



Poland

Ratified the European Convention on Human Rights in 1993

National Judge: Krzysztof Wojtyczek (5 November 2012 -)

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Jerzy Makarczyk (1992-2002) and Lech Garlicki (2002-2012)

[List of judges of the Court since 1959](#)

The Court dealt with 2,648 applications concerning Poland in 2023, of which 2,574 were declared inadmissible or struck out. It delivered 33 judgments (concerning 74 applications), of which 31 found at least one violation of the European Convention on Human Rights.

Applications processed in	2021	2022	2023
Applications allocated to a judicial formation	2883	2140	1843
Communicated to the Government	328	379	426
Applications decided:	1796	1915	2648
- Declared inadmissible or struck out (Single Judge)	1550	1719	1394
- Declared inadmissible or struck out (Committee)	215	159	1151
- Declared inadmissible or struck out (Chamber)	3	3	29
- Decided by judgment	28	34	74

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#). Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/01/2024	
Applications pending before a judicial formation:	1630
Single Judge	133
Committee (3 Judges)	614
Chamber (7 Judges)	883
Grand Chamber (17 Judges)	0

Poland and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **618** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

[Grzęda v. Poland](#)

15.03.2022

Reform of the judiciary in Poland as a result of which the office of a Supreme Administrative Court judge elected to the National Council of the Judiciary was terminated before the end of his four-year term.

Violation of Article 6 § 1 (right to a fair trial)

[Kudła v. Poland](#)

26.10.2000

Existence of an effective remedy to challenge the length of judicial proceedings.

No violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 5 § 3 (right to liberty and security)

Violation of Article 6 § 1 (right to a trial within a reasonable time)

Violation of Article 13 (right to an effective remedy)

Cases concerning protection of property (Article 1 of Protocol No. 1)

Violations of Article 1 of Protocol No. 1

[Broniowski v. Poland](#)

22.06.2004 (pilot judgment)¹

Failure to take measures to compensate persons repatriated from the "territories beyond the Bug River" after the Second World War who had had to abandon property there. Structural problem. Some 80,000 people concerned.

See also [decisions of 12.12.2007](#) noting that a new law had been passed to settle cases of this type.

¹ The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

See the document ["The Pilot judgment procedure"](#) which is available on the ECHR's website.

[Hutten-Czapska v. Poland](#)

19.06.2006 (pilot judgment)

Restrictive system of rent control which originated in laws passed under the former communist regime. The ceiling on rents was so low that they did not even cover building maintenance costs. Structural problem. Some 100,000 people concerned.

See also [Grand Chamber judgment of 28.04.2008](#) noting that a new law had been passed to settle cases of this type, and [closure of the pilot judgment procedure](#).

Noteworthy cases, judgments delivered

Chamber

Right to life cases (Article 2)

Violation of Article 2

[Olewnik-Cieplińska and Olewnik v. Poland](#)

05.09.2019

The case concerned the kidnapping and murder of the applicants' brother and son, Krzysztof Olewnik. He was kidnapped in 2001, detained and ill-treated for over two years, then murdered despite the handover of the ransom demanded by the kidnappers. His body was recovered in 2006.

The Court found in particular that the domestic authorities had to be considered responsible for a series of serious errors on the part of the police in dealing with Mr Olewnik's kidnapping, which had ultimately resulted in his death.

[Mojsiejew v. Poland](#)

24.03.2009

Death in a sobering-up cell. Failure by the authorities to explain the circumstances of the death and to investigate.

Cases dealing with inhuman or degrading treatment or punishment (Article 3)

Violations of Article 3

[Orchowski v. Poland and Sikorski v. Poland](#)

22.10.2009

Structural problem of overcrowding in Polish prisons.

[Kupczak v. Poland](#)

25.01.2011

Paraplegic man suffering from severe chronic pain detained for over two and a half years without adequate medication.

[R.R. v. Poland \(no. 4047/07\)](#)

26.05.2011

Baby born severely disabled, his mother having been denied timely access to an amniocentesis.

[Piechowicz v. Poland and Horych v. Poland](#)

17.04.2012

Both cases concerned a regime in Polish prisons for detainees who are classified as dangerous.

[Violation of Article 5 §§ 3 and 4 \(right to liberty and security\) in the case *Piechowicz v. Poland*](#)

[P. and S. v. Poland \(no. 57375/08\)](#)

30.10.2012

The case concerned the difficulties encountered by a teenage girl, who had become pregnant as a result of rape, in obtaining access to an abortion, in particular due to the lack of a clear legal framework, procrastination of medical staff and also as a result of harassment.

[Al Nashiri v. Poland and Husayn \(Abu Zubaydah\) v. Poland](#)

24.07.2014

These cases concerned allegations of torture, ill-treatment and secret detention of two men suspected of terrorist acts. The applicants allege that they were held at a CIA "black site" in Poland.

[In both cases:](#)

[Violation of Article 3 \(prohibition of torture and inhuman or degrading treatment\), in both its substantive and procedural aspects](#)
[Violation of Article 5 \(right to liberty and security\)](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

[Violation of Article 6 § 1 \(right to a fair trial\)](#)

[The Court also decided that Poland had failed to comply with its obligation under](#)

[Article 38 of Convention \(obligation to furnish all necessary facilities for the effective conduct of an investigation\).](#)

[As regards Mr Al Nashiri, the Court further held that there had been a violation of Articles 2 \(right to life\) and 3 of the Convention taken together with Article 1 of Protocol No. 6 \(abolition of the death penalty\).](#)

[Kanciał v. Poland](#)

23.05.2019

The case concerned the applicant's allegations of police brutality during a raid by law-enforcement officers, in particular the use of an electrical discharge weapon.

[M.K. and Others v. Poland \(nos. 40503/17, 42902/17 and 43643/17\)](#)

23.07.2020

The case concerned the repeated refusal of Polish border guards on the border with Belarus to admit the applicants, who had come from Chechnya and had asked for international protection.

[Liu v. Poland](#)

06.10.2022

The case concerned the extradition proceedings brought against the applicant, on conclusion of which (in 2020) the Polish courts had authorised his handover to the authorities of the People's Republic of China. He was wanted for trial there in connection with a vast international telecomsfraud syndicate following a Sino-Spanish investigation. It also concerned his detention in Poland pending extradition.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

[No violations of Article 3](#)

[Rywin v. Poland](#)

18.02.2016

The case concerned a corruption scandal involving Mr Rywin, a well-known film producer, which arose in the context of parliamentary proceedings for the amendment of the Broadcasting Act.

Cases dealing with Article 5 (right to liberty and security)

[Stokłosa v. Poland](#)

03.11.2011

The case concerned a complaint by a well-known ex-politician and businessman

that a junior judge, appointed by the Minister of Justice, detained him in breach of the Convention.

[Violation of Article 5 § 3](#)

[Grabowski v. Poland](#)

30.06.2015

Mr Grabowski, 17 years old at the time, complained that his placement in a shelter for juveniles had been extended for a period of five months without a specific court order, pending a decision in correctional proceedings against him.

[Violation of Article 5 §§ 1 and 4](#)

Cases concerning Article 6

[Right to a fair trial](#)

[Matyjek v. Poland](#)

24.04.2007

The fairness of “lustration proceedings” aimed at exposing persons who worked for or collaborated with the State’s security services during the communist period.

[Violation of Article 6](#)

[Chim and Przywieczerski v. Poland](#)

12.04.2018

The case concerned the applicants’ trial and conviction for various offences related to the State-run Fund for the Service of Foreign Debt (FOZZ). The first applicant was a senior manager at the Fund while the second headed a company which had dealings with it.

[Violation of Article 6](#)

[Słomka v. Poland](#)

06.12.2018

The case concerned the applicant’s 14-day custodial sentence for contempt of court after shouting slogans during the trial of communist-era generals who ordered martial law in the 1980s.

[Violation of Article 6](#)

[Violation of Article 10 \(right to freedom of expression\)](#)

[Ćwik v. Poland](#)

05.11.2020

The case concerned Mr Ćwik’s complaint that proceedings against him for drug-trafficking had been unfair. He complained in particular that the courts had admitted in evidence statements by a third party which had been obtained through torture by members of a criminal gang.

[Violation of Article 6](#)

[Lalik v. Poland](#)

11.05.2023

The case concerned the applicant’s defence rights and privilege against self-incrimination. In January 2016, while drunk, the applicant set fire to his drinking partner’s jacket, with the latter sustaining severe burns and dying as a result. The applicant was convicted of aggravated murder and sentenced to 25 years’ imprisonment. The judgments of the national courts referred explicitly to statements he had made during his informal questioning which had taken place before he had seen a lawyer and allegedly while still under the effect of alcohol.

[Violation of Article 6 § 3 \(c\) \(right to legal assistance of own choosing\)](#)

[Wałęsa v. Poland](#)

23.11.2023

The case concerned proceedings in which, following an extraordinary appeal by the Prosecutor General, the Chamber of Extraordinary Review and Public Affairs (“CERPA”) of the Supreme Court reversed the final civil-court judgment which had been given in the applicant’s favour in a defamation case some ten years earlier.

In view of the systemic nature of the alleged violations of Article 6 § 1 of the Convention, the Court applied the pilot-judgment procedure in this case. It found that the Chamber of Extraordinary Review and Public Affairs, which had examined the extraordinary appeal, was not an “independent and impartial tribunal established by law” and held that the extraordinary appeal had been incompatible with the rule of law, and notably with the principles of legal certainty, *res judicata* and foreseeability of the law.

Identifying that these violations originated in interrelated systemic problems connected with the malfunctioning of national legislation and practice, the Court called for urgent remedial measures.

[Systemic violation of Article 6 § 1 as regards Mr Wałęsa’s right to an independent and impartial tribunal established by law](#)

[Systemic violation of Article 6 § 1 for breaching the principle of legal certainty](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

Application inadmissible

[Kwiatkowski v. Poland](#)

16.05.2019

The case concerned the adoption, by the *Sejm* (Polish Parliament), of a report concerning allegations of corruption in connection with the amendment of the Broadcasting Act. The report was alleged to have impugned the applicant's reputation and to have constituted a criminal conviction, without affording him an effective remedy.

[Application declared inadmissible as manifestly ill-founded.](#)

Issues related to the judiciary in Poland

[Xero Flor w Polsce sp. z o.o. v. Poland](#)

07.05.2021

The case concerned attempts by the applicant company to get compensation from the State for damage to one of its products (turf) by game. In particular, it had sued in 2012 but had been awarded only 60% of what it had sought. It had been unable to get satisfaction through the domestic courts. Although it had asked on several occasions that the question of the constitutionality of the relevant law be referred to the Constitutional Court, it had been turned down by the first-instance and appellate courts. Ultimately it had lodged a constitutional complaint that the Constitutional Court had declared inadmissible in 2017. The bench that had heard that case had contained Judge M.M., who had been elected by the new *Sejm* despite his seat having already been filled by the old *Sejm*.

[Violation of Article 6 § 1 as regards the right to a fair hearing](#)

[Violation of Article 6 § 1 as regards the right to a tribunal established by law](#)

[Reczkowicz v. Poland](#)

22.07.2021

The case concerned complaints brought by a barrister that the Disciplinary Chamber of the Polish Supreme Court, which had decided on a case concerning her, had not been a "tribunal established by law" and had lacked impartiality and independence.

[Violation of Article 6](#)

[Advance Pharma sp. z o.o v. Poland](#)

03.02.2022

The case concerned a complaint brought by the applicant company that the Civil Chamber of the Supreme Court, which had decided on a case concerning it, had not been a "tribunal established by law" and had lacked impartiality and independence.

[Violation of Article 6 § 1](#)

[Żurek v. Poland](#)

16.06.2022

Mr Żurek is a judge. He was also spokesperson for the National Council of the Judiciary (NCJ), the constitutional body in Poland which safeguards the independence of courts and judges. In that capacity, he has been one of the main critics of the changes to the judiciary initiated by the legislative and executive branches of the new Government which came to power in 2015.

The case concerned his removal from the NCJ before his term had ended, and his complaint that there had been no legal avenue to contest the loss of his seat. It also concerned his allegation of a campaign to silence him.

[Violation of Article 6 § 1](#)

[Violation of Article 10 \(freedom of expression\)](#)

[Juszczyszyn v. Poland](#)

06.10.2022

The case concerned the Disciplinary Chamber of the Supreme Court's disciplinary measures against a judge who had issued a court order for information on appointments of judges via the controversial "new" National Council of the Judiciary.

[Unanimously, a violation of Article 6 § 1](#)

[By 5 votes to 2, a violation of Article 8 \(right to respect for private and family life\)](#)

[By 5 votes to 2, a violation of Article 18 \(limitation on use of restrictions of rights\) taken in conjunction with Article 8](#)

[Tuleya v. Poland](#)

06.07.2023

The case originated in the new disciplinary regime for judges in Poland. The applicant, Igor Tuleya, a well-known judge, complained about five sets of preliminary inquiries initiated against him in 2018 on suspicion of disciplinary misconduct.

[Violation of Article 6 § 1](#)

[Violation of Article 8 \(right to respect for private life\)](#)

[Violation of Article 10 \(freedom of expression\)](#)

[Right to a fair trial by an independent and impartial tribunal](#)

[Henryk Urban and Ryszard Urban v. Poland \(no. 23614/08\)](#)

30.11.2010

Lack of independence of a trial court composed of a junior judge ("asesor sądowy").

[Violation of Article 6 § 1](#)

[Rutkowski and Others v. Poland](#)

07.07.2015 (Pilot judgment)²

Concerned the applicants' complaints that the length of the proceedings before the Polish courts in their cases had been excessive and that the operation of the remedy at national level for the excessive length of court proceedings was defective.

[Violation of Article 6 § 1](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

The Court concluded that the situation of which the applicants complained had to be qualified as a practice which was incompatible with the European Convention and decided to apply the pilot-judgment procedure.

There are about 650 similar cases pending before the Court at different stages of the procedure. The Court decided to communicate to the Polish Government all new applications, giving it a two-year time limit for processing those cases and affording redress to all victims.

[Right of access to court](#)

[Woś v. Poland](#)

08.06.2006

The Court found that Article 6 § 1 was applicable to proceedings brought by victims of forced labour under former Nazi Germany, before the Polish-German Reconciliation Foundation, under the so-called first compensation scheme.

[Violation of Article 6 § 1](#)

² The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

See [factsheet on Pilot judgments](#).

[Apanasewicz v. Poland](#)

03.05.2011

Failure to enforce a decision ordering the closure of a concrete production plant built unlawfully in a residential area.

[Violation of Article 6 § 1](#)

[Violation of Article 8 \(right to respect for the home\)](#)

[Broda and Bojara v. Poland](#)

29.06.2021

The case concerned the applicants' complaint that they did not have any remedy allowing them to challenge the decisions of the Minister of Justice to put a premature end to their term of office as vice-presidents of the Kielce Regional Court.

[Violation of Article 6 § 1](#)

[Pajak and Others v. Poland](#)

24.10.2023

The case concerned four judges who complained about legislative amendments that had lowered the retirement age for judges from 67 to 60 for women, and to 65 for men, and had made the continuation of a judge's duties after reaching retirement age conditional upon authorisation by the Minister of Justice and by the National Council of the Judiciary ("the NCJ").

[Violation of Article 6 § 1 in respect of all applicants](#)

[Violation of Article 14 \(prohibition of discrimination\) taken in conjunction with Article 8 \(right to respect for private life\) in respect of the three applicants who had lodged complaints under those provisions](#)

[Right to be assisted by a lawyer](#)

[Adamkiewicz v. Poland](#)

02.03.2010

A minor was denied prompt access to a lawyer and his case was investigated and adjudicated by the same judge.

[Violation of Article 6 § 3 \(c\) in conjunction with Article 6 § 1 \(right to a fair trial\)](#)

Cases dealing with private and family life (Article 8)

[Violations of Article 8](#)

[Pietrzak and Bychawska-Siniarska and Others v. Poland](#)

28.05.2024

The case concerned a complaint by five Polish nationals about Polish legislation

authorising a secret-surveillance regime covering both operational control and the retention of telecommunications, postal and digital communications data ("communications data") for possible future use by the relevant national authorities. In particular, they alleged that there was no remedy available under domestic law allowing persons who believed that they had been subjected to secret surveillance to complain about that fact and to have its lawfulness reviewed.

[Giszczak v. Poland \(no. 40195/08\)](#)

29.11.2011

The case concerned a Polish prisoner's complaint about not being allowed to visit his daughter who was in intensive-care and that, following her death, he decided not to go to her funeral as it was not clear whether he would have to attend in prison uniform and chains and under police escort.

[Joanna Szulc v. Poland \(no. 43932/08\)](#)

13.11.2012

The case concerned the Polish authorities' refusal, for more than ten years, to grant a woman - who denied any collaboration with the security services during the communist era - access to all documents about her collected by those services. The Court held in particular that Poland had failed to put in place an effective procedure whereby interested parties could obtain access to security service documents concerning themselves.

[K.J. v. Poland \(no. 30813/14\)](#)

01.03.2016

The case concerned a Polish national's complaint about the proceedings before the Polish courts for the return of his child to the United Kingdom where he is currently living and where the child had been born and raised for the first two years of her life. The mother, also Polish, left the U.K. with their daughter for a holiday in Poland in July 2012 and has never returned. In the ensuing Hague Convention proceedings, the Polish courts dismissed the father's request for the return of his daughter.

[Kacper Nowakowski v. Poland](#)

10.01.2017

The case concerned the contact rights of a deaf and mute father with his son, who also has a hearing impairment. Mr Nowakowski, the applicant, complained in particular

about the dismissal of his request to extend contact with his son.

[Solska and Rybicka v. Poland](#)

20.09.2018

The case concerned the exhumation of the victims killed in the Polish Air Force plane crash in Smolensk in 2010. The Polish prosecuting authorities ordered the exhumations in 2016 as part of the ongoing investigation into the crash, which killed 96 people, including the President of Poland. The authorities wanted to conduct autopsies to establish the cause of the crash, including the possibility of an explosion on board.

[Przybyszewska and Others v. Poland](#)

12.12.2023

The case concerned the alleged lack of any form of legal recognition and protection available for same-sex couples in Poland.

[M.L. v. Poland \(no. 40119/21\)](#)

14.12.2024

The applicant alleged in particular that she had been banned from having access to a legal abortion in the case of foetal abnormalities, following a 2020 Constitutional Court judgment. She had become pregnant and the foetus was diagnosed with trisomy 21. A scheduled hospital abortion had been cancelled when the legislative amendments resulting from the Constitutional Court ruling had come into force. Unable to have an abortion in Poland, she had ultimately had to travel to a private clinic abroad for the procedure.

No violation of Article 8

[Węgrzynowski and Smolczewski v. Poland](#)

16.07.2013

The case concerned the complaint by two lawyers that a newspaper article damaging to their reputation - which the Polish courts, in previous libel proceedings, had found to be based on insufficient information and in breach of their rights - remained accessible to the public on the newspaper's website.

The Court declared the complaint of Mr Węgrzynowski inadmissible as he had failed to lodge his complaint within the required time-limit (six months after the last decision of the Polish courts).

[Y v. Poland \(no. 74131/14\)](#)

17.02.2022

The case concerned applications by Y, a transgender man, to have reference to his gender assigned at birth removed from his birth certificate, or to have a new birth certificate issued.

Inadmissible application

[Antkowiak v. Poland](#)

14.06.2018

The case concerned a custody dispute over a child between the applicants, who are prospective adoptive parents, and the biological parents. The applicants wanted to adopt a baby from a woman who had agreed during her pregnancy to give up her child. However, she changed her mind when the baby was born. A legal dispute between the applicants and the biological parents is still ongoing. The child has been in the care of the applicant couple since being born in 2011.

[Application declared inadmissible.](#)

[A.M. and Others v. Poland](#)

08.06.2023

The applications concerned restrictions on abortion rights in Poland. The applicants alleged in particular that, following amendments to the legislative framework in 2020, they have effectively been banned from having access to legal abortion in the case of foetal abnormalities.

[Applications declared inadmissible.](#)

**Freedom of expression cases
(Article 10)**

[Violations of Article 10](#)

[Wojtas-Kaletka v. Poland](#)

16.07.2009

Public television journalist reprimanded for criticising the channel's programme policy.

[Wizerkaniuk v. Poland](#)

05.07.2011

Journalist convicted for publishing an interview with a politician without his consent.

[Kaperzynski v. Poland](#)

03.04.2012

The case concerned a journalist's criminal conviction for not having published a reply by a mayor to an article which criticised the

authorities' dealing with deficiencies of the local sewage system.

[Braun v. Poland](#)

04.11.2014

The case concerned the complaint by a film director and historian about being ordered to pay a fine and to publish an apology for having damaged the reputation of a well-known professor to whom he had referred, in a radio debate, as an informant of the secret political police during the communist era.

[Brzeziński v. Poland](#)

25.07.2019

The case concerned an allegation that the applicant's freedom of expression had been breached, on account of comments made by him in an election campaign brochure.

[Rabczewska v. Poland](#)

15.09.2022

The case concerned a pop singer in Poland known as Doda and comments she had made in an interview about the Bible which the courts decided were blasphemous.

[Drozd v. Poland](#)

06.04.2023

The case concerned a one-year ban imposed on the applicants on entering the Sejm (the Polish Parliament's lower house). They were banned for displaying a banner – which read "Defend Independent Courts" (Brońcie niezależnych sądów) – in the grounds of the Sejm during a protest against the Government's planned reforms to the judiciary.

[Sieć Obywatelska Watchdog Polska v. Poland](#)

21.03.2024

The case concerned an NGO's attempts to gain access to diaries of meetings of two Constitutional Court judges and to that court's visitors' logbook.

[Violation of Article 10 as concerned the refusal to grant the NGO access to the judges' meeting diaries](#)

[No violation of Article 10 as concerned access to the records of entry to the Constitutional Court building](#)

**Cases dealing with discrimination issues
(Article 14)**

[Baczowski and Others v. Poland](#)

03.05.2007 (see 'other noteworthy cases')

[Kozak v. Poland](#)

02.03.2010

Refusal to acknowledge a homosexual's right to take over a lease after his companion's death.

Violation of Article 14 in conjunction with Article 8 (right to respect for one's home)

[Grzelak v. Poland \(no. 7710/02\)](#)

15.06.2010

The applicants complained that their son was harassed and discriminated against for not following religious education classes.

Violation of Article 14 in conjunction with Article 9 (freedom of thought, conscience and religion)

[X. v. Poland](#)

16.09.2021

The case concerned proceedings the applicant brought to contest the removal of her youngest child from her custody after her former husband obtained a change in the custody arrangements ordered in the divorce judgment. She alleged that the courts had acted in his favour because of her relationship with another woman. Relying on Article 14 taken in conjunction with Article 8, the applicant complained that the domestic courts had refused to grant her custody of her child on the grounds of her sexual orientation.

Violation of Article 14 in conjunction with Article 8 (right to respect for private and family life)

**Right to individual petition
(Article 34)**

[M.K. and Others v. Poland](#) (nos. 40503/17, 42902/17 and 43643/17)

23.07.2020

The case concerned the repeated refusal of Polish border guards on the border with Belarus to admit the applicants, who had come from Chechnya and had asked for international protection.

The Court held that Poland had failed to comply with its obligations under Article 34 (right to individual petition) of the Convention

**Property issues
(Article 1 of Protocol No. 1)**

Violations of Article 1 of Protocol No. 1

[Moskal v. Poland](#)

15.09.2009

Reduction of a social security benefit following the correction of an administrative error.

[Sierpiński v. Poland](#) and [Plechanow v. Poland](#)

03.11.2009 and 07.07.2009

Applicants deprived of compensation for illegal expropriations because they applied to the wrong authority. They felt they were the victims of repeated administrative reforms, inconsistencies in the domestic law and lack of legal certainty.

**Prohibition of collective expulsion
(Article 4 of Protocol No. 4)**

[M.K. and Others v. Poland](#) (nos. 40503/17, 42902/17 and 43643/17)

23.07.2020

The case concerned the repeated refusal of Polish border guards on the border with Belarus to admit the applicants, who had come from Chechnya and had asked for international protection.

Violation of Article 4 of Protocol No. 4
Violation of Article 13 (right to an effective remedy), in conjunction with Article 3 and Article 4 of Protocol No. 4

**Other noteworthy cases,
judgments delivered**

[Baczowski and Others v. Poland](#)

03.05.2007

Refusal of the mayor of Warsaw to authorise a gay rights march.

Violation of Articles 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination)

[Frasik v. Poland](#) and [Jaremowicz v. Poland](#)

05.01.2010

Arbitrary refusal by authorities to authorise detainees to marry. Lack of an effective remedy to challenge the refusal.

Violation of Articles 12 (right to marry), and 13 (right to an effective remedy) in both cases

Violation of Article 5 § 4 (right to liberty and security) in the case of [Frasik v. Poland](#)

[Poklikayew v. Poland](#)

22.06.2023

The case concerned Mr Poklikayew's expulsion from Poland in 2012 on national security grounds without his being fully informed of the reasons.

Violation of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens)

Noteworthy cases, decisions delivered

[Łatak v. Poland](#) and [Łomiński v. Poland](#)

12.10.2010

Could an appeal under Polish law be considered as an effective remedy against prison overcrowding (see the [Orchowski](#) and [Sikorski](#) cases mentioned above).

[Applications declared inadmissible: detainees complaining of overcrowding in Polish prisons should bring a civil action before having their claim examined by the Court \(see also this \[press release\]\(#\) concerning further decisions in this respect\).](#)

[Cichopek and 1,627 other applications](#)

14.05.2013

These cases concern the reduction of the pension rights accumulated by former members of the Polish State Security between 1944 and 1990 during the time of the communist regime pursuant to the provisions of a law enacted in 2009.

[The applicants' complaints were declared inadmissible either as manifestly ill-founded or incompatible with the provisions of the Convention.](#)

Noteworthy pending cases

Grand Chamber

[R.A. and Others v. Poland](#)

Application notified to the Government in September 2021

The case concerns a group of 32 Afghan nationals who claim to have fled Afghanistan after the Taliban came to power. They were left stranded in a makeshift camp on the border between Belarus Poland from 8 August until 23 October 2021.

Further information can be found in the press releases of [25.08.2021](#), [28.09.2021](#) and [06.12.2021](#).

Case [relinquished](#) to the Grand Chamber in June 2024

Chamber

Issues related to the judiciary in Poland

There are currently 195 applications pending before the Court which raise issues relating to various aspects of the reform of the judicial system in Poland under laws that entered into force in 2017 and 2018.

[Botor v. Poland](#) (no. 50991/21)

25.07.2022

This case concerns proceedings brought by Mr Botor before the Constitutional Court and his complaint about the appointment of two judges to that court. He in particular alleges that the bench of the Constitutional Court which examined his case was composed in violation of the Constitution and was not an "independent and impartial tribunal established by law".

[Notification of 37 applications concerning judicial independence in Poland](#)

25.07.2022

The majority of the cases concern judicial decisions rendered by various chambers of the Supreme Court in civil or criminal cases, following appeal with regard to application for vacant judicial post, or regarding a disciplinary case involving a lawyer, or decisions by the National Council of the Judiciary (NCJ).

[Notification of 20 applications concerning judicial independence in Poland](#)

25.04.2022

The cases concern judicial decisions rendered by various chambers of the Supreme Court in civil cases, following appeals with regard to applications for vacant judicial posts, or regarding a disciplinary case regarding a lawyer, or decisions by the National Council of the Judiciary. It is alleged that the judicial formations dealing with the applicants' cases were not "independent and impartial tribunals established by law" since they included judges who had been appointed by the new National Council of the Judiciary.

See [press release](#) on interim measures published on 17 August 2022.

Wróbel c. Pologne (n° 6904/22)

Case [communicated](#) to the Government in April 2022

The case concerns the lifting of the immunity of Mr Wróbel, a Supreme Court judge, with a view to charging him with criminal negligence. Mr Wróbel alleges that this was a result of his criticism of the judicial reforms taking place in Poland, which are seen by many to have caused a rule-of-law crisis in that State.

See press releases on interim measures published on [10 August 2022](#) and on [17 August 2022](#).

Similar cases: Głowacka v. Poland (no. 15928/22), Hetnarowicz-Sikora v. Poland (no. 9988/22), Zawiślak v. Poland (no. 18632/22), Synakiewicz v. Poland (no. 46453/21), Niklas-Bibik v. Poland (no. 8687/22) and Piekarska-Drażek v. Poland (no. 8076/22).

See [press release](#) on interim measures published 17 August 2022.

Synakiewicz v. Poland (no. 46453/21), Niklas-Bibik v. Poland (no. 8687/22), Piekarska-Drażek v. Poland (no. 8076/22) and Hetnarowicz-Sikora v. Poland (no. 9988/22)

Applications [communicated](#) to the Government in May 2022

The applicants are Polish judges, actively involved in the work of judicial associations.

They all risk suspension for having applied, in their judicial decisions, the European Court's case-law and the rulings of the Court of Justice of the European Union relating, in particular, to the Disciplinary Chamber of the Supreme Court and the National Council of the Judiciary (NCJ). See [press release](#) regarding interim measure in these applications published on 23 March 2022.

Brodowiak and Dżus v. Poland (applications nos. 28122/20 and 48599/20), Biliński v. Poland (no. 13278/20), Pionka v. Poland (no. 26004/20)

Cases [communicated](#) to the Government in May 2021

The cases concern recent judicial reforms in Poland.

The Court has decided that all current and future applications concerning complaints about various aspects of the reform of the judicial system in Poland should be given priority (Category I). In accordance with the Court's prioritisation policy, this level of priority is assigned to urgent cases.

**ECHR Press Unit Contact:
+33 (0)3 +33 (0)3 90 21 42 08**