

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION

POLAND

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on Economic, Social and Cultural Rights (CESCR) adopted its concluding observation on Poland on 27 September 2024 and advanced unedited report ([E/C.12/POL/CO/7](#)) is available.
 - The Special Rapporteur on violence against women, its causes and consequences visited Poland from 27 February to 9 March 2023. The Special Rapporteur published the official report ([A/HRC/56/48/Add.1](#)) at the 55th session of the UN Human Rights Council (18 June - 12 July 2024).
 - The Special Rapporteur on the situation of human rights defenders presented a thematic report contributions made by human rights defenders to achieving the Sustainable Development Goal ([A/79/123](#)) to the 79th session of the UN General Assembly.
- Forthcoming relevant information (January - May 2025): N/A
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Poland](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors & lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Independence – appointments

- The Committee on Economic, Social and Cultural Rights is concerned about reports that the judicial system, including personnel matters regarding appointments, promotions, demotions and place of work of judges and prosecutors, has been influenced by other branches of the government of the State party. ([E/C.12/POL/CO/7, para. 8](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party:
 - (a) Safeguard, in law and in practice, the full independence and impartiality and of judges and prosecutors and prevent them from being influenced in their decision-making by any form of undue political pressure, unwarranted disciplinary proceedings, threats, and corruption;
 - (b) Ensure that procedures for the selection and appointment of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary. ([E/C.12/POL/CO/7, para. 9](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

Independent authorities

- The Committee on Economic, Social and Cultural Rights is concerned about reports that high-level corruption has risen in recent years. The Committee is also concerned about reports that the Central Anti-corruption Bureau (CBA) is not independent and has been instrumentalized by the State party to persecute political opponents, judges and public officials on spurious and selective basis rather than a substantive basis, and that CBA officials investigating and/or prosecuting corruption case are subject to conflicts of interests or political pressure (art. 2 (1)). ([E/C.12/POL/CO/7, para. 20](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party:
 - (a) Promptly, independently and impartially investigate and prosecute all cases of corruption, particularly high-level corruption, including corruption in the government and the judiciary, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;
 - (b) Ensure the independence, effectiveness, transparency and accountability of anti-corruption bodies, including considering revising and strengthening existing legislation to that effect;
 - (c) Revise and supplement the legal framework and physical protection regimes to better protect whistle-blowers, investigators, journalists and private individuals, prevent undue harassment of

legitimate anti-corruption activities and ensure access to publicly held information.
([E/C.12/POL/CO/7, para. 21](#))

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Framework for journalists' protection

- The Committee on Economic, Social and Cultural Rights is concerned about reports that human rights defenders, journalists and lawyers working on human rights, including women human rights defenders, have been subjected to campaigns aimed at undermining said persons' reputation, as well as harassment, intimidation, and reprisals as a result of their work, including being prosecuted. ([E/C.12/POL/CO/7, para. 10](#))

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- The Committee on Economic, Social and Cultural Rights is concerned about reports of political interference regarding the procedure for the appointment of the Commissioner for Human Rights, as well

as reports about campaigns aimed at undermining its reputation, and lawsuits by public media entities and individuals appointed by the State party, which prevents the Commissioner for Human Rights from fully discharging its mandate, including receiving and processing complaints from victims of alleged human rights violations (art. 2 (1)). ([E/C.12/POL/CO/7, para. 6](#))

- The Committee on Economic, Social and Cultural Rights recommends that the State party take all necessary measures to enable an environment where the Commissioner for Human Rights can discharge all its duties effectively and independently, and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and guarantee its independence. ([E/C.12/POL/CO/7, para. 7](#))

The enabling framework for civil society – framework to ensure access to funding

- The Committee on Economic, Social and Cultural Rights is concerned about reports that the 2017 Law on the National Freedom Institute – Centre for Civil Society Development, which centralises the distribution of funds, including for civil society organisations working specifically on economic, social and cultural rights, has reportedly been used to de facto punish certain civil society organisations deemed by the State party to be politically unreliable by reducing funding, and correspondingly increase funding to civil society organisations deemed politically reliable by the State party. The Committee is also concerned about reports of restrictions on the access of civil society organisations providing humanitarian assistance to migrants and refugees in border areas of the State party. ([E/C.12/POL/CO/7, para. 12](#))
- The Committee on Economic, Social and Cultural Rights recalls its statement on human rights defenders and economic, social and cultural rights and recommends that the State party:
 - (a) Review the 2017 Law on the National Freedom Institute – Centre for Civil Society Development to ensure that the allocation of funding to civil society organisations advance, and not reduce, the fulfilment of economic, social and cultural rights;
 - (b) Allow civil society organisations to conduct their work without undue hinderance, including providing humanitarian aid to refugees and migrants. ([E/C.12/POL/CO/7, para. 13](#))

The enabling framework for civil society - intimidation

- The Special Rapporteur on violence against women in her country visit report noted that: prior to the 2023 elections, women human rights defenders were increasingly facing charges, often brought by high-ranking officials and ultra-conservative groups, of “offending religious feelings”. The charges were based on their legitimate work in protecting gender equality, lesbian, gay, bisexual, transgender and intersex rights, and sexual and reproductive health and rights, as well as sexuality education. The influence of faith-based organizations such as Ordo Iuris has been significant in contributing to the pushback against gender equality, especially through its public media campaigns. ([A/HRC/56/48/Add.1, para. 40](#))
- The role of NGOs and women human rights defenders is critical, particularly in ensuring that the rights of migrant and refugee women and girls, women and girls with disabilities and women and girl victims of trafficking are upheld and in providing access to sexual and reproductive health and rights. The Special Rapporteur regrets the former Government’s reluctance to take full responsibility for the aforementioned groups of women and girls, and hopes that, going forward, measures will be taken to ensure that fully funded support services are made available to address the current challenges. ([A/HRC/56/48/Add.1, para. 41](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party take all necessary measures to ensure an enabling environment for human rights defenders, including women

human rights defenders, working on economic, social and cultural human rights, including by reviewing relevant legislation to decriminalize such work. ([E/C.12/POL/CO/7, para. 11](#))

Accessibility and judicial review of administrative decisions – decision from European Court of Human rights

- The right to access abortion was reasserted by the European Court of Human Rights, which held that rollbacks on legal entitlements to abortion in Poland that had taken effect in 2021, following a ruling in 2020 by the illegitimate Constitutional Tribunal, violated a woman’s right to respect for privacy under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). The European Court of Human Rights ruled that because she had been denied access to abortion in Poland following the 2021 rollbacks, her rights had been violated, and it ordered Poland to provide compensation to the woman. The European Court of Human Rights, in 2007, 2011 and 2012, ruled against Poland and its restrictive laws and policies around abortion and reproductive rights, in *R.R. v. Poland*, *P. and S. v. Poland* and *Tysi c v. Poland*. Poland has failed to implement these decisions effectively, all of which found Poland to be in violation of the European Convention on Human Rights with respect to women’s reproductive rights. Since the Constitutional Tribunal ruling came into force in January 2021, more than 1,000 women have turned to the European Court of Human Rights in an effort to assert their rights. ([A/HRC/56/48/Add.1, para. 18](#))