

Annual Rule of Law Report - Council of Europe contribution



2026

Directorate General Human Rights and Rule of Law (DG I)

Poland

I Justice System

CEPEJ

The European Commission for the Efficiency of Justice (CEPEJ) regularly collects data on judicial systems concerning efficiency and quality of the justice system. In the framework of the CEPEJ Study for the EU Justice Scoreboard, CEPEJ prepares Country profiles annually, including [Poland](#).

The 2024 data have been collected, quality checked and sent to DG-JUST in the framework of the 2026 EU Justice Scoreboard. The publication of the country profiles based on 2024 data will depend on final acceptance of the CEPEJ Study by DG-JUST. The CEPEJ Secretariat (christel.schurrer@coe.int) remains at the disposal of European Commission for any question related to these data.

EXECUTION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

Official statistics on the execution of judgments of the European Court of Human Rights are published in the Committee of Ministers [Annual reports on the execution](#) (next edition to be published in March 2026). The Department for the Execution of Judgments can be consulted for any question on statistics: DGI-Execution@coe.int.

Appointment and selection of judges and prosecutors and court presidents

[Xero Flor w Polsce sp. z o.o.](#) (4907/18) (enhanced supervision) mostly concerns the infringement of the right to a tribunal established by law on account of the participation in the Constitutional Court's panel that in 2017 rejected the applicant company's constitutional complaint of Judge M.M., whose election to the Constitutional Court in 2015 was vitiated by grave irregularities that impaired the very essence of the right at issue (violation of Article 6 § 1 of the Convention, right to a tribunal established by law). A fundamental rule applicable to the election of Constitutional Court judges was breached as the eighth-term *Sejm* proceeded to elect three Constitutional Court judges, including M.M., even though the respective seats had already been filled by the three judges elected by the previous *Sejm*.

Latest decision: [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2025\)1537/H46-27E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2025)1537/H46-27E)

Latest submission from the authorities: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)896E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)896E)

Reczkowicz (43447/19) and clone cases: *Dolińska-Ficek and Ozimek* (49868/19), *Advance Pharma Sp. z o.o.* (1469/20) (enhanced supervision): In these cases, the European Court found that judges of various chambers in the Supreme Court (SC) (Disciplinary Chamber, Chamber of Extraordinary Review, Civil Chamber) that dealt with the applicants' cases were appointed "in an inherently deficient procedure" on the motion of the National Council of the Judiciary (NCJ), lacking independence from the legislature and executive. The NCJ, as constituted after March 2018, lacked independence from the legislature and the executive because of a 2017 reform depriving the judiciary of the right to elect judicial members of the NCJ (violation of Article 6 § 1). The European Court also criticised in some of the cases the decision of the President of Poland to appoint judges in manifest disregard for the rule of law, where the implementation of relevant NCJ resolutions providing a legal basis for the appointments had been stayed, and their legal validity had yet to be determined.

Wałęsa pilot-judgment (50849/21) (enhanced supervision): In this case apart from finding that a panel of judges of the SC Chamber of Extraordinary Review that reversed a civil defamation judgment in the applicant's favour was appointed "in an inherently deficient procedure" and not complying with the requirement of a court established by law (violation of Article 6 § 1), the European Court also found that the judgment of the SC was rendered following the Prosecutor General's extraordinary appeal on the defendant's behalf, in a procedure which was incompatible with the principle of legal certainty (violation of Article 6 § 1).

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Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

Broda and Bojara (26691/18) (enhanced supervision): premature termination of the applicants' term of office as vice-presidents of a regional court, which had not been examined either by an ordinary court or by another body exercising judicial duties, on the basis of temporary legislation as in force between 12 August 2017 and 12 February 2018, whose compatibility with the requirements of the rule of law appeared doubtful (violation of the right of access to a court guaranteed by Article 6 § 1 of the Convention).

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Pajak and Others (25226/18) (enhanced supervision): refusal of the Minister of Justice and the National Council of Judiciary in 2018 to authorise the applicants to continue performing their judicial duties after reaching retirement age, lowered by a discriminatory legislation to 60 for women judges, without any fundamental requirements of procedural fairness, notably without providing reasons and without judicial review (violation of Article 6 and violation of Article 14 in conjunction with Article 8).

Latest decision: [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2025\)1537/H46-26E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2025)1537/H46-26E)

Latest submission from the authorities: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)883E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)883E)

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

Grzęda (43572/18)(enhanced supervision): the lack of judicial review of the premature *ex lege* termination of the mandate of the applicant, a judge of the Supreme Administrative Court elected in 2016 as judicial member of the NCJ for a four-year mandate. The termination of his mandate was the result of the same 2017 reform that transferred the power to elect judicial members of the NCJ from the judiciary to the lower chamber of the Parliament and removed judicial members from office who were elected under the previous system (violation of Article 6 § 1).

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Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

Żurek (39650/18) (enhanced supervision) concerns the measures applied by the authorities between 2016 and 2018 against the applicant, a judge of the Cracow Regional Court and also a judicial member of the National Council of the Judiciary (NCJ) and its spokesperson, in connection with the views that he had expressed in defence of the rule of law and judicial independence, consisting in his dismissal as spokesperson for the regional

court, combined with the authorities' decisions to audit and declassify his financial declaration, and with inspection of his judicial work (violation of Article 10 of the Convention). The Court found that the accumulation of such measures could be characterised as a strategy aimed at intimidating (or even silencing) the applicant because of his views.

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Submission from the authorities: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2025\)895E](https://hudoc.exec.coe.int/eng?i=DH-DD(2025)895E)

[Juszczyszyn](#) (35599/20) (enhanced supervision): The case concerns the applicant's suspension from exercising judicial duties by the Disciplinary Chamber of the Supreme Court in February 2020, for issuing an order directing the head of the Chancellery of the *Sejm* to produce copies of the endorsement lists for the judicial candidates to the National Council of the Judiciary (NCJ), enabling verification whether the appointment of another judge on the motion of the NCJ as elected in March 2018 was lawful. The interpretation and application of the grounds for disciplinary liability by the Disciplinary Chamber in its decision suspending the applicant were manifestly unreasonable and the applicant could not foresee that the issuance of the order could lead to his suspension. Therefore, the applicant's suspension, to a very significant degree affecting his private life, was not considered by the Court being in accordance with the law (violation of Article 8). The predominant purpose of the applicant's suspension was to sanction and dissuade him from assessing the status of judges appointed upon the recommendation of the recomposed NCJ by applying the relevant standards, including those stemming from Article 6 § 1 of the Convention (violation of Article 18 in conjunction with Article 8).

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[Tuleya](#) (21181/19) concerns lifting of the applicant's immunity on 18 November 2020 to allow a criminal prosecution against him in connection with an act intrinsically linked to the exercise of judicial duties,[4] by the Disciplinary Chamber of the Supreme Court, which was not an independent and impartial tribunal established by law (violation of Article 6 § 1). The lifting of immunity and the disciplinary inquiry in 2018 into the applicant's reference for a preliminary ruling (concerning the new system of disciplinary liability for judges), calling into question his integrity and preventing him from exercising official duties for over two years, constituted an interference with his right to private life, which was unlawful (violation of Article 8). The lifting of immunity and disciplinary inquiries initiated in 2018 concerning his public statements also infringed his right to freedom of expression, as they did not pursue any legitimate aim and the inquiries were deprived of minimum procedural safeguards, notably the right to be informed of their termination (violation of Article 10).

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Length of proceedings

[Bgk](#) (No. 7870/04), [Majewski](#) (No. 52690/99), [Rutkowski and Others](#) (No. 72287/10) (enhanced supervision): Excessive length of criminal and civil proceedings respectively and problems in the functioning of the remedy for the excessive length of proceedings. No new developments in 2025, above link provided for information.

[Beller group](#) (51837/99) (enhanced supervision): excessive length of proceedings before administrative courts and bodies and ineffectiveness of the domestic remedies against the excessive length of administrative proceedings. No new developments in 2025, above link provided for information.

CHILDREN'S RIGHTS

The joint European Union - the Council of Europe Child-friendly Justice project aims to improve the protection of children in contact with the law – as offenders, victims or witnesses in non-judicial, judicial (such as civil and criminal cases) and administrative proceedings – across Europe at national and local level. Focus countries of the project are Belgium, Slovenia and Poland. These countries have undergone assessments on child-friendly justice using the Child-Friendly Justice Assessment Tool (in [English](#), [French](#), [Slovenian](#), [Dutch](#)). Recommendations were formulated to improve the justice systems in this regard.

[Project website](#)

Final self-assessment on child-friendly justice in Poland available on request, no link is available.

VENICE COMMISSION

Forthcoming - Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft law concerning the status of judges appointed or promoted between 2018 and 2025 and other related matters.

[CDL-PI\(2024\)033](#) - Information on the follow-up to the Urgent Joint Opinion on the draft law amending the Law on the National Council of the Judiciary (CDL-AD(2024)018)

II Anti-corruption framework

GRECO

[Third Interim Compliance Report including Follow-Up to the Ad Hoc \(Rule 34\) Report](#) (15 January 2025)
[Rounds](#)

4th round: Prevention of corruption in respect of members of parliament, judges and prosecutors

[Addendum to the Second Compliance Report](#) (7 August 2025)

5th round: Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies

III Media pluralism

FREEDOM OF EXPRESSION

In 2025, the [Council of Europe's Division for Cooperation on Freedom of Expression](#) provided legal and policy support to Poland on draft legislation connected to media freedom and freedom of expression, as follows:

- At the request of the Ministry of Justice of Poland, a legal opinion was prepared on the draft Law on the protection of persons participating in public participation from manifestly unfounded claims or abusive court proceedings (SLAPPs). The Legal Opinion was transmitted in July 2025 and discussed with the Ministry during a Council of Europe peer exchange on countering SLAPPs, which took place in September 2025 in Warsaw.
- At the request of representatives of the Polish civil society, a follow-up Legal Opinion was prepared and delivered in October 2026 - to analyse the compliance of the same draft Law with the recommendations of the preceding Council of Europe Legal Opinion on SLAPPs, and contribute to interministerial consultations.

In January 2026, at the request of Poland's Society of Journalists, a Policy Advice Report was prepared on the draft amendments to Poland's Radio and Television Act (1992) which aimed to transpose the European Media Freedom Act at the national level. The Report was delivered both to the requesting party and the competent national authority – the Ministry of Culture.

IV Other institutional issues related to checks and balances

PACE

Monitoring committee

Poland | [Doc. 16316](#)

Due to the presidential election no co-rapporteurs' visits took place during 2025. On 9 September 2025, Mr Christophe Brico (Monaco, EPP/CD) was appointed co-rapporteur to replace Mr Pieter Omtzigt (Netherlands, EPP/CD) who had left the Assembly. Ms Rojhan, whose term was nearly ended resigned as rapporteur in January 2026 and will be replaced in March 2026

The presidential election in Poland took place on 18 May and 1 June 2025, against a backdrop of deep political polarisation and unresolved institutional disputes that have defined the country since 2015. This election was observed by an IEOM of which the Assembly was a part. The IEOM concluded that "the presidential election in Poland was competitive and well managed, but deeply affected by long-standing political polarisation, media bias, and continuing controversies regarding the independence of key oversight institutions. Both rounds respected fundamental freedoms, and election day was calm and professionally organised. However, ballot secrecy was not always ensured, campaign finance lacked transparency, and disinformation and foreign interference posed serious risks".

Mr Karol Nawrocki, who was supported by Law and Justice party (PiS) and its allies, narrowly won the second round of the elections with 50.89% of the vote, beating Mr Rafał Trzaskowski, who was supported by the parties of the governing coalition, who received 49.11% of the vote. This result highlights the deep political division in the country. As a result, the President and Government of Poland continue to belong to opposing political camps. In the polarised political climate of the country, this risks a continuation of the constitutional standoff between the government and the president that has plagued the country since the last parliamentary elections. This standoff has impeded the necessary judicial reforms demanded by the European Court of Human Rights in its judgments on the judiciary's lack of independence. It is likely that the President Nawrocki will continue former President Duda's practice of blocking practically all of the government's legal initiatives, including the much-needed judicial reforms demanded by the European Court of Human Rights. The need for these urgent reforms to the rule of law was underscored by the Court of Justice of the European Union's judgment on 4 September 2025, which ruled that any judicial decision rendered by a panel that does not comply with the requirements of EU law – in other words, any decision involving judges appointed after the controversial reform of the National Council of the Judiciary in 2017 – must be declared null and void.

On 23 July 2025, Prime Minister Tusk announced a government reshuffle in the wake of the presidential election. The most notable change was the dismissal of the Minister of Justice Mr Adam Bodnar, who was replaced by Mr Waldemar Żurek, a former member and spokesperson of the National Council of the Judiciary and one of the most vocal critics of PiS-led reforms.

To support the reform of the judiciary, the Monitoring Committee requested an opinion from the Venice Commission on the draft laws on the status of judges, prepared by the Codification Commission of the Polish Ministry of Justice, on 4 March 2025. On 10 October 2025, Waldemar Żurek formally presented the draft law, titled "Act on Restoring the Right to an Independent and Impartial Court Established by Law by Regulating the Effects of Resolutions of the National Council of the Judiciary Adopted in 2018–2025. This will now enable the Venice Commission to finalise its opinion in the near future.

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