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LIBERTIES

RULE OF LAW REPORT

2025



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POLAND

FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth 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 organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, 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.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide 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 an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 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. Over forty member and local partner organisations contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2025 here.](#)

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Poland

ABOUT THE AUTHORS

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.

KEY CONCERNS

Justice System



In 2024, efforts to restore the rule of law and judicial independence primarily focused on policy changes. These included, among others, ceasing smear campaigns against the judiciary, efforts to reinstate the independence of the prosecution service, and replacing court leadership in consultation with the judicial community.

However, no legislative changes have been introduced to restore the independence of the judiciary. Although the Parliament worked on draft legislation concerning the National Council of the Judiciary and the Constitutional Tribunal, these proposals have not come into force.

Significant issues highlighted in the Action Plan on the rule of law, such as the status of the so-called new judges, remain unresolved. In September 2024, the government presented a draft framework to address this issue, but no concrete legislative proposals have been presented to date. Further work on draft proposals concerning judicial independence and court system reforms requires an in-depth analysis of international and constitutional standards, as well as a pragmatic assessment of how the proposed changes may affect the judiciary's ongoing functioning. However, very little progress appears to have been made in this regard in 2024. The absence of thorough analytical and comparative studies is likely to delay the introduction of reforms when political opportunities arise.

The government has declared its readiness to implement key judgments of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) concerning judicial independence. However, none of these judgments have been fully implemented, largely due to a lack of political consensus between the governing majority and the President, as well as the absence of a clear government strategy for the rule of law restoration.

State of play (versus 2024)

	Justice system
<i>N/A</i>	Anti-corruption framework
	Media Environment and Media Freedom
	Checks and balances
<i>N/A</i>	Civic Space
	Human Rights

Legend

Regression



No progress



Progress



JUSTICE SYSTEM

Key recommendations

- *Address the problem of the status of the so-called new judges in line with the constitutional and international standards.*

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

National Council of Judiciary

The lack of independence of the National Council of the Judiciary (NCJ), stemming from the politicised manner in which its members are appointed, remained a key issue affecting judicial independence in 2024.

To address this, the government proposed draft legislation amending the process for appointing judge-members of the NCJ and terminating the term of the current NCJ. One of the most contentious aspects of the draft legislation was the provision granting the so-called ‘new judges’ (see section below) the right to vote and stand for election as judicial members of the NCJ.

Initially, the proposal excluded new judges from eligibility for NCJ membership. However, following an opinion by the Venice Commission in May 2024, the draft was amended to allow all judges, including new judges, to

stand for election. During parliamentary proceedings, this provision was revised again, ultimately excluding new judges from the right to stand for election.

In the end, the President of Poland referred the draft law to the Constitutional Tribunal for review prior to signing it into force.

Despite growing concerns regarding the legality of its operations, the NCJ continues to adopt resolutions promoting judges. In 2024, the Minister of Justice ceased announcing competitions for vacant judicial positions in common courts. However, the NCJ nominated judges based on competitions announced by the previous Minister of Justice and the President of Poland. In 2024, over 130 new judges were appointed by the President upon the NCJ’s recommendation.

Status of the new judges

The status of the so-called ‘new judges’ appointed upon the NCJ’s recommendation since its political capture in 2018 remains a critical issue in the process of restoring the rule of law. According to HFHR, in 2023, there

were over 2,200 new judges adjudicating in the Polish courts.¹

To date, the government has not introduced any draft legislation to address the issue of the new judges' status. In September 2024, the government presented an initial framework for addressing the issue. This framework proposed dividing new judges into three cohorts based on their prior careers:

- **First Cohort:** Judges who were judge-trainees and had no alternative but to apply to the NCJ for permanent judicial positions after completing their training. Their status would be remedied through legislative action.
- **Second Cohort:** Judges who were already serving but chose to apply to the NCJ despite legal concerns about its lack of independence. For this group, the NCJ resolutions appointing them would be annulled by law, and they would return to their previous positions—even if this effectively meant their dismissal from judicial roles.

- **Third Cohort:** Judges who not only obtained or were promoted to their positions based on NCJ resolutions but also actively participated in undermining the rule of law (e.g. serving as disciplinary commissioners). For these judges, the NCJ resolutions would be annulled by law, they would be returned to their previous roles, and disciplinary proceedings would be initiated against them.

This proposal is expected to evolve in response to the Venice Commission's opinion issued in October 2024.² The opinion addressed abstract questions raised by ongoing legal debates regarding the resolution of new judges' status. Judicial associations have proposed automatically returning new judges to their previously held positions by annulling the NCJ resolutions *ex lege*. In contrast, NGOs such as the Helsinki Foundation for Human Rights have advocated for a re-authorisation process to assess each nomination individually.³

The Venice Commission stated in its opinion that “it cannot be declared through a law that all the relevant appointments made by the NCJ in a particular timeframe are null and void, as

1 Helsinki Foundation for Human Rights, *Nowa KRS: krajobraz po reformie – opracowanie HFPC*, 2023, <https://hfhr.pl/publikacje/nowa-krs-krajobraz-po-reformie>.

2 Venice Commission, Poland – *Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on European standards regulating the status of judges*, adopted by the Venice Commission at its 140th Plenary Session, Venice, 11-12 October 2024, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)029-e).

3 Helsinki Foundation for Human Rights, *A judge or a non-judge? The manner of regulating the status of persons appointed to judicial positions with the participation of the “new” National Council of the Judiciary*, June 2024, <https://hfhr.pl/en/publications/report-a-judge-or-a-non-judge-the-manner-of-regulating-the-status-of-persons-appointed-to>.

this would represent an undue interference with the competence of the judiciary”.⁴

By the end of 2024, neither the Ministry of Justice nor its advisory body, the Codification Committee on the System of Courts and Prosecution, had presented draft legislation to implement the Venice Commission’s recommendations.

Public statements by members of the Codification Commission suggest the body aims to address the status of judges appointed with the involvement of the improperly constituted NCJ by introducing mechanisms to repeat competitions for judicial positions. According to these statements, the proposed solution would, by law, lead to the demotion or removal from office of all individuals appointed through the new NCJ, except for those specifically excluded by legislative decision (e.g. former judicial assessors).⁵

This proposal raises concerns in light of an abstract opinion issued by the Venice Commission.⁶

Prosecution service

In 2024, there were no significant developments concerning the independence of the prosecution service. In January 2024, the Minister of Justice-Prosecutor General replaced the National Prosecutor using the legal basis that the appointment of the previous National Prosecutor was done on a temporary legal basis and had expired before his return from retirement.

In 2024, the government worked on the draft legislation concerning the separation of the prosecution service from the government. At the request of the Minister of Justice, the European Commission for Democracy through Law (Venice Commission) reviewed the draft law in October 2024. The Commission criticised the proposed mechanism for appointing the Prosecutor General and recommended significant changes to the selection process, eligibility criteria, grounds for dismissal, and the appointment procedures for regular prosecutors. Additionally, the Commission underscored the need for stronger safeguards

4 Venice Commission, *Poland – Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on European standards regulating the status of judges*, adopted by the Venice Commission at its 140th Plenary Session, Venice, 11-12 October 2024, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)029-e).

5 Money.pl, ‘Weryfikacja neosędziów. Wiemy, jakie propozycje ma dostać na biurko Adam Bodnar’, 17 January 2025, <https://www.money.pl/gospodarka/weryfikacja-neosedziow-wiemy-jakie-propozycje-ma-dostac-na-biurko-adam-bodnar-7115243923786528a.html>.

6 Venice Commission, *Poland – Joint Opinion of the Venice Commission and the Directorate General Human Rights and Rule of Law on European standards regulating the status of judges*, adopted by the Venice Commission at its 140th Plenary Session, Venice, 11-12 October 2024, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)029-e).

to protect prosecutorial independence. The law has not been adopted yet.⁷

Irremovability of judges, including transfers

Court presidents

In 2024, the Minister of Justice continued the process of replacing court presidents and vice-presidents. Since the introduction of legal changes in 2017, the procedure for appointing candidates to these positions has faced significant criticism for its lack of transparency and inadequate consultation with the judiciary.

Although the law governing the appointment of court presidents remains unchanged—granting the Minister of Justice authority to appoint candidates—the new Minister of Justice introduced a practice of requesting judges from each court to propose at least two candidates for the position of court president.

According to information published by the Ministry of Justice, since the end of 2023, the Minister of Justice has initiated procedures to remove 127 court presidents and vice-presidents. In 2024, the Minister of Justice also appointed at least 111 new court presidents and vice-presidents.

Judicial secondment (transfer)

A fundamental issue persists in the legislation governing the judiciary system, which grants the Minister of Justice the authority to second judges to other courts, the NCJ office, the National School of Judiciary and Prosecution, and selected government administrative bodies, including the Ministry of Justice, the Ministry of Foreign Affairs, and the President of Poland's Chancellery. These laws, however, lack adequate safeguards to protect seconded judges from unexpected recalls. Such recalls can be made for any reason and, except in cases of indefinite delegation, require no prior notice—an issue particularly relevant for judges seconded to other courts. These provisions have raised concerns about judicial independence, as highlighted by the judgment of the Court of Justice of the European Union (CJEU).⁸

The 2024 draft amendments to the Law on Common Courts and the Law on Military Courts partially address risks associated with the delegation of judges. However, as of the preparation of this response, that draft has not yet been submitted to the Sejm (lower house of Parliament).

7 Venice Commission, *Poland - Opinion on the draft amendments to the Law on the Public Prosecutor's Office, adopted by the Venice Commission at its 140th Plenary Session*, Venice, 11-12 October 2024, [https://www.venice.coe.int/web-forms/documents/?pdf=CDL-AD\(2024\)034-e](https://www.venice.coe.int/web-forms/documents/?pdf=CDL-AD(2024)034-e).

8 Court of Justice of the European Union (CJEU), *Joined Cases C-748/19 and C-754/19, Prokuratura Rejonowa e Minsku Mazowieckim v WB and others*, 20 May 2021.

Additionally, the current mechanisms for safeguarding judicial independence rely on the NCJ, which fails to meet the criteria of independence, impartiality, and reliability in proceedings involving the transfer of judges to another court, changes in their duties, retirement, or mandatory retirement due to permanent incapacity. In such cases, the NCJ either reviews appeals decisions made by court presidents (e.g. departmental transfers or changes in duties) or issues decisions on whether a judge may continue in office after reaching retirement age or must retire. A troubling example of the NCJ's actions in this area is its decision to retire Judge Piotr Borowiecki of the Provincial Administrative Court in Warsaw due to his absence from a scheduled medical examination. Judge Borowiecki is known for his civic engagement and criticism of the current NCJ's functioning.⁹

In a related development, in July 2024, Judge Piotr Gąciarek returned to adjudicating in his original criminal division after being suspended from official duties and reassigned to another criminal division following his reinstatement.¹⁰ This change was enabled by a shift in the leadership of the Warsaw District Court.

Quality of justice

Accessibility of courts

In May 2024, the Minister of Justice repealed the regulation requiring the State Treasury to pay the fees for unpaid legal aid provided by court-appointed attorneys. The updated regulation aligned the fee rates for legal aid provided by court-appointed attorneys with those established under the regulation on fees for legal services. The latter regulation sets the rates for attorneys' activities before judicial bodies, which serve as the basis for courts to award legal representation costs and attorneys' fees.

This change ended the discriminatory treatment of cases involving court-appointed legal aid, potentially improving the quality of legal aid provided under the scheme.

In 2024, two additional amendments were introduced to the regulation on fees for legal services, raising the minimum fees for legal aid in specific categories of cases. These included:

- An increase in the minimum fee for cases related to employment contracts, such as challenging dismissals, seeking reinstatement, or determining termination terms. The fee rose from PLN 180 (€42.26)

9 Bartek Star (2024), The kangaroo court in the neoKRS over the judge of the Provincial Administrative Court Piotr Borowiecki, X, 23 October 2024, https://x.com/Bartek_Star/status/1848989204665012590.

10 Wyborcza.pl, Zwycięstwo sędziego Piotra Gąciarka. Wraca do orzekania w wydziale karnym', 9 July 2024, <https://warszawa.wyborcza.pl/warszawa/7,54420,31127739,zwyciestwo-sedziego-piotra-gaciarka-wroci-do-orzekania-w-wydziale.html>.

to PLN 360 (€84.52) for first-instance proceedings.

- A similar increase for representing minors in juvenile cases, where the minimum fee doubled from PLN 112 (€28.17) to PLN 225 (€56.34).

Under provisions of the regulation, court-awarded costs of legal proceedings can exceed the minimum rate. However, it may not be higher than six times the minimum rate or the value of the subject matter of the dispute. Awarding legal representation costs above the minimum rate must be justified by specific criteria, such as the necessary effort of the attorney, the value of the case, the attorney's contribution to clarifying the case, and the nature and complexity of the matter.

The broad scope of these criteria means that, in practice, the amount awarded to a party for legal representation costs is subject to the court's discretion and is subject to limited appellate review. Consequently, in some categories of cases, the party may receive only the minimum rate for legal representation, which can be very low. This situation appears to constitute a significant financial barrier to the fair pursuit of rights in court.

Resources of the judiciary

The latest data on judicial staffing resources, from 2023, indicates several changes compared

to the previous year. The number of appellate judges increased from 469 to 483. In contrast, a slight decrease was recorded in the number of district court judges, which declined from 2,766 to 2,756, and regional court judges, which fell from 6,106 to 6,071.¹¹

A notable development was the significant rise in the number of judicial assessors, which grew from 467 to 608.

Across all judicial categories, salaries saw a substantial increase.

In 2023, the number of court support staff increased by 8%, with judicial assistants rising by 9% and judicial clerks by 10.5%. Additionally, salaries across all categories of court staff saw a general increase, ranging from 10% to 21%.

Despite these salary adjustments, the average remuneration for court administrative staff in 2023 amounted to PLN 7,365 (€1,730), which has posed challenges in attracting new employees and has contributed to high turnover among clerical staff. Consequently, the workload for the remaining administrative personnel in courts has increased significantly.

In the 2024 budget, the Ministry of Justice allocated funds for a 20% salary increase for court staff. The minimum and maximum salary thresholds for judicial assistants were also raised.

11 Central Statistical Office, Mały Rocznik Statystyczny Polski, <https://stat.gov.pl/obszary-tematyczne/roczniki-statystyczne/roczniki-statystyczne/maly-rocznik-statystyczny-polski-2024,1,26.html>.

In November 2024, the Ministry of Justice introduced 10 proposed reforms aimed at enhancing the efficiency of the judiciary. Among the key measures is the creation of 1,159 new assistant judge positions. However, the proposal also lowers the eligibility requirements for judicial assistants, permitting fourth- and fifth-year law students to assume these roles. This change has raised concerns regarding the quality and effectiveness of their work.

The proposed reforms also include:

- restructuring the expert witness system,
- digitising court registries and records,
- promoting mediation,
- facilitating the submission of legal documents through the Common Courts' Information Portal, and
- implementing management training for court presidents.

These measures have the potential to alleviate some of the workload currently borne by court administrative staff.

Training of justice professionals

In 2024, the Ministry of Justice appointed a new director for the National School of Judiciary and Prosecution. An open competition preceded the selection process, establishing minimum criteria for the position, such as at least three years of experience leading a public institution, university, or NGO, along with experience in organising training activities.

Initially, the selection committee chose Wojciech Postulski for the position. However, according to a Ministry of Justice press release,¹² he did not accept the financial offer and withdrew from the competition. Meanwhile, media reports¹³ revealed that members of the judicial community contested his candidacy, citing his alleged lack of sufficient experience as a judge. In a press interview, Mr. Postulski stated that he did not resign voluntarily but was asked to do so. Ultimately, the Ministry of Justice appointed Piotr Girdwoyń, who ranked as the second-best candidate for the role.¹⁴

Upon taking office, the new director of the School introduced an internal regulation that excluded so-called 'new judges'—those

12 Ministry of Justice, Wojciech Postulski wygrał konkurs na stanowisko dyrektora KSSiP, 24 March 2024, <https://www.gov.pl/web/sprawiedliwosc/wojciech-postulski-wygral-konkurs-na-stanowisko-dyrektora-kssip#:~:text=Wojciech%20Postulski%20jest%20s%C4%99dzi%C4%85%20w,Wymiaru%20Sprawiedliwo%C5%9Bci%20EJTN%20w%20Brukseli>.

13 Oko.press, 'Pułapka konkursów ministra Bodnara. Czy bohaterowie walki o sądy mają teraz odejść?', 14 April 2024, <https://oko.press/konkursy-w-sadownictwie-bohaterowie-walki-o-sady-pominieci>.

14 Rzeczpospolita, Postulski: Nigdy nie zrezygnowałem z bycia dyrektorem KSSiP, 25 April 2024, <https://www.rp.pl/aplikacje-i-egzaminy/art40239721-postulski-nigdy-nie-zrezygnowalem-z-bycia-dyrektorem-ks-sip#:~:text=Profesor%20Girdwoy%C5%84%20zadeklarowa%C5%82%20ju%C5%BC%20gotowo%C5%9B%C4%87,podtrzymuj%C4%99%20ch%C4%99%C4%87%20obj%C4%99cia%20tego%20stanowiska>.

appointed upon the motion of the NCJ since 2018—from teaching classes at the School.¹⁵

Additionally, in 2024, the School increased stipends for students, raising them from PLN 4,100 to 4,300 for first-year students and from PLN 4,500 to 5,100 (approximately

€1,070–€1,215) for second-year students. However, students and the Association of Prosecutors criticised the increase as insufficient, arguing that the stipends still hover around the minimum salary threshold despite rising living and accommodation costs in recent years.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

Key recommendations

- *To fully implement the anti-SLAPP Directive and review the provisions of the Criminal Code that were used to launch SLAPP proceedings.*

Media and telecommunications authorities and bodies

On 21 June 2024, the Ministry of Culture and National Heritage published for public consultation the draft outline of a bill on public media reform, which aims to implement the European Media Freedom Act.¹⁶ The regulation establishes a common framework for media services within the internal market and amends Directive 2010/13/EU (European Media Freedom Act).

The government's ambition is to reform Poland's media landscape, with a particular focus on public media regulation. The draft

outline proposes several major changes, including restructuring the National Broadcasting Council, revising the management of public television and radio channels, introducing competition rules for media market mergers through a media pluralism test, regulating the advertising practices of state-owned entities, enhancing transparency in media ownership structures, proscribing publishing by local authorities, and strengthening the protection of journalistic sources.

Despite the bill's broad scope, the public consultation report indicates the proposed reform is unlikely to address some of the most pressing and long-standing issues within Poland's

¹⁵ Informacja w zakresie wyznaczania osób do prowadzenia zajęć w KSSiP, 2024, <https://www.kSSIP.gov.pl/node/9523>.

¹⁶ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024.

media regulatory framework. In recent years, these challenges have stemmed from the lack of political independence of the National Broadcasting Council—the national media market regulator—whose operations have been heavily influenced by the ruling party.

Due to anticipated controversies surrounding any substantial overhaul of the Council, the draft outline proposes only limited changes, focusing on the terms of its members and their eligibility criteria. However, numerous NGOs and public institutions, including the Commissioner for Human Rights, have repeatedly called for a more comprehensive overhaul of the appointment procedure, advocating for stronger guarantees of political pluralism and gender balance.¹⁷

Criticism also extends to the lack of transparency in the appointment process, which notably excludes meaningful participation from civil society, media market stakeholders, and journalists' representatives.

The lack of independence within the National Broadcasting Council is particularly concerning given its authority to impose fines on broadcasters for content deemed unlawful. The legal basis for this power—Article 18 of the Law on Public Media—is excessively broad. Past Council decisions have demonstrated

how this authority has been used to suppress political opponents of the ruling majority and censor media content that contradicts the government's agenda.¹⁸

Despite these concerns, the Ministry of Culture and National Heritage has indicated no intention to amend these provisions. It maintains that the planned reforms—focused on ensuring greater plurality within the Council and introducing stricter eligibility criteria for its members—will be sufficient to prevent potential censorship through fines.

A potential mitigating measure could come from the proposed amendment requiring majority voting within the Council when imposing fines. However, this change fails to address the core issue, which lies in the overly broad and vague wording of the existing legal provisions governing the Council's competencies.

It is important to note that Poland's media market continues to have two regulatory bodies: the National Broadcasting Council and the National Media Council. The latter, established amid considerable controversy, was created alongside the National Broadcasting Council, stripping it of key powers related to appointing management board members of

17 See e.g. *Apel organizacji społecznych do koncepcji wdrożenia EMFA*, 2 December 2024, <https://siecobywatelska.pl/emfa-apel/>.

18 *Batory Foundation, Upolitycznienie Krajowej Rady Radiofonii i Telewizji: nowy front w konflikcie Polski z Unią Europejską o praworządność?*, July 2021, https://www.batory.org.pl/wp-content/uploads/2021/07/S.Ananicz_Upolitycznienie-KRRiT.nowy_front_w.konflikcie.Polski.z.UE_.pdf.

publicly owned broadcasters, which in Poland operate as private commercial companies.

The introduction of the National Media Council through an amendment to the Law on Public Media was declared unconstitutional by the Polish Constitutional Tribunal in its judgment of 13 December 2016.¹⁹ However, the ruling has yet to be implemented. Following the 2024 parliamentary elections, the government largely acted as if the National Media Council did not exist, allegedly in an effort to enforce the Constitutional Tribunal's ruling. Nonetheless, there remains a pressing need to clarify the legal framework governing the oversight exercised by political institutions and the government over public media companies.

By the end of 2024, the ruling coalition appeared to have shifted its stance on the National Media Council. In October, Parliament dismissed the Council's chairman and in December, a new member—an MP from the ruling coalition—was appointed to the

Council and subsequently assumed the role of chairman.

Significantly, on 27 December 2023, the Minister of Culture and National Heritage declared public broadcasting companies—both television and radio channels—insolvent, initiating legal bankruptcy proceedings against them. Under this process, the Minister appointed receivers to temporarily manage the companies, but according to the Commercial Companies Code, these appointments offer minimal safeguards for independence. Receivers may be dismissed at any time and for any reason by the majority shareholder—the Polish State—represented by the Minister himself.

Although this measure was reportedly intended to mitigate legal controversies surrounding the changes in public media, it has, in practice, placed these institutions in a legal framework with even fewer formal guarantees of independence than before.

19 Constitutional Tribunal, judgment of 13 December 2016 in case K 13/16.

CHECKS AND BALANCES

Independent authorities

Independence, resources, capacity and powers of national human rights institutions (‘NHRIs’)

No new major threats to NHRIs, equality bodies, or the Supreme Audit Office arose in 2024.

Moreover, the budgets of these institutions saw a substantial increase compared to 2023, both in overall financial resources and current expenditures, including staff salaries. The budget for the current expenditures of the Office of the Commissioner for Human Rights rose from PLN 57.7 million (€13.7 million) to PLN 70.7 million (€16.8 million). The Office of the Commissioner for Children’s Rights experienced an even greater increase of over 40%, from PLN 21.6 million (€5.1 million) to PLN 30.5 million (€7.3 million). Budget increases also benefited the Patient Rights Ombudsman, which received an additional PLN 9 million (€2.1 million), and the Supreme Audit Office, with a rise of nearly PLN 70 million (€16.7 million).

Further increases in funding for the operation of independent institutions have already been approved in the 2025 budget bill.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

According to the report of the Commissioner for Human Rights in 2023,²⁰ the Commissioner issued 519 general submissions, including:

- 117 problem-focused submissions,
- 89 submissions indicating the need for legislative initiatives,
- 48 extraordinary complaints,
- 89 cassation appeals in criminal cases,
- 18 complaints to administrative courts, and
- 54 cassation appeals in administrative court cases.

Additionally, this data includes decisions to join constitutional complaints reviewed by the Constitutional Tribunal (15 cases) and 46 court proceedings conducted before common courts.

20 Ombudsman Office, Informacja o działalności Rzecznika Praw Obywatelskich oraz o stanie przestrzegania wolności i praw człowieka i obywatela w roku 2023, 2024, <https://bip.brpo.gov.pl/pl/content/rpo-informacja-roczna-2023#:~:text=W%202023%20r.,wpnC5%82yn%C4%99%C5%82o%2059%20524%20wnioski>.

Data provided by the Commissioner's Office indicates the issues raised by the Commissioner primarily concern:

- Administrative and economic law (27.4%),
- Criminal law (22.3%), and
- Constitutional, international, and European law (15.8%).

In 11% of cases, the Commissioner's actions addressed compliance with the principle of equal treatment. Actions related to civil law were at the same level.

The Commissioner's report indicates that in 2023, 863 cases involving general submissions resulted in outcomes aligned with the expectations of both the applicants and the Commissioner for Human Rights. In contrast, during the same period, the Commissioner's position was disregarded in 1,054 cases initiated by general submissions.

Notably, the success rate of motions challenging the constitutionality of provisions—as well as proceedings initiated through legal questions or constitutional complaints—in which the Commissioner participated remained very low. According to the report, in 2023, the Constitutional Tribunal upheld only one such case, while proceedings in 24 others were discontinued.

Between 2018 and 2023, the Constitutional Tribunal upheld only nine cases involving the Commissioner for Human Rights. By comparison, in 2017 alone—prior to the change in the Tribunal's leadership—eight such cases were upheld. This stark contrast raises legitimate concerns about the Tribunal's reliability and impartiality in reviewing the constitutionality of legal acts, which in turn has a negative impact on the national human rights protection system.

In 2024, the Supreme Audit Office (SAO) conducted 1,873 audits across 1,507 entities, addressing a total of 191 issues. As a result of these audits, the SAO issued over 5,000 post-audit recommendations, of which 83.6% were accepted for implementation. Additionally, the SAO prepared 83 proposals for legislative changes and submitted 118 notifications to law enforcement authorities regarding potential crimes or fiscal offences. However, no information is available on the outcomes of the criminal proceedings initiated following the SAO's notifications.

According to the 2023 annual report²¹ of the Commissioner for Children's Rights, the Commissioner issued 25 general interventions throughout the year. However, the report does not include any information regarding the effectiveness or outcomes of these interventions.

21 Ombudsman Office, Informacja o działalności Rzecznika Praw Obywatelskich oraz o stanie przestrzegania wolności i praw człowieka i obywatela w roku 2023, 2024, <https://bip.brpo.gov.pl/pl/content/rpo-informacja-roczna-2023#:~:text=W%202023%20r.,wp%C5%82yn%C4%99%C5%82o%2059%20524%20wnioski>).

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.

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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 21 national civil liberties NGOs from across the EU.

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