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Freedom House (Author)

Nations in Transit 2024 - Poland

SEMI-CONSOLIDATED DEMOCRACY

57

/ 100

Democracy Percentage 57.14 / 100

Democracy Score 4.43 / 7

LAST YEAR'S DEMOCRACY PERCENTAGE & STATUS

59 / 100 Semi-Consolidated Democracy

The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0-100 scale, where 0 equals least democratic and 100 equals most democratic. [See the methodology.](#)

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Score changes in 2024

- Electoral Process rating declined from 5.75 to 5.25 to reflect serious flaws in the organization of the 2023 parliamentary election and referendum.
- Corruption rating declined from 4.00 to 3.75 following several scandals involving high state officials and the further diminishing of transparency in public funds disbursement.
- As a result, Poland's Democracy Score declined from 4.54 to 4.43.

Executive Summary

The year 2023 was a landmark for Polish democracy, concluding in a sea change to the country's political landscape. After eight years of the Law and Justice (PiS) party dominating Polish government and politics, the

country has seen a transfer of power, with the new parliamentary majority assembled by a centrist coalition led by Donald Tusk, the former prime minister and president of the European Council. This tectonic shift was a result of October general elections that featured the highest voter turnout in the history of Polish democracy.

Even though there were clear signals that PiS might have a hard time replicating its 2015 and 2019 victories, a power transfer was by no means certain. During its eight years in power, PiS had solidified its grip over state institutions and resources. The success of the economic and social policies that the party deployed during its tenure allowed it to maintain its broad support base, particularly among the rural and elderly voters.

In 2023, the PiS government unveiled further ambitious social policy programs, notably expanding its landmark Family 500+ universal child benefit program, which provided families a monthly payment of 500 złoty (\$122) per child, to 800 złoty. This was complemented by significant additional funding directed towards pensioners. However, 2023 was also characterized by the PiS government's general avoidance of overly divisive political actions. A significant exception was its introduction of the so-called Lex Tusk, which established a controversial commission with a questionable legal status tasked with investigating Russian influences in Poland, and was seen by critics as targeting Tusk and other opposition figures.

The gravity of the electoral change is also visible in the context of the state resources that PiS had at its disposal during the electoral campaign. The public television broadcaster TVP continued to serve as a highly effective propaganda tool with extensive reach. The government mobilized considerable resources from state-owned companies to ramp up its political messaging. The lack of a level playing field was underscored by strong-worded referendum instigated by the government that accompanied the parliamentary voting.

The creeping state capture and high-level corruption that characterized PiS rule reached critical levels during the election year. Several scandals, as described in the report, showcased how public money was capriciously spent to support nongovernmental organizations (NGOs) that favored the government or to finance businesses with links to political figures. Thanks to investigative journalism and a lively civil society, the public could apprehend the systemic scale of the phenomenon. In turn, opposition parties were able to turn the transparency of public life and the promise of creating a strict anticorruption framework into a hot topics for their electoral campaigns.

The campaign ahead of the October elections was marked by a liberal use of spiteful, and often exclusionary or plainly xenophobic, language, contributing to an escalating atmosphere of polarization. Notably, this

manner of political communication was not exclusive to the PiS; the opposition also occasionally engaged with such rhetoric, raising concerns about the nature and extent of change the country might experience post-elections.

Throughout 2023, Poland was exposed to the consequences of war in Ukraine. Following the outbreak of full-scale war in February 2022, Poland recorded high rates of cross-border traffic; to date, over 17 million people crossed from Ukraine into Poland, while 15.5 million crossed in the opposite direction. As of December, Poland hosts almost one million Ukrainian refugees who have fled since the Russian invasion. Ukrainians refugees can benefit from temporary protection which allows them to access Polish public services including social security, health, and education. Children below the age of 18 account for almost half of the refugee population. However, only 200,000 Ukrainian children attended Polish public schools in the 2022–23 school year, illustrating continuing challenges in the integration of Ukrainians into Poland's social fabric.¹

With a war on its eastern border, Poland devotes a large share of its budget to defense spending, nearing 4 percent of its GDP—almost double the level of military spending called for by NATO guidelines.² The contracted procurement of military equipment should solidify Poland's high levels of defense spending in the years to come.

The year 2023 was also marked by significant tensions between the government and the European Union (EU). The focal point remained Poland's Recovery and Resilience Plan, a major funding mechanism charged with disbursing €35.4 billion (\$38 billion) in grants and loans.³ In the operational arrangements with the European Commission, Poland agreed to make the payout conditional on achieving milestones, with particular attention to improving institutional quality and the reversal of controversial reforms in the Polish judicial system that were seen as violating EU law.⁴ Signed in December 2022, the arrangements set the tone of Polish politics in 2023, much of which focused on unlocking the funds.⁵ While the PiS majority tried to enact a law making some of the required changes to the country's judicial framework, the legislation was stuck in judicial review after being struck down as unconstitutional in December 2023.⁶

Beyond EU funding, the year was also marked by judgements of the Court of Justice of the European Union (CJEU) finding violations of the EU's core values, and by infringement procedures initiated by the European Commission for failing to implement EU law.⁷

With the change of power, Poland faces two significant challenges. The first relates to the past eight years, during which the PiS government and President Andrzej Duda, who possesses veto powers, operated largely in tandem; Duda had belonged to the PiS until he resigned in 2015 following

his election as head of state, and still retained the party's support despite no longer being a formal member. With the emergence of the new majority, it is anticipated that Duda will exercise his veto power more liberally. Consequently, the new government will need to invest considerable effort in the legislative process to circumvent potential vetoes, including engaging in more extensive negotiations. This period of cohabitation between the president and the new government majority is expected to be markedly more tumultuous than the preceding one.

The second challenge facing democratic governance stems from significant democratic backsliding observed during the PiS's two terms. The key institutions of the judicial system including the Constitutional Tribunal, the Supreme Court, and the National Council of the Judiciary, underwent reforms aimed at increasing the governing party's influence over them, often in ways that conflicted with the Polish constitution.

The new coalition faces a delicate task in reforming these institutions to reverse the democratic backsliding. It must strike a balance between adhering to legal principles and achieving effective reform, all while avoiding the excessively forceful or heavy-handed methods that characterized the tenure of PiS. Initial analyses suggest that this process will involve navigating complex political and legal landscapes to restore institutional integrity and democratic norms.⁸ The first actions of the new government, such as the seizure of public media companies, shows that reversing state capture is likely to fuel political polarization in 2024, and could further undermine the institutional durability of the state.

At-A-Glance

In Poland, national governance underwent a regime transition after eight years of single-party rule that was marked by widespread malpractice. The year's pivotal elections, while raising fairness and due process concerns, boasted very high electoral participation and was generally approved of by the public. The media landscape has seen a major shift as a result of governmental seizures in the highly politicized public media sector. Despite numerous attacks on minority groups, civic society remains resilient against government pressure. The judiciary is grappling with intensified political pressure on judges, constitutional crises, and noncompliance with EU and ECHR standards. High-level corruption and state capture have surfaced through scandals, causing public agitation. The local government faces challenges of creeping centralization and dwindling funding streams.

National Democratic Governance 1.00-7.00 pts

Considers the democratic character of the governmental system; and the independence, effectiveness, and accountability of the legislative and executive branches.

3.50 /
7.00

- At the start of the 2023 election year, PiS held a polling lead, but the opposition was not far behind, with some polls indicating that it could achieve a parliamentary majority.⁹ While the government managed to retain a large portion of its voter base, it faced challenges due to economic difficulties, particularly the inflation crisis, with the highest year-to-year inflation since 1996 recorded in February 2023.¹⁰ This indicated that the year's parliamentary election would be more competitive, and that PiS would have a hard time replicating its 2019 result, when it garnered 43.5 percent of votes.
- Within the PiS leadership, quarrels between the party and its junior coalition partner Sovereign Poland (SP) continued.¹¹ The party, led by Minister of Justice Zbigniew Ziobro, openly criticized Prime Minister Mateusz Morawiecki's negotiations strategy with the European Union, while the prime minister blamed Ziobro for the Polish court system's low administrative efficiency.¹² Ziobro and his associates advocated for a more hardline stance towards Brussels, adding an element of internal dissent within the ruling coalition.
- In April, media reported the accidental discovery of an air-to-ground missile in a forest near the Polish city of Bydgoszcz, described by the Ministry of Defense as the remains of an unidentified "military object." The prime minister suggested it might be a Russian missile from the December 2022 Ukraine attack. In May, the defense minister at the time, Mariusz Błaszczak, claimed that he hadn't been properly informed by the Armed Forces Operational Command, a contention disputed by the country's two most senior military commanders: Gen. Rajmund Andrzejczak, the chief of the general staff of the Polish Armed Forces, and Lt. Gen. Tomasz Piotrowski, the Operational Command head. Tensions between the military high command and the Ministry of National Defense simmered for months. In mid-October, just before the election, both generals resigned without explanation, in what was widely seen as a political statement of no confidence.
- In May, the Polish parliament passed legislation establishing a commission to investigate Russian influence in Poland between 2007 and 2022, commonly referred to as the Lex Tusk. The bill was largely perceived as targeting Donald Tusk, who led the opposition Civic Platform (PO) party and had been prime minister between 2007 and 2014. The commission was endowed with broad powers, including the discretion to ban individuals from public life for up to 10 years without legal recourse, despite the commission being an administrative rather than a judicial body. President Duda signed the bill, but also referred it for review to the Constitutional Tribunal.
- In response to criticisms, Duda proposed an amendment in June that would clarify the appeal process—including allowing appeals in common courts, rather than requiring them to be heard by

administrative court—and moderated the commission's powers. However, extended debates surrounding the commission have not led to any significant developments, and in November, the new parliamentary majority dismissed all PiS-appointed members of the commission.

- Antimigrant rhetoric emerged as a central theme in the election campaign.¹³ The government perceived this issue as a potential rallying point for public support, especially in the context of the migrant crisis on the Polish-Belarusian border. This narrative, intertwining antimigrant sentiments with anti-EU positions, was also notable because the PO-led Civic Coalition (KO) opposition alliance occasionally employed it in its political messaging as well. In July, Tusk published a video in which he criticized PiS for its allegedly lenient migration policy, saying that “Poles must regain control of their country and its borders.”¹⁴ This suggested a strategic shift in KO’s approach to migration and emphasized its openness to mimicking PiS in using xenophobia for electoral gain.
- Despite the opposition parties expressing their willingness to cooperate and form a coalition from the first day after the elections, President Duda, who has a discretionary power of appointing a candidate for prime minister, chose to nominate Morawiecki, the incumbent from PiS.¹⁵ He justified this decision by invoking the tradition that the party with the largest parliamentary caucus is given the first opportunity to form a government. However, at the time of Duda’s decision, the opposition parties’ coalition talks were already well-advanced, making it evident that PiS would struggle to secure a parliamentary majority in support of its government.
- The decision sets the tone for a potentially hostile cohabitation between the President and parliamentary majority. During the transitional lame-duck period lasting for almost two months, the outgoing government continued to exercise its mandate; Morawiecki appointed a new chairperson of the Financial Supervision Authority to a five-year term, and some of the outgoing ministers reportedly signed significant contracts only weeks before they left office.¹⁶
- Following Morawiecki’s failure to secure a majority for his government in early December, parliament voted to appoint KO leader Tusk as prime minister on December 11.
- The new government—a coalition bringing together KO with two other opposition alliances, the Third Way and the Left—was officially sworn in by the president on December 13. The new ministers are largely seasoned politicians from the coalition parties. One of the new administration’s deputy prime ministers hails from the Polish People’s Party (PSL), which belongs to the Third Way, while the other is from the Left.

- In his inaugural address, Tusk underscored the importance of rallying international support for Ukraine, addressed the importance of solving the migrant crisis on the Polish-Belarusian border, and reiterated some of the promised social and economic policies that were high on KO's agenda during the electoral campaign period.
- The new government's tenure began with a fierce political battle over control of public media. These clashes indicate that the high level of polarization that characterized the election campaign is likely to remain a key feature of the Polish political landscape into 2024, a year that will see European and local government elections.
- During the past term of parliament from 2019 to 2023, the quality of the legislative process deteriorated, and special expedited voting procedures were used to bypass the ordinary legislative procedure. In 2023, at least 12 out of 23 bills proposed by PiS members of parliament (MPs) as MPs' motions were, in fact, prepared at the government level.¹⁷ Legislation was often amended late in the parliamentary process during committee hearings, with MPs from the ruling party adding changes without the possibility of debate. A blatant example of such malpractice was illustrated in January 2023 during a parliamentary committee session, when PiS MP Marek Suski substantially amended wind-farm legislation under debate at the last minute by means of a handwritten note.¹⁸

Electoral Process 1.00-7.00 pts

Examines national executive and legislative elections, the electoral framework, the functioning of multiparty systems, and popular participation in the political process. 5.25 / 7.00

- The parliamentary elections in October 2023 marked the most significant change in the Polish political landscape since the PiS ascended to power in 2015. Although the ruling party received the highest share of votes (35.4 percent), it failed to secure an outright parliamentary majority as it had in the past two elections. In consequence, the new majority was formed by a coalition of KO (30.7 percent of votes), the Third Way (14.4 percent) and the Left (8.6 percent). Meanwhile, the far-right Confederation, Liberty, and Independence party, having garnered 7.2 percent of the vote, established a parliamentary club and remain in opposition. Remarkably, the election witnessed an unprecedented turnout of 74.4 percent, easily eclipsing the previous high of 62.7 percent set during the historic 1989 elections that paved the way to ending Communist rule in Poland.¹⁹
- The elections were conducted freely, yet they lacked a truly level political playing field. This imbalance stemmed from the ruling party's extensive utilization of the state's apparatus and resources to bolster its electoral performance.²⁰
- On the day of the parliamentary elections, Poland also held a national referendum. The referendum asked Polish citizens whether

they approved or disapproved of questions on four topics: privatizing state-owned enterprises, increasing the retirement age, dismantling the barrier on the Polish-Belarusian border, and allowing the entry of “illegal migrants” into the country.²¹ Despite over 90 percent of voters voting “no” to each question, the outcome lacked legal force, since the referendum’s turnout fell short of the 50 percent threshold required for validity.

- Critics said the government was attempting to boost its vote share by holding the parliamentary voting concurrently with the referendum and by writing the referendum questions in a heavily biased and inflammatory manner.²² Examples of the extreme wording include references to “the selling off of state assets to foreign entities, leading to the loss of Polish control over strategic sectors of the economy,” and “admission of thousands of illegal immigrants in accordance with the forced relocation mechanism imposed by the European bureaucracy.” The overlap of the referendum and elections also drew comparisons to a similar tactic used in Hungary in 2022 by Hungarian prime minister Viktor Orbán’s Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party.²³
- The Polish referendum raised concerns about the anonymity of the elections, as the authorities recorded when citizens refused to receive the referendum ballot—a decision that gave an indication of their political leanings.
- In the lead-up to the elections, the government significantly utilized state-owned enterprises to spread its core political messages. This involved negative advertising campaigns aimed at the Civic Coalition, the participation of foundations linked to state-run enterprises in the referendum campaign (which was permissible under existing laws allowing them to receive campaign airtime), and direct contributions to PiS from the highly compensated executives of these enterprises.²⁴ Additionally, Orlen, the state-run national oil refiner and Poland’s largest company, controversially reduced retail fuel prices by approximately 10 percent in the weeks preceding the elections despite the absence of a clear market rationale for such move, in what was widely seen as an attempt to boost PiS’s political fortunes.
- In the summer of 2023, the government launched a publicly financed informational campaign focused on the introduction of the Family 800+ program, as the increased monthly child benefit was called. The campaign notably blurred the lines between policy advocacy and electioneering. A similar trend, albeit of a far more modest scale, was observed in some areas with KO-controlled local governments, where informational campaigns and billboards closely resembled electoral campaigning.²⁵
- The elections results were also influenced by an electoral system that has not kept up with demographic changes. Metropolitan areas,

which generally lean towards the Civic Coalition and have seen population growth in recent years, still elect the same number of representatives as they did a decade ago, despite their increased population. Conversely, pro-PiS rural areas, which have experienced population declines, have maintained their electoral influence. As a result, the relative weight of votes in different areas has become increasingly unequal. The problem is particularly pronounced in Warsaw: on top of the capital's local population, all votes of Poles living abroad are also cast in Warsaw, and the numbers of such ballots are steadily increasing from one election to the next. The issue has previously been raised by the National Electoral Commission, but so far parliament has not addressed the issue adequately.²⁶

- While a new law passed in 2023 strove to increase access to polling stations,²⁷ particularly in the countryside, access remained a challenge abroad and in some larger cities, where citizens often faced long wait times to cast their votes.²⁸ Media reports highlighted the situation in Jagodno, a district in Wrocław, as a notable example. Here, voting was extended until 3 a.m., a full six hours past the official closing time, to accommodate the length of the queue.²⁹

Civil Society 1.00-7.00 pts

Assesses the organizational capacity and financial sustainability of the civic sector; the legal and political environment in which it operates; the functioning of trade unions; interest group participation in the policy process; and the threat posed by antidemocratic extremist groups.

5.50 / 7.00

- The growing political polarization in Poland coincides with lively grassroots activism and civil society engagement, particularly in large cities. Various informal activist groups, including nationalist and feminist collectives, have maintained an active presence in public affairs.³⁰ The NGO sector, despite financial constraints, remains vigorous.³¹
- In contrast to the years 2020 and 2021, the government has notably toned down its anti-LGBT+ rhetoric, instead aiming to capitalize on discussions on migration. With that said, opposition to minority rights continues to be a fundamental stance of PiS, and homophobia remains a critical social problem,³² with exclusionary voices still prominent in the public sphere.³³
- One vocal source of such rhetoric has been the PiS government's minister of education and science, Przemysław Czarnek, who combined conservative views with significant influence over civil society dynamics. For instance, Czarnek has been actively critical of the National Science Centre (NCN), one of the Polish academic sector's primary grant-giving bodies. In August, Czarnek announced plans to reform the NCN over his negative assessment of certain projects it financed, which involved research into topics such as the

intersections between sadomasochist/BDSM sexual practices and transfeminine gender identities.³⁴

- In another instance of a political confrontation with academia, Czarnek declared plans in April to reduce funding for the Polish Academy of Sciences (PAN), after a Holocaust scholar at the institution publicly said that ethnic Poles did relatively little to help the country's Jewish population during World War II. Reacting to a petition supporting the scholar that was signed by more than 1,000 academics, Czarnek indicated that the ministry would investigate the signatories and that their support could affect future funding decisions.³⁵ Overall, Czarnek's tenure has seen a relative reduction in funds to some of the largest national academic centers, particularly PAN, a traditionally vital hub of Polish science.
- The year also witnessed the ongoing crisis along the Polish-Belarusian border as migrants, mainly from the Middle East and North Africa, attempted to cross into Poland at the instigation of the Belarusian regime. As Polish border guards have continued to use harsh pushback tactics and those who fail to cross the border successfully are abused by Belarusian forces, migrants numbering in the dozens at a minimum perished on both sides of the border forests in 2023.³⁶ Amidst the election campaign in September, the movie *Green Border* was released. Made by a Polish director, this fictionalized portrayal of the situation at the border sparked public outrage in Poland due to what was seen as its biased and negative depiction of Polish border guards. The film faced substantial criticism from PiS politicians and public media broadcasters, adding further controversy to the already tense situation.³⁷
- The year 2023 marked further Russian aggression against Ukraine, resulting in a significant influx of Ukrainian citizens into Poland, with estimates exceeding one million. Survey data indicated that the attitude of Poles towards Ukrainian migrants has somewhat deteriorated,³⁸ particularly in light of Polish-Ukrainian political disagreements over grain exports and military assistance. Despite this, instances of xenophobia directed at Ukrainians have remained infrequent.³⁹ Similarly, the Ukraine war and Ukrainian migration has not been heavily politicized, despite some attempts made by the Confederation party to increase its salience.
- During this election year, numerous political rallies were held, with the most prominent being large-scale opposition rallies in June and October. Street-level political activities in 2023 were predominantly peaceful and efficiently managed by the police, with what appeared to be a decrease in reported instances of police power abuses compared to previous years.^{40 41}

Independent Media 1.00-7.00 pts

Examines the current state of press freedom, including libel laws, harassment of journalists, and editorial independence; 7.00

the operation of a financially viable and independent private press; and the functioning of the public media.

- In 2023, the PiS government notably restrained itself from significant and vocal actions of the type that characterized its handling of the media sector in previous years, exemplified by its past efforts to expropriate TVN, a television channel and media group owned by the US-based Warner Bros. Discovery that had been strongly critical of the PiS-led government. Instead, media freedom violations were limited to strategic lawsuits against public participation (SLAPPs) and other “soft” measures. The year has concluded with a major political battle over control of the public media broadcasters upon the ascension of the new government.
- For the better part of the year, the state-owned TVP network continued to advance overt progovernment narratives, focusing on reinforcing the image of Donald Tusk as a “German candidate” and allocating significantly more airtime to politicians from the ruling PiS party. The network has also continuously engaged in promoting narratives sparking homophobic and xenophobic sentiments.
- The Polish authorities continued to exert pressure on private media through the National Broadcasting Council (KRRiT), Poland’s broadcasting regulator. In 2023, KRRiT investigated TVN twice: first in March over a documentary investigating the potential role of Pope John Paul II in child abuse cases in the Catholic Church, and again in July regarding a report on abuse of power by the police. Additionally, KRRiT launched proceedings against Radio Zet, a commercial radio station, in February for allegedly spreading false information about Ukraine’s President Volodymyr Zelenskyy, resulting in a fine which Radio Zet later appealed.⁴² The KRRiT also delayed reissuing the license for another radio station, TOK FM radio, but ultimately granted it permission to broadcast.⁴³
- In April 2023, the Polish parliament modified the country’s code of civil procedure so that, if a court mandates an individual to publish an apology in a media outlet and the individual fails to do so they would be subject to a capped fine. In this case, the apology would be published in a governmental gazette instead. This change could protect free speech by limiting the economic impact of losing a legal defamation case, but might also encourage individuals to engage in defamation more frequently, given that financial consequences are capped at a level lower than the cost of publishing an apology in a large media outlet. The default publication in the governmental gazette also rises doubts if it would wipe out all the consequences of the illegal act.⁴⁴
- Concerns about media freedom were raised around the Lex Tusk legislation. In May, the deputy minister of national defense at the time, Wojciech Skurkiewicz, suggested that “many journalists should stand in front of the commission.”⁴⁵ In the same month, PiS leader

Jarosław Kaczyński refused to answer a question from a TVN journalist, labeling him “a representative of the Kremlin.”⁴⁶

- During the televised debate organized by the public broadcaster TVP in early October between Morawiecki, Tusk, and other political alliance leaders ahead the elections, moderators asked questions that were seen as being biased and as pushing the same narratives as the referendum. The time taken to pose these questions often exceeded the response time allotted to the politicians participating in the debate.
- Upon taking power in December, the new government instituted a series of personal and organizational changes in the public media sector, most notably at TVP, Polish Radio (PR), and the Polish Press Agency (PAP). On December 20, the incoming minister of culture and national heritage, Bartłomiej Sienkiewicz, dismissed the public media companies’ management and supervisory boards, acting in his capacity as the companies’ sole legal shareholder. The move led to a major personnel reshuffle of their journalistic teams and a radical shift in the tone of their broadcast and news coverage.
- The action unleashed a major political backlash, with both the previous TVP leadership and PiS legislators blasting it as illegal. In the following days, the headquarters of TVP, PR, and PAP saw arguments and tensions between newly appointed managers and outgoing employees, while Morawiecki, Kaczyński, and other PiS politicians joined demonstrations “protecting” the institutions from what they considered a forceful and illegal governmental intervention. The new management succeeded in taking effective control over the broadcasting signal already on December 20, but cancelled and replaced TVP’s flagship *Wiadomości* (News) evening news broadcast, while other notable programs did not air for several days.⁴⁷
- The KO government claimed that the culture minister was legally entitled to single-handedly overhaul the management of public media companies. However, as noted by Poland’s Helsinki Foundation for Human Rights, the way these changes were made raises serious concerns.⁴⁸ While public media under PiS rule continually violated their legal obligation to provide unbiased and independent information, the new government’s actions aimed at dismantling the vestiges of PiS control over those outlets were also infringing upon constitutional norms.

Local Democratic Governance 1.00-7.00 pts

Considers the decentralization of power; the responsibilities, election, and capacity of local governmental bodies; and the transparency and accountability of local authorities.

5.50 /
7.00

- Local governments continue to enjoy a strong democratic mandate but were systematically weakened by central authorities. The Local Government Index 2023, published in April by the Stefan Batory Foundation, a Polish prodemocracy NGO, showed a steep decline in

the political and institutional strength of local authorities between 2014 and 2021.⁴⁹ This drop was caused by a systemic reduction in local governments' participation in the lawmaking process, reinforced central control over lower-level decision-making, and a decline in local governments' financial autonomy. Polling of members of the Joint Commission of Government and Local Self-Government (KWRiST), a forum representing local and regional authorities, revealed that local governments' independence and ability to carry out tasks decreased dramatically after 2015.⁵⁰ Some experts said that the steady decrease in decision-making power at the local level and imposition of additional responsibilities for local governments, coupled with limits on financial inflows, amounted to creeping recentralization.⁵¹

- While expenditure levels at the local level remained stable, sources of income remained weakened by tax reforms implemented by the national government between 2019 and 2022. According to the Association of Polish Cities (APC), the central government only compensated urban municipalities for about half of their missing tax revenue, and larger cities only received 22 percent of the lost revenue in compensation.⁵² In absolute numbers, the 12 largest cities estimate that their collective budget shrank by 30 billion złoty (\$7.6 billion) in 2023, while the central government only gave them 13 billion złoty in compensation.⁵³ As the compensation is distributed on case-by-case basis by the national government decision-making on local investment has been shifted to the central level. The cities that seem to have been harmed the most were the largest metropolises, often ruled by liberal mayors opposed to the PiS government.⁵⁴ Polling conducted among local government officials clearly shows that financing and liquidity concerns are expected to be the greatest challenge for local governments over the next five years.⁵⁵
- KWRiST reportedly has been consistently ignored in legislative proceedings on acts affecting local government.⁵⁶ In September, this collective body underwent a restructuring, despite protests from local government representatives.⁵⁷ The change was said to strengthen the position of associations affiliated with the ruling party.⁵⁸ While KWRiST is a consultative body, it is also perceived by the local governments as a forum to forge a common position. The presence of central government affiliates at the local level would undermine the overall importance of the commission. It is also likely to cause further turmoil in KWRiST's governance, as one of the newly introduced associations affiliated with PiS represents stakeholders at different local levels of government, whereas KWRiST's institutional design provides for horizontal representation.
- In October, following the parliamentary elections, 13 local government officials became MPs. The prime minister waited for several weeks before appointing interim local commissioners to

replace them. The delay paralyzed decision-making in those local governments, as, due to a legislative loophole, local authorities could not take legally binding action during that period.⁵⁹ The last commissioners were only appointed in late November, with some of them capriciously selected from the PiS affiliates.⁶⁰

Judicial Framework and Independence 1.00-7.00 pts

Assesses constitutional and human rights protections, judicial independence, the status of ethnic minority rights, guarantees 3.25 / of equality before the law, treatment of suspects and 7.00 prisoners, and compliance with judicial decisions.

- In January 2023, parliament passed new law on reorganization of the Supreme Court. The bill aimed to reform the disciplinary regime governing judges by moving it to be under the supervision of the Supreme Administrative Court, introducing a test of judicial independence and tempering sanctions brought as a result of the “muzzle law”—a controversial judicial reform enacted by the PiS administration in 2020 that set up a harsh disciplinary regime for judges reviewing the status of other courts in line with the CJEU judgements. The government described the proposal as a compromise solution, allowing it to meet the conditions set by the European Commission in order for Poland to receive Recovery and Resilience Plan funds.⁶¹ However, several experts pointed out that the law was likely unconstitutional and would not bring Poland into full compliance with EU law.⁶² It would also fail to duly implement the judgments of the Council of Europe’s European Court of Human Rights (ECtHR).⁶³ In February, the president announced that, before signing the law, he would refer it to the Constitutional Tribunal. The tribunal took almost a year before striking down the bill as unconstitutional in early December.⁶⁴
- Throughout 2023, judicial review remained elusive due to the previously reported political capture of the judiciary, including the presence of three unlawfully appointed judges and ongoing political activity of the seating judges.⁶⁵ The Constitutional Tribunal was torn by an internal conflict concerning whether Julia Przyłębska’s term as president of the tribunal had expired; six of the tribunal’s 15 members and several independent experts said that her six-year term had ended in December 2022, while she and her supporters in the PiS government said her mandate lasted until 2024.⁶⁶ The internal dispute rendered the Constitutional Tribunal inoperative, and several cases pending before the tribunal remained unresolved as of the end of 2023, with some hearings rescheduled at the last minute.⁶⁷
- Throughout 2023, the unlawfully constituted National Council of the Judiciary (KRS) continued to issue judicial nominations, deepening the turmoil in the judiciary. As the end of 2023, the number of unlawfully nominated judges surpassed 2,500, which constitutes a systemic

threat to the rule of law; cases falling under their jurisdiction carry a risk of legal error, exposing the parties to legal uncertainty.⁶⁸

- In February 2023, the European Commission referred the fifth case accusing Poland of violating EU law to the Court of Justice of the European Union (CJEU). The complaint resulted from two Constitutional Tribunal rulings on the primacy of the Polish constitution over EU treaties.⁶⁹ In June, the CJEU delivered a judgment in another *Commission v. Poland* case on the disciplinary regime for Polish judges.⁷⁰ The court ruled that Poland's "muzzle law" violates EU law, pointing for instance to a provision that bars Polish judges from assessing whether a court or a judge meets EU requirements relating to effective judicial protection.
- In July, the CJEU ruled that Poland's courts must disregard a decision by the Disciplinary Chamber of the Supreme Court of Poland, a controversial body created as part of the PiS judicial reforms, to suspend Warsaw District Court Judge Igor Tuleya in 2020 and allow him to continue exercising jurisdiction in court proceedings that were discontinued when he was removed from the bench.⁷¹ Earlier in July, the CJEU ruled in a separate case that Tuleya's suspension by the Disciplinary Chamber had violated his rights. Deciding on a related case, the ECtHR found that there were multiple violations concerning the disciplinary regime for judges and activities of the Disciplinary Chamber. It was the ninth case decided by the ECtHR in the aftermath of the reorganization of the Polish judicial system in 2017–18, and as of early July 2023, the court said it had 397 pending applications related to the Polish judicial reforms.⁷²
- The posts of minister of justice and of prosecutor general are both held by the same person, and the prosecution service remains under political influence. Several prosecutors were reportedly demoted due to their refusal to follow political directives, with some of them subsequently initiating litigation for workplace discrimination.⁷³ In August, President Duda signed a new bill into law transferring powers from the prosecutor general to the state prosecutor, Poland's second-highest-ranking prosecutor, and requiring the approval of the president to dismiss the state prosecutor. The move was described as an attempt to consolidate power ahead of the upcoming elections in case PiS lost,⁷⁴ and critics raised doubts as to its constitutional validity.⁷⁵
- In October, a new penal code came into effect, toughening criminal sanctions and introducing life imprisonment without the possibility of parole, which is deemed contrary to the European Convention on Human Rights (ECHR) and has been criticized by human rights advocates.⁷⁶
- The justice system misuses temporary detention in pretrial proceedings. According to the Helsinki Foundation, between 2016

and 2022, the number of suspects placed under temporary detention has increased by 60 percent.⁷⁷

Corruption 1.00-7.00 pts

Looks at public perceptions of corruption, the business interests of top policymakers, laws on financial disclosure and 3.75 / conflict of interest, and the efficacy of anticorruption 7.00 initiatives.

- State-owned enterprises (SOEs) play a vital role in the Polish economy, counting among them the largest companies on Warsaw Stock Exchange and dominating the energy and banking sectors. As reported previously, SOEs continue to employ a significant number of figures with close links to the PiS establishment and their families.⁷⁸ With competitive salaries, political appointees are expected to contribute to the party coffers. One manager quoted in a *Business Insider* article on contributions by SOE employees to PiS commented that “there is simply an expectation to get involved and support the party.” The article, published in September 2023, said that a survey of PiS’s register of contributions revealed that more than 90 SOE managers had contributed to the party’s budget since July 2022, and that their contributions accounted for 95 percent of funds transferred to PiS’s accounts between July and December 2022.⁷⁹ The lack of clear rules governing hiring at state-owned enterprises created a revolving door between party politics and the SOEs, which become a safe landing spot for all levels of party activists.⁸⁰
- With large budgets for the CSR and marketing activities, the SOEs exert significant political pressure on the government at both the central and local levels. An inquiry by Poland’s Supreme Audit Office recorded that SOEs purchased advertisements in TV stations favorable to the ruling party and iced out TVN, which frequently criticized the government. SOEs reportedly were able to secure favorable administrative decisions from local governments in exchange for direct donations to their budgets, giving rise to corruption and conflict-of-interest charges.⁸¹
- Political influence over Poland’s civil service and the lack of a competitive recruitment process compromised the nation’s institutional resilience against corruption. A report published by the Batory Foundation concluded that the low autonomy of Polish civil servants weakens the central government and exposes it to corruption and clientelism.⁸² Four-fifths of Poles believe civil servants are often subject to political pressure, according to a survey published in 2022.⁸³
- In February 2023, serious irregularities were uncovered at the National Centre for Research and Development (NCBR), a government agency responsible for distributing R&D grants. Independent media reporting exposed fraud in the NCBR’s grant

distribution system, revealing that financing was provided on dubious grounds to companies with links to politicians and government officials overseeing the agency.

- In March, following the NCBR revelations, the deputy minister for development funds, Jacek Żalek, resigned from office. The Supreme Audit Office classified the NCBR as prone to corruption due to its lack of transparency in project selection, capricious changes in selection rules, and undue pressure exerted on the experts involved in evaluating applications.⁸⁴ Since the money distributed by the NCBR included EU funding, the European Anti-Fraud Office (OLAF) also put controls in place.⁸⁵
- In early September, journalistic outlets reported that the Central Anticorruption Bureau (CBA) was investigating an alleged corruption scheme involving the visa application process administered by the Ministry of Foreign Affairs (MFA).⁸⁶ The scandal shed new light on the dismissal of Piotr Wawrzyk, the deputy foreign minister responsible for consular affairs, who was removed from office in late August. The visa system was described as heavily reliant on outsourcing companies and susceptible to undue pressure from political authorities at the MFA, who were able to request the fast-tracking of certain applications.⁸⁷
- The Polish government still lags on implementing an anticorruption plan that was supposed to be in place by 2020.⁸⁸ The main acts on the transparency of public life, conflict of interest in public administration, and lobbying rules were not voted into law. As of the end of 2023, Poland has not incorporated the EU Whistleblower Directive into its national law,⁸⁹ exceeding the transposition deadline set by the EU directive for 2021.⁹⁰ Poland's negligence in developing a robust anticorruption framework was recently cited by both the national Supreme Audit Office⁹¹ and by the Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery.⁹² In 2023, Poland remained among only a few EU member states not participating in the European Public Prosecutor's Office (EPPO). Following the change of government in December, the new minister of justice begun what he said would be a swift process of EPPO accession.

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