

2023 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 European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 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 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

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

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

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, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] 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
- ☒ Other

If "Other", please specify

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 add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania

- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☒ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica

- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia

- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda

- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam

- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* 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 2023 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 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Civil society organisations and human rights defenders, who work on women's human rights and sexual and reproductive health and rights (SRHR), are particularly targeted by threats and attacks (including SLAPPs) and affected by the shrinking civic space in the EU, according to several reports published by European institutions in 2022.

On 8 March 2022, the European Parliament adopted a Report on the shrinking space for civil society in Europe. This Report highlights that CSOs and (W)HRDs working on SRHR, women's rights, LGBTI rights, gender equality, are among those who are the most targeted and affected by the shrinking civic space; and are deliberately attacked, by state and non-state actors, in the EU; to prevent them from defending SRHR and gender equality.

They face legal (strategic lawsuits against public participation (SLAPPs)), administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising CSOs and draining their capacity to carry out their work, hate speech – both online and offline – and verbal and physical harassment and attacks. The Report affirms that these attacks are not isolated, but rather function as a premeditated and gradual dismantling of fundamental rights, and constitutes part of a larger political agenda of 'anti-gender' campaigns.

On 19 May 2022, the European Parliament adopted a Resolution on the Commission's 2021 Rule of Law Report. The Resolution expresses particular concern about the deterioration of SRHR of women in some Member States, including the imposition of highly restrictive laws on abortion, and the attacks on the fundamental rights of LGBTIQ persons, reinforced by the deterioration of the rule of law in several Member States. The Report regrets that these developments are not consistently reflected in the Commission's rule of law report; and calls on the Commission to systematically address these issues in its Annual Reports (see paragraph 40).

On 31 May 2022, the Parliamentary Assembly of the Council of Europe adopted a resolution: "Access to abortion in Europe: stopping anti-choice harassment". This Resolution condemns the harassment and violence perpetrated by anti-abortion activists, targeting women's human rights and SRHR defenders, healthcare professionals providing abortion care, and people seeking abortion care; and makes strong recommendations to Member States to counter it.

Published on 19 August 2022, the FRA annual report on civic space in the EU condemns the persisting threats and attacks against CSOs and human rights defenders in the EU; including frequent online and offline threats and harassment, vandalism of premises and property, physical attacks, legal and administrative harassment, in particular through abusive prosecutions and strategic lawsuits against public participation (SLAPPs), smear campaigns by media outlets or state actors, and a climate of hostility towards CSOs and human rights defenders. The report notes that "organisations and human rights defenders particularly affected are those working with minority groups, refugees and other migrants, those working against racism, and those working for women's rights and sexual and reproductive health rights, and LGBTI rights."

On 6 December 2022, the European Commission (DG JUST Fundamental Rights Unit) has published its Annual Report on the implementation of the Charter of Fundamental Rights, focused on civic space this year. In this Report, the European Commission acknowledged that civil society organisations working on women's and sexual and reproductive rights and LGBTI rights are among those most affected by attacks and harassment, including SLAPPs.

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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.

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

Member State covered in contribution [only one choice possible]

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

- ☐ 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

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 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)

3000 character(s) maximum

The Polish government is using the illegitimate Constitutional Tribunal (CT) to further dismantle the rule of law and human rights, including women's human rights. The legitimacy and independence of the CT have been compromised, according to the European Commission, which launched an infringement procedure on the CT in December 2022, and the European Court of Human Rights, which ruled that the constitutionality of Polish laws and access to a tribunal established by law are no longer effectively guaranteed (*Xero Flor v Poland*). The composition of the CT is unlawful due to irregularities in the election of its judges dating back to 2015. It poses a systematic threat to the rule of law and human rights.

The government notably used the CT to bypass proper parliamentary procedures to virtually ban abortion. On 22 October 2020, the CT invalidated the constitutionality of access to abortion on the ground of 'severe and irreversible foetal defect'; a decision which entered into force on 27 January 2021. This *de facto* ban is in blatant violation of several women's human rights, including to be free from torture and ill-treatment.

Polish women now face extreme difficulties in accessing abortion care. Only 107 legal abortions were performed in 2021, approximately 90% less than in previous years (1,076 in 2020), according to figures published by the Polish newspaper *Rzeczpospolita*. As FEDERA highlighted, out of these 107 abortions, 75 were performed before the entry into force of the ban, on the grounds of foetal impairment. So, only 32 legal abortions were performed in 11 months, on the grounds of 'threat to the women's health'. No abortions were performed in cases of the pregnancy resulting from sexual violence. Given the number of women in reproductive age living in Poland, 107 legal abortions is a shockingly low number, which does not reflect the reality of abortion in Poland. In fact, women are forced to access abortion outside of the national healthcare system. Polish, and Ukrainian women in Poland, rely entirely on the help of civil society organisations with limited resources; who even face criminalization from the Polish government (more information in the section on checks and balances - civic space).

Since the imposition of the ban, at least six women have died as a direct result, including Izabela in September 2021, Anna in June 2021, Agnieszka in January 2022, Marta in April 2022. Often, women die of septic shock after their doctors wait too long to intervene and fail to save their lives, due to fear of prosecution. An increase of perinatal mortality is also connected to the ruling, with many more children dying soon after birth.

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)

3000 character(s) maximum

On Friday 13 January 2023, the Polish Parliament voted through a bill that would shift judicial disciplinary matters from the Disciplinary Chamber of the Supreme Court, seen as being under the government's influence, to the Supreme Administrative Court, another top court that the Polish government claims is more independent. Polish civil society organisations, among many others, however, warned that the Supreme Administrative Court is also very much under the control of the government, who would still effectively be able to 'discipline' judges.

The Supreme Court's spokesman, judge Aleksander Stępkowski, warned that "the act adopted [by the Sejm] is unconstitutional on many levels". It "allows for the permanent removal of legally elected judges". The fact that judges would have to work "under the threat of a negative assessment by the Supreme Administrative Court...constitutes a far-reaching weakening of judicial independence". As a result, "constitutional guarantees of judicial independence have been hollowed out of their essential content", Stępkowski added. Should the bill be adopted by the Senate, Polish civil society organisations fear that the European Commission will unblock funds, which would be extremely detrimental to the rule of law and human rights in the country.

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

Polish Women Human Rights Defenders (WHRDs) face a serious escalation of judicial persecution (more information in the section on checks and balances - the enabling framework for civil society). Judges handling the cases of protestors and WHRDs are most of the time close to the ruling party. In some cases, judges are being removed from such cases, and replaced by judges closer to the government.

Marta Lempart, leader of the Polish Women's Strike, warns that the Polish government is appointing judges who are not independent, in particular in Warsaw, as most cases against activists are located there. In a case filed against her by Ordo Iuris, an ultra-conservative Christian organisation, the judge originally appointed to the case was replaced by another judge close to the ruling party PiS. In her previous role at the Ministry of Justice, Kamila Spalińska was deputy director of the legislative department of the court system, the department in charge of rolling out the controversial reforms to the Polish judiciary, reforms that have been condemned by the Court of Justice of the EU. Marta Lempart's lawyers filed a motion to remove her from the case but it was denied.

As for the case of Justyna Wydrzyńska, according to her, 'the judge is appointed by the general prosecutor in the Ministry of Justice, so she's a right-wing political judge and isn't neutral.'

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)

3000 character(s) maximum

The body responsible for nominating judges in Poland no longer matches the institution enshrined in the constitution due to changes made by the government, which increased political influence over the body, according to the Supreme Court (on 2 June 2022).

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)

3000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

See concerns over politically-appointed Prosecutors targeting women human rights defenders with politically-motivated charges, which constitutes judicial harassment, in the section on the enabling environment for civil society below.

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

3000 character(s) maximum

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

3000 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 under section 2)

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

3000 character(s) maximum

See concerns over judicial harassment of women human rights defenders and peaceful protestors in the section on checks and balances - the enabling framework for civil society below. Judicial harassment forces women human rights defenders to divert time and resources from their work to defend themselves in Court.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

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

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 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)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 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 2022 Report regarding the anti-corruption framework (if applicable)

3000 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 authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

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

3000 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

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 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

3000 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

3000 character(s) maximum

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

3000 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 (including any rules regulating the matter)

3000 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 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

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

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

3000 character(s) maximum

Access to information and public documents (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)

3000 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

3000 character(s) maximum

Other - please specify

3000 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 2022 Report regarding the system of checks and balances (if applicable)

3000 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 (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

3000 character(s) maximum

Polish citizens - particularly women and LGBTIQ+ people - are facing legal uncertainty, as retrogressive legislative proposals and Governmental decrees infringe on their human rights.

The so-called „pregnancy register”, imposed by decree, came into force on 6 July 2022. Data on pregnancy is now included in the existing national online medical information system, established by the regulation of the Ministry of Health. Reports from Polish organisations warn that doctors are now forced to provide information, including determining the beginning of the pregnancy, and the reason why the termination was decided. This could lead to a serious chilling effect for women in need of abortion care and their doctors.

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)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

See concerns over the illegitimacy of the Constitutional Tribunal in the section 'Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)'. The effectiveness of the constitutional review of laws is no longer guaranteed.

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 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#>)

3000 character(s) maximum

On 7 December 2022, Dr. Hanna Machińska, Deputy Ombudsman for Human Rights, was let go by the Ombudsman for Human Rights, Professor Marcin Wiącek, and replaced with Wojciech Brzozowski, specialist on religious law and 'conscientious objection'. Dr. Hanna Machińska was particularly known for protecting the rights of detained protesters arrested by the police, and of refugees during the crisis on the Polish-Belarusian border. In practice, this means that the Ombudsman's office is most likely not going to intervene in such cases in the future, and is going to follow the line of the ruling party PiS. Polish civil society organizations sent a joint letter and protested in front of the Ombudsman's office.

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

3000 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)

3000 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)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

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 and dissolution rules)

3000 character(s) maximum

Human Rights Watch issued a report concluding that the Polish government is targeting Women Human Rights Defenders (WHRDs) and organizations and putting their rights and safety at risk. The report documents the Polish government's actions since their rise to power in 2015, and outlines the tools and methods used to intimidate, threaten, defund, and punish WHRDs and organizations working on women's rights and gender equality.

Polish WHRDs face a serious escalation of judicial harassment, orchestrated by the government and facilitated by the collapse of the rule of law in Poland. As mentioned in the section 'Allocation of cases in Court', judges handling the cases of WHRDs are close to the government.

In 2022, Prosecutors filed an indictment against three leaders of the Polish Women's Strike, including Marta Lempart and Klementyna Suchanow. They are accused of "causing an epidemiological threat", criminal charges which could amount to an eight-year prison sentence, due to the protests organized two years ago, following the decision of the Constitutional Tribunal to virtually ban abortion care. A lawmaker from The Left party has also been charged for attending those protests and for criticizing the church. See IPPF EN comments here.

Marta Lempart has a total of 106 cases brought against her, by the State and non-state actors. She notably faces a case filed against her by Ordo Iuris, an ultra-conservative Christian organisation.

In addition, WHRD Justyna Wydrzyńska faces three years in prison, for attempting to help a woman in an abusive relationship access abortion pills. Her case marks the first in Europe in which an activist is being

prosecuted for helping someone access abortion care (other cases in Poland were brought against family members, partners or friends).

On 22 November 2021, the Prosecutor brought criminal charges against Justyna for assisting an abortion (under Article 152.2 of the Polish Penal Code), even though the abortion never actually took place, and for possessing unauthorized medicines (under Article 124 of the Pharmaceutical Law).

Follow Justyna's campaign [here](#). The Center for Reproductive Rights, filed an Amicus with the Court, condemning the Polish anti-abortion law.

The judge appointed to Justyna's case, who according to her, is 'a right-wing political judge and isn't neutral', has notably allowed Ordo Iuris, a fundamentalist Catholic organisation, to represent the 'rights of the foetus' in court (foetuses don't have a legal personality). This allows Ordo Iuris representatives to be in the Court room.

In addition, Ordo Iuris drafted a guidebook, whose objective is to encourage and support prosecutors to initiate criminal proceedings against organisations and individuals, who support pregnant persons access information on medical abortion. The arguments developed are ill-founded, manipulative and violate established human rights standards and jurisprudence.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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.

3000 character(s) maximum

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)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Contact

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