



**FUNDAMENTAL RIGHTS
AND THE RULE OF LAW**

Report on the visit to Poland Authorities' observations on the report

15–16 December 2025



**European Economic
and Social Committee**

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As part of the EESC's efforts to promote fundamental rights and the rule of law, a delegation from the EESC's Fundamental Rights and Rule of Law Group visited Poland on 15 and 16 December 2025. The delegation met with several representatives of civil society, more specifically civil society organisations (CSOs), the social partners, the media and the legal professions. A separate meeting was held with the Polish authorities, during which they had the opportunity to respond to some of the points presented to them. The aim of this report is to faithfully reflect the views of civil society. The last visit of the EESC's Fundamental Rights and Rule of Law Group to Poland had been on 3-5 December 2018.

1. Fundamental rights of the social partners

Participants observed that Poland's system of **social dialogue** had evolved over the past three decades, primarily through the tripartite framework of the Social Dialogue Council. According to participants, the overrepresentation of employers' organisations within the Council had made consensus more difficult, although efforts were underway to address this imbalance. They acknowledged that the Council formally enjoyed significant prerogatives, including the right to propose legislation. The social partners were entitled to jointly draft proposals for legislation within the Council; however, such initiatives, such as a recent proposal concerning public procurement, had frequently stalled due to a lack of government follow-up. Participants said that although the government was routinely seeking the Council's opinions, statutory **consultation** deadlines were frequently shortened, which had prevented thorough legislative analysis, and added that the Council's balanced positions were often disregarded in favour of political considerations. The Polish authorities commented that the written opinions submitted by the Council were appreciated. Participants also highlighted the fact that bills introduced by individual members of parliament were exempt from consultation requirements. While use of this legislative 'bypass' had been exceptional in the past, they reported that it had become a standard route for controversial legislation under the previous administration, systematically avoiding consultations and impact assessments. For these reasons, participants considered that social dialogue had weakened considerably and had only partially recovered since the change of government.

Participants referred to a new law on **collective bargaining**, adopted in connection with the Directive on adequate minimum wages, but they expressed scepticism about its practical impact. They pointed to Poland's long-standing tradition of detailed statutory labour regulation, which, in their view, had left limited scope for autonomous collective bargaining. Some participants stressed the need to expand the bargaining space, notably by allowing derogations in certain areas, such as flexible working time arrangements. They also highlighted a significant amendment in the legislation, simplifying the procedure for extending a collective agreement to employees and employers not already covered by any agreement.

With regard to **employment law developments**, participants referred to ongoing and upcoming legislative changes, including the Directives on pay transparency and on platform work. Some participants criticised what they described as 'gold plating' in the transposition of EU Directives, arguing that excessive regulation had imposed unnecessary burdens on Polish businesses. Employers mentioned ongoing efforts to identify opportunities to simplify procedures and strengthen economic freedom. The Polish authorities said that the government had recently presented several proposals for deregulation, which were under consideration. Participants drew attention to **judicial reforms** introduced under the previous government, noting that prolonged proceedings in labour and commercial courts, with cases extending over several years, combined with the impartiality of judgements being questioned, had created uncertainty regarding the enforceability and finality of court decisions. According to participants, this had undermined trust in the judicial system and had negatively affected both workers and businesses.

Regarding **organisational affiliation**, participants reported that trade union density had remained below 20%, well under the EU average. Employer organisation membership had been very low, reflecting an economy dominated by micro and small enterprises that were reluctant to affiliate due to membership fees and contributions, while some progress in affiliation rates had been noted among medium-sized and large enterprises. Participants expressed concern that younger workers, as well as employees in sectors such as information technology, had shown limited interest in joining organisations.

Some participants raised concerns about the **application of data protection rules**, including the General Data Protection Regulation (GDPR). While acknowledging the protective intent of the rules, they reported that employers had often invoked privacy rules to deny trade unions access to employee data needed for activities such as strike referenda or the election of social labour inspectors. Repeated appeals to the government had not resulted in any legislative adjustments to facilitate data access for trade unions. The Polish authorities replied that they had received confirmation from the data protection authority that trade unions were entitled to receive such lists. Participants reported that unionisation drives within companies were sometimes met with retaliation from employers, including the dismissal of trade union activists. In this regard, they pointed to an improvement since the last visit of the FRRL group delegation in 2018, following a recent change in the law: courts could now order employers to maintain the employment relationship until the conclusion of legal proceedings, allowing dismissed union activists to return to work and pursue unionisation efforts.

Regarding **freedom of assembly**, the cyclical assembly regime remained in force, allowing authorities to reserve public spaces for recurring events. Participants regretted that this mechanism continued to limit possibilities for counter-protests. Although organisers could challenge assembly bans before

administrative courts, participants noted that lengthy judicial procedures often undermined exercise of the right to assembly. While fewer bans on demonstrations were reported recently, participants remained concerned that practical obstacles had continued to limit visible trade union mobilisation at critical moments, and that no change was in sight in this regard.

2. **Freedom of association and freedom of assembly**

Participants said that, following the 2023 parliamentary elections, civil society had expected a rapid restoration of **democratic standards and civic space** after years of deterioration, but they reported that progress had been limited and disappointing. According to them, many civil society organisations (CSOs) felt fatigued and disoriented after long years of mobilisation, and public engagement had declined because people believed that democracy had already been formally restored. They acknowledged that political constraints, including tensions between the government and the President, as well as internal divisions within the ruling coalition, had slowed down reforms, but they also felt that the government had not always shown sufficient determination to act. Participants noted that CSOs had not felt adequately recognised for their role in defending democracy and the rule of law. The Polish authorities acknowledged CSOs' expectations of change and said that a draft law covering CSOs' cooperation with local authorities and other issues would soon enter the legislative process.

Participants noted that the **operating environment for CSOs** remained largely unchanged, with a persistent administrative burden related to registration, reporting and oversight. Registration procedures varied significantly across regions, and often caused long delays that discouraged newly established CSOs. Participants regretted that proposals developed jointly by government and civil society experts to simplify these procedures had not been implemented. They expressed concern that renewed parliamentary discussions on transparency and foreign influence could revive restrictive regulations, which they believed would risk excessive state interference in the internal functioning of CSOs. The Polish authorities said that they had appointed officials in each ministry to liaise with civil society. Participants reported concerning attitudes towards activism, noting that peaceful protest had been portrayed as disruptive and publicly criticised by politicians, particularly in relation to climate action groups. According to participants, CSOs working on migration continued to face attempts to criminalise them, with prosecutions and harassment of activists supporting migrants and asylum seekers, particularly at the Polish-Belarusian border. They highlighted a rise in xenophobic discourse towards Ukrainians, which had translated into hate speech, intimidation and violent incidents.

Participants said that **funding** remained one of the most critical unresolved challenges. According to them, the rules on public funding were complex, inconsistent across national and local levels, and particularly difficult for small CSOs to navigate. Participants reported that officials from the previous administration were under investigation for allegedly misusing the Justice Fund by diverting resources intended for victims of crime to Christian organisations closely aligned with the government. In their view, the related investigations and prosecutions had been slow and limited in scope. They called for safeguards against the misuse of public funds, expressing concern that, without adequate protective mechanisms, funds normally intended for CSOs would remain vulnerable to similar practices in the future. Participants observed that local-level funding often relied on under-resourced subcontracting of social services, which drained the organisational capacity of CSOs. As a positive step, they welcomed the creation of a new fund supporting small rural organisations.

Participants noted that formal mechanisms for **civil dialogue** were in place and that some recent improvements had been introduced, such as a new public consultation portal for draft laws. However, they expressed concern that many new laws were adopted without any consultation, and that when consultations did take place, deadlines for submitting feedback were sometimes too short to allow for meaningful input. Participants also felt that even when comments were submitted, they were rarely taken into account in the legislative outcome, raising doubts about the overall effectiveness of these mechanisms. Participants observed that young people had shown a high level of electoral participation and interest in non-mainstream politics, but highlighted that traditional parties had failed to engage them. They warned that young people relied almost exclusively on social media for information, which could amplify radical narratives, and they noted the need for both authorities and civil society to adapt their communication methods accordingly.

As in the session with the social partners, participants said that **freedom of assembly** had improved in terms of perceived safety at demonstrations. However, they noted that the system of ‘cyclical assemblies’, which granted recurring authorised gatherings priority over other demonstrations, continued to be in place, limiting access to public space. According to participants, there had been no public accountability for previous abuses, and a government-appointed committee had merely gathered information, with no clear indication of follow-up measures.

3. **Freedom of expression and media freedom**

Participants said that Poland had experienced a significant decline in **media freedom** since 2015, and although a new government had taken power in 2023 with promises of reform, constitutional problems still remained unresolved. They noted that the coexistence of two media regulators had created a prolonged legal anomaly in the governance of public service media. Changes in public broadcasters’ management teams and the entry into force of the European Media Freedom Act (EMFA) in August 2025 were seen as recent positive developments. Participants said that a broad reform of the media system was planned for the coming year and was expected to dissolve the Media Council, restore responsibility for managing public service media to the National Broadcasting Council, and introduce changes to the financing of public service media, in line with EMFA requirements. They expressed hope that a reform would create a framework capable of restoring independence and transparency and aligning Poland’s media system with European standards.

Participants noted that the current level of **impartiality of public service broadcasters** remained insufficient, as they continued to show political bias, with governing party representatives dominating airtime. In the participants’ view, public media management appeared more focused on maintaining good relations with the government than on ensuring impartial coverage, politicians were seen as favouring media that reflected their views, and audiences themselves showed limited interest in unbiased reporting. According to them, these factors combined to create weak public demand for independent public media, leaving the struggle for impartiality largely confined to media professionals, who expressed a desire for stronger societal support for this effort. As a positive development, explicit propaganda and ridicule of the opposition had disappeared, compared to the period under the previous government. The Polish authorities said that they were working on a draft law developed with media and CSO input to depoliticise the management boards of public service media.

Participants said that **financial fragility** was a core structural problem for independent media. Large technology companies had captured the majority of advertising revenue, traditional distribution systems for the press were collapsing and no systemic state support was in place. They noted that proposals such as a digital tax had been discussed but not yet adopted, leaving independent outlets struggling to survive. Participants also voiced apprehension regarding future EU funding frameworks, noting the possibility that support for CSOs active in the media sector and for independent media outlets could be reduced or redirected to other actors operating in the same field, while broader EU priorities increasingly emphasised competitiveness and security over fundamental rights and civic space. The Polish authorities said that subsidy programmes for local media were being prepared for next year.

Disinformation was identified by participants as a major threat to the media ecosystem. They highlighted the fact that Poland had experienced widespread online manipulation during elections, alongside high levels of coordinated inauthentic activity on social media. Topics such as anti-migration and anti-EU narratives, as well as opposition to LGBTIQ+ rights, were heavily amplified online, and participants noted the emergence of new forms of communication operating in a regulatory grey zone, including the activities of influencers and AI-driven political messaging. Participants expressed concern about the state of democratic resilience at both national and European levels: they regretted that the government had not yet implemented the Digital Services Act and feared that the law could be vetoed by the President, delaying further necessary measures. Participants felt that they had limited influence over the implementation of the European Democracy Shield, despite Eastern European countries being more exposed to foreign interference.

Participants observed that while physical attacks on **journalists** were rare, legal pressures persisted in the form of strategic lawsuits against public participation (SLAPPs). However, they noted improvements since the new government had been installed, as no new SLAPPs had been initiated by public authorities. Participants expressed concern about online harassment targeting women, the continued existence of criminal defamation laws, and catastrophic working conditions for journalists, particularly for young professionals. In their view, precarious working environments, low remuneration and the lack of effective trade union representation reflected the broader crisis of the media sector and reduced the attractiveness of journalism as a profession. The Polish authorities commented that journalists' wages were market-driven and not influenced by political decisions.

4. **The right to non-discrimination**

Participants reported that the **legal framework** on non-discrimination had remained fragmented and uneven. They noted that the strongest protection existed in labour law, with consistent application by the courts, while protection outside employment was weak and rarely enforced. According to participants, the National Action Programme for Equal Treatment required urgent updating, clearer institutional responsibility and proper budgeting, as the lack of stable equality structures continued to hinder implementation at national and local levels. They expressed concern that EU equality directives were implemented minimally. In their view, the abolition of the Equality Ministry and delays in establishing a fully empowered equality body had weakened institutional protection, while insufficient funding and political polarisation had further undermined the effective application of non-discrimination standards. The Polish authorities said that the programme on equal treatment had

recently been revised, as many provisions did not reflect current societal needs, and would be implemented from 2026.

Participants said that **migration policies** were characterised by legal uncertainty, unequal treatment and limited safeguards against abuse. They pointed out delays in decisions regarding residence and work permits, which had placed migrants in a position of dependency on employers and discouraged them from claiming their rights if these were violated. They noted that recent changes to visa-free and simplified work schemes for nationals of certain countries had pushed many economic migrants into undeclared work. According to participants, the suspension and differentiation of international and temporary protection regimes had led to unequal treatment based on nationality, particularly between Ukrainian citizens and other groups fleeing the war in Ukraine. The Polish authorities said that a new legal act was under preparation and temporary protection for Ukrainians was guaranteed until March 2027. Participants noted that some refugees were at risk of homelessness – due to the closure of reception centres – and insufficient social support. They also reported serious gaps in access to mental health care, especially for child refugees, due to language barriers, costs and the limited capacity of the public health system. They observed that certain groups of migrants, such as people crossing the Polish-Belarusian border, were often prevented from applying for asylum and remained in a legal limbo without access to healthcare or status regularisation. According to participants, the treatment of unaccompanied minors depended on their legal status, with detention measures used for those who did not apply for international protection, despite international standards prohibiting such practices.

Participants considered that **hate speech and hate crimes** remained insufficiently addressed across society, noting that many victims, especially migrants, did not report incidents due to distrust in law enforcement and inconsistent police responses. They expressed concern that state efforts to counter radicalisation focused disproportionately on people with a migration background, while ignoring growing radicalisation and violence among the majority population. According to them, this imbalance reinforced insecurity and normalised hostility towards minorities. The Polish authorities stated that specialised prosecutors were being trained to address prejudice-motivated offences, while an amendment to the Criminal Code covering sexual orientation and gender identity had been vetoed by the President, reflecting political opposition to the government. Participants expressed concern that **homelessness** policies relied on emergency responses rather than long-term solutions, noting that shelters and conditional services did not address structural causes. They observed that the lack of guaranteed access to stable housing effectively undermined the right to dignity. According to them, the absence of a national strategy for ending homelessness and the reliance on local authorities reflected a broader lack of political commitment; they called for the adoption of a ‘Housing First’ approach and stronger state responsibility.

Participants observed that **Roma persons** continued to face structural discrimination, particularly in education, employment and access to services, driven by persistent stereotypes and anti-gypsyism. They noted that, despite relatively strong programmes and cooperation with public authorities, prejudice at local level and negative media portrayals had undermined implementation. In their view, underreporting of discrimination reflected low trust in institutions, while long-term progress required sustained public policies as well as cultural recognition.

Participants reported that **women’s rights** remained severely restricted, particularly in relation to sexual and reproductive health and rights. While abortion was permitted under limited circumstances it

remained criminalised and was effectively inaccessible. They observed that the prosecution and harassment of medical professionals, activists and family members providing assistance had created a ‘freezing effect’ among doctors, who were afraid to perform abortions. According to participants, access to contraception was very limited, with barriers related to prescriptions, costs and limited reimbursement. They also expressed concern about inadequate responses to gender-based violence, the lack of a holistic anti-violence policy aligned with EU standards and the absence of comprehensive sexual education in schools. The Polish authorities said that they had informed hospitals that abortions falling under the legal exceptions could be performed and that, since 2024, a new definition of rape based on consent had been in force. Participants recalled that public health regulations had been used during the COVID-19 pandemic to restrict protests organised by women’s organisations, resulting in fines and intimidation. They denounced harassment and smear campaigns against CSOs due to their support for women’s rights.

Participants said that the situation of **LGBTIQ+ persons** had seen limited legal progress. They observed that proposals on civil unions had been significantly diluted and offered minimal recognition to same-sex couples. They highlighted that, despite a Supreme Court resolution removing obstacles to legal gender recognition, the absence of a comprehensive gender recognition law had led to inconsistent court practices. Participants expressed concern about the lack of protection against online hate and cyber violence, particularly given delays in implementing the Digital Services Act. The Polish authorities said that work on a civil partnership law had begun and was currently under consultation.

The rule of law

Participants regretted that the overall process of restoring **the rule of law** had stalled, as only a limited part of the promised legislative package had been adopted. They reported that both the former and the current president had vetoed or obstructed most rule-of-law-related legislation, and that this pattern, combined with systematic referrals to a still politically captured Constitutional Tribunal, had effectively blocked reform efforts. In their view, this inter-institutional conflict was significantly limiting the government’s ability to act but was also increasingly used to justify the lack of concrete progress. Participants expressed concern about the impact of the presidential veto on the implementation of EU law, noting that key obligations, such as the transposition of the Digital Services Act, had become subject to partisan conflict. In their view, the obstruction of EU-related legislation risked undermining Poland’s legal commitments and weakened legal certainty. They were disappointed with the European Commission’s decision to conclude the rule of law scrutiny under Article 7 TEU in 2024, arguing that this premature step had removed political pressure without corresponding structural improvements and had eliminated one of the few effective incentives for reform. According to them, unresolved rule-of-law issues had deeply affected public trust in the institutions. The Polish authorities acknowledged concerns expressed by CSOs, saying that they were engaging in dialogue but were constrained by the ongoing opposition between the government and the President.

Participants thought that the Constitutional Tribunal’s independence and impartiality remained undermined by appointments of members who were perceived to be linked to the previous government, and that legislative attempts to address the situation regarding the Tribunal had been blocked by the President. According to them, the most serious consequence was not only legal

paralysis but also a collapse of public trust, as citizens no longer perceived the Tribunal to be a protector of constitutional rights. They observed that rebuilding this trust would take more than legislative changes and would require sustained political commitment. The authorities replied that they were seeking a compromise to adopt a reform of the Constitutional Tribunal. Participants reported that similar independence problems persisted within the Supreme Court and the wider **judiciary** due to the continued operation of an unlawfully composed National Council of the Judiciary. They noted that more than 2, 000 so-called ‘neo-judges’ had been appointed or promoted through flawed procedures, creating systemic uncertainty, as verdicts issued by these judges could be challenged. In their view, this circumstance illustrated how institutional conflicts translated into real harm for individuals. Participants said that there had been extensive expert debate on how to address the situation, with the government proposing a legislative solution that would divide judges into categories, while civil society instead advocated individualised assessments to determine whether political influence had affected specific appointments. They expressed concern that, without reform of the Council before the end of its current term in 2026, the same structural problems would persist regardless of political change. The Polish authorities said that legislation was being developed to review the ‘neo-judges’ in subgroups and allow reappointment following an assessment of competence, and to reform the Council to ensure impartiality through revised internal appointment procedures. Participants also noted that the former Disciplinary Ombudsman had used his position to initiate proceedings against prosecutors defending the rule of law, but he had been replaced in 2025. They highlighted overcrowding as a key concern regarding prison conditions.

Participants thought that Poland lacked a coherent and effective system for preventing and combating **corruption**, noting in particular the absence of a national anti-corruption strategy for several years. In their view, the continued concentration of the roles of Minister for Justice and Prosecutor General had created a structural conflict of interest, and they mentioned that efforts to separate these functions had not progressed beyond government discussions, owing to concerns about a potential presidential veto. While the ongoing conflict with the President was seen as a deterrent to progress, participants stressed that abandoning reform efforts would allow continued political control over prosecutions. According to them, the government had put forward a proposal to dissolve the Central Anti-Corruption Bureau without providing a broader strategic framework or sufficient justification. In their view, the planned redistribution of its competences to other services risked weakening overall anti-corruption capacity. They acknowledged some progress in the investigation and prosecution of corruption cases, including those involving high-level political figures, but stressed that these developments could not compensate for the absence of a comprehensive anti-corruption policy. Participants welcomed Poland’s accession to the European Public Prosecutor’s Office as a crucial step towards more objective scrutiny of EU funds.

Participants observed mixed progress in **consultations and transparency**: formal consultation mechanisms had expanded, particularly in Parliament, and public engagement had increased. However, they expressed concern that many government-led initiatives were still adopted without consultation and that information about ongoing processes was often poorly disseminated. According to them, transparency was treated as formal compliance rather than a tool to build trust. They considered existing transparency mechanisms, such as access to information provisions and lobbying regulation, to be largely ineffective. They regretted that work to reform the law on asset declarations had stalled, despite advanced consultations with CSOs, and that no concrete alternatives had been presented. Participants also reported limited progress on the digitalisation of justice. While some tools

for electronic document management worked well, they lacked interoperability between the prosecutorial and judicial systems, which prevented effective information-sharing and undermined efficiency. Participants added that digitalisation remained uneven across the country and lacked unified standards.

**Authorities' observations on the report
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1. Fundamental rights of social partners

The Personal Data Protection Office emphasizes that the application of personal data protection regulations, including the General Data Protection Regulation (GDPR), should always take into account the principle of balancing the right to privacy with the exercise of other rights, including freedom of association and trade union activity.

The provisions of the GDPR are not intended to restrict the activities of trade unions, but rather to ensure that the processing of personal data is carried out in accordance with the principles of lawfulness, minimization, and adequacy. The applicable legal framework allows for the sharing of workers' data with trade unions, provided there is an appropriate legal basis for doing so, arising in particular from labour law provisions or the consent of the data subject. In its issued positions and interpretations, the Office has indicated that trade unions may be entitled to receive certain personal data of workers if this is necessary for the performance of their statutory tasks, such as organizing strike referendums or elections of social labour inspectors. In each case, the scope of such data should be limited to the minimum necessary.

The potential cases in which employers invoke data protection regulations without justification may result from an incorrect interpretation of the law, rather than from the content of the GDPR provisions themselves. In such situations, the appropriate solution is to clarify the practice of applying the law and to undertake educational measures, rather than necessarily introducing legislative changes.

2. Freedom of association and freedom of assembly

The ongoing reform of the Act of Public Benefit Activity and Volunteer Work includes a set of structural and corrective measures to procedural simplification, enhancing the level of funding, e.g.:

1. amendments to Article 19a:
 - a. raising the financial threshold for such tasks to PLN 20,000
 - b. a rise in the ceiling of funds allocated by local government from 20% to 30% of the total annual subsidy pool
2. the preparation of a draft post-inspection statement instead of a formal inspection protocol, as reflected in amendments to Articles 31(1) and 32

however the actual impact of these measures will depend on consistent and faithful implementation.

The draft amendment provides for the transfer of resources of the Public Benefit Organizations (OPP) Support Fund to the Civil Society Development Support Fund, which is expected to reinforce civil society as a whole.

On 1 January 2026, new implementing regulations have entered into force: standardized templates for offers, agreements and reporting forms for NGOs using simplified accounting, as well as the regulation on simplified accounting rules.

The new fund supporting small rural organisations (the Moc Małych Społeczności Programme), mentioned in the report, shall be continued in 2026.

Poland maintains large-scale public grant programmes supporting NGOs across thematic profiles, including watchdog and civic media support. For instance, the National Freedom Institute's Programme to support the development of Polish civic organizations is described as a long-term (2018–2030) governmental instrument with an announced allocation of PLN 585 million, designed to support institutional development and statutory activities of NGOs, including emergency support streams.

Furthermore, in May 2025, the current government established a special commission to investigate the mechanisms of repression against civil society organizations and social activists between 2015 and

2023. The commission's work will result in four reports on: public media, legal harassment (Strategic Lawsuit Against Public Participation, so-called SLAPPs), police actions against protesters, and actions by nonpolice agencies (including citizen surveillance). Citizens who were involved in defending democracy between 2015 and 2023 and experienced repression or harm at the hands of the authorities can contact the commission, for example, to provide it with materials.

3. **Freedom of expression and media freedom**

The Polish authorities welcome the information that the disappearance of the propaganda in the public media was noted by the participants. With regards to the remark concerning insufficient impartiality of public service broadcasters, it is important to note that assessing the impartiality of journalists is not the role of the public authorities. Public authority is at the same time responsible for ensuring the safeguards of independence for public media outlets.

The Polish media law sets out significant number of rules aiming at ensuring independence and pluralism of Polish public service media (Art. 13, art. 21, 21a.1, Art. 22). However, due to the dismantling of appropriate rules in the areas of the appointment and dismissal of media authorities as well as of funding, in the previous years the independence of public service media was not ensured. That is why currently Polish public media regime is under transitory period. A comprehensive draft law, aiming at implementing European Media Freedom Act and reinforcing its standards in public service media, is undergoing right now the last stage of public and intra-governmental consultations and should enter the next phase of the governmental procedure very soon.

The following additional safeguards of editorial and functional independence are envisaged:

- broader role of program committees, separation of the functions of editor-in-chief and the head of the management board, self-regulation procedures to safeguard editorial independence, broader social participation, objective and clear rules of the appointment and dismissal of the authorities of public service media (head of management, supervisory board, program committee), as well as stable funding system.

Regarding the financial fragility of independent news media, the Polish authorities are fully aware of financial problems encountered by traditional media. That is why Polish government supports the initiatives aiming at ensuring the support for traditional news media, such as the European Democracy Shield, the News part of Media strand within AgoraEU proposal, as well as legislative tools aiming at ensuring level playing field on the EU media market. This aspect was clearly emphasized during Polish Presidency of the Council of the European Union through Council conclusions on the assessment of the legal framework for audiovisual media services and video-sharing platform services (C/2025/2954).

Regarding the support at the national level, the Polish authorities are happy to announce that the pilot subsidy scheme for local media has been launched with the budget of 10 000 000 PLN.

Regarding the activity of influencers, a part of them - conducting business activity – are covered by the definition of the media providers under Polish broadcasting law and are classified as such by national media regulator - National Broadcasting Council. Above-mentioned Council conclusions also raised important aspect of a need for more unified regulatory approach to influencers among all MSs.

4. **The right to non-discrimination**

Equality and anti-discrimination

Anti-discrimination mechanisms are distributed across constitutional norms, sectoral statutes and implementing regulations. Since 2022 Poland has had an updated, multiannual policy instrument designed to address coordination and implementation for non-discrimination: the National Action

Programme for Equal Treatment 2022-2030. It explicitly provides for: analysis and monitoring of the 2010 Equal Treatment Act and its application; creation/strengthening of equality data systems; improvement of cooperation mechanisms at central and voivodeship levels, including visibility of equality actions by field administration. It is divided into 8 priority areas: anti-discrimination policy, work and social security, education, health, access to goods and services, awareness-raising, data collection and research, coordination. Since 2026 the programme has a dedicated, independent budget. One of its current goals is to provide equal treatment training for civil servants in voivodeship offices across Poland. Aware that it requires urgent updating, internal analyses of the programme had recently been initiated, as many of its provisions did not reflect current needs of various social groups. The official work on its update would be carried out in 2026-2027.

On 13 December 2023 the Government established a dedicated equality portfolio at ministerial level (Minister for Equality), with tasks set out in the Prime Minister's regulation. Those tasks include implementing government equality policy and anti-discrimination efforts, explicitly listing grounds such as gender identity and sexual orientation; coordinating actions; preparing legislative proposals; and supporting/overseeing work with other ministers, central offices, voivodes, local government bodies and NGOs. The Equality Ministry worked until July 2025. Since then until February 2026 Secretary of State at the Chancellery of The Prime Minister was responsible for national equal treatment matters, who then was appointed again as Government Plenipotentiary for Equality.

The dedicated institutional capacity is not limited to a ministerial post. Within the Chancellery of the Prime Minister since 2024 there is an organisational unit with a defined mandate, Department for Equal Treatment, responsible for legal/social analysis, inter-ministerial coordination, drafting and reviewing legislation and government programmes, and cooperation in proceedings before European and international human rights bodies in relevant matters. Its remit also covers domestic violence and violence based on gender, reinforcing cross-sector policy cohesion.

Women's rights

The issue of the admissibility of termination of pregnancy is regulated by the provisions of the Law of 7 January 1993 on family planning, protection of the human fetus and conditions for the admissibility of termination of pregnancy (Journal of Laws of 2022, item 1575), hereinafter referred to as the 'Family Planning Law'. In accordance with Article 4a.1 of the above-mentioned Law, termination of pregnancy may be performed by a doctor if:

- 1) pregnancy poses a threat to the life or health of a pregnant woman (Art. 4a.1.1 of the Family Planning Law);
- 2) there is a reasonable suspicion that the pregnancy resulted from a prohibited act (Art. 4a.1.3 of the Family Planning Law).

The current wording of the above-mentioned provision results from the publication in the Journal of Laws of 2021, item. 175 of the ruling of the Constitutional Tribunal of 22 October 2020, ref. K 1/203, stating that Article 4a.1.2 of the Family Planning Law is inconsistent with Article 38 in conjunction with Article 30 in conjunction with Article 31.3 Constitution of the Republic of Poland. This provision allowed termination of pregnancy where prenatal examinations or other medical indications indicated a high probability of severe and irreversible impairment of the fetus or an incurable life-threatening disease. Within the existing legal framework (which remains politically and constitutionally contested), the Government undertook targeted administrative and prosecutorial measures in 2024 to increase legal certainty for clinicians and ensure practical access to lawful abortion procedures, without exceeding the statutory grounds.

The Ministry of Health has taken a number of measures in this regard, focusing on ensuring that patients have real access to guaranteed services involving termination of pregnancy in accordance with the provisions of the Family Planning Law currently in force.

In order to provide patients with access to health services involving termination of pregnancy, also in circumstances where the doctor refers to the so-called a 'conscience clause', already in 2024 a legislative solution was adopted obliging hospitals to provide this service at the place where the services are provided. This solution was adopted by amending the provisions of the Regulation of the Minister of Health on the general terms and conditions of contracts for the provision of health care services. The amended regulations entered into force on 30 May 2024. As a result, currently, the healthcare provider performing contracts with the National Health Fund (NFZ), in cases where termination of pregnancy is allowed by the provisions of generally applicable law, is obliged to provide termination of pregnancy services at the place where the services are provided, regardless of the doctor's reference to the so-called 'conscience clause'.

Failure to comply with this obligation shall result in a contractual penalty of up to 2% of the amount of the contractual obligation for each breach found. Notwithstanding this, in the event of a breach of the aforementioned obligation, the President of the Fund or the director of the provincial branch of the NFZ may also terminate the contract in part or in full, without notice.

In August 2024, the Prime Minister and the Minister of Health publicly presented and issued guidance intended to change the practical application of existing provisions and to ensure that the state "stands on the side of women" within the current legal framework, while acknowledging legislative constraints in obtaining a parliamentary majority for broader liberalisation.

The Ministry of Health guidance to hospitals and clinical leadership (30 August 2024) clarifies the two lawful grounds for termination (risk to life or health; pregnancy resulting from a suspected rape), explicitly treating mental health as part of "health" and stating that a psychiatrist's certificate may be sufficient. It also underscores that the statute does not require the risk to be "sudden" or "immediate" and that requiring a second opinion or a medical board may constitute obstructing access to a guaranteed health service - exposing facilities to contractual consequences and financial penalties by the NFZ and administrative sanctions by the Patient Ombudsman

This is the first such document of the Ministry of Health, the intention of which was to enable the proper application of the applicable legal provisions on access to the abortion procedure, and thus to improve the actual availability of the legally permissible abortion procedure. The document was distributed by the National Health Fund through the Information Circulation Management System among healthcare providers implementing a contract with the Fund, such as hospital treatment in the field of obstetrics and gynecology. It has also been posted on the website of the Ministry of Health to ensure full accessibility for all interested parties.

In the opinion of the Patient Rights Ombudsman, the actions of the Ministry of Health have significantly facilitated patients' access to services, which results in a reduced number of signals from patients about possible irregularities.

The effectiveness of the measures taken to ensure actual access to legally permissible abortion procedures is also demonstrated by data on the number of procedures carried out, which show that 885 abortion procedures were carried out in 2024, more than twice as many as in 2023 and more than seven times as many as in 2021. In 2020, i.e. in the last year before the entry into force of the Constitutional Tribunal ruling declaring one of the grounds for termination of pregnancy to be unconstitutional, 1076 abortion procedures were carried out. The increase in the number of legal abortion procedures indicates an increase in the availability of these procedures and the effectiveness of the measures taken so far.

Actions and interventions in the area of implementation by patients of their right to services, including lawful termination of pregnancy, are carried out by the NFZ, which monitors the implementation of these services.

Important actions are also taken by the Patient Rights Ombudsman. In order to facilitate access to information and support for patients, the Patient Rights Ombudsman provides 24-hour, free Telephone Patient Information, where patients can report any difficulties they encounter, including anonymously. The Ombudsman undertakes inquiries and, if irregularities are identified, issues recommendations or decisions ordering the cessation of the misconduct in order to properly handle the case and eliminate the irregularities. In addition, the Patient Rights Ombudsman has established an Intervention Team whose task is to take action in the event of information being obtained about irregularities. The source of this information are reports from patients (including anonymous ones), but also, among others, monitoring of media information. The team examines individual cases and assesses the urgency of the case. In emergency situations, they take intervention measures, i.e. they contact the healthcare provider or other competent authorities, institutions and non-governmental organisations by phone or in writing.

The Prosecutor General issued national guidelines (August 2024) intended to standardise prosecutorial practice in cases involving refusal of lawful abortion and pharmacological abortion-related issues. The guidance emphasises, *inter alia*, that proceedings in this area intrude into the most intimate sphere of women's lives and must be conducted with respect for dignity without victimisation; it also notes that merely publicising abstract information about abortion possibilities does not, in itself, create criminal liability.

The Government introduced a concrete access pathway for emergency contraception beginning May 2024: a Ministry of Health regulation created a pilot programme enabling pharmacies to contract with the NFZ and provide emergency contraception (ulipristal acetate) via a pharmacist-issued prescription to persons aged 15+. The Ministry explicitly framed the pilot as the legally feasible route to improve access and expressed the policy objective of ultimately enabling non-prescription availability in Poland as in most EU Member States.

The measures described above are intended to ensure practical access to legally permissible abortion procedures. However, the legislative changes have also been initiated at the statutory level. Currently, three draft laws are being processed in the Sejm of the Republic of Poland concerning, among others, the extension of the admissibility of conducting abortion procedures.

There is also a parliamentary draft law amending the Criminal Code (paper no 611), which assumes partial decriminalization of termination of pregnancy with the consent of the woman. One of the abovementioned drafts (paper no 177) also takes into account the proposals proposed by the Committee of Ministers of the Council of Europe to amend the Act of 6 November 2008 on patients' rights and the Patient Rights Ombudsman regarding the patient's right to object to a doctor's opinion or ruling. The above-mentioned drafts are parliamentary drafts, their content and proceedings depend on the outcome of parliamentary work and the decision of the President of the Republic of Poland.

Since 2018, Poland has adopted both legislative and programmatic instruments within anti-violence policy that strengthen victim protection, institutional coordination and monitoring. A key legal development was the 2020 amendment package, which strengthened mechanisms enabling protection orders related to domestic violence situations, including court-ordered obligations for a perpetrator to leave a shared dwelling and restrictions on approaching the dwelling and its immediate surroundings.

The existing powers of a Police officer to take preventive action against a person committing domestic violence who poses a threat to the victim of domestic violence have been significantly expanded by applying isolation measures in the form of an order to immediately leave the shared dwelling and its

immediate surroundings or a restraining order prohibiting approach to the shared dwelling and its immediate surroundings. The amended provisions have granted the Police authority to issue, in combination, an order to leave the shared dwelling and its immediate surroundings and a restraining order prohibiting the perpetrator from approaching the shared dwelling and its immediate surroundings, a restraining order prohibiting the perpetrator from approaching the victim of domestic violence within a specified distance in meters, a prohibition on contacting the victim of domestic violence, and a prohibition on entering and remaining on the premises of a school, educational, care, or arts institution, a sports facility attended by the victim of domestic violence, or the victim's workplace.

At the policy-programme level, the Council of Ministers established the Government Programme for Counteracting Domestic Violence for 2024–2030. As a multiannual programme, it sets objectives, areas of action, implementation actors and monitoring arrangements - constituting the Government's "whole- of-system" framework for prevention, protection and support.

In January 2024, at the initiative of the Ministry of Equality, Prime Minister withdrew the application submitted in 2020 by former Government to the Constitutional Tribunal to examine the compliance of the Istanbul Convention with the Constitution.

The Department for Equal Treatment's annual budget for anti-violence tasks is PLN 50 million, including PLN 27 million for the operation of 38 Specialized Support Centers for people experiencing violence. From 2024, the Specialized Support Centers will receive an additional PLN 10 million, representing nearly 40% of their annual budget.

In 2025, the Local Government Anti-Violence Protection Program was updated to align with GREVIO guidelines, also implementing the recommendations of the Istanbul Convention. New priorities were mapped. For example, for the first time, the program provided funding for local governments for preventive measures that addressed the sources of domestic violence, including gender-based violence, as well as funds for supervision (as requested by those working in the domestic violence prevention system) and combating violence against excluded groups, such as LGBTI women and sex workers.

The Government introduced a new compulsory curricular instrument, health education, starting 1 September 2026. The Ministry of National Education presents this subject as covering health in physical, mental, social, environmental and digital dimensions.

The Ministry of Health has taken a number of measures in this regard, focusing on ensuring that patients have real access to guaranteed services involving termination of pregnancy in accordance with the provisions of the Family Planning Law currently in force.

LGBTIQ+ rights

The ministerial equality mandate explicitly includes anti-discrimination policy with reference to sexual orientation and gender identity, and the Department for Equal Treatment within Chancellery of the Prime Minister has an ongoing remit covering policy and legal analysis in equal treatment and violence based on gender.

The Government has formally advanced legislative work on registered partnerships, currently known as the act on the status of the closest person in a relationship and the cohabitation agreement. That instrument is intended to increase legal protection for families formed by both same-sex and different-sex couples who do not marry; it sets out rules for entering and dissolving a registered partnership and defines rights and duties of partners. In the summer of 2025, after numerous discussions and meetings within the government the political consensus on the shape of the act was achieved. This law was updated in the fall of 2025 and then adopted by the Council of Ministers in December 2025. The bill is currently being processed in Parliament by a special committee.

The Supreme Administrative Court in its judgment of 20 March 2026 ruled that Polish registry offices must transcribe foreign marriage certificates of same-sex couples if the union was legally concluded in the EU. This judgment builds on an earlier Court of Justice of the European Union (CJEU) ruling from November 2025 (C-713/23), emphasizing the right to family life and the prohibition of discrimination. The Polish government is currently in the process of implementing this judgment.

The Supreme Administrative Court issued a landmark resolution in March 2025, in which indicated that requests to change the sex marker in a birth certificate should be heard in non-contentious proceedings, that the change may occur only upon the request of the person concerned, and that - besides the applicant - only the spouse may be a participant in the proceedings.

In parallel, as part of strengthening protections against hate and violence, the Government adopted legislative work on hate speech/hate crimes. A governmental legislative description of amendments to the Criminal Code (adopted by the Council of Ministers in March 2025) sets out an intention to expand protected characteristics for specified offences to include age, gender, disability and sexual orientation — an approach directly relevant to protecting LGBTIQ+ persons from bias-motivated violence. Unfortunately, the President referred the Act to the Constitutional Tribunal, which found that the amendment to the Act was inconsistent with the Constitution of the Republic of Poland.

Issues related to raising awareness of differences among people from various backgrounds - including racial and ethnic differences - as well as preventing and combating so-called *hate crimes* are currently a key component of police activities, including training and prevention initiatives. These activities are carried out primarily as part of local professional development, including in cooperation with the plenipotentiaries (advisors) for human rights protection of the Regional Police Commanders and of the Warsaw Metropolitan Police Commander.

There is an important document systematizing activities in this area, namely the ***Police Action Plan for 2022–2025 on countering hate speech and crimes of incitement to hatred based on national, ethnic, religious, or on the grounds of non-religious affiliation, as well as the promotion of fascism and other totalitarian systems***, approved in January 2022 by the Deputy Commander-in-Chief of the Police. One of the objectives of this *Plan* (...) is to conduct annual meetings between coordinators of this issue and the representatives of the Regional Police Headquarters (KWP) and the Warsaw Metropolitan Police Headquarters (KSP). In September 2025, the Prevention Bureau at the National Police Headquarters organized a training seminar titled ***Preventive Actions by the Police in the Area of Hate Speech, Hate Crimes, and Cyber Threats***.

This initiative was aimed at social prevention coordinators from the Regional Police Headquarters (KWP) and the Warsaw Metropolitan Police Headquarters (KSP), as well as lecturers at the Police Academy in Szczytno and Police schools conducting courses in both of these areas (in total 23 attendees). Its goal was to enhance professional competencies, including the acquisition of practical skills, in the prevention of hate speech and cyber threats.

As part of the seminar, representatives of the *Tolerado* Association conducted a training session titled ***My Pronouns Are... The Social Situation of LGBTQ+ People***, focusing on minority groups related to sexual orientation and gender identity who are vulnerable to hate speech, online harassment, and hate crimes committed against them. One part of the session was lecture-based and focused on various issues related to the functioning of the LGBT+ community in society. The speakers provided the audience with general knowledge about the LGBT+ community, including terminology; they discussed issues related to communication, outlined the positions of the Polish Society of Sexology, including on the health of people with a homosexual orientation, the social, health, and legal situation of transgender people, highlighted the most important and interesting elements of queer history, and

shared stories about the experiences of so-called *Rainbow Families* and addressed topics related to transgender and non-binary identities.

5. The rule of law

Overall efficiency of the ordinary and administrative courts remains at a relatively stable level. The estimated time needed to resolve civil, commercial and administrative cases has decreased in recent years, while the first-instance case resolution rate has increased. At the same time, a systematic rise in business confidence in the independence of the courts and the impartiality of judges in Poland should be highlighted (an increase of 2 percentage points compared to 2024 and 6 percentage points compared to 2021).

With a view to improving the efficiency of judicial proceedings, the following measures are being developed and implemented: use of advanced technological tools (AI) in judicial work; digitalisation of the justice system; strengthening of court support staff; changes to the jurisdiction of the ordinary courts, including the possibility of transferring certain categories of procedural acts or cases to court referendaries, subject to constitutional constraints (the administration of justice remaining vested in judges).

The report does not fully capture the scope, intensity, and systematic nature of the reform measures undertaken by the Polish Government in implementing the **Action Plan for the restoration of the rule of law**, particularly in the context of complex institutional and political conditions. The Government has also pursued non-legislative measures and developed alternative solutions aimed at achieving the intended reform objectives.

Extensive **legislative work** has been undertaken by the Polish Government since December 2023 to guarantee the rule of law and to counteract the negative effects of the constitutional crisis in the area of the judiciary resulting from reforms carried out in 2015-2023, including among others work on:

1. Act of 12 July 2024 amending the Act on the National Council of the Judiciary
2. Act of 23 January 2026 amending the Act on the National Council of the Judiciary and the Electoral Code
3. Draft Act on restoring the right to an independent and impartial court established by law through regulating the effects of resolutions of the National Council of the Judiciary adopted in 2018–2025 (UPRO2)
4. Draft Act amending the Law on the Organisation of Ordinary Courts and certain other acts (UD206)
5. Draft Act amending the Law on the Organisation of Ordinary Courts and certain other acts (UD358)
5. Draft Act amending the Law on the Organisation of Ordinary Courts (UPRO1)
6. New draft Act on the Supreme Court.

Referring to the closure of the **Article 7 TEU procedure** against Poland, the Government underlines that the essence of that procedure lies in the existence of a clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU, rather than in the exertion of political pressure. In consequence, having concluded that such a risk no longer existed, the European Commission withdrew the reasoned proposal that had led to the initiation of the procedure in 2017.

With regard to the **reform of the Constitutional Tribunal**, it should be noted that the CJEU in its judgment of 18 December 2025 in Case C-448/23, held that, due to the failure of the Constitutional Tribunal to meet the requirements of an independent and impartial tribunal established by law – arising from irregularities in the appointment of three judges in December 2015 and of its President in December 2016 – the Republic of Poland failed to fulfil its obligations under Article 19(1), second

subparagraph, of the Treaty on European Union. This judgment confirms that the measures undertaken by the current Polish Government, aimed at mitigating the adverse consequences of the functioning of the Constitutional Tribunal, were justified. They encompass both legislative initiatives – the adoption of the Act of 13 September 2024 on the Constitutional Tribunal and the Act of 13 September 2024 introducing provisions implementing that Act – as well as non-legislative measures, in particular the adoption of the Resolution of the Council of Ministers of 18 December 2024 on counteracting the negative effects of the constitutional crisis in the judiciary (setting out the reasons for the withholding of publication of the Constitutional Tribunal’s judgments). It should also be noted that these acts were subsequently declared unconstitutional by the Constitutional Tribunal, upon application by the President of the Republic of Poland, in its judgment of 29 July 2025 (case Kp 3/24). In these circumstances, it should be concluded that ensuring the proper composition and functioning of the Constitutional Tribunal can most effectively be achieved through the systematic filling of vacancies, i.e. by electing new judges by the Sejm of the Republic of Poland in accordance with the applicable procedures.

In relation to an unlawful composition of **National Council of the Judiciary** the Polish Government refers to the CJEU judgment of 24 March 2026 in Case C-521/21, which clarifies that the assessment of a judge’s independence must take into account not only the act of appointment, involving an improperly constituted National Council of the Judiciary and the absence of effective judicial review of the competition procedure, but also the entirety of the circumstances related to this appointment. Consequently, national courts are required to carry out an independent assessment of the independence of the adjudicating panel and, where necessary, to disapply national provisions and their interpretation adopted in case law, including that of the Constitutional Tribunal, insofar as they preclude such an assessment. The judgment thus confirms the systemic nature of the deficiencies in judicial appointment procedures, resulting from the involvement of an improperly constituted National Council of the Judiciary, while at the same time underscoring the urgent need to reform this constitutional body. In response, the Polish Government submitted a draft act amending the Act on the National Council of the Judiciary and the Electoral Code to the Sejm on 29 December 2025 (print no. 2108). Upon adoption, on 29 January 2026 the Act was transmitted to the President for signature. On 19 February 2026, the President requested reconsideration of the act (print no. 2268), which currently is under consideration by the Justice and Human Rights Committee of the Sejm.

With regard to the **separation of the functions of the Prosecutor General and the Minister of Justice**, a draft act amending the Law on the Public Prosecutor’s Office and certain other acts (UD95) was adopted by the Standing Committee of the Council of Ministers on 5 December 2024. Currently work is underway on a comprehensive package of draft implementing acts to the aforementioned act.

On the concern regarding limited progress on **digitalisation of justice**, the Ministry of Justice is implementing the Digital Court project (“Cyfrowy Sąd”). It aims at building unified digital case files for all judicial systems and ensuring two-way electronic communication between citizens and courts, as well as between prosecutors and courts.



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