

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the 'type of information' outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☒ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg

- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

This submission brings together 9 country submissions compiled by ILGA-Europe, with expert input of its member organisations in the Member States, namely - Bulgaria (Deystvie), Belgium (Prisme), Cyprus (Queer Cyprus), Hungary (Háttér Társaság and Budapest Pride), Italy (Arcigay), Poland (KPH), Romania (ACCEPT Romania), Slovakia (Saplinq), and Spain (Euforia. Familias Trans-Aliadas). Recommendations are included in the chapters where organisations chose to issue them.

The developments encompassed in this submission point to systematic attacks on the fundamental rights of LGBTI people in some countries, often enabled by a deliberate weakening of rule of law and democratic structures by those in power. This contribution focuses on rule of law violations which impact the rights of LGBTI people and therefore does not include all fundamental rights violations against LGBTI people, or all restrictions experienced by LGBTI civil society in the respective countries.

8 of the 9 submissions reported problems with smear campaigns, disinformation, misinformation, hate speech and discriminatory speech against LGBTI persons, spread by different actors, most notably far-right politicians, media outlets and social media accounts. In our previous submissions to this consultation we highlighted how such narratives are often used by politicians seeking to polarise society in the aim to win elections. This year a clear example was the Romanian election period, which saw a surge in anti-LGBTI narratives particularly online, in the aim to discredit political opponents. These elections also clearly showed that these narratives are also spread by organised foreign interference, including cyber-attacks and social media manipulation. Most importantly, we also can see how these narratives translate into real hatred and violent actions.

As a result, violence against LGBTI people has been normalised and this is increasingly reflected by legislative proposals actively attacking fundamental rights and dignity of LGBTI people. This year we saw anti-LGBTI laws, often using the terminology of combating “LGBTI propaganda”, reported on in six of the nine countries which contributed to our submission. While in Hungary the anti-LGBTI law adopted in 2021 continues to be implemented, anti-LGBTI legislation was adopted in 2024 in Bulgaria and Italy, protections for LGBTI persons were repealed in a region of Spain, and anti-LGBTI legislation was tabled in Romania and Slovakia. In all cases these legislations are incompatible with international and European standards for protection of LGBTI people against discrimination and for the ability of LGBTI people to fully enjoy their rights, and in some cases are incompatible with the Member States’ own domestic legislation, such as the Constitution.

In the meantime, efforts of LGBTI persons and CSOs to challenge discriminatory legislation, actions of the government or lack of protections for LGBTI people face structural challenges in 7 of the 9 countries.

In Bulgaria, Hungary, Romania and Poland there is still, as reported in previous years, consistent lack of implementation of judgements of the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECtHR) in cases related to equality for LGBTI families (legal recognition of same-sex couples and of same-sex parents) and in cases related to legal gender recognition (LGR) – the procedure in which trans and intersex people can change their legal gender in identity documents.

Inadequate consultation processes for laws that impact LGBTI persons and their rights was reported in Slovakia, Romania, Hungary and Cyprus; funding restrictions on civil society organisations working for the LGBTI community or on LGBTI-related issues were reported in Slovakia, Spain and Cyprus; and problems with access to justice for LGBTI persons was reported in Slovakia, Romania, Poland and Hungary.

Independence of the media remains a serious concern in Hungary, Romania and Slovakia. The right to freedom of assembly is increasingly threatened through restrictive legislation in Italy and Slovakia.

Meanwhile in Hungary the Act on the Protection of National Sovereignty began to be implemented, with the Sovereignty Protection Office (SPO) investigating watchdog CSOs and publishing reports criticising their work and funding, e.g. criticising CSOs for their regranting activities via the EU CERV programme (including listing ILGA-Europe’s member organisation Háttér Society, in relation to this). It is important to see these government led and implemented smear campaigns against CSOs in the context of the aforementioned rising hateful narrative online and in the media. For example, the SPO’s report criticising receipt of EU funding was published in December 2024, the same month that CSOs in Hungary were described as “agents of foreign interest” by social media accounts, for contributing to this report – the European Commission’s Rule of Law report.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands

- ☐ North Macedonia
- ☒ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

LGBTI civil society reports that, as with last year, the presence of neo-judges affects their cases. The Supreme Court is currently refusing to abide by the withdrawal of the new Prosecutor General of two case requests.

The first concerns the “rainbow halo” case in which a person was accused of ‘offending religious feelings’ for painting a rainbow halo over an image of the Virgin Mary in 2019. Courts of both instances dismissed the indictment act, stating that there was no crime committed. After the last judgement, the previous Prosecutor General, Zbigniew Ziobro, submitted an extraordinary complaint to the Chamber of Extraordinary Control and Public Affairs in the Supreme Court (Izba Kontroli Nadzwyczajnej i Spraw Publicznych Sądu Najwyższego). In May 2024 the complaint was withdrawn by the new Prosecutor General Adam Bodnar [<https://kph.org.pl/tecza-nie-obraza-prokurator-generalny-wycofal-skarge-nadzwyczajna-w-kolejnej-sprawie-dot-obrazy-uczuc-religijnych/>]. However, the Supreme Court has not yet dismissed the case.

The second concerns a question submitted by the former Prosecutor General to the Supreme Court regarding the process for trans and intersex people to access legal gender recognition (LGR) – the process by which one can change their gender marker in identity documents. Currently in Poland the process is based on Supreme Court judgements and applicants are required to sue their parents in order to be granted the necessary changes in their ID and the civil acts registry. In his formal question, the former Prosecutor General asked the Supreme Court's interpretation of whether children and spouses of the applicant have to be sued as well. The question was removed by the current Prosecutor General in January 2024 [<https://kph.org.pl/wniosek-ziobry-o-utrudnienie-uzgodnienia-plci-wycofany-szybka-reakcja-adama-bodnara-m-in-na-prosbe-kph/>]. The Supreme Court not only refused to dismiss the case but also set the next hearing for March 2025.

Recommendation:

- End all cases in the Supreme Court, in which the complaint, formal question, or any other form of remedy has been withdrawn by Minister of Justice Prosecutor General Adam Bodnar.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Despite the change of government to a pro-democratic coalition, the offices of the Minister of Justice and Prosecutor General are still held by one person (the government has prepared the bill, but it hasn't been processed in Parliament yet [<https://www.pap.pl/aktualnosci/rozdzielenie-funkcji-prokuratora-generalnego-i-ministra-sprawiedliwosci-projekt>]). It is also concerning that the institution of extraordinary complaint, overused by the previous Prosecutor General, is not removed and still can be used to challenge every judgement.

Recommendation:

- Separate the office of the Minister of Justice and Prosecutor General.

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

As reported last year, the lack of legal protection of hate crimes and hate speech based on sexual orientation, gender identity/expression or sex characteristics (SOGIESC) results in difficulties in access to justice. The prosecutor's offices very often dismiss these cases or the investigation procedure is extremely long. For example, in March 2024, the District Court of Warsaw-Śródmieście discontinued proceedings in a case of online homophobic hate speech, which started in 2017, due to the statute of limitations being reached [<https://kph.org.pl/po-7-latach-umorzenie-postepowania-tak-polska-nie-chroni-przed-mowa-nienawisci/>]. The District Court in Warsaw had ruled in 2023 that the case was excessively long (lasting from 2018 to 2022) and awarded damages to the applicants. However, the fact remains that the case was not properly dealt with and the victims were not able to access justice.

As mentioned in Section I.A. above and reported on last year, the legal gender recognition procedure in Poland is unregulated, based only on Supreme Court judgements, resulting in outcomes which differ depending on the court and region in Poland. Often the courts request many psychological, psychiatric or sexological opinions. In September 2024 a positive step was made by the Minister of Justice, who adopted a regulation which allows courts to treat legal gender recognition cases as a priority and allows the trans person to be able to sit next to their parents (rather than being forced to sit on the opposite side of the courtroom from each other) [<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20240001444/O/D20241444.pdf>]. However, the current procedure still does not comply with case law of the European Court of Human Rights (ECtHR) which state that LGR procedures should be fast, accessible and transparent.

Recommendations:

- Amend the Penal Code in aspects of hate speech and hate crimes to ensure that victims of homophobic and transphobic-motivated crimes will have access to justice.
- Adopt legislation that would bring Poland's procedure for legal gender recognition in line with ECtHR case law and international standards.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these

authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial

and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

The change of government at the end of 2023 has ushered in a period in which state TV and media no longer broadcasts LGBTI-phobic hate speech and narratives. In February 2024 TVP Info even apologised to the LGBTI community, stating that LGBTI people are not an ideology. [<https://wiadomosci.gazeta.pl/wiadomosci/7,114883,30690547,niespodziewane-przeprosiny-w-tvp-info-wzruszylem-sie-to-jest.html>]

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

The creators of the Atlas of Hate (Atlas Nienawiści) - an online map tracking anti-LGBTI resolutions, have won all seven SLAPP cases initiated against them by local authorities (see last year's submission for further details). [<https://oko.press/atlas-nienawisci-wygrywa-siodma-sprawe>]

After the adoption of the EU anti-SLAPP Directive in April 2024, Polish civil society organisations published some recommendations for its implementation [<https://www.article19.org/pl/resources/polska-razem-przeciwko-slapp/>]. The most important recommendations are to extend protection beyond civil law cases; ensure that national cases (not only cross-border cases) are covered by the implementation bill; and to exclude local and national authorities from the possibility of being a plaintiff in personal rights protection cases.

Recommendation:

- Include CSOs, activists, and legal practitioners in the work on the implementation of the EU's anti-SLAPP Directive and take their recommendations into account.

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

2024 was the first year of the new government coalition being in power in Poland. As a result, civil society organisations (CSOs) had high expectations for new standards of preparing and enacting laws. A notable positive development was the creation of a new governmental body – the Minister for Equality – in the form of a department (the Department for Equal Treatment). The department covers inter alia files related to LGBTI equality. LGBTI civil society was consulted for the preparation of the civil union bill, including meetings with the Minister for Equality herself, however, the 30-day period given to submit contributions was too short, given the volume of the legislation (two bills: one on registered partnerships, one introducing registered partnerships).

When it comes to the process of amending the Criminal Code, the public consultation process was not well managed. The first version of the bill was published in March 2024 and the idea was to amend the articles in the Criminal Code by adding sexual orientation, gender identity, age, gender (sex), and disability as aggravating factors regarding hate crimes and discrimination. There were 14 days of public consultation, in which numerous organisations participated, but their suggestions were rejected. In May, the bill was sent back to the governmental level, instead of proceeding to the Parliament. There was no official communication explaining why the bill was not sent to Parliament in May. In October 2024, the new version of the bill was published. The main change compared to the March version was the removal of the ground of gender identity, thereby removing intended protection for trans people. The second period of public consultation was only 5 days (3 working days), which could not be read as partnership-based treatment of CSOs. Furthermore, the majority of suggested amendments submitted in that round of consultation were not taken into consideration, and the bill was sent to the Parliament.

Recommendation:

- Develop the channel of communication between the government and civil society to include civil society organisations in the legislation process and work on good standards of cooperation.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

Non-implementation of judgements of the European Court of Human Rights (ECtHR)
Judgements in the cases Przybyszewska and others v Poland (March 2024) [[https://hudoc.echr.coe.int/#%7B%22itemid%22:\[%22001-229391%22\]%7D](https://hudoc.echr.coe.int/#%7B%22itemid%22:[%22001-229391%22]%7D)] and Formela and others v Poland (September 2024) [[https://hudoc.echr.coe.int/#{%22itemid%22:\[%22001-235976%22\]}](https://hudoc.echr.coe.int/#{%22itemid%22:[%22001-235976%22]})] both found that Poland's lack of legal recognition of same-sex couples constitutes a violation of Article 8 of the European Convention on Human Rights (ECHR). Poland has yet to rectify this by adopting legislation recognising and providing equal rights to same-sex couples.
Non-implementation of CJEU judgement

In June 2024 the CJEU ruled in Case C-2/21 [<https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A62021CO0002>] that EU Member States must, for the purposes of the child's right to freedom of movement, recognise the document issued in another Member State that enables the freedom of movement (i.e. birth certificate), including when both parents named on the document are of the same sex. In addition, the Member State of which the child is a national must provide the child with an ID document and passport without requiring the prior transcription of a birth certificate (obtained in another Member State) of that child into the national register of civil status. This judgement has still not been implemented, as there are no changes to date.

Recommendations:

- Adopt regulations protecting the safety of children raised by same-sex couples in Poland, including the possibility of revealing both parents' names in the child's documentation and allowing both parents to exercise their parental rights.
- Implement the ECtHR judgments obliging Poland to provide legal protection and recognition by adopting relevant civil union bills. Even though Poland adopted civil unions, marriage equality should be aspired to.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

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Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

By the end of 2024 in Poland there remained only three so-called "LGBT-free zones", a decrease of 10 from last year's submission. The remaining authorities are some of those who had adopted discriminatory Family Rights Charters: Łańcut county (powiat łańcucki), Dębica county (powiat dębicki) and the town of Dębica (miasto Dębica). All three are in Podkarpacie region (województwo podkarpackie) in southern-eastern Poland. Despite this, Podkarpacie Marshal's Office approved the distribution of EU funds to Łańcut and Dębica, in breach of the Partnership Agreement as the Family Rights Charters breach the principle of non-discrimination upheld by the EU's Charter of Fundamental Rights. In December 2023 the Equality Watch Coalition notified the prosecutor's office and the legal process was started [<https://equalitywatch.pl/2024/02/21/samorzadowa-karta-praw-rodzin-dyskryminuje-zawiadomienie-do-prokuratury/>]. The prosecutor's office in Rzeszów refused to initiate proceedings, and the district court rejected the appeal. As a result, NGOs submitted a complaint to the European Commission [<https://equalitywatch.pl/2024/09/25/podkarpacie-skarga-komisja-europejska/>]. In November 2024, the Commission requested explanations from the Ministry of Funds and Regional Policy (MFiPR) who informed the Ombudsman about this. With the domestic stage still being investigated, the Commission closed the case.

There are systemic problems for CSOs to access Monitoring Committees. Most LGBTI CSO workers are volunteers, and have regular jobs in other sectors. As a result, they cannot participate in meetings during the regular working day, without having to take annual leave (which can always be refused by the employer). Despite raising this in the National Committee for the Partnership Agreement, no systemic action has been

taken to remedy this.

Overall there was less LGBTI-phobic speech in the public discourse than in previous years. In February 2024, in the Sejm, the citizens' bill STOP LGBT was read for the first time [<https://publicystyka.ngo.pl/projekt-ustawy-stop-lgbt-narusza-prawa-czlowieka-i-obywatela-kph-stanowczo-komentuje-sprawe>]. The bill was discriminatory, LGBTI-phobic, repeated false statements and aimed to ban pride marches in Poland. There were many instances of LGBTI-phobic speech, which spokespersons Szymon Hołownia and later, Monika Wielichowska, tried to react to, which represents a positive development in the efforts to combat such hate speech. The bill was eventually rejected.

In September, Ordo iuris published a guide for teachers, in which they try to convince teachers not to use preferred pronouns or chosen names of trans youth [<https://ordoiuris.pl/edukacja/genderowe-spory-o-zaimki-w-polskiej-szkole-poradnik-dla-nauczycieli>]. The publication not only repeated false statements but was also transphobic and harmful to the trans youth. CSOs reacted to the publication (inter alia KPH and Grow Space Foundation) [<https://kph.org.pl/nowy-rok-szkolny-nowa-nagonka-interweniuje-w-sprawie-poradnika-dla-szkol-ordo-iuris/>]. Surprisingly there was no decisive reaction from the Ministry of Education in this matter. As mentioned in section I.V. A., protection for trans people from hate crime and hate speech has been removed from the draft amendments to the Criminal Code. As a result, trans people remain insufficiently protected. No reason has been given for the removal of gender identity as protected grounds. In June 2024 the Ministry of Justice established a working group to create a strategy to combat hate crime and hate speech [<https://www.gov.pl/web/prokuratura-krajowa/powolaniu-zespolu-do-spraw-przeciwdzialania-mowienienawisci-i-przestepstwom-motywowanym-uprzedzeniami>]. However so far there is no public information about the work of the group or potential guidelines to judges and prosecutors.

In 2024, approximately 40 Pride marches took place, the majority peacefully. However, there were some counter demonstrations. In Rzeszów counter demonstrators threw eggs and yogurt cups at participants. In Opole, the after-Pride party was attacked [<https://opolska360.pl/szarpanina-po-vi-marszu-rownosci-teczowe-opole-dwa-ataki-na-tle-homofobicznym>], and LGBTI people were also attacked during a local pottery festival in Bolesławiec. There are no updates on the follow-up of these incidents by relevant authorities.

Recommendations:

- Provide systemic solutions for workers participating in Monitoring Committees on the EU and national level, such as provisions for compensation for meetings during workdays.
- Ensure Poland undertakes all measures to remove all discriminatory resolutions.
- Adopt non-legislative measures to ensure the hate speech and hate crimes based on SOGIESC are investigated properly.
- Ensure the police react properly to violence and hate speech during pride marches.
- React to every smear campaign, especially those targeting very vulnerable groups, including trans youth.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

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E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

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Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

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Contact

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