

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

Poland REVIEW

III. Media Freedom and Pluralism

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

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

In January 2022, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special rapporteur on the human rights of migrants started a dialogue with Poland expressing their concern over the restricted access of journalists and human rights defenders to the Poland - Belarus border area by the implementation of the amendment to the Protection of the State Border Act. The mandate-holders asked Poland to provide information about measures taken to ensure that human rights defenders helping migrants and asylum seekers are able to carry out their work in a safe and enabling environment ([POL 1/2022](#) and the [press release](#) issued in February 2022) – see also the point regarding the enabling framework for civil society.

IV. Other institutional issues related to checks and balances

D. The enabling framework for civil society

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 online –, 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.

In January 2022, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special rapporteur on the human rights of migrants started a dialogue with Poland expressing their concern of the alleged attacks, short-term detentions, stop and search, harassment, and ill-treatment of human rights defenders assisting migrants and asylum-seekers near the Poland-Belarus border and monitoring and publicizing their human rights situation, as well as the alleged lack of legal basis for the actions of the military. They also raised concern over the restricted access of journalists and human rights defenders to the Poland- Belarus border area by the implementation of the amendment to the Protection of the State Border Act. The mandate-holders asked Poland to provide information about measures taken to ensure that human rights defenders helping migrants and asylum seekers are able to carry out their work in a safe and enabling environment ([POL 1/2022](#) and the [press release](#) issued in February 2022).

In February 2022, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity continued a dialogue with Poland expressing their concern over acts of discrimination against LGBTI persons and LGBTI human rights defenders in Poland, in particular

multiple legal cases brought against Atlas of Hate for defending the rights of LGBTI persons. The mandate-holders stated that this organization appeared to be targeted for its legitimate defense of human rights of LGBTI persons. In addition, legal actions against Atlas of Hate appeared to be taken in a context of a widespread strategic litigation against public participation (SLAPPs) against human rights defenders of LGBTI people in Poland. They asked Poland to provide information on measures to prevent SLAPPs in Poland, in particular with regard to the defense of the rights of LGBTI people ([POL 2/2022](#)).

In April 2022, the Working Group on Discrimination against Women and Girls, the Special rapporteur on the right of everyone to highest attainable standards of physical and mental health, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences started a dialogue with Poland concerning the imminent court hearing of Ms. Justyna Wydrzyńska, a female human rights defender facing criminal charges for assisting a victim of gender-based violence in obtaining a voluntary termination of her pregnancy through medication. This unprecedented hearing was scheduled to take place on Friday 8 April 2022 in Warsaw. They expressed serious concern that the charges against Ms. Wydrzynska appeared to punish her work as a human right defender and to instill fear among all of those who are supporting Polish women in accessing safe abortion care. They also expressed grave concern that female human rights defenders were prosecuted for acts that should never be a crime ([POL 4/2022](#)).

Other – please specify

Universal Periodic Review (UPR): The next Poland UPR review took place in 2022. Kindly note that the Report of the Working Group on the Universal Periodic Review with recommendations accepted by Poland will be adopted during the next session of the Human Rights Council that will be held between 27 February and 31 March 2023.