

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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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, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

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.

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

## Type of information

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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:

## 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, heads of independent authorities included in the scope of the questionnaire[2])

## D) 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.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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.

[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

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\* 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

Human Rights Watch

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☒ Other

If "Other", please specify

Human rights

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

500 character(s) maximum

<https://www.hrw.org> - The information provided in this survey was published on January 11, 2024 as part of our Human Rights Watch's annual World Report for 2023, covering rights trends in 100+ countries around the globe, including dedicated chapters for countries in the EU. Available at the following web location: <https://www.hrw.org/world-report/2024>

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

56362448807-46 <https://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=56362448807-46>

\* 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 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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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 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*



- Concerns about declining democratic freedoms and shrinking civil society space deepened in many member states [<https://www.hrw.org/news/2023/01/04/creeping-civil-society-curbs-europe-threaten-rights-2023>].
- Two EU member states, Hungary and Poland, continue to face scrutiny under article 7 of the Treaty on European Union (TEU) over their governments' persistent disregard for the democratic and human rights values on which the EU is founded. While EU member states continued to engage in political dialogue around the article 7 procedure regarding Hungary and Poland, they avoided putting to a vote whether either state's actions constituted a "clear risk of a serious breach" of EU values or to adopt recommendations to addresses these breaches.
- Despite persistent concerns over rule of law, on December 13 the European Commission concluded that Hungary had met benchmarks linked to judicial independence and announced it was unfreezing €10 billion in EU cohesion funds. The Commission maintained a freeze on €21 billion in other funds linked to ongoing breaches of rule of law principles in Hungary [<https://www.hrw.org/news/2023/12/20/hungary-vs-ukraine-how-do-you-deal-orban>].
- Neither Hungary nor Poland have received EU COVID-19 recovery funds because of their failure to meet core benchmarks. In Poland, these relate to the justice system, and in Hungary to corruption, judicial independence, and transparent decision-making.
- Both governments continued to flout rulings of the EU Court of Justice with little consequence.
- As of mid-November, 16 EU member states had joined the European Commission's 2021 infringement against Hungary for its anti-LGBT child protection law. These proceedings are noteworthy in that they target Hungary and Poland for their breach of EU fundamental values and principles as enshrined in article 2 of TEU rather than breaches of individual EU laws.
- The European Parliament's Democracy, Rule of Law and Fundamental Rights Monitoring Group continued its scrutiny of member states, including on the follow-up of court cases concerning the murders of journalists in Malta and Slovakia; ongoing corruption investigations and the dismissal of the prosecutor general in Bulgaria; freedoms of expression and demonstration and policing in France; and the undermining of independent public bodies, freedom of the press, and civil society in Greece.
- The use of spyware against journalists, lawyers, politicians, and others in Greece, Hungary, Spain, and Poland remains a concern.

## Questions for contribution

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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 State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[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.

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.

[3] 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

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

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

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

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

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

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

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

## 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*

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*

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

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

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 under section 2)*

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

*5000 character(s) maximum*

Resources of the judiciary (human/financial/material)

*(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, particularly electronic communication 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 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 specialization, 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)*

Length of proceedings

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## II. Anti-Corruption Framework

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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 2023 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 measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*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 and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

*5000 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)

*5000 character(s) maximum*

Rules and measures to prevent and address 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*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, 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)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Repressive measures

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

*5000 character(s) maximum*

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

*5000 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)

*5000 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

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 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 adopted 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 (including any rules regulating the matter)

*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 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*

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

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

*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*

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

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

*5000 character(s) maximum*

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

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

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*

Other - please specify

*5000 character(s) maximum*

## IV. Other institutional issues related to checks and balances

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 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 consultation of judiciary and other relevant stakeholders on judicial reforms), 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*

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 of 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

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

5000 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)

5000 character(s) maximum

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

5000 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)

5000 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.)

5000 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, education initiatives etc.)

5000 character(s) maximum

In May, and with subsequent amendments in July, Poland passed a controversial law creating a commission to investigate “Russian influence” in the country between 2007 and 2022 and giving the commission power to ban opposition party members from public office without judicial oversight. Critics dubbed the law “lex Tusk” because of concerns it would be used to discredit, now, Prime Minister Donald Tusk. Proposed in May, the law met with criticism from the United States and EU, including infringement proceedings launched by the European Commission. Amendments introduced by President Andrzej Duda fell short of addressing

concerns about the possible targeting of opposition party members and others suspected of being under “Russian influence.”

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

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

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

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

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

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

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

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

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

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

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

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

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

## Contact

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