

Document #2048598

Freedom House

Freedom in the World 2021 - Poland

FREE

82

/ 100

[Political Rights](#) 34 / 40[Civil Liberties](#) 48 / 60

LAST YEAR'S SCORE & STATUS

84 / 100 Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

Poland's democratic institutions took root at the start of its transition from communist rule in 1989. Rapid economic growth and other societal changes have benefited some segments of the population more than others, contributing to a deep divide between liberal, pro-European parties and those purporting to defend national interests and “traditional” Polish Catholic values. Since taking power in late 2015, the populist, socially conservative Law and Justice (PiS) party has enacted numerous measures that increase political influence over state institutions and threaten to reverse Poland's democratic progress. Recent years have seen an increase in nationalist and homophobic rhetoric.

Key Developments in 2020

- President Andrzej Duda was reelected in a July run-off that saw near-record voter turnout, defeating opposition candidate Rafał Trzaskowski by a slim margin. The election was initially scheduled to take place in May, but was delayed due to the government's illegal, last-minute attempt to bypass the electoral commission and administer the poll entirely by mail. The initiative failed, the May election was “abandoned” in the absence of any formal procedure, and a new election was called for June, with a runoff in July.
- After the election, in September, an administrative court ruled that the prime minister had violated the constitution and the electoral code in attempting to transfer the election administration to the post office.
- In April, the European Court of Justice (ECJ) ordered the suspension of the controversial Disciplinary Chamber of the Supreme Court, citing its potential to restrict judicial independence. The European Commission then launched an infringement procedure against Poland over a new law that expanded disciplinary measures against judges. Judges critical of the government's judicial reforms faced sanctions during the year.
- In October, the Constitutional Tribunal (TK) ruled that abortion in cases when the fetus has a congenital disorder is unconstitutional, effectively restricting legal abortion to cases involving rape, incest, or danger to the life or health of the mother. In response, women's rights groups organized mass protests that were attended by hundreds of thousands of people, the largest demonstrations in Poland since the fall of communism in 1989. The government delayed its implementation, and the ruling had not come into effect by the end of the year.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? **3 / 4**

The president of Poland is directly elected for up to two five-year terms. The president's appointment of a prime minister must be confirmed by the Sejm, the lower house of the parliament. While the prime minister holds most executive power, the president also has some influence, particularly over defense and foreign policy matters.

Andrzej Duda, the candidate of the national-conservative Law and Justice (PiS) party, was reelected in July 2020 in the second round of Poland’s presidential election with 51 percent of the vote, narrowly defeating Rafał Trzaskowski of the centrist Civic Platform (PO) party. Voter turnout was 68.1 percent, the second highest since 1989.

The election was originally scheduled for May 2020. Amid political conflict over whether to hold voting during the COVID-19 pandemic, the government in April drafted plans to hold the vote as scheduled in May, but with mail-in ballots, transferring the election’s administration to the post office instead of the constitutionally legitimate National Electoral Commission (PKW). However, the government backtracked on these plans, and long-time PiS party chair Jarosław Kaczyński, widely considered Poland’s most powerful politician, canceled the election, even though he did not have the constitutional authority to do so. Formally, the May election was “abandoned,” not postponed, and a new election was called in June, with a runoff in July. Observers noted that the government had failed to meet its constitutional obligations by abandoning the May vote without any formal procedure, and in September, an administrative court ruled that the prime minister had broken the law in attempting to transfer the election administration to the post office.

Election observers from the Organization for Security and Co-operation in Europe (OSCE) concluded that the election was competitive and well-organized, but tarnished by “hostility” and “biased coverage by the public broadcaster,” which PiS had effectively transformed into a government mouthpiece. The OSCE mission noted the insufficiency of regulations governing public officials’ campaign activities, with the incumbent receiving an “undue advantage” from campaigning by high-ranking officials, including the prime minister. Further, the OSCE observers raised concerns over the persistent use of homophobic rhetoric by President Duda and his team and media allies.

The current prime minister, Mateusz Morawiecki, was appointed in 2017 with the approval of the PiS majority in the parliament. His mandate was bolstered by PiS’s victory in the 2019 legislative elections.

Score Change: The score declined from 4 to 3 because the government attempted to bypass the country’s electoral authority to arrange postal voting for the presidential election, delayed the contest extralegally, and misused state resources to benefit the incumbent.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the bicameral parliament are elected for four-year terms. The 460-seat Sejm, the lower house, is elected by proportional representation and holds most legislative authority. The 100 members of the Senate, the upper house, are elected in single-member constituencies. The Senate can delay and amend legislation, but has few other powers.

In the October 2019 parliamentary elections, PiS won a second term with 43.6 percent of the vote. This represented an increase of 6 percentage points on its results four years earlier, although this translated to the same number of seats in the Sejm, 235. This majority allows PiS to continue governing without formal coalition partners (although within its electoral lists and parliamentary caucus are two smaller parties, United Poland and Agreement). PO finished second, with 134 seats. Four other parties or coalitions passed the threshold to enter parliament, including left-wing and far-right parties that had been absent during the previous term.

PiS, however, narrowly lost control of the Senate, where an opposition coalition took 51 of 100 seats; PiS took 48.

An OSCE mission concluded that the 2019 elections were generally conducted in a “professional and transparent” manner. However, they expressed concern that recent judicial reforms had left a “lack of trust in prosecutors and courts to handle election-related complaints independently.” They also noted that “nationalist and homophobic rhetoric gave rise to a sense of threat,” which they echoed in their report on the 2020 presidential election.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Poland’s electoral framework and its implementation have generally ensured free and fair elections, though legal changes introduced in 2017–18 have increased the potential for political influence over the PKW, which manages elections and oversees party finances, including the power to withhold state subsidies. Previously, all nine members of the PKW were nominated by courts. From the beginning of the new parliamentary term in December 2019, seven members are now chosen by the parliament. As the largest parliamentary grouping, PiS was allowed to nominate a maximum of three members but could also exert influence over the member picked by the Constitutional Tribunal (TK), which is currently led by PiS-installed judges. The new commission was formally approved by President Duda in January 2020.

One of the judicial reforms that came into force in 2018 gave the newly created chamber of the Supreme Court—the Chamber of Extraordinary Control and Public Affairs, whose members are appointed by the now-politicized National Council of the Judiciary (KRS)—the authority to validate or reject election and referendum results. The chamber’s substantial power, along with its vulnerability to politicization, further threaten the integrity of electoral oversight.

During the COVID-19 pandemic, the PiS undermined the authority of the PKW by ordering that the May presidential election be held by mail—which would have transferred administration of the election to the postal service—without passing proper legislation to accommodate the changes. The head of the PKW and international

democracy watchdogs said voting by mail without proper preparation and legislation would be neither fully free nor fair. Though the election plans were withdrawn, in September 2020, a court in Warsaw ruled that the prime minister’s orders had violated the constitution and the electoral code, among other legal breaches.

After the 2020 presidential elections, in August the Supreme Court declared 93 of around 5,800 electoral complaints valid, but that the offenses did not affect the outcome. However, as the OSCE mission noted after the July runoff, complaints to the Supreme Court could only be made after the second round of voting, so that there was no effective legal redress for issues occurring in the first round that could have affected the runoff.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Poland’s political parties organize and operate freely.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple rotations of power among rival parties since the transition from communist rule. However, opposition parties face potential long-term obstacles, including propaganda by PiS-controlled public media and legal changes related to electoral administration.

The PiS victory in the 2015 elections ended two terms of governance by PO, now in opposition. In 2019, PiS won a slim majority in the Sejm but lost control of the Senate. The Democratic Left Alliance (SLD) returned to the parliament, while four new parties entered for the first time.

The 2020 presidential campaign of pro-European Union (EU) Warsaw mayor Rafał Trzaskowski was one of the most significant challenges to PiS’s comprehensive grip on power since 2015. The presidential vote ended with the narrowest margin of victory for the incumbent since 1989.

B3 0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voters and politicians are generally free from undue interference by outside groups, though there are some concerns that personnel changes associated with the PiS government’s assertion of control over various state institutions could be exploited to mobilize political support among public employees ahead of future local and national elections.

Powerful priest Tadeusz Rydzyk, an ally of PiS, uses his media outlets to support the government’s message, and has received generous state grants for organizations under his control. Ordo Iuris, a conservative legal nongovernmental organization (NGO), has also gained prominence through its efforts to ban abortion and sex education from schools, as well as its campaign against “gender ideology,” which has been endorsed by high-ranking officials in the Catholic Church and PiS.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women have equal political rights and hold 28 percent of the seats in the Sejm. The number of government ministries was reduced from 20 to 14 in September 2020, leaving just one woman in the new cabinet.

Ethnic, religious, and other minority groups enjoy full political rights and electoral opportunities. Though an alliance of three leftist parties nominated Robert Biedroń, an openly gay member of the European Parliament, as their candidate in the 2020 presidential election, LGBT+ people face significant challenges to entering politics and seeing their interests represented in Polish politics in practice. The year’s election period was marred by homophobic rhetoric by government figures, including President Duda, whose team and media allies used homophobic rhetoric that warned of the alleged dangers of LGBT+ rights. The minister for science and higher education, appointed in September 2020, had previously stated that LGBT+ people are “not equal to normal people.”

Electoral lists representing recognized national minorities are not subject to the minimum vote threshold for parliamentary representation.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Freely elected officials generally determine and implement laws and policies without interference, though PiS chair Kaczyński—who was appointed deputy prime minister in September 2020, and had previously played a dominant role in the government despite not holding any official executive position—retains significant influence on

government affairs. Throughout the party’s time in power, PiS has sought to limit parliamentary scrutiny of legislation through various means, such as making use of private-members bills that require no consultation or impact assessments; introducing legislation unexpectedly at the last minute, sometimes in the middle of the night; and limiting opportunities for the opposition to question or amend legislation.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 3 / 4

PiS came to power promising to clean up corruption, cronyism, and nepotism. While Poles have perceived a steady decline in corruption since 2016, cronyism, a problem under all previous Polish governments, appears widespread under PiS. Since coming to power, the PiS government has altered, lowered, or removed many criteria for staffing of public institutions, allowing for appointments based on party loyalty and personal connections. Following a number of earlier controversies, PiS came under fire in September 2020 for appointments to state-owned firms, including the president’s uncle and a minister’s wife, though the latter appointment was reversed.

In past years, the Supreme Audit Office (NIK), a state watchdog, has raised concerns about the misuse of public funds by PiS, occasionally prompting the party to take action such as donating scrutinized funds to charity. In 2019, the PiS parliamentary majority appointed the finance minister as the new chair of the NIK. He immediately came under scrutiny for alleged irregularities in his property declarations and links to a criminal group, and subsequently took unpaid leave, rejecting the prime minister’s call for his resignation.

In May 2020, Poland’s health minister Łukasz Szumowski was accused of cronyism in his acquisition of medical equipment to combat COVID-19: the ministry purchased overpriced respirators that never arrived, as well as face masks for government workers from a family friend of Szumowski that were defective. The ministry notified prosecutors of the defective masks, and the potential fraud the supplier had committed, weeks after the masks were received, and only after media outlets uncovered the story. Szumowski resigned in August from his cabinet position, though he denied any wrongdoing.

C3 0-4 pts

Does the government operate with openness and transparency? 2 / 4

The right to public information is guaranteed by the constitution and by the 2001 Act on Access to Public Information, but obtaining records and data from public institutions can be slow and difficult. The Chancellery of the Sejm has refused to release lists of judges who supported controversial new appointees to the KRS, citing personal data protection concerns, despite a ruling from the Supreme Administrative Court (NSA) ordering it to do so.

The current government avoids consulting outside experts or civil society organizations on policy ideas and tends to introduce and pass legislation rapidly, with little opportunity for debate or amendment. In April 2020, the government attempted to pass legislation that would ban abortion and criminalize sexuality education while coronavirus lockdown measures were being enforced. Activists expressed concern that the government was using the lockdown to rush through legislation without public consultation.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 3 / 4

The constitution guarantees freedom of expression and forbids censorship. Libel remains a criminal offense, though a 2009 amendment to the criminal code eased penalties. Reporters Without Borders (RSF), a media watchdog, noted in 2020 “a growing tendency to criminalize defamation” through government lawsuits curbing press freedom.

Poland’s media are pluralistic and mostly privately owned. However, the public media and their governing bodies have been purged of independent or dissenting voices since PiS came to power in 2015. TVP, the public television broadcaster, has promoted the government’s messages and campaigned on behalf of PiS and President Duda ahead of elections in 2019 and 2020. The station’s news broadcasts have sought to discredit the opposition, in flagrant breach of statutory obligations to present news in a “reliable and pluralistic manner.” In June 2020, Duda’s presidential rival Trzaskowski sued TVP for what he called false and defamatory claims.

TVP also depicts voices critical of the government, including NGOs and judges, as agents of the opposition or foreign forces. The broadcaster’s electoral coverage in 2020 was marked by “xenophobic, homophobic and antisemitic” rhetoric, according to the OSCE’s observers.

Since 2015, state-controlled companies have shifted their advertising to private media outlets that support the PiS government. More critical outlets have suffered a corresponding drop in advertising revenue, as well as a sharp decline in subscriptions from government ministries.

The PiS leadership has regularly promised to pass a law “deconcentrating” and “repolonizing” private media by reducing foreign ownership, a move that would disproportionately affect the outlets that most vigorously hold the current government to account.

Senior party figures have also suggested that German-owned media critical of the PiS government promote the interest of their German owners in undermining the Polish state. In July 2020, President Duda accused Germany of meddling in the presidential election and singled out *Die Welt*'s Warsaw correspondent by name, who subsequently received thousands of threatening messages.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The state respects freedom of religion. The PiS government is aligned with the Roman Catholic Church, which wields significant influence in the country. Religious groups are not required to register with the authorities but receive tax benefits if they do. Minority faiths are generally able to obtain registration in practice. There is a formal ban on state funding for church construction, but a church can obtain Culture Ministry funding in practice if, like the Temple of Divine Providence in Warsaw, it includes a museum.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The ruling party has sought to discredit academics who challenge its preferred historical narrative, particularly with regard to the events of World War II.

The director of the Polin Museum of the History of Polish Jews, Dariusz Stola, who won an open contest for another term in the job in 2019, announced his resignation in February 2020 after the culture minister, Piotr Gliniński, refused to sign off on his reappointment for eight months. Gliniński had accused Stola of politicizing the museum after Stola criticized a law that he believed would have a chilling effect on historical research.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

People are generally free to engage in private discussions on political and other matters without fear of harassment or detention by the authorities.

However, Poland has harsh insult laws, including against offending religious feelings and insulting the president, that have been increasingly used to pursue criminal cases in recent years. In February 2020, a 65-year-old man was arrested and charged with insulting the president for holding up a banner calling the president an “idiot,” with a proposed sentence of up to three years in prison. The man was exonerated by a court in July. In December, another man was convicted of insulting the president for drawing obscene graffiti on an election poster of President Duda. He was sentenced to six months’ community service. In July, three LGBT+ rights activists were charged with “offending religious feelings” for owning images depicting the Virgin Mary with a rainbow halo. They could face up to two years in prison if convicted.

Score Change: The score declined from 4 to 3 because the government in recent years has pursued a growing number of criminal cases in which activists and government critics were accused of violating insult laws.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 3 / 4

Freedom of assembly is generally respected in law and in practice. Public demonstrations are held with some regularity, though local authorities can limit demonstrations in their districts on grounds of maintaining public order.

In 2020, demonstrations were initially curbed by restrictions imposed during the COVID-19 pandemic. Protesters had to find work-arounds to avoid violating the new rules, gathering to protest in cars, honking their horns, and holding signs to their windows. In May, when business owners in Warsaw held protests calling for government aid in the face of the pandemic, police intervened with force when safety rules were breached, detaining 37 people.

In August 2020, the pretrial detention of an LGBT+ rights activist, accused of assaulting an anti-abortion campaigner and damaging his vehicle, led to protests and the brief detention of a further 48 people. An investigation by Poland’s Commissioner for Human Rights found evidence of humiliating treatment of detainees by police, and that some of those detained were merely bystanders.

In October, hundreds of thousands of people protested for over a week against the Constitutional Tribunal’s decision to enforce a near-total ban on abortion. Those who gathered formed the largest demonstrations since the fall of communism in 1989.

Greater numbers of LGBT+ pride parades have taken place in Poland in recent years, with many staged in smaller and eastern cities for the first time. Authorities attempted to obstruct these events, including on grounds of safety, but in each case courts prevented authorities from stopping the organizers, arguing that freedom of assembly cannot be denied on the basis of potential violence by opponents. On a few occasions, opposition to the parades turned violent, notably in Białystok in 2019, where police detained over 120 people.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Although NGOs have generally operated without government interference in Poland, public media and top government officials began systematically undermining the credibility of rights and governance-related groups in 2016, accusing many of lacking financial transparency and pursuing an opposition-led political agenda. A 2017 law, which was widely condemned by domestic and international rights activists and by Poland’s rights ombudsman, centralized distribution of public NGO funding through a new body called the National Freedom Institute, indirectly attached to the prime minister’s office. As anticipated, when the National Freedom Institute distributed funds in 2019, the money went disproportionately to organizations that fit the government’s ideological profile.

The European Commission’s September 2020 Rule of Law Report expressed concern at government actions aimed at LGBT+ groups, including arrests, detentions, and smear campaigns.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Poland has a robust labor movement, though certain groups—including the self-employed, private contractors, and those in essential services—cannot join unions. Complicated legal procedures hinder workers’ ability to strike. Ahead of the 2020 presidential elections, Poland’s largest trade union—Solidarity—in June endorsed the incumbent president for his support of “worker-friendly” government policies, including raising the minimum wage, lowering the retirement age, and a Sunday trading ban phased in since 2018.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 1 / 4

Since taking power in 2015, the PiS government has moved aggressively to assert control over the judiciary, passing legislation designed to curb the powers of the TK and to install progovernment judges on its benches. In 2017, three significant judicial reforms were adopted. The first gave the justice minister the power to appoint and dismiss presidents and deputy presidents of courts. The second, which came into force in 2018, mandated that 15 of the 25 members of the KRS, which is responsible for nominating judges, be appointed by the parliament instead of elected by the judiciary. In July 2018, new, lower retirement ages for the Supreme Court came into force, effectively meaning that 27 out of 73 judges had to step down unless they were given the president’s approval to remain. These judges were reinstated later that year after an infringement procedure from the European Commission and an interim ruling of the European Court of Justice (ECJ), which later confirmed that the measures had breached European law. The Supreme Court law also created powerful new chambers—the Chamber of Extraordinary Control and Public Affairs (responsible for declaring the validity of elections), and the Disciplinary Chamber.

In 2019, the European Commission launched an infringement procedure alleging that the Disciplinary Chamber undermined the independence of judges. Later that year, the ECJ decided that Poland’s own Supreme Court must rule on the independence of the new chamber. The Supreme Court’s Labor Chamber promptly decided that the Disciplinary Chamber “is not a court within the meaning of EU and national law.” In response, PiS rushed legislation through the Sejm in December to strengthen and expand disciplinary measures to punish individual judges who questioned the validity of the new Disciplinary Chamber or other aspects of the judicial reforms.

In April 2020, the ECJ ordered the suspension of the Disciplinary Chamber, citing its potential to restrict judicial independence. That same month, the European Commission launched a new infringement procedure, this time against the December 2019 law expanding disciplinary measures for judges. In September 2020, the European Parliament passed a resolution noting that there had been a continuing deterioration of judicial independence and the rule of law in Poland and advocating a resumption of the Article 7 (of the Treaty of the European Union) procedure (first triggered by the Commission in 2017). Critics allege that the government has continued to pursue disciplinary action against judges critical of its reforms, in violation of the ECJ ruling. In November, the Disciplinary Chamber suspended judge Igor Tuleya and stripped him of immunity from prosecution. He may now face criminal proceedings for allegedly unlawfully disclosing information when he allowed journalists to attend a politically sensitive hearing.

In September 2020, a Dutch court ruled that the Netherlands would suspend extraditions of criminal suspects to Poland until the ECJ completes its examination of whether there are sufficient guarantees of Polish judges’ independence to ensure fair trials.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 3 / 4

Defendants generally enjoy due process protections in Poland, though the law allows for extended pretrial detention, and there is a large backlog of cases. The decision by the PiS government to merge the roles of justice minister and prosecutor general “creates potential for misuses and political manipulation” of the justice system, according to the Venice Commission.

Legislation introduced in 2016 gave law enforcement agencies broad authority to monitor citizens’ communications activity, including the ability to access metadata without a court order, monitor the movements of foreign citizens without prior court approval, and hold terrorism suspects without charge for up to two weeks. It also contained ambiguous provisions on collecting individuals’ data, arresting civilians, prohibiting demonstrations, and blocking internet access.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Civilians are largely free from extralegal violence, though some incidents of abuse by police have been alleged in the context of antigovernment demonstrations. Human rights groups have reported inadequate medical care in prison facilities.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Women and ethnic minority groups generally enjoy equality before the law. LGBT+ people continue to face discrimination. Public support for LGBT+ rights, including same-sex civil partnerships, has risen in recent years. However, 2019 and 2020 saw major setbacks, as an intense anti-LGBT+ campaign led by PiS and parts of the church stoked fears of an “imported LGBT ideology.” By the end of 2020, more than 100 local governments had declared themselves “LGBT-ideology-free” zones or established “family charters,” in resolutions without specific legal implications that were described by domestic and international rights groups as “manifestations of hate” toward LGBT+ people.

Because Poland’s law against inciting hatred does not cover crimes motivated by sexuality or gender identity, public figures have been free to make slurs that would be prosecuted if targeted at other marginalized groups.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, 4 / employment, or education? 4

People in Poland typically enjoy freedom of travel and choice of residence, employment, and institution of higher education.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 4 / undue interference from state or nonstate actors? 4

Citizens have the right to own property and establish private businesses. However, a 2016 law imposed onerous restrictions on sale and ownership of agricultural land, ostensibly to protect small-scale farmers. State and religious institutions are not bound by the new restrictions.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, 3 / protection from domestic violence, and control over appearance? 4

Under Polish law, abortion is permissible through the 12th week of pregnancy if a woman’s health or life is in danger or if the pregnancy is a result of a criminal act such as rape. Bills that sought to further restrict abortions, including the imposition of prison terms for illegal abortions, triggered mass protests in 2016 and 2018, prompting the parliament to back down.

Senior PiS figures and the president subsequently made it clear that they still intended to ban what they call “eugenic abortion,” in practice meaning cases of a congenital disorder of the fetus. Such cases represent approximately 98 percent of legal abortions in Poland. A group of over 100 lawmakers, mostly from the ruling party, asked the TK to rule on whether such abortions violate the constitution’s protection of human life and dignity. In October 2020, the TK ruled that abortion in cases where the fetus has a congenital disorder is unconstitutional, effectively restricting legal abortion to cases involving rape, incest, or danger to the life or health of the mother. In response to the ruling, mass protests with hundreds of thousands of participants took place in Warsaw and other Polish cities. In November, the government delayed implementation of the ruling, despite a court-mandated deadline.

Since 2017, contraceptive pills have been available by prescription only, making Poland one of only two EU countries in which such a restriction is in place. A report by the NIK found that in many, especially rural, parts of Poland, gynecologists are rare. Many women must travel to obtain care, and reliable and timely access to contraception and other sexual-health services is limited. After Poland closed its borders in March 2020 to contain the COVID-19 pandemic, women faced much greater obstacles to travel to less restrictive European states for abortions.

Same-sex civil partnerships and marriages are not permitted, and same-sex couples are not legally allowed to adopt. The constitution places “marriage, as a union of a man and a woman,” under the “care and protection” of the state.

In July 2020, Poland's justice minister announced that Poland would withdraw from the Istanbul Convention, a treaty to combat domestic violence and violence against women, on grounds of its alleged promotion of "LGBT and gender ideology." The prime minister in late July referred the matter to the TK, thus delaying any further action. The government passed a law in March mandating the immediate separation of perpetrators of domestic violence from their victims.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

The law provides meaningful protections against abusive working conditions and child labor, especially in the formal sector. The authorities work to combat human trafficking, but women and children are still subjected to trafficking for sexual exploitation and foreign migrant workers are vulnerable to conditions amounting to forced labor.

State-owned entities have been expanding their already considerable presence in various sectors, such as banking, often by buying out foreign owners, as the government effectively renationalizes parts of the economy. Hiring for senior positions at such firms is often based on political loyalty or connections rather than merit, a longstanding issue under various governments that has grown more widespread under the current administration.

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
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