is the protection and promotion of human rights.

Wiejska 16  
00-490 Warsaw  
Poland  
[hfhr@hfhr.pl](mailto:hfhr@hfhr.pl)  
[www.hfhr.pl](http://www.hfhr.pl)

### ***The Civil Liberties Union for Europe***

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

c/o Publix, Hermannstraße 90  
12051 Berlin  
Germany  
[info@liberties.eu](mailto:info@liberties.eu)  
[www.liberties.eu](http://www.liberties.eu)

**Photo by** Aiony Haust and Markus Spiske on Unsplash



**Co-funded by  
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the granting authority - the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the granting authority can be held responsible for them.