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Date: 06/11/2026

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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (06/11/2026)

Communication from Poland concerning the case of P. v. Poland (Application No. 56310/15)

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Réunion : 1577e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (06/11/2026)

Communication de la Pologne concernant l'affaire P. c. Pologne (Requête n° 56310/15) ***[anglais uniquement]***

DH-DD(2026)1497: Communication from Poland
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DGI
06 NOV. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

UPDATED ACTION REPORT[1]
Information on measures aiming at execution of the judgment in the case of *P. against Poland*

Case description

P. v. Poland, application no. 56310/15, judgment of 13/02/2025, final on 30/06/2025.

The case concerned disciplinary dismissal, in 2013, of the applicant from his position as a secondary school teacher for, among other things, writing an Internet blog for adults featuring some sexually explicit content, which was considered by the authorities to be an affront to the prevailing domestic social mores and unworthy of the teaching profession (violation of Article 10 of the Convention).

The Court found that the domestic authorities (disciplinary commission for teachers and the appellate court) did not provide relevant and sufficient reasons for dismissing the applicant from his position. In particular, they did not duly examine various criteria that should be taken into account before restricting the applicant's freedom of expression, such as: restricted access to blog - for adults only, deletion of the blog by the applicant immediately after a request from a school principal, no active transmission of the content of the blog to the students. The Court stressed that even when allowing for a certain margin of appreciation, it cannot be held that such a personal blogging activity threatens the protection of morals of minors in a manner justifying the sanction imposed. Therefore, the interference with the applicant's right to freedom of expression neither corresponded to a pressing social need, nor was it proportionate to the legitimate aim pursued. It thus was not "necessary in a democratic society".

The Court declared a violation of Article 10 of the Convention by the majority of 4 votes to 3.

At the same time, the Court found the applicant's complaint under Article 8 of the Convention to be inadmissible *ratione materiae*, holding that the underlying reasons for the applicant's dismissal from work were not sufficiently linked to his private life, and that the consequences of the disciplinary sanction for his long-term professional opportunities did not go beyond the "threshold of seriousness" necessary to raise an issue under Article 8.

Lastly, the Court found the applicant's claim that he had been discriminated against because of his sexual orientation - and thus his rights under Article 14 of the Convention, taken in conjunction with Article 8, had been violated - to be inadmissible on the account of its manifestly ill-founded character, due to the reasons invoked under considerations of the applicability of Article 8 of the Convention.

I. Payment of just satisfaction and individual measures

1. Details of just satisfaction

Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total
-	2 600 EUR	-	**2 600 EUR**
Due on: 30/09/2025			**Paid on: 05/08/2025**

2. Individual measures

The Government submits that although the disciplinary sanction imposed on the applicant was not the least severe, it was automatically expunged from his personal file after three years. Therefore, the disciplinary sanction did not deprive him of the right to exercise his profession, nor of the opportunity to work in other schools.

[1] Information submitted by the Polish authorities on 6 November 2026.

It should be emphasised that in fact, the imposed sanction of dismissal from work did not affect the applicant's ability to exercise teaching profession, since he is currently employed as a teacher in four institutions of the education system and is pursuing his profession.

In these circumstances no other individual measures seem necessary.

II. General measures

It appears from the Court's judgment in the case *P. v. Poland* that the source of violation lays within the deficiencies in the domestic authorities' reasoning of the applicant's dismissal from his teaching job and in the lack of proportionality of the imposed sanction in relation to the legitimate aim purportedly pursued. Therefore, translation and dissemination of the judgment at hand seem to be sufficient to prevent similar violations of the Convention in the future.

1. Legislation

The Ministry of National Education is currently working on a draft amendment to the Teachers' Charter Act regarding disciplinary liability for teachers (UD410)[2].

The abovementioned draft aims to streamline and expedite disciplinary proceedings against teachers while enhancing their transparency, predictability, professionalism and integrity. It also seeks to protect teachers against excessive disciplinary measures, strengthen their procedural safeguards and right to a defense, and uphold children's rights and welfare.

2. Translation and dissemination

The judgment was translated into Polish and published on the website of the Ministry of Justice (www.gov.pl/sprawiedliwosc) in the section dedicated to the case-law of the European Court of Human Rights. The Polish translation of the judgment is also available in the HUDOC database.

On 19 February 2025 information about the judgment was included in the news section on the Ministry of Justice's website. That information was included in the Ministry of Justice's newsletter, distributed to all courts and prosecution services, as well as other subscribers.

On 19 February 2025 the Ministry of Justice sent letter to the Szczecin Court of Appeal - the court which uphold the Disciplinary Commission's disciplinary sanction dismissing the applicant from his teaching job - informing about the findings of the Court's judgment in the case at hand.

Subsequently, on 4 March 2025 the information about the judgment was sent to all appellate courts for further dissemination among judges of common courts adjudicating within a given appellate region.

Furthermore, the Government informs that the judgment in question will be disseminated by the Appellate Disciplinary Commission for Teachers at the Minister of Education also among the chairmen of the Disciplinary Commissions for Teachers of the First Instance in all provinces - for their review and implementation of its conclusions.

On 15 July 2026 the Ministry of National Education, through the Appeal Disciplinary Commission for Teachers operating under the Minister of National Education, sent information about the ECtHR judgment to the Chairs of First-Instance Disciplinary Commissions for Teachers in all voivodeships.

3. Training activities

The National School of Judiciary and Public Prosecution has included the analysis of the judgment *P. v. Poland* in training seminars for judges and prosecutors in 2026 and subsequent years.

The National School of Judiciary and Public Prosecution also informed about the possibility of including the judgment *P. v. Poland* in the initial education of trainee judges and prosecutors (in classes devoted to examining case-studies related to Article 10 of the Convention).

Furthermore, the Ministry of National Education is planning to conduct a case-study aimed at analysing the case at hand and the Court's findings during training sessions on the application of regulations

[2] https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy--karta-nauczyciela4

regarding teacher disciplinary liability, organised for chairmen of the Disciplinary Commissions for Teachers and disciplinary officers for teachers. **The dates for the training sessions have not yet been set.**

In these circumstances, no other general measures appear necessary.

III. Conclusions of the respondent state

The Government is of the opinion that no further individual measures are necessary in this case and that the measures of a general nature described above will be sufficient to conclude that Poland has fulfilled its obligations under Article 46 § 1 of the Convention.