

## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and 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.”*

### Office of the UN High Commissioner for Human Rights (OHCHR)

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.

OHCHR 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’s contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner’s office (see diagram on the next page).

In line with the scope of the European Commission’s Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

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

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

**The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.**

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: 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 and 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](#)

## Pillar 3: 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 \(CCPR/C/GC/34\)](#)

## Pillar 2: 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:

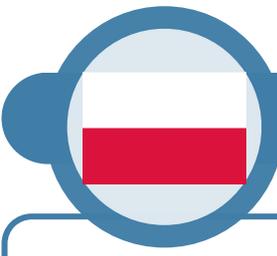
- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

## Pillar 4: 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](#)



## Poland: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The special procedures of the UN Human Rights Council issued a [press release](#) “UN experts call for Justyna Wydrzyńska’s acquittal” on 4 March 2025. Previously, the experts have sent a communication letter to Poland ([POL 4/2022](#), 7 April 2022) on this matter and submitted a related [Amicus Curiae](#) to the European Court of Human Right (5 November 2021).
  - The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity visited Poland from 18 to 29 November 2024. An official report of the visit ([A/HRC/59/43/Add.2](#)) was published at the 59th session of the UN Human Rights Council on 22 April 2025.
  - The UN High Commissioner for Human Rights issued a [press release](#) “UN Human Rights Chief Volker Türk gravely alarmed by steps to withdraw from anti-personnel mine ban convention” on 2 July 2025.
- **Summary of information which could be of particular relevance to the Rule of Law report:**
  - Under pillar 1 on justice system, relevant findings and recommendations (quality of justice) were issued by UN human rights mechanisms.
  - Under pillar 3 on media freedom, relevant findings and recommendations (safeguards against government or political interference and transparency and concentration of media ownership) were issued by UN human rights mechanisms.
  - Under pillar 4 on checks and balances, relevant findings and recommendations (the enabling framework for civil society, other) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
  - The UN Committee against Torture will consider the State Party report from Poland in a future session ([date to be confirmed](#)).
- **Resources:**
  - Rule of Law in Europe | [OHCHR](#)
  - Country page on [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.

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### Quality of justice - Resources of the judiciary and training of justice professionals

The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity recommends that the Ministry of Justice: [...]

(b) [...] provide additional training to ensure proper investigations; [...]

(g) Develop and implement mandatory, effective training for judges, prosecutors and other legal professionals on national and international anti-discrimination legal standards. ([A/HRC/59/43/Add.2](#), para. 115)

## 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](#)
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### Safeguards against government or political interference and transparency and concentration of media ownership - Safeguards against state / political interference

While in Government, the Law and Justice Party (PiS) passed media laws allowing it to replace public media leadership and create the National Media Council, which it staffed with political appointees. This undermined media independence and fuelled State-sponsored anti-LGBT rhetoric. In December 2023, the Ministry of Justice publicly apologized to LGBT people for past mistreatment by State actors and media. Interviewees described this as a turning point, marking a decline in inflammatory discourse, improved civil society access to officials and the prospect of legislative reform. Recent surveys also show a notable shift in public attitudes on social issues, including LGBT rights. ([A/HRC/59/43/Add.2](#), para. 13)

## 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](#)
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### 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 (Women human rights defender)

In its [press release](#) of 4 March 2025, the special procedures of the UN Human Rights Council urged Poland to acquit human rights defender Justyna Wydrzyńska, who was sentenced in March 2023 to eight months of community service – 30 hours a month – for “helping to perform an abortion”. Wydrzyńska’s sentence was overturned in February 2025, and she is facing a new trial.

In a previous communication letter to Poland ([POL 4/2022](#)) concerning imminent court hearing of Ms. Justyna Wydrzyńska, the experts received following information:

- Ms. Wydrzyńska is a 47-year-old woman human rights defender, mother of three children and a survivor of gender-based domestic violence. She is one of the founders of an activist collective that campaigns against abortion stigma in Poland since 2006 and offers trainings and unbiased counselling on how to obtain safe abortion.
- In February 2020, at the beginning of the COVID-19 pandemic, and in the framework of her activism, Ms. Wydrzyńska provided assistance to a woman victim of intimate partner violence who was seeking support to voluntarily terminate her pregnancy. [...] On 24 February 2020, Ms. Wydrzyńska provided her with the necessary medication upon the victim's request.
- The experts would like to express serious concern that the charges against Ms Wydrzyńska appear intended to punish her work as a human rights defender and to instill fear among all of those who are supporting Polish women in accessing safe abortion care, and who already working in a hostile environment. It is of grave concern to us that women human rights defenders in Poland are being prosecuted for acts that should never be a crime.

### **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 (LGBT civil society organisations and human rights defenders)**

Several peaceful demonstrations encountered significant obstacles and inconsistent police protection. Organizers of LGBT equality marches faced additional challenges, including requirements that lacked a clear legal basis. For example, in Częstochowa, municipal authorities deemed a standard event notification insufficient and instead required organizers to submit an application for special road usage – a requirement not ordinarily imposed on other demonstrations. ([A/HRC/59/43/Add.2](#), para. 21)

LGBT human rights defenders have consistently faced legal actions. In January 2022, during a trial involving an activist who had been arbitrarily detained for 24 hours after the so-called Rainbow Night protest in 2020, the arresting officer admitted that officers had been instructed to stop all persons displaying the colours of LGBT, regardless of how they behaved. ([A/HRC/59/43/Add.2](#), para. 23)

In the fourth cycle of the universal periodic review, Poland received some 21 recommendations from States suggesting that it consider enhancing protections against discrimination and violence based on sexual orientation and gender identity, of which it rejected 12 and “noted” 7, without commitment, while accepting only 2. This is not surprising as, in that same year, the Independent Expert and the Special Rapporteur on the situation of human rights defenders reported that LGBT human rights defenders in Poland faced regular physical attacks, arbitrary arrests, detentions and intense smear campaigns. “We deserve to be listened to”, said Polish human rights defender Bart Staszewski at that time. Mr. Staszewski had faced multiple court cases and official smear campaigns for leading an art project that highlighted the creation of “LGBT ideology-free zones” in Poland. 9 A case against him in Zakrzówek was dismissed by the Lublin Court of Appeal in December 2024; another case, in Tuszów Narodowy, is ongoing and is scheduled to be heard by the Court of Appeal in Rzeszów in 2025.<sup>10</sup> Activists behind the interactive map “Atlas of Hatred” have been targeted with strategic lawsuits against public participation by the Government. ([A/HRC/59/43/Add.2](#), para. 26)

The Independent Expert on protection against violence and discrimination based on sexual orientation recommends that the Chancellery of the Prime Minister (including the Minister for Equality and Department for Equal Treatment):

(c) Ensure robust civil society inputs and consideration thereof in the development of laws and policies that affect them, including by providing adequate time for substantive input. ([A/HRC/59/43/Add.2](#), para. 109)

## Other – ideology frame in legislation

As interlocutors noted, resistance often emerges in response to opposition, and the LGBT movement in Poland grew in resilience and prominence during the period marked by sustained hostility from both State and non-State actors, including public media. During the visit, civil society representatives frequently cited the rise of “LGBT ideology-free zones” and a statement made by the President during the 2020 presidential campaign, which framed LGBT persons as “an ideology,” as defining moments of that era. ([A/HRC/59/43/Add.2](#), para. 17)

During this time, nearly 100 local councils adopted resolutions declaring their jurisdictions “LGBT ideology-free zones”. While lacking legal effect, these declarations carried a powerful symbolic weight, signalling to LGBT persons that they were unwelcome in their own communities. One individual in Kraków described the resolutions as “a formal call to informal discrimination”. Some local authorities adopted “family rights charters” with exclusionary provisions, including limiting access to municipal funding for LGBT organizations or initiatives focused on the protection of LGBT human rights. ([A/HRC/59/43/Add.2](#), para. 18)

In response, the national human rights institution, the Commissioner for Human Rights, alongside grass-roots activists and international pressure – including the threat of European Union funding cuts – challenged the “LGBT ideology” resolutions, leading to their eventual repeal. The Commissioner has also requested local authorities in Odrzywół, Dębica, and Łańcut to eliminate discriminatory provisions from the “family rights charters”. In March 2025, the District Governor of Łańcut shared an updated wording of the charter, which is currently under review by the Commissioner. However, the legacy of this period endures, with lasting symbolic and practical consequences, including ongoing mental health impacts on those who experienced the effects of such institutionalized marginalization. ([A/HRC/59/43/Add.2](#), para. 19)

In Poland, where until 1989 a socialist system based on communist ideology was in place, the term “ideology” carries particularly negative connotations, a sentiment reinforced in public discourse by senior officials who equated “LGBT ideology” with communism and Nazism. This framing served to further marginalize LGBT persons and delegitimize their claims to equal rights. Despite this hostile environment at the national and regional levels, some cities emerged as strongholds of resistance, providing a counterbalance to State-sponsored hostility and offering spaces of protection and support for LGBT communities. ([A/HRC/59/43/Add.2](#), para. 20)