

World Report 2024



Poland

Events of 2023

Protesters hold banners during a protest in front of a court in support of judicial independence in Krakow, Poland on September 18, 2023.

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A new coalition government came to power in December following national elections in October, offering the prospect of improvement regarding the rule of law, women's rights, and lesbian, gay, bisexual, and transgender (LGBT) rights.

The outgoing Law and Justice party (PiS) government undermined the rule of law during the year through attacks on judicial independence, independent media, and critical civil society and activist voices. Discrimination against LGBT people and attacks on women's rights, particularly reproductive rights, continued and these groups remained targets of hateful public rhetoric by government officials.

While the Polish government and people generally maintained their welcome to nearly 1 million Ukrainian refugees, Polish authorities at the border with Belarus persisted in unlawful pushbacks of migrants and asylum seekers. Polish officials harassed volunteers helping non-Ukrainian migrants and asylum seekers, including by prosecuting humanitarian volunteers for human smuggling.

Judicial Independence and Rule of Law

The outgoing government weakened the independence of the justice system and attacked independent judges. Poland's Covid-19 recovery funds remained blocked by the EU as Poland did not meet core benchmarks related to reform of the [judiciary](#).

In December, the Constitutional Tribunal, on request by the president, ruled unconstitutional a law that would have transferred powers to adjudicate disciplinary cases against judges from a chamber in the Supreme Court to the Supreme Administrative Court. The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) stated in January that the bill failed to address outstanding concerns about the disciplinary regime in the Polish judiciary, noting that the Supreme Administrative Court is largely composed of judges appointed by the politically compromised National Judicial Council.

In February, the European Commission [referred](#) Poland to the Court of Justice of the European Union (CJEU) for violations of EU law by the compromised Polish Constitutional Tribunal, particularly for its July 2021 and October 2021 rulings stating that provisions in EU treaties were incompatible with the Polish constitution.

In May, and with subsequent amendments in July, Poland [passed](#) a controversial law creating a commission to investigate "Russian influence" in the country between 2007 and 2022 and giving the commission power to ban opposition party members from public office without judicial oversight. [Critics dubbed the law "lex Tusk"](#) because of concerns it would be used to discredit former and potential future Prime Minister Donald Tusk. Proposed in May, the law met with criticism from the [United States](#) and EU, including infringement proceedings launched by the European [Commission](#). [Amendments](#) introduced by President Andrzej Duda fell short of addressing concerns about the possible targeting of opposition party members and others suspected of being under "Russian influence."

In February, Poland informed the European Court of Human Rights (ECtHR) that it would not respect a December 2022 ECtHR interim measure ordering the suspension of decisions to transfer three Polish judges to other court departments.

Judges continued to be vilified and subjected to disciplinary proceedings for standing up for the rule of law. In March, a deputy disciplinary commissioner started disciplinary proceedings against [a Krakow judge for applying EU law](#). Four other judges faced disciplinary proceedings for being critical of [appointments](#) of judges by the politicized National Judicial Council and for applying EU law. Judges were charged under the so-called Muzzle Law, which the CJEU ruled [contrary](#) to EU law in June 2023. The battle between "old" and "neo" judges at the Supreme Court continued throughout the year. Three "old" judges [appointed](#) by the pre-2015 National Judicial Council assigned to the Supreme Court's criminal chamber resigned after a "neo" judge was appointed by the now politicized National Judicial Council to head the chamber.

In July, the ECtHR [ruled](#) that Judge Igor Tuleya's suspension in 2020 violated EU law and that he should be reinstated to the bench with full pay. Tuleya was openly critical of the government's overhaul of the judiciary. Also in July, the ECtHR ruled that Tuleya's suspension lacked a legal basis and reiterated that the Disciplinary Chamber that suspended him is "not an independent and impartial tribunal established by law." The court's judgment stated there were 397 similar cases from Polish judges [pending](#) before the ECtHR.

In September, PiS revealed its plan for further overhauling the court system in its election [program](#), [outlining](#) the transformation of current courts and the establishment of new courts where, [critics fear](#), judges would be vetted and appointed by party loyalists.

The European Commission's *Rule of Law [Report](#)* on Poland, published in July, raised serious concerns about the independence of the Polish judiciary, including disciplinary investigations and proceedings against judges and failures to implement judgments and interim measures issued by the ECtHR.

Freedom of Media

Independent media outlets and journalists faced continued difficulties operating freely and without interference. While Poland's ranking rose from 66 in 2022 to 57 in the [Reporters Without Borders'](#) 2023 World Press Freedom Index, the group noted concerns that public media was becoming a government "mouthpiece" and that ruling party politicians were verbally attacking critical journalists and filing strategic lawsuits against public participation (SLAPPs) to try to silence them.

A July report by the Helsinki Foundation for Human Rights showed the detrimental effects on media freedom of the 2020 acquisition of *Polska Press* by state-controlled [oil](#) company PKN Orlen. Former and current journalists at *Polska Press* quoted in the report expressed concerns about political interference in the editorial process, being hindered from reporting on certain issues, including LGBT and migrant issues, and a clear shift to favorable reporting on the ruling party.

In July, freelance photojournalist [Maciej Piasecki](#) was forcibly removed by police from documenting an environmental protest in Warsaw. Piasecki was pushed to the ground by seven or eight policemen, handcuffed, brought to a police station, detained, and questioned for six hours. He was released without charge.

At time of writing, Spanish freelance journalist Pablo González [remained](#) in pretrial detention, accused of being a Russian spy. Gonzalez was arrested in February 2022 by the Polish security services in Rzeszow, close to the border with Ukraine, where he was reporting on the refugee crisis caused by Russia's full-scale invasion of Ukraine. Press freedom organizations raised concerns that no evidence or allegations against Gonzales had been made public.

Sexual Orientation and Gender Identity

Smear campaigns against LGBT people continued during the year. In August, in a third attempt to [ban](#) inclusive sexual education, a bill was passed by the Sejm that would restrict access to schools for nongovernmental organizations providing sexuality [education](#). The bill, following two previous attempts championed by PiS Education Minister Czarnek, was dubbed "Lex Czarnek 3.0." President Duda vetoed the two previous versions of the bill due to failure by the government to gain "social acceptance." Following a senate resolution to reject the bill, it was pending before the Sejm at time of writing.

During the year, Czarnek made several statements attacking LGBT people and sexuality education, including trying to blame an increase in youth [suicide](#) on "LGBT ideology" and claiming that the new law would prevent the "moral corruption" and "[sexualization](#) of children" in schools and preschools.

In May, the country's children's rights commissioner—referring to a nongovernmental study listing some [2,500 schools in Poland as LGBT-friendly](#), a list intended to help young people choose open, tolerant, and safe schools—ordered an [inspection](#) of some of these schools, justifying his decision by stating that "children must be protected from criminals."

Also in May, the Warsaw district court found three LGBT activists guilty of vandalizing a van displaying and [broadcasting](#) anti-LGBT messages in June 2020 and sentenced them to between 6 and 12 months of community service. The decision was under appeal at time of writing. In July, an appellate court [overturned](#) the April conviction of an anti-LGBT van driver, acquitting him of defamation on the perverse basis that the driver's anti-LGBT slogans were "true." The incident took place in 2019.

A first instance court in April [convicted](#) two women of "offending religious feelings" by displaying Virgin Mary and Jesus with rainbow halos during a LGBT rights march in 2021, sentencing one to five months of community service, and the other to a 2,000 zloty fine. The decision was under appeal at time of writing.

In January, the [European Commission](#) quietly and without explanation dropped legal action against Poland over local authorities' adoption of anti-LGBT resolutions establishing so-called [LGBT Ideology-free zones](#). [Fifteen](#) local [anti-LGBT resolutions](#) remained in force at time of writing.

Access to Abortion

The situation for women's rights remained precarious for most of the year, with an abortion activist sentenced to jail time, criminal investigations opened in abortion cases, and authorities targeting women and girls seeking urgent health care and the doctors providing it.

In March, a Warsaw court [convicted](#) Justyna Wydrzynska, cofounder of the activist group [Abortion Dream Team](#), for helping a woman procure pills for a medication abortion and sentenced her to eight months of community service. Wydrzynska appealed the ruling, and her case was pending at time of writing.

The outgoing government's dubious use of its powers to chase down alleged abortion-related activity led to sweeping and speculative investigations and overbroad searches, including of women and girls seeking urgent health care and doctors. Following a Constitutional Tribunal ruling in October 2020 that virtually banned access to legal abortion, six women are known to have died after being denied abortion care despite pregnancy complications that threatened their health or lives, including a 33-year-old woman who died in May 2023. People fleeing the war in Ukraine are also denied access to safe and legal abortion.

In June, the European Court of Human Rights declared eight cases challenging Poland's extremely restrictive abortion law were inadmissible. About 1,000 abortion rights-related [cases](#) submitted to the court since 2021 are ongoing.

Migration and Asylum

By the end of September, Poland had [provided](#) temporary protection to more than 950,000 Ukrainian refugees since Russia's February 2022 invasion of Ukraine.

While accepting refugees from Ukraine, Polish authorities engaged in unlawful and sometimes violent pushbacks of migrants and asylum seekers, including women and children, arriving from Belarus.

Volunteers aiding stranded migrants and asylum seekers in the border area continued to face criminal charges, harassment, and intimidation by border officials. In February, an Ethiopian woman died in a wooded border area after her husband and traveling companions were pushed back to Belarus. A Somali woman died in September in Minsk, Belarus, after being stranded in the border area for 40 days, pushed back several times by both countries' border guards. The authorities detained one volunteer in September and accused her of leading a criminal group because of her activities in support of migrants and asylum seekers crossing from Belarus to Poland. She was later released on bail. Justice Minister Zbigniew Ziobro made prejudicial public comments about the volunteer's alleged guilt.

The government continued to deny border abuses and smear critics of its border policies. Polish director Agnieszka Holland's movie "The Green Border," which depicts the abuse of migrants and asylum seekers on Poland's border with Belarus, premiered in September and was attacked by Minister Ziobro, who described the movie as "anti-Polish Nazi propaganda." The Ministry of Interior [announced](#) it would broadcast a clip prior to screenings of the movie to inform viewers of "untruths and distortions."