



Office for Democratic Institutions and Human Rights

# REPUBLIC OF POLAND

PRESIDENTIAL ELECTION

18 May 2025

ODIHR NEEDS ASSESSMENT MISSION REPORT

27-31 January 2025



Warsaw  
7 March 2025

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**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the authorities of the Republic of Poland to observe the 18 May presidential election, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 27 to 31 January 2025. The ODIHR NAM included Kseniya Dashutsina, ODIHR Senior Election Adviser, and Martina Barker-Ciganikova, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the election. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the forthcoming election and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank each of its interlocutors for taking the time to meet with the NAM and for sharing their views.

**II. EXECUTIVE SUMMARY**

On 15 January, in line with the law, the Speaker of the Parliament called the presidential election to be held on 18 May. The upcoming election unfolds against a complex and highly polarized political environment, which according to many ODIHR NAM interlocutors impacts effective functioning of several key institutions involved in the electoral process. All ODIHR NAM interlocutors stressed the significance of this election as the outcome is anticipated to influence the government's ability to implement its agenda.

The electoral legal framework was last amended prior to the 2023 parliamentary elections in a process that lacked meaningful consultation with key stakeholders. While the 2023 amendments incorporated some previous ODIHR recommendations related to the introduction of Central Voter Register and access for persons with disabilities, many prior ODIHR recommendations remain unaddressed. These include restoring suffrage rights of those deprived of legal capacity, decriminalizing defamation, preventing misuse of administrative resources, and enhancing transparency of campaign finance. Most ODIHR NAM interlocutors noted that while the legal framework provides an adequate basis, the democratic conduct of elections relies on its effective implementation by the relevant bodies. Most ODIHR NAM interlocutors voiced concerns over lack of legal certainty, citing in particular the ongoing legal amendments related to declaration of the validity of the election and potential electoral disputes, which might negatively impact public confidence in the process.

Elections are administered by the National Election Commission (NEC) and its executive body the National Election Office (NEO), as well as lower-level commissions. Most ODIHR NAM interlocutors expressed general confidence in the capacity of electoral administration to manage technical aspects of elections professionally, including on election day, and both the NEC and NEO

noted to the ODIHR NAM its commitment to conduct elections in an effective manner. However, many ODIHR NAM interlocutors raised concerns over the impartiality of the election administration, in particular at the national level, given the impact its politicized composition exerts on their independent decision-making. Organizational arrangements are underway with no technical challenges noted. Provisions for access to the elections for persons with different types of disabilities exist and civil society has made significant efforts under the motto “Elections accessible to all”.

Citizens of at least 18 years of age have the right to vote, but persons deprived of legal capacity, including on basis of mental and psychosocial disabilities, remain disenfranchised, despite international standards and prior ODIHR recommendations. All ODIHR NAM interlocutors expressed high level of confidence in current voter registration system and stated that the recently introduced Central Voter Register is a guarantee of the accuracy of the voter lists.

Citizens of at least 35 years of age by election day, with active suffrage rights, can be elected president. An electoral committee can only be established by citizens who also need to collect 100,000 supporting signatures to nominate a candidate. While most political parties voiced their satisfaction with candidate registration requirements, smaller parties informed the ODIHR NAM that collecting a sufficient number of signatures poses a challenge. The NEC determines eligibility of candidates, and its decisions can be appealed to the Supreme Court. By end of February, over 24 candidates, including 5 women, from across the political spectrum declared their intention to run.

While a record number of women (136), was elected to the lower chamber (29.6 per cent) following the 2023 parliamentary elections, the number of women in the 100-seat Senate fell from 24 to 17 (17 per cent) and women remain underrepresented in public and political life. Ten out of 27 ministers in the current government are women. None of the current members of the NEC are women and no requirements exist on the representation of each gender within the election administration.

The political parties the ODIHR NAM met with did not express concerns regarding their ability to campaign freely. The campaign activities of public officials are not strictly regulated, and several ODIHR NAM interlocutors were concerned with the potential misuse of administrative resources throughout and before the official start of the campaign. All ODIHR NAM interlocutors anticipate a polarized campaign with use of harsh and divisive rhetoric and personalized accusations; security and defence topics are expected to be of prominence. Most ODIHR NAM interlocutors expressed concerns related to spread of disinformation and foreign influence; the ODIHR NAM was informed of several preventive measures by state institutions.

Most prior ODIHR campaign-finance related recommendations including those on the need for interim reporting prior to election day, effective oversight and increased transparency as well as more detailed regulation of third-party campaigning remain unaddressed. The electoral committees of voters are the only entities with the right to finance presidential campaigns and the legislation provides for campaign income and expenditures limits. The NEC oversees political and campaign finances. Many ODIHR NAM interlocutors voiced concerns over effectiveness of campaign finance oversight carried out by the NEC, in particular following the contradictory resolutions regarding allocation of public funding for the former ruling party.

The media environment, while diverse, reflects the political polarization in the country. In December 2023, the new government replaced senior management and executive boards of the public media and subsequently put the broadcasters into state of liquidation. A reform of the public media, including with the aim to protect their editorial independence, secure funding and promote media pluralism is ongoing and most ODIHR NAM interlocutors stressed its importance. The Constitution guarantees

media freedom and prohibits censorship, although criminal liability for defamation and public insult remain in place. The main oversight authority, the National Broadcasting Council does not systematically monitor public or private media for compliance with electoral obligations. The ODIHR NAM was informed that the TVP plans to organize debates among presidential candidates and dedicate a free-of-charge airtime to their campaign spots, as provided for by law.

Decisions of election commissions may be appealed to higher-level commissions. The Supreme Court deals with appeals against NEC decisions regarding rejected candidates and campaign finance reports. The method of appointment of the Supreme Court Chamber responsible for validating election results has been criticized by several international institutions. Many ODIHR NAM interlocutors expressed general concern over the independence of the judiciary and pointed to the fact that this perception may diminish public confidence in its decisions. Some interlocutors anticipated an increase in the number of complaints, including on election day, due to the apparent competitive and contentious nature of the election.

Most ODIHR NAM interlocutors highlighted the importance of an ODIHR election observation activity given the polarized political environment and some stressed the importance of a long-term and country-wide presence. While no particular concerns were raised regarding technical preparations for elections and interlocutors generally expressed confidence in the implementation of election-day procedures, most noted that specific aspects that could benefit from further assessment include the scrutiny of the legal framework and its implementation, the work of the election administration at all levels, the campaign, including online, the transparency of campaign finances and the effectiveness of electoral dispute resolution, especially post-election related complaints. Interlocutors also placed a particular emphasis on the observation of the pre-election day period, especially with respect to misuse of administrative resources and pointed to a need for a systematic assessment of the public and private media coverage of the elections.

On this basis, the ODIHR NAM recommends the deployment of Limited Election Observation Missions (LEOM) for the upcoming presidential election. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 18 long-term observers to follow the electoral process countrywide. While the mission would visit a limited number of polling stations on election day, comprehensive and systematic observation of election day proceedings is not envisaged. In line with ODIHR's standard methodology, the LEOM would include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND

Poland is a semi-presidential republic with a government led by the prime minister and a directly elected president serving as a head of state. The president has the right of legislative initiative and the power to veto and refer the bills to the lower house of the parliament. The bicameral parliament comprises the upper chamber (*Senat*) with 100 seats and the lower chamber (*Sejm*) with 460 seats. The last parliamentary elections held in October 2023 resulted in a shift from the eight-year rule by the Law and Justice Party (*Prawo i Sprawiedliwość*, PiS) to a coalition government led by Prime Minister Donald Tusk from the Civic Coalition (*Platforma Obywatelska*, PO).<sup>1</sup> The incumbent, Andrzej Duda, affiliated with the PiS is serving his second and last term.

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<sup>1</sup> While PiS secured the highest number of seats in the *Sejm* (194), the government was formed by the then opposition parties PO, Poland 2050, Polish People's Party and the New Left.

In line with the law, on 15 January, the Speaker of the Parliament officially called presidential election to be held on 18 May. The upcoming election unfolds against a highly polarized political environment, also reflected in the sharp divide in societal narratives, media debates and identity politics. Political discourse is dominated by the effects of the war in Ukraine, public disagreement related to independence of media and judiciary, the relationship with the European Union, as well as LGBTI rights, abortion, and women's rights.

The current government questions the legitimacy of several institutions, including the Supreme Court, the Constitutional Tribunal, and media regulatory bodies citing their affiliation with the previous government and perceived lack of independence, as also highlighted in the judgement of the Court of Justice of the European Union.<sup>2</sup> The government announced an Action Plan to restore the rule of law in Poland, including by reviewing the status of judicial nominations made in the years 2018-2023.<sup>3</sup> Many ODIHR NAM interlocutors stated that the presidential election is taking place in an unprecedented environment they often described as a “constitutional chaos”, which mirrors the political divide and hinders effective functioning of some key institutions responsible for the conduct of elections. All ODIHR NAM interlocutors stressed the significance of this election as the outcome is anticipated to influence the government's ability to implement its agenda.<sup>4</sup>

While a record number of women (136), was elected to Sejm (29.6 per cent) following the 2023 parliamentary elections, the number of women in the 100-seat Senate fell from 24 to 17 (17 per cent) and women remain underrepresented in public and political life. Ten out of 27 ministers in the current government are women. Two out of the 21 parties represented in the parliament are led by women and other two are co-led.

ODIHR has most recently deployed a Limited Election Observation Mission (LEOM) to the 2023 parliamentary elections.<sup>5</sup> The final report, issued in March 2024, contains 27 recommendations, including 8 priority ones, for the authorities to improve electoral process and bring it closer in line with OSCE commitments.<sup>6</sup>

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<sup>2</sup> On 5 June 2023, the Court of Justice of the European Union, based on an action brought by the European Commission regarding the 2019 judicial reform, [declared](#) that the Republic of Poland has failed to fulfil its obligations under the EU law.

<sup>3</sup> From 2015 onwards, PiS amended the appointment mechanisms of the judiciary and public media regulatory bodies. A new Chamber on Extraordinary Control and Public Affairs was introduced in 2017 with a mandate that includes the validation of final election results and consideration of appeals in other election-related cases. These changes led to the European Commission opening infringement procedures against Poland. See also the Poland Chapter in the European Commission's [2023 Rule of Law Report](#). In its [2024 report](#), the Commission concluded that in light of the new [Action Plan on the Rule of Law](#) being prepared to address long-standing concerns regarding judicial independence [...] “there is no longer a clear risk of a serious breach of the rule of law by Poland and withdrew its reasoned proposal of December 2017, thereby closing the Article 7(1) TEU procedure for Poland”. The Commission also decided to unblock funds previously withheld under the conditionality principle of the Recovery and Resilience Facility and cohesion funds under the Common Provisions Regulation.

<sup>4</sup> A three-fifths parliamentary majority is required to overturn the president's legislative veto; in view of most ODIHR NAM interlocutors this has served as a major obstacle to implement institutional reforms.

<sup>5</sup> See all previous [ODIHR election-related reports on Poland](#).

<sup>6</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR's election assessment and recommendations”.

## B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected in a single, country-wide constituency for a five-year term. If no candidate receives the majority of valid votes cast in the first round, a second round between the two leading candidates is held two weeks later. The winner of the second round is determined by simple majority of the valid votes cast.

Presidential election is primarily regulated by the 1997 Constitution, the 2011 Election Code (last amended in 2023), the 1990 Law on Assemblies (amended in 2016) and the 1997 Political Parties Act (last amended in 2023).<sup>7</sup> The National Election Commission (NEC) is mandated to issue binding resolutions for lower-level election administration, as well as explanatory guidelines for broadcasters, government administration authorities, and electoral committees.<sup>8</sup> Poland is party to major international and regional instruments related to the holding of democratic elections.<sup>9</sup>

The legal framework remains unchanged since the 2023 parliamentary elections, prior to which it was significantly revised in a process lacking meaningful consultations, as noted by previous ODIHR reports.<sup>10</sup> While the 2023 amendments incorporated some previous ODIHR recommendations related to the introduction of Central Voter Register (CVR) and access for persons with disabilities, many prior recommendations remain unaddressed.<sup>11</sup> These relate to suffrage rights, decriminalization of defamation, prevention of the misuse of administrative resources, transparency of campaign finance, gender equality in election administration, and detailed regulation of second round of the presidential election.<sup>12</sup> In 2024, the ruling coalition proposed several amendments, including introduction of postal voting for all types of elections but local but these are currently pending with the Constitutional Tribunal. The ODIHR NAM was informed of upcoming planned amendments to election-related legislation; these changes, if adopted, will not be applicable for the upcoming election.<sup>13</sup> Most ODIHR NAM interlocutors noted that while the legal framework provides an adequate basis, the democratic conduct of elections relies on its good-faith effective enforcement by the responsible bodies.

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<sup>7</sup> Other relevant legislation includes the 1992 Broadcasting Act (last amended in 2015), 1984 Press Law (last amended in 2013), and the penal and criminal codes.

<sup>8</sup> Thus far, the NEC has among others issued [guidelines](#) regarding voter registration, conduct and financing of election campaigns, including by other bodies than electoral committees, as well as adopted [resolutions](#) concerning establishment of lower-level election commissions and electoral committees.

<sup>9</sup> These include the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 Convention Against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (CRPD). Poland is also a member of the Council of Europe's Venice Commission and Group of States against Corruption and is a party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

<sup>10</sup> See also 2023 [ODIHR opinion](#) on the Draft Act amending the Election Code.

<sup>11</sup> The 2023 amendments introduced a CRV; decreased the minimum number of inhabitants per precinct; shortened some of electoral dispute resolution deadlines, changed the qualifications for membership in the Constituency Election Commissions (CEC); introduced organized public transportation for voters in rural areas; and extended the rights of party and citizen observers to record voting procedures, while requiring that such recordings be transmitted to the Ministry of Digital Affairs, or Precinct Election Commissions, in order to be considered as election material, and deleted from the original devices.

<sup>12</sup> Following the 2020 presidential election, ODIHR noted that "while most provisions are generally applicable to both rounds, the Election Code lacks clarity on certain aspects pertaining to holding a second round. Among these are the lack of timeframes for the official second-round campaign period, unclear campaign finance expenditure limits and the inability to challenge the results of the first round between rounds in case of irregularities or offences affecting the outcome. These shortcomings detract from the overall legal certainty".

<sup>13</sup> They relate to delineation of constituency boundaries, introduction of alternative voting methods, rules regarding legal incapacitation and voting rights of persons with intellectual and psychosocial disabilities, and composition and competencies of the NEC.

On 24 January, the Sejm adopted a law (incidental act) transferring the powers to decide on the validity of the 2025 presidential election from the judges of the Supreme Court's Chamber of Extraordinary Review and Public Affairs to the 15 judges who have served the longest in the Supreme Court. These cases as well as complaints and appeals against NEC's decisions are to be heard by the Supreme Court's Chamber with a panel of 3 judges drawn from among those 15. On 12 February, the law was adopted by the Senate. Majority of ODIHR NAM interlocutors stated that the president would either veto the law or refer it to the Constitutional Tribunal.<sup>14</sup> Most ODIHR NAM interlocutors voiced concerns over lack of legal certainty and the timing of the ongoing reform, which might negatively impact public confidence in the process.

### C. ELECTION ADMINISTRATION

Elections are administered by the NEC and National Election Office (NEO), 49 Constituency Election Commissions (CECs), and some 31,000 Precinct Election Commissions (PECs). The NEC is a permanent body with an overall decision-making and supervisory role of the electoral process; it consists of two judges nominated for nine years by the Constitutional Tribunal and the Supreme Administrative Court and seven members nominated for a four-year term by political parties in proportion to their representation in the *Sejm*.<sup>15</sup> The NEO, is the executive body within the NEC, and is responsible for the administrative, financial and logistical organization of the elections.<sup>16</sup> Contrary to prior ODIHR recommendations, there are no provisions for representation of each gender at any level of election commissions, and no such data is aggregated by the NEC/NEO. All current members of the NEC are men; the outgoing NEO chairperson is a woman.

Temporary CECs composed of nine members will be appointed by the NEC by 31 March (48 days before the election). In line with the 2023 amendments, the CEC members no longer need to be serving or retired judges.<sup>17</sup> Temporary PECs, responsible for the overall conduct of election day procedures in polling stations, are established no later than 20 days before election day (28 April), and are comprised of 5 to 11 members nominated by electoral proxies of electoral committees, with a chairperson selected among them.<sup>18</sup>

The electoral preparations are ongoing, and the NEC informed the ODIHR NAM that it does not foresee any challenges, including with respect to recruitment of lower-level commissions. Contrary to prior ODIHR recommendations, NEC sessions are not public. The election administration plans to conduct mandatory training for polling staff as well as voter education, including related to the rights and options of voters with disabilities, and produce some materials in accessible formats including *Braille* overlays. By law, a minimum of 50 per cent of polling stations in any given municipality must be independently accessible; the obligation to ensure compliance with the provisions lies with the relevant municipal authorities. Assisted voting is available and voters with disabilities may also vote

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<sup>14</sup> The Constitutional Tribunal informed the ODIHR NAM it would declare the bill unconstitutional as any amendments to the election-related legislation are to be made latest six months before the calling of an election. In its 2024 opinion, ODIHR [noted](#) that “the constitutional crisis following controversial appointments of the judges of the Constitutional Tribunal in 2015, subsequent government actions and legislative reforms undermining its independence have fundamentally impacted the Tribunal’s standing and its ability to carry out its constitutional mandate”. See also ODIHR 2024 [Opinion](#) on the National Council for the Judiciary.

<sup>15</sup> The political appointees must qualify as a judge or have a professional or academic legal background.

<sup>16</sup> On 3 March, the 7-year term of office of the current NEO chair expired; a new recruitment process is underway.

<sup>17</sup> They are required to hold a law university degree and submit “a guarantee of due execution of this function”.

<sup>18</sup> The exact number of PEC members depends on the number of residents in a given locality. In case of insufficient nominations by electoral committees, PEC members are appointed from among voters.



via proxies or by mail, upon provision of a certificate of physical disability.<sup>19</sup> Civil society organizations together with the Ombudsperson office have launched a campaign under the motto “Elections accessible to all”.<sup>20</sup>

Most ODIHR NAM interlocutors expressed general confidence in the capacity of electoral administration to manage technical aspects of elections professionally, including on election day, and both the NEC and NEO noted to the ODIHR NAM their commitment to conduct elections in an effective manner. However, many ODIHR NAM interlocutors raised concerns over the impartiality of the election administration, in particular at the national level, given the impact its politicized composition exerts on their independent decision-making, as demonstrated by the recent decisions on allocation of public funding for PiS.<sup>21</sup>

#### D. VOTER REGISTRATION

Citizens over 18 years old by election day are eligible to vote except for those whose right has been revoked by a decision of a court, including based on mental disability, which is contrary to international standards.<sup>22</sup> According to the NEC, some 28.9 million citizens were included in the CVR as of end of 2024.

In-country voter registration is passive. In line with a prior ODIHR recommendation, the 2023 amendments provided for the establishment of a CVR; its maintenance lies with the Ministry for Digital Affairs (MDA) and the municipalities provide updates on their residents’ data.<sup>23</sup> A voter can request to be included in a voter list at a place of temporary residence latest by 15 May. Absentee Voter Certificates are issued by municipalities and permit voters to cast a ballot at any polling station

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<sup>19</sup> All voters over 60 years of age may also vote by proxy and by post; voters subject to mandatory isolation and quarantine may vote by post.

<sup>20</sup> Involved organizations plan to conduct [observation of polling stations](#) to check for accessibility, using a checklist covering different aspects of accessibility (wheelchair access, height of information on walls, lighting/lamps for the visually impaired, height of tables in booths, braille ballot covers, etc.). Such an exercise was conducted already ahead of the 2024 European Parliament and local elections.

<sup>21</sup> In August 2024, the NEC rejected PiS’s financial report for 2023 parliamentary elections due to alleged misuse of administrative resources during the campaign. As a result, the one-off subsidy of PLN 38 million that PiS was expected to receive to cover the election campaign costs was reduced by PLN 10 million. In addition, the annual subvention PiS would have received over the next three years before the 2027 parliamentary elections would be withheld entirely. The Supreme Court’s Chamber of Extraordinary Review and Public Affairs considered PiS’ appeal and overturned NEC’s decision. On 16 December, the NEC voted not to accept the ruling until the legal status of the Supreme Court’s Chamber that issued it was clarified. However, two weeks later, on 30 December, the NEC approved the PiS financial report. Despite this, the funds are withheld by the Ministry of Finance which requested further clarifications from the NEC regarding its resolutions and their reasoning. The PiS informed the ODIHR NAM about significant impediments this causes for conducting their campaign activities. At the same meeting held on 16 December, the NEC issued resolutions accepting Supreme Court’s rulings concerning other political parties.

<sup>22</sup> Article 29 of the [CRPD](#) requires States Parties to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also paragraph 9.4 of the [2013 CRPD Committee’s Communication No. 4/2011](#), which states that “Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of Article 2 of the Convention”. Paragraph 41.1 of the [1991 OSCE Moscow Document](#) commits participating States “to ensure protection of the human rights of persons with disabilities”.

<sup>23</sup> The CVR replaces 2,477 separate voter registers previously maintained by individual municipalities. The data was compiled from the electronic civil registry, maintained by the MDA, which includes data on permanent residence and a unique 11-digit identification number (PESEL) assigned to all Polish citizens; the residential addresses provided by the municipalities; and the data on legally incapacitated persons supplied by courts.

in the country. All ODIHR NAM interlocutors expressed a high level of confidence in current voter registration system and stated that the CVR is a guarantee of the accuracy and inclusiveness of the voter lists and pointed to efficient and user-friendly automation and facilitation of the process.

Voter lists are no longer available for scrutiny, but voters have the right to verify their inclusion in the list or obtain information on their voter record by submitting a request to the municipal authority.<sup>24</sup> Complaints regarding omissions and inaccuracies may be lodged with the competent mayor and are appealable to the competent district court.

Voters living abroad cast their ballots in person at consulates and embassies or other polling stations established for each election by a regulation of the MFA and must actively register for each election. Voters can apply in-person, via email or using an online portal.<sup>25</sup> Several ODIHR NAM interlocutors noted they would welcome introduction of postal voting abroad.

## E. CANDIDATE REGISTRATION

Citizens of at least 35 years of age by election day, with active suffrage rights, can run for presidency. Those imprisoned for an intentional offence or fiscal crimes are deprived of this right, as are persons whose legal capacity has been revoked by a court decision, including on the basis of intellectual and psychosocial disability. In addition, persons subject to lustration provisions may also be prohibited to stand as candidates.<sup>26</sup>

The candidate registration process is on-going. Electoral committees representing groups of voters have the exclusive right to nominate candidates upon having collected at least 100,000 signatures.<sup>27</sup> While political parties are not directly linked to the electoral committees established for the presidential election, most candidates are associated with specific parties. The deadlines for receipt of notification on establishment of electoral committees and the subsequent submission of candidatures to the NEC are 24 March and 4 April, respectively. By end of February, over 24 candidates, including 5 women, from across the political spectrum declared their intention to run. While several political parties the ODIHR NAM met with, informed about their internal policies aimed at achieving gender equality, only very few expressed willingness to support a woman for the race, and some cited lack of qualified women candidates and the prevailing public stereotypes.

While most political parties voiced their satisfaction with candidate registration requirements, smaller parties informed the ODIHR NAM that collecting a sufficient number of signatures poses a challenge.

## F. ELECTION CAMPAIGN

By law, the official campaign starts from the date of the announcement of election, and contestants may campaign upon registration, with a campaign silence period, including the prohibition of publishing opinion polls, taking effect 24 hours before election day. The legal framework does not regulate timeframes for the second-round campaign period.

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<sup>24</sup> Previously, voters were able to verify their inclusion in the voter list at their respective municipality in person.

<sup>25</sup> The MFA informed the ODIHR NAM that it expected a record high number of voters from abroad.

<sup>26</sup> A court may revoke the right to be elected of persons who took part in the activities of security services between 1944 and 1990. The case law of the ECtHR provides that lustration provisions should be constantly reviewed.

<sup>27</sup> For the presidential election, a group of 1,000 citizens should be registered by the NEC prior to collecting at least 100,000 supporting signatures to nominate a candidate.

While public officials are legally required to take leave from office while campaigning, their conduct during the campaign periods is not sufficiently regulated. Most ODIHR NAM interlocutors acknowledged the longstanding practice of misuse of administrative resources as well as campaigning outside of the officially regulated period, which leaves these activities without effective oversight.

Political parties met by the ODIHR NAM did not express concerns with respect to their ability to campaign freely. They expect a dynamic campaign with a prominent focus on security and defence, as well as economy and social policies. Contestants informed the ODIHR NAM they plan to campaign primarily through social networks, but also using traditional campaign methods, including media advertising and in-person campaign events. All ODIHR NAM interlocutors anticipate a polarized campaign, expressing concerns over the potential use of harsh and divisive rhetoric with personalized accusations, including anti-migrant and anti-LGBTI narratives.

The majority of ODIHR NAM interlocutors expressed concerns about the spread of disinformation and potential foreign interference in the electoral process. A co-operation network between a wide array of institutions, including the Ministry of Foreign Affairs, the Ministry of Digital Affairs, the National Research Institute and other bodies, has implemented a number of measures, such as monitoring of social networks, including for the creation and registration of Doppelganger campaign pages, and inauthentic growth of followers, conducting awareness raising both for candidates and general public as well as organizing specialized training for all electoral staff.<sup>28</sup> The ODIHR NAM was informed about lack of co-operation with social media platforms in removing harmful content as well as insufficient legal tools at hand to combat disinformation. Interlocutors expressed hope that the implementation of the European Union legislation, in particular the Digital Services Act, will improve the transparency of online activities.

## G. CAMPAIGN FINANCE

The Political Parties Law governs political party financing, and the Election Code regulates campaign financing. A number of previous ODIHR recommendations including those related to the need for detailed reporting prior to election day, as well as the regulation of third-party campaigning have not been implemented. The legislation does not include explicit regulations for effective oversight and transparency of campaign advertising on the Internet, including for third-party campaigning. Concerns about legislative gaps pertaining to campaign finance were raised by a number of ODIHR NAM interlocutors, including by the NEC itself as an oversight institution.<sup>29</sup>

In addition to a range of private sources, political parties receive two types of public funding – subsidies and subventions. The latter are received annually from the state budget based on the results of the elections to the *Sejm*.<sup>30</sup> In addition, each political party, coalition or committee of voters and organization, which gains at least one seat in the *Sejm* or the Senate, is eligible to receive a state subsidy as a form of compensation of expenditures on a campaign proportional to the number of mandates received in the *Sejm* or Senate elections.<sup>31</sup>

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<sup>28</sup> The website [Bezpiecznowybory.pl](https://bezpiecznowybory.pl) collects information about elections and threat of disinformation, including countermeasures; it also compiles articles, reports and analysis of case studies from other countries.

<sup>29</sup> The NEC in particular raised concerns about the fact that although the right to run a campaign is reserved exclusively for committees, the Election Code also permits campaigning by voters. The third parties are not obliged to file financial reports or disclose sources of funding and expenditure.

<sup>30</sup> Each party that receives more than 3 per cent of the total number of votes or is part of a coalition that receives more than 6 per cent of the votes cast can obtain annual state subventions during the term of the *Sejm*.

<sup>31</sup> This amount is calculated based on the total expenditures declared in the financial reports but cannot exceed the limit of the campaign expenditure or the actual expenses of the electoral committee.

There is no public funding for the presidential election, and the electoral committees of voters are the only entities with the right to finance presidential campaigns. They can do this through receiving private donations from Polish citizens with permanent residence in the country, as well as loans and transfers from the designated electoral funds of political parties.<sup>32</sup> Cash donations and contributions from foreign sources and legal entities are prohibited. Electoral committees can also accept certain types of in-kind contributions from volunteers, but the Election Code does not provide for donation limits for in-kind donations, and these are not included into overall expenditure limit.

The Election Code establishes a campaign expenditure limit, but it does not specify whether this applies to one or both rounds. The expenditure limit is calculated by multiplying the number of eligible voters by PLN 0.85. Expenses for the presidential campaign are not compensated by the state subsidy. An electoral committee's spending on campaign advertising may not exceed 80 percent of the expenditure limit.

The NEC oversees political and campaign finances. There are no provisions for interim reporting prior to election day and committees are required only to electronically submit financial reports on campaign income and expenditures, and an external audit of their financial reports to the NEC within three months of the elections. Violations of campaign finance regulations result in a decrease in state subsidies and parties whose annual financial reports are rejected are deprived of public funding for three years, regardless of the severity of the violation. Many ODIHR NAM interlocutors voiced concerns over effectiveness of campaign finance oversight carried out by the NEC, in particular following the contradictory resolutions regarding allocation of public funding for PiS.

## H. MEDIA

The media landscape mirrors the deep political polarization and diverse media outlets mostly align with political narratives. The majority of ODIHR NAM interlocutors noted that this negatively impacts media pluralism, the independence of editorial policies and provides for limited diversity of views. In December 2023, in an attempt to end political control of the previous government over the public media,<sup>33</sup> the new government replaced senior management and executive boards of the public service media and subsequently put broadcasters *Telewizja Polska* (TVP) and *Polskie Radio* as well as the Polish Press Agency (PAP) into state of liquidation to enable them to continue to finance their operations in 2024.<sup>34</sup> While some ODIHR NAM interlocutors supported these measures as essential in restoring freedom of expression, several acknowledged that these changes were carried out without strict adherence to the rule of law; others condemned them as illegitimate.<sup>35</sup> Many ODIHR NAM

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<sup>32</sup> The 2025 ODIHR [opinion](#) on Act on Political Parties noted among others that “restrictions preventing Polish citizens living abroad from supporting or joining political parties should be lifted”.

<sup>33</sup> The reform and depoliticization of the public media was a prominent campaign promise of the PO. In December 2023, the *Sejm* passed a resolution on “restoring the legal order and the impartiality and integrity of the public media and the Polish Press Agency”.

<sup>34</sup> A legal amendment to increase funding for public media was vetoed by the president, effectively cutting off their funding and leading the government to formally call the state of liquidation. The public media takeover was met by a series of protests as well as an attempt to occupy the headquarters of public media companies and the press agency by PiS and its supporters. Broadcasting signal of several TV stations was suspended.

<sup>35</sup> The Helsinki Foundation for Human Rights [described](#) the measures as raising serious legal and constitutional doubts, while nevertheless emphasizing the politicization of public media by PiS. According to the Constitution, the appointment and replacement of public media boards lies with the National Broadcasting Council (NBC). Nevertheless, in 2016, PiS government introduced an additional media regulator, the National Media Council (NMC). This body has not been recognized by the current government. NMC's independence has been a [point of contention](#) also between Poland and the European Parliament. In December 2023, rather than amending the legislation to restore the NBC's authority to appoint public media boards, the government decided to dismiss the boards by exercising shareholder rights on behalf of the state under the Commercial Companies Code.

interlocutors opined that while standards of reporting by public media have recently increased, the public media's role to provide an independent and impartial coverage is not yet fully provided for.

The media legal framework includes the Constitution, the 1992 Broadcasting Act, and the 1984 Press Law. The Constitution guarantees media freedom and prohibits censorship. Defamation and public insult remain criminal offenses subject to imprisonment for up to one year, with the penalty of up to three years imprisonment for defaming or insulting the state or head of state or on the basis of religion, despite a previous ODIHR recommendation. A number of ODIHR NAM interlocutors stated that the number of targeted litigation cases against media outlets and activists has recently decreased.<sup>36</sup> Several ODIHR NAM interlocutors underlined the need to reform media legislation to reflect changes in the media landscape, in particular with respect to digitalization. A proposal to reform the public media and to bring the current media legislation in line with the European Media Freedom Act is currently being prepared.<sup>37</sup> The draft law aims to protect editorial independence, strengthen media pluralism, improve media ownership transparency, and ensure fair distribution of state advertising. It also envisages a revised system of financing public media and reform of the public media regulator.<sup>38</sup>

The public television TVP operates 14 national channels, in addition to 16 regional channels, while *Polskie Radio* comprises 8 national stations and 44 regional and local stations. There is a high number of private television and radio outlets. Notwithstanding the decline in print news media, regional newspapers remain an important source of information of local news.<sup>39</sup>

The Constitution mandates the National Broadcasting Council (NBC) to safeguard freedom of speech and public interest and oversee public and private broadcasters, including their election-related activities and ensures equal access of contestants to media.<sup>40</sup> Although the NBC is mandated by law to monitor media, it does not systematically monitor public or private media for compliance with electoral obligations, contrary to prior ODIHR recommendations. The NBC can initiate cases on its own initiative when standards of journalism are transgressed, but has limited sanctioning abilities and relies on courts to consider official complaints of contestants and to issue possible sanctions. Many ODIHR NAM interlocutors opined that the NBC has faced significant challenges in maintaining its operational independence. In 2024, the *Sejm* rejected the NBC report on its activities in 2023 accusing the NBC in its current composition of political bias during the PiS rule.<sup>41</sup> A number of NBC members

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<sup>36</sup> For years, according to [statistics maintained by CASE](#) (Coalition against SLAPPS in Europe), Poland has recorded the highest number of criminal and civil cases in the EU aimed at silencing critical voices, initiated by politicians or related circles, including state-owned companies. While in [2022](#) Poland was ranked 66<sup>th</sup> out of 180 countries in the World Press Freedom Index, in [2024](#), its ranking moved up to 47<sup>th</sup> position.

<sup>37</sup> In May 2024 the European Media Freedom Act (EMFA) came into force and Member States are required to enact reforms to align with the new regulation. [Public consultations](#) initiated by the Ministry of Culture and National Heritage took place in autumn 2024 yearning 107 responses from a wide range of stakeholders.

<sup>38</sup> The proposal abolishes the subscription fee in favour of funds allocated from the state budget in the amount of at least 0.09 per cent of GDP annually to guarantee financial stability of the public media.

<sup>39</sup> In March 2021, the National Energy Company *Orlen*, purchased the *Polska Press* company that owns 20 out of 24 regional daily newspapers and a further 120 regional weekly publications, which was publicly perceived as entrenching political control by the then governing party over local media.

<sup>40</sup> The NBC is composed of five members serving six-year terms (two appointed by the *Sejm* and two by the president and one by the Senate). All current members of the NBC were appointed in October 2022. The planned media reform proposes amongst others to restore the 9-member composition of the NBC to guarantee its greater independence as well as to extend its competencies to include development of a national database of media ownership, and to conduct periodic monitoring of the state of medial pluralism in Poland.

<sup>41</sup> In case a report is rejected, the term of office of the NBC members expires within 14 days from the resolution. Nevertheless, President Duda did not confirm the position of the *Sejm* and all members stayed in place. The ruling coalition also submitted a preliminary motion to the *Sejm* to bring the NBC head before the State Tribunal for blocking the funds from the subscription fee for public radio and television, and blocking concessions for a number of private broadcasters.

informed the ODIHR NAM of political and media pressure and intimidation exerted on the institution since the new ruling coalition came into power.

The TVP and *Polskie Radio* informed the ODIHR NAM about their efforts to cover the campaign in line with the legal obligations notwithstanding the severe financial circumstances under which they operate. The TVP plans to allocate free-of-charge election spots of the presidential candidates to be broadcast nationwide and to organize debates among all presidential contenders, including for the second round, as well as editorial and news coverage of campaign events. Broadcasters must report to the NBC on their apportionment of airtime to electoral contestants. Both public and private media are legally obliged to provide the same purchasing airtime for paid political advertising to all electoral contestants. Decision of TVP can be appealed to the NBC.

## I. ELECTION DISPUTE RESOLUTION

Decisions of election commissions may be appealed to higher-level commissions. Decisions related to voter registration can be appealed to respective municipal authorities, whereas rejection of the registration of candidates' committees and of candidates by the NEC as well as the rejection of campaign finance reports by the NEC are appealable to the Supreme Court. Deadlines for adjudication are two to three days depending on the case; Supreme Court's sessions are closed, and all decisions are published online.

In an effort to reform the judiciary, in 2024, the parliament passed laws on the National Council for the Judiciary and the Constitutional Tribunal, but these were not signed and instead referred to the Constitutional Tribunal by the president.<sup>42</sup> The Constitutional Tribunal has informed the ODIHR NAM about an "unprecedented attack" by the ruling coalition on the institution and cited among others deprivation of salaries of all judges and shortages in staffing resulting in a reduced effectiveness of decision-making.<sup>43</sup> The Tribunal's judgments have not been published in the official gazette since April 2024 and several institutions thus refuse to acknowledge them.

Election results can be challenged with the Supreme Court's Chamber of Extraordinary Control and Public Affairs within seven days following their announcement.<sup>44</sup> Such cases are reviewed by three-judge panels. On the basis of the panels' opinions, as well as reports by the NEC and the Prosecutor General, the Supreme Court is required to validate election results within 30 days. ODIHR and other international organizations have previously criticized the appointment procedure for the Supreme Court chamber which is responsible for the validation of election results.<sup>45</sup> Many ODIHR NAM interlocutors expressed general concern over the independence of the judiciary and pointed to the fact that this perception may diminish public confidence in its decisions. Some ODIHR NAM

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<sup>42</sup> The Minister of Justice also requested an opinion from the Venice Commission, which [opined](#) that not all judicial appointments, so called "neo-judges" (some 3,000 individuals) made in a particular timeframe can be declared null and void and the principle of proportionality shall apply.

<sup>43</sup> On 5 February 2025, the Constitutional Tribunal [announced](#) a criminal investigation against Prime Minister Donald Tusk and other senior officials from the ruling coalition for operating "in an organized criminal group...with the aim of changing the constitutional system of Poland", including by restricting and undermining the activities of the Constitutional Tribunal, the National Council of the Judiciary, and the Supreme Court".

<sup>44</sup> Complaints on election results may be filed only after the announcement of the final election results. Complaints against results of the first round are thus considered "premature" and declared inadmissible on formal grounds.

<sup>45</sup> In December 2023, the Court of Justice of the European Union [found](#) that the chamber of the Supreme Court created as part of the former PiS government judicial reforms is not an independent and impartial tribunal previously established by law. See also the [2017](#) ODIHR Opinion and [2020](#) Urgent Opinion on Certain Provisions of the Draft Act on the Supreme Court of Poland.

interlocutors anticipated an increase in the number of complaints, including on election day, due to the apparent competitive and contentious nature of the election.

## J. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for citizen and international observation of the electoral process. Associations which are per their founding documents active in democracy, civil rights and civil society development, may appoint observers to election commissions, and enjoy rights similar to those enjoyed by party and candidate proxies; however, they may not enter comments on PEC protocols or follow the transport of protocols to higher commissions. International observers are accredited by the NEC. There is no formal accreditation procedure for citizen observers or proxies but they have to present a certificate from their nominating organizations. Electoral committees may nominate representatives at all election commissions, including polling stations on election day. The 2023 amendments provide for candidate proxies to be paid an allowance for observing election proceedings and expand the rights of electoral committees' and citizen observers to record voting procedures in addition to the counting procedures as previously allowed.<sup>46</sup> Several civil society organizations are conducting long-term observation, and plan to observe election day. Representatives of PiS informed the ODIHR NAM about the formation of a so-called "election protection movement" involving tens of thousands of representatives collecting results protocols from polling stations to ensure the integrity of the results.

## IV. CONCLUSIONS AND RECOMMENDATIONS

Most ODIHR NAM interlocutors highlighted the importance of an ODIHR election observation activity given the polarized political environment and some stressed the importance of a long-term and country-wide presence. While no particular concerns were raised regarding technical preparations for elections and interlocutors generally expressed confidence in the implementation of election-day procedures, most noted that specific aspects that could benefit from further assessment include the scrutiny of the legal framework and its implementation, the work of the election administration at all levels, the campaign, including online, the transparency of campaign finances and the effectiveness of electoral dispute resolution, especially post-election related complaints. Interlocutors also placed a particular emphasis on the observation of the pre-election day period, especially with respect to misuse of administrative resources and pointed to a need for a systematic assessment of the public and private media coverage of the elections.

On this basis, the ODIHR NAM recommends the deployment of Limited Election Observation Missions (LEOM) for the upcoming presidential election. In addition to a core team of experts, the ODIHR NAM recommends the secondment by OSCE participating States of 18 long-term observers to follow the electoral process countrywide. While the mission would visit a limited number of polling stations on election day, comprehensive and systematic observation of election day proceedings is not envisaged. In line with ODIHR's standard methodology, the LEOM would include a media monitoring element.

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<sup>46</sup> Proxies are to be paid by the local mayor, at a rate of 40 per cent of the allowance payable to PEC members upon certification by the PEC chairperson that the proxy observed at least five hours of voting, and the entire process of determining voting results in the polling station.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Karolina Krupa, Head of Unit, Global Affairs Department

Agata Duda-Płonka, Deputy Director, Global Affairs Department

Piotr Chmiel, Deputy Director, Consular Department

Konrad Adamowicz, Deputy Director, Strategic Communication and Countering Disinformation Department

Julia Zawisza, Strategic Communication and Countering Disinformation Department

### **National Election Commission**

Sylwester Marciniak, Chairman, National Election Commission

### **National Election Office**

Magdalena Pietrzak, Chief, National Election Office

Dorota Tulczyńska, Director, National Election Office

### **Ministry of Digital Affairs**

Wiktor Skwarek, Secretary, International Cooperation Department, Ministry of Digital Affairs

### **Supreme Court**

Joanna Lemańska, President, Supreme Court, Extraordinary Review and Public Affairs Chamber

Aleksander Stępkowski, Judge, Spokesperson, Supreme Court

### **Constitutional Tribunal**

Justyn Piskorski, Judge,

Bartosz Skwara, Director, Legal Service Office

Przemysław Sobolewski, Head, Legal Service Office

### **Commissioner for Human Rights**

Wojciech Brzozowski, Deputy Commissioner

### **National Broadcasting Council (KRRiT)**

Maciej Świrski, Chairperson

Agnieszka Głapiak, Deputy Chairperson

Hanna Karp, Member

Marzena Paczuska-Tętnik, Member

Tadeusz Kowalski, Member

Hubert Banasiak, Director, Department of Public Media, NBC Office

Agnieszka Wąsowska, Director, Monitoring Department, NBC Office

Anna Szydłowska-Żurawska, Director, Executive Department, NBC Office

Łukasz Zalewski, Acting Director, Legal Department, NBC Office

### **Television Information Agency**

Jan Ciszcki, Deputy Director

### **Polish Radio**

Juliusz Kaszyński, Acting Director/ Editor-in-Chief



## **Society of Journalists**

Krzysztof Bobiński, Member of Board

## **Political Parties**<sup>47</sup>

Krzysztof Gadowski, MP, Civic Platform

Katarzyna Piekarska, MP, Civic Platform

Tomasz Grodzki, Senator, Civic Platform

Claudia Jachira, MP, The Greens

Przemysław Czarnek, MP, Justice and Solidarity

Grzegorz Placzek, MP, Konfederacja

Rafał Kasprzyk, MP, Poland 2025

## **Civil Society Organizations**

Zofia Lutkiewicz, Political Accountability Foundation (Fundacja Odpowiedzialna Polityka)

Anna Frydrych-Depka, Political Accountability Foundation (Fundacja Odpowiedzialna Polityka)

Michał Leśniak, Committee for the Defence of Democracy (Komitet Obrony Demokracji)

Jakub Kocjan, Action Democracy (Akcja Demokracja)

Sonia Horonziak, Institute of Public Affairs (Instytut Spraw Publicznych)

Katarzyna Batko-Tołuć, Foundation for Poland (Fundacja dla Polski)

Martyna Regent, Citizen Network Watchdog Poland (Sieć Obywatelska Watchdog Polska)

Marcin Skubiszewski, Electoral Observatory (Obserwatorium Wyborcze)

Anna Duniewicz, Our Ombudsman Initiative (Inicjatywa Nasz Rzecznik)

Robert Lisiewicz, Free Courts (Wolne Sądy)

Jakub Szymik, CEE Digital Democracy Watch

## **International and Diplomatic Community**<sup>48</sup>

Representatives of resident embassies of OSCE participating States

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<sup>47</sup> The ODIHR NAM offered meetings to all parliamentary political parties, among others.

<sup>48</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Poland.