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Victory for freedom of expression: Poland's Constitutional Court overturns censorship law

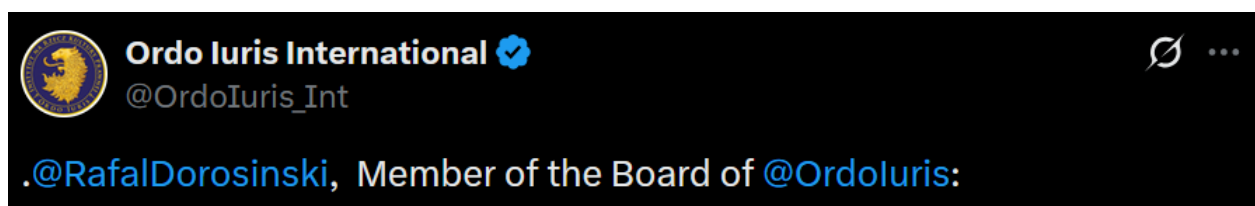
30. September 2025 from [Dr. Peter F. Mayer](#) 3,8 minutes read

Poland's Constitutional Court declares law against hate speech unconstitutional and points to danger to freedom of expression. While the EU is cracking down on freedom of expression in many EU countries, Poland's Supreme Court is putting the brakes on a new law against "hate speech"."

Freedom of expression activists have won a major victory in Poland after the Constitutional Court ruled that important provisions of the so-called "Law Against Hate Speech", which was intended to expand the scope of hate crimes in the Criminal Code, are unconstitutional. The court found that the proposed amendments constituted "an undue interference with constitutionally protected freedom of expression".

The decision was a victory for the arguments of the then President of the Republic of Poland, Andrzej Duda, who [submitted the draft law for preventive review in April](#) had.

„The Constitutional Court granted the request of the President of the Republic of Poland and ruled in favour of freedom of expression. The verdict was unanimously passed by the entire panel of judges," emphasised Zbigniew Bogucki, Head of the Presidential Chancellery.



A great success for freedom of speech in Poland The Constitutional Tribunal has ruled that provisions introducing penalties for "hate speech" are unconstitutional! Today's ruling (September 30, 2025) by the Constitutional Tribunal is the result of President Andrzej Duda's request to examine the constitutionality of the Act of March 6, 2025, amending the Criminal

Code. This ruling was preceded, among other things, by: an opinion submitted by [@Ordoluris](#)

to the President (and previously to members of parliament) (<https://tiny.pl/s4zcv3cm>), an appeal prepared by us and signed by dozens of philosophers, scientists, and publicists

(https://tiny.pl/bv_y6nn5), an appeal signed by over 33,000 people (<https://stopdyktaturze.pl>) The ruling means that "protected characteristics" such as sexual orientation, gender, age, and disability will NOT be added to the Penal Code. Link to the ruling: <https://trybunal.gov.pl/postepowanie-i>



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The amendment, adopted on 6 March this year, aimed to add four new reasons to the catalogue of hate crimes: age, gender, disability and sexual orientation. This was to ensure that hate crimes based on these characteristics are prosecuted *ex officio* (by the authorities) without the need for private prosecution.

However, the court found the amended provisions unconstitutional and classified them as "inextricably linked to the law as a whole".

In the reasoning of the ruling, Judge Justyn Piskorski, who acted as rapporteur, highlighted that the new grounds of discrimination were "imprecisely defined" and could lead to an "excessively broad" and "mechanistic" criminalisation of speech. He explained that the Constitutional Court considers that the new formulation of these reasons "makes the boundary between lawful criticism, jokes, polemics and criminal offences unclear".

The court emphasised that while insulting statements are inadmissible, restricting freedom of expression through insufficiently defined prohibited acts violates constitutional rights:

„In this case, the court found that while the inadmissibility of offensive speech in public spaces towards groups or public institutions is indisputable, restricting freedom of expression by defining types of prohibited acts with insufficiently defined characteristics violates constitutional freedom of expression," the court wrote.

The court expressed concern that the new law had removed criminal law from its intended role. According to the Constitutional Court, criminal law is no longer "the last resort used exclusively to combat the most serious forms of hatred or violence, but can instead be a tool for censoring statements that were not meant to be discriminatory".

Judge Piskorski stressed that the amendments represented "an undue interference with constitutionally protected freedom of expression" and warned that their application could be "unpredictable" and vulnerable to "arbitrary decisions by law enforcement agencies and courts".

He outlined the possible deterrent effects on the public debate:

„There is a risk that critical comments, polemics or research on sexual identity, cultural norms, social movements or relevant legislation will be classified as a criminal offence," the judge wrote, clarifying the actual function of criminal law in a democracy with the following words: "Criminal law should not be used to undermine pluralism of opinion by excluding controversial expressions that undermine the essence of democratic discourse . Criminal law should not be used to protect against any form of criticism or social discomfort, but only in cases of actual violation of personal rights and rights.“

The verdict was unanimously passed by the plenary session of the court. After the verdict was announced, Minister Bogucki confirmed that the president was now "obliged" to refuse to sign the amending law.