

Poland

by Mikołaj Cześniak

Capital: Warsaw
Population: 38.5 million
GNI/capita, PPP: US\$21,760

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	1.75	1.75	2.00	2.00	2.00	1.75	1.50	1.25	1.25	1.25
Civil Society	1.25	1.25	1.50	1.25	1.50	1.50	1.50	1.50	1.50	1.50
Independent Media	1.50	1.75	2.25	2.25	2.00	2.25	2.25	2.25	2.50	2.50
National Democratic Governance	2.50	2.75	3.25	3.50	3.25	3.25	2.75	2.50	2.50	2.50
Local Democratic Governance	2.00	2.00	2.25	2.25	2.00	1.75	1.75	1.75	1.75	1.50
Judicial Framework and Independence	2.00	2.25	2.25	2.50	2.25	2.50	2.50	2.50	2.50	2.50
Corruption	3.00	3.25	3.00	3.00	2.75	3.25	3.25	3.25	3.25	3.50
Democracy Score	2.00	2.14	2.36	2.39	2.25	2.32	2.21	2.14	2.18	2.18

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Poland's political landscape remained relatively stable in 2013, even as public support for the Civic Platform (PO) government of Prime Minister Donald Tusk continued to decline in favor of the opposition Law and Justice (PiS) party. Dissatisfaction with the current leadership appeared to be fueled by declining economic performance—unemployment peaked at over 13 percent in 2013¹—as well as unpopular reforms to education and social security. In December, the parliament passed a controversial, government-sponsored bill intended to slash public debt by transferring many private pension-fund assets to the state. The law was sharply criticized by lawyers and economists, who also questioned the constitutionality of the rapid procedure by which the law was passed.² The Constitutional Tribunal was expected to review the legislation in 2014.

Referendums and other forms of “direct democracy” are becoming increasingly popular in Poland, particularly at the local level. In 2013, several referendums were held with the aim of recalling elected officials. The most prominent of these—an October campaign to recall Warsaw mayor and Tusk ally Hanna Gronkiewicz-Waltz—became a contest between PO and PiS, but the referendum itself failed due to insufficient turnout. Polish media, while free and diverse, have grown more politicized in recent years, compromising their watchdog function.

National Democratic Governance. The increase in referendums, while not necessarily antidemocratic, suggests a degree of public frustration with the institutions of representative democracy. In addition to the high-profile October vote on recalling the mayor of Warsaw, almost one million citizens signed a petition during the spring and summer to demand a referendum on a government proposal to lower the age at which children must begin school. However, in the fall the parliament voted against the referendum petition. The December passage of the law on the pension system, which drew strong objections on both substantive and procedural grounds, raised additional doubts regarding legislative practices in Poland, though it remained unclear at year's end whether the change would be implemented. *Poland's national democratic governance rating remains unchanged at 2.50.*

Electoral Process. No changes to electoral legislation were made in 2013, and there were no reports of irregularities in the several early elections and local referendums held during the year. However, in an apparent effort to curb the use of recall referendums, the president's office proposed a new law—still under parliamentary review at year's end—that would increase the electoral threshold for such votes. Political parties were already preparing in 2013 for a lengthy period of

upcoming elections, extending from the European Parliament and local elections of 2014 to the next presidential and parliamentary elections, scheduled for 2015. *Poland's electoral process rating remains unchanged at 1.25.*

Civil Society. Nonprofit and nongovernmental organizations continued to engage in a variety of activities in 2013, supported by a robust legal framework. A study by the Public Opinion Research Center (CBOS) found an encouraging increase in charitable giving in the country. In addition, civic groups have reportedly developed a number of independent media outlets, for the most part online. In a reminder of the persistent threat of extremism and xenophobia, the March of Independence in Warsaw, organized in November by right-wing organizations, descended once again into running battles between rioters and police. *Poland's civil society rating remains unchanged at 1.50.*

Independent Media. The media system in Poland is well developed, providing a diverse selection of print and electronic sources of information. However, the majority of outlets are ideologically and politically biased, meaning they may collectively inform public opinion and serve as guardians of the public interest, but often fail to do so individually. Two new conservative weeklies enjoyed some economic success during the year, despite a long-term decline in print readership. TV Republika, a conservative news station previously available only online, began broadcasting via cable and satellite platforms in May. *Poland's independent media rating remains unchanged at 2.50.*

Local Democratic Governance. The growing use of referendums has had its greatest impact at the local level, and political parties have embraced them as efficient tools for voter mobilization. Participatory budgeting, a potentially more constructive form of direct democracy, has also become more popular in Poland, and attempts to introduce such mechanisms were made in many municipalities during 2013, ranging from large cities like Poznań to small towns like Karpacz. Consequently, *Poland's local democratic governance improves from 1.75 to 1.50.*

Judicial Framework and Independence. The Polish judicial system operates according to a democratic legal framework, but a number of problems persisted in practice in 2013. These included the perception that public officials and celebrities receive better treatment when facing criminal charges, violations of due process and other rights by police, and inhumane conditions in Polish prisons. Some elements of the criminal code conflict with democratic standards, but efforts to strike down one such provision—an article that allows imprisonment for defamation—made little progress during the year. *Poland's judicial framework and independence rating remains unchanged at 2.50.*

Corruption. The system of institutions tasked with combating corruption in Poland is well developed and efficient, but it does not seem to have deterred corrupt

behavior by politicians and other public officials, as major scandals have steadily accumulated in recent years. The most prominent case of 2013 emerged in late October, when a magazine released recordings that implicated members of PO in bribery and other abuses. A series of arrests and resignations in other cases were announced over the subsequent weeks. *Poland's corruption rating declines from 3.25 to 3.50.*

Outlook for 2014. Elections for the European Parliament and local offices will be held in 2014. These will be a prelude to parliamentary and presidential elections scheduled for 2015. Polls suggest that the two main parties, PiS and PO, will continue to dominate Polish politics, though it remains unclear which will emerge as the ruling party. The PO government may continue to lose support due to its unpopular social reforms and a weakening economy.

MAIN REPORT

National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.50	2.75	3.25	3.50	3.25	3.25	2.75	2.50	2.50	2.50

Poland's constitution enshrines the principles of democratic government, protecting fundamental political rights and civil liberties. Polish citizens directly elect a head of state (president) and members of the country's two national legislative bodies (the Sejm and Senat). There remains a broad consensus among political groups and citizens on democracy as the basis of Poland's political system;³ organizations that openly contest democratic principles constitute a marginal minority. Adult citizens also have a constitutionally guaranteed right to vote in national and local referenda, and policy proposals on both the national and the local level usually undergo a public consultation process before going to a vote.⁴

The year 2013 witnessed an increase in the number and visibility of referenda, including a politically contentious attempt to recall Warsaw mayor and deputy leader of the ruling Civic Platform (PO) party, Hanna Gronkiewicz-Waltz, and an unsuccessful bid to hold a nationwide vote on lowering the mandatory school age by one year. Events like these fueled an ongoing debate on the benefits and risks of "direct" democratic procedures such as referenda and other plebiscites (see Electoral Process).

The popularity of Prime Minister Donald Tusk's center-right government continued to decline in 2013. In spring, the opposition Law and Justice (PiS) party overtook Tusk's PO in most public opinion polls, retaining a 1–4 percent lead for the rest of the year.⁵ President Bronisław Komorowski remained the country's most trusted politician for the third consecutive year, although polling by the Center for Public Opinion Research (CBOŚ) reflects growing alienation between respondents and all leading political figures.⁶ Another CBOŚ study published in September showed a two-year decline in the number of survey respondents expressing satisfaction with the functioning of democracy in their country.⁷

Declining enthusiasm for the PO government may be attributed, at least in part, to the recent economic slowdown. Though Poland still has the healthiest large economy in Europe, it has naturally been affected by the drop in demand for its products in the struggling eurozone. In 2013, Poland's economy grew at the slowest pace since 2009, and unemployment rose to 13.4 percent in December.⁸ Another factor weighing down PO's approval ratings has been the series of long-anticipated but difficult and unpopular reforms the government implemented or planned and promoted in 2012 and 2013.

In September, the government invited a new maelstrom of criticism by announcing plans to overhaul the country's costly, three-tier pension system.

Legislation enacted by the parliament in December will transfer over 50 percent of the assets held by privately held pension funds—mostly in the form of government bonds—to the state’s pay-as-you-go pension system, ZUS. Poland’s Finance Ministry expects the new system to reduce public debt by 9.2 percentage points of economic output.⁹ Critics of the changes, including a number of respected lawyers and economists, called the reform an illegal expropriation of funds by the government in order to slash its public debt.¹⁰ Many also pointed to the apparent haste with which the legislation had been passed—deputies only had three days to review the legislation before the Sejm vote. President Komorowski, who also spoke out against the proposed changes, signed the new system into law on 27 December but simultaneously announced that he would refer the legality of the changes to the Constitutional Tribunal for review.¹¹

In October, nearly one million citizens signed a petition requesting a referendum on the Education Ministry’s proposal to lower the school age from 7 to 6. Although the referendum project won the support of all opposition caucuses and a number of ruling coalition and independent deputies, the Sejm voted down the petition in early November. In addition to revealing fault lines within Tusk’s party, the vote gave PO’s opponents an opportunity to cast Tusk as impervious to public opinion, as surveys showed that 70 percent of Poles favored holding the referendum¹²

Several changes took place in the Tusk cabinet during the year. Justice Minister Jarosław Gowin, the administration’s main “internal” critic, was asked to resign in late April, after clashing publicly with the prime minister over a number of social policy issues.¹³ In August, Gowin challenged Tusk for leadership of PO and lost. When the government announced its plans for the new pension system, Gowin resigned from the party, trimming PO’s parliamentary majority to two seats. Another, much larger cabinet reshuffle took place in November, when seven government ministers left their posts.¹⁴ In most cases, reasons for the resignations were vague, or withheld from the public. One notable exception was Sławomir Nowak, who left the helm of the Ministry of Transport, Construction, and Maritime Economy after learning that he would be charged with failure to disclose his assets, most notably an extremely expensive watch.

Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.75	1.75	2.00	2.00	2.00	1.75	1.50	1.25	1.25	1.25

Every election in postcommunist Poland has been declared free and fair by international observers and domestic monitoring bodies. Poland’s National Electoral Commission (PKW) is competent and respected, and postelection protests or allegations of fraud are extremely rare. No major, nationwide elections took place in 2013, though politicians did begin preparing for the “electoral marathon” of the next two years: local and European Parliament elections in 2014, presidential and

parliamentary elections in 2015. The year witnessed several local referenda, one of which became a political battleground for the country's main parties, PO and PiS.

Though there are no legal barriers to political engagement, party membership is low compared to other European countries, and voter turnout in the last three national elections averaged around 48 percent.¹⁵ Polish electoral behavior remains difficult to predict. Voters change their minds and party preferences quickly and often, voting in one contest and abstaining the next. The same volatility is reflected in public opinion polls,¹⁶ which reported notable fluctuations in party support in 2013.¹⁷

Parties themselves are becoming less volatile than in the first decades of democratic transition, which saw innumerable party splits, mergers, and name changes.¹⁸ Donald Tusk is actually the first prime minister in independent Poland's history to win a second consecutive term in office. Meanwhile, parties maintain strong financial ties to the state, prompting speculation that the system may be moving into a cartelized, "frozen" model.¹⁹ For the moment, however, it remains entirely possible for new players to enter and compete successfully on the political scene, as the recently formed Palikot Movement did before coming in third in the 2011 parliamentary elections.²⁰

Polish electoral legislation was harmonized as recently as 2010, when the Sejm voted unanimously to merge all electoral regulations into a single electoral code. Under this code, members of the lower chamber of parliament (Sejm) are elected through party-list proportional representation, and members of the higher chamber of parliament (Senat) are elected in single-member districts. The ruling PO lost two seats in the Senat in 2013 when deputies resigned (for nonpolitical reasons) and their seats were won by representatives of PiS.

Legislation proposed by the Women's Congress in January 2013 may soon supplement gender quotas introduced in 2011 with placement mandates requiring parties to divide top positions on electoral lists evenly between male and female candidates.²¹ The so-called "zipper" bill, still under review by the parliament at year's end, is supported by the Democratic Left Alliance (SLD) and Your Movement (formerly Palikot's Movement).

Several local recall referenda took place in 2013, fueling an ongoing debate on the benefits and risks of "direct" democratic procedures such as referenda and other plebiscites. The most significant of these campaigns was held in Warsaw, where political parties, groups, and nonpolitical associations attempted to remove Mayor Hanna Gronkiewicz-Waltz from office. Initially, the campaign was led by a civic association of Warsaw inhabitants and focused on local issues—rising ticket prices for public transport and the slow construction of the second line of the Warsaw metro, among others. Before long, however, the opposition PiS party had vigorously joined in the campaign against Gronkiewicz-Waltz, who is the deputy leader of PO and a close ally of the prime minister. PO leadership responded to the new, partisan bent of the campaign by calling on voters to abstain altogether.²² Ultimately, the referendum failed due to insufficient turnout.²³

PiS leader Jarosław Kaczyński claimed that by urging voters to abstain, Prime Minister Tusk and President Komorowski had violated the strict neutrality of

national authorities during elections prescribed by the Council of Europe's Venice Commission.²⁴ However, no official charges had been brought before the PKW or the Council of Europe at year's end.

In late summer, the Office of the President proposed legislation that would increase the electoral threshold for referenda whose aim is to revoke a directly elected authority. Currently, the threshold for recalling an official is three-fifths the total number of voters in his or her election to office. The proposed legislation would raise the threshold to equal the total number of voters in his or her original election. The project was submitted for parliamentary review just a few weeks before the Gronkiewicz-Waltz referendum. Critics of the proposal accused the government of passing ad hoc legislation in order to keep PO officials in office. Others pointed out the long-term consequences of the new law, saying the change would weaken politicians' accountability between elections.²⁵ President Komorowski submitted the draft for parliamentary review in August, and the Sejm continued to work on it throughout the year.

Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.25	1.25	1.50	1.25	1.50	1.50	1.50	1.50	1.50	1.50

The vibrancy of Polish civil society played a critical role in freeing the country from communist rule in 1989. Since that time, successive governments have passed legislation to encourage and protect the functioning of nongovernmental organizations (NGOs) and other civic associations. The Polish constitution also guarantees freedom from excessive state pressures and bureaucratic control and effectively protects the rights of the independent civic sector.

A 2013 report by the Warsaw-based Klon/Jawor research association estimates that there are around 11,000 foundations and 72,000 associations in Poland, 60–80 percent of which are active. According to the report, approximately 20 percent of NGOs operate on a full-time basis, and 29 percent work only occasionally. The most popular field of NGO activities is sports and hobbies (38 percent), followed by art and culture (17 percent) and education (14 percent).²⁶ A study published by CBOS in February 2013 reported an increase in material charitable donations.²⁷ According to the study, more Poles donated clothing, food, books, and other goods in 2012 than in previous years. The number of those supporting charities with money or volunteer work remained stable.

Caritas Polska is the largest charitable NGO operating in the country.²⁸ It is directly linked to the Roman Catholic Church and was revived just after the fall of communism by the Conference of the Polish Episcopate. Caritas's activities include humanitarian aid (mainly provision and distribution of food, clothing, and other supplies) and social services. Caritas Polska is present in each Polish diocese, providing help through professional care facilities and educational rehabilitation

centers, soup kitchens, daycare for children and the elderly, and other social welfare services. Internationally, it cooperates with the Pontifical Council “*Cor Unum*,” and is a member of *Caritas Internationalis* and *Caritas Europa*, which coordinate bigger, international charity actions, providing help after natural disasters and other humanitarian crises.

Another major charitable operation in Poland is the Great Orchestra of Christmas Charity (*Wielka Orkiestra Świątecznej Pomocy*, *WOSP*),²⁹ a unique organization that collects money and supplies for life-saving medical care through a huge fundraising drive every January (the so-called “Grand Finale” drive), as well as throughout the year. Each year, the foundation chooses a special focus for its fundraising efforts—for example, the 2013 Grand Finale collected funds for infant care and geriatric care (geriatrics is unfortunately one of the most neglected branches of the Polish health care system). In the latter case, *WOSP* sent money to a few geriatric facilities in every voivodeship.³⁰

CBOS polls show that approximately 80 percent of Poles oppose same-sex marriage, and 60 percent oppose civil/registered partnerships. Close to 90 percent oppose adoption by same-sex couples.³¹ On 25 January, the Polish Sejm voted down three long-debated bills granting legal rights to (same-sex and heterosexual) unmarried couples.³² The controversial legislation, which was originally submitted to the parliament in 2012, highlighted ideological divisions within the ruling party over social issues. A number of deputies from *PO* voted against all three proposals, including the one drafted by another *PO* deputy. Conservative politician Jarosław Gowin, who was dismissed from his position as justice minister in April, led the internal *PO* resistance to civil partnerships, while Tusk publicly backed them.

The increasing popularity of referendums in Poland has created new opportunities for activism by civil society organizations, many of whom participated in related campaigns and signature collections in 2013. Civil society groups also make full use of the internet to generate news sites, blogs, and other media platforms from which to engage and mobilize citizens on social and political issues. These include groups like *Krytyka Polityczna*³³ and *Ruch Narodowy*,³⁴ which are sceptical of liberal, pluralist democracy, as well as organizations with egalitarian and inclusive agendas.

On 11 November, clashes broke out in Warsaw as riot police confronted right-wing nationalists during a Polish Independence Day march. This marks the third year in a row that Independence Day celebrations in the Polish capital have been marred by violence between rioters and police.³⁵ The hooligans also attacked the Russian embassy, throwing flares, bottles, and firecrackers on its territory. Poland’s Foreign Ministry condemned the actions of the attackers. Nationalist marches have been growing in size on this national holiday, with leftists turning out to oppose them.

Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.50	1.75	2.25	2.25	2.00	2.25	2.25	2.25	2.50	2.50

Polish print, broadcast, and online media are diverse but increasingly partisan. While individual outlets often present a biased view, they collectively offer a range of opinions and serve the public interest, playing a watchdog role with respect to government policies and the actions of all political factions. The media typically act as agents of civil society, and in return receive the support of NGOs and the public when threats to press freedom arise.

The legal framework regulating the media sector is democratic. The constitution protects freedom of speech and press freedom, and media workers are free to form professional associations. According to Polish law, journalists are protected from victimization by state or other actors, and their sources are also well protected by law.³⁶

The public television and radio broadcasters tend to favor the government, carrying less criticism than the private media, but this tendency has persisted for many years, through several rotations of power. The majority of private outlets display an ideological or political bias in one direction or another, meaning citizens must consult multiple sources to inform themselves effectively. There is sometimes less diversity at the local level, where powerful political leaders or businessmen can strongly influence media content through direct or indirect pressure, for instance by manipulating purchases of advertising.³⁷ The regional press has also been gradually consolidated under corporate ownership, suffering from staff reductions and the centralization of editorial policies.

A number of factors have contributed to a decline in the quality of journalism in recent years, including a sharp drop in investigative journalism related to ongoing budget cuts at major outlets. But the most obvious problem is the division of the Polish media into what are essentially two hostile, competing camps: one associated with the ruling PO-led coalition, and the other clearly connected with the main opposition party, PiS. While these camps clash on many issues, by far the most contentious is the 2010 Smolensk catastrophe, in which then president Lech Kaczyński and numerous other military and civilian leaders were killed when their aircraft crashed in western Russia. Media that are friendly to the government support the official narrative on the circumstances of the disaster,³⁸ while those aligned with the PiS promote alternative accounts. Any efforts to reach a compromise or reconciliation on the topic remained unsuccessful in 2013.

There is a clear economic imbalance between the two camps. The group closer to the government is generally much stronger, though some of the opposition outlets enjoyed a measure of success in 2013. Two weeklies, *W Sieci* and *Do Rzeczy*, made their debut during the year and gained fairly good readership, managing to survive in the country's shrinking market for print periodicals. They emerged from the original *Uważam Rze*, a popular right-wing weekly that had been shaken

by the firing of its editor in chief in late 2012. Many journalists left *Uważam Rze* to join the new ventures. TV Republika, a conservative news station previously available only online, began broadcasting via cable and satellite platforms in May.³⁹ In addition, TV Trwam, a conservative station linked to PiS, successfully completed its efforts to obtain a new digital broadcast license, which was granted in July. However, the main regulatory body for broadcast media, the National Council of Radio and Television (KRRiTV), which is currently dominated by the ruling PO, raised some objections to the procedure and delayed final approval. The station was not yet broadcasting at year's end.⁴⁰

Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.00	2.00	2.25	2.25	2.00	1.75	1.75	1.75	1.75	1.50

Poland has been decentralized from the very beginning of its democratic transition, both in law and in practice. The constitution and other national legislation enshrines principles of local democratic government, and while Poland is not a federal state, local authorities have some freedom to design policies reflecting local needs and interests. Central authorities frequently consult local governments on planning and decision-making, and they are strongly encouraged to do so by grass-roots activism and civil society protests. However, in some cases this local consultation is perceived as excessive, particularly when it delays the implementation of infrastructural projects.

Local officials are chosen through free and fair elections. The last nationwide local elections were held in 2010, and the next are scheduled for 2014. Between elections, mayors are subject to recall referendums, which have grown in popularity in recent years.⁴¹ A total of 136 recall attempts have been made since the 2010 local elections. In 80 percent of cases the referendums were deemed invalid because they failed to achieve the required level of voter turnout. In 16 cases the votes were valid and the executive officials were dismissed.⁴² PKW data show that low turnout is indeed the main obstacle to successful recalls.⁴³ Once it clears that hurdle, a referendum almost always results in the removal of the targeted official.

Polish citizens' growing interest in referendums probably has many different causes.⁴⁴ It can be attributed in part to rising dissatisfaction with the current government, or the way the political system in general functions. But it may also be linked to changes in the law regulating such votes that entered into force in February 2013. The amendments extended the list of subjects for which local referendums can be organized. They now include a long catalogue of important social, economic, and cultural issues, even if they go beyond the powers and responsibilities of local authorities.

Political parties have increasingly used local referendums as efficient tools for voter mobilization, treating them as preludes to the main electoral campaign.

The reform proposed by the president in 2013 aimed to solve this politicization problem by making recall votes more difficult than referendums on other topics. The draft law would treat all referendums other than recalls as valid regardless of the number of citizens participating in them, removing the current 30 percent turnout threshold. But recall referendums would be valid only if the number of participating citizens matches the turnout recorded for the original election of the public official in question. Currently, such a referendum is valid if voter turnout equals three-fifths of the original number.

Attempts to introduce another form of direct democracy, participatory budgeting, were made in a number of municipalities during 2013, including in large cities like Poznań, mid-sized cities like Płock, and small towns like Karpacz.⁴⁵ Participatory budgeting allows local residents to propose and vote on specific projects and spending priorities. The first Polish city to introduce this method was Sopot, where an informal group of citizens mobilized support for the initiative before the 2010 local elections and persuaded the new city council to implement the process in 2011.⁴⁶ Sopot still uses this method widely and effectively, and its experience has served as an inspiration and example for others.⁴⁷ In many other cities and towns—Kraków, Wałbrzych, Dąbrowa Górnicza, Olsztyn, Radom, Elbląg—various NGOs pursue smaller, individual projects and pilot programs. Other cities are also preparing to implement this model on a larger scale. In 2012, the citizens of Poznań proposed a list of 343 ways to spend urban funds in support of 265 projects. After some debate and voting, five projects were selected, including a bicycle path along the river and a family playground. A total of 20,000 citizens took part in the process. As a result of the initiative's success and popularity, in 2013, Poznań authorities allocated 10 million złotych (\$3.2 million) to participatory budgeting for the coming year, the equivalent of 0.4 percent of the city's 2014 budget.⁴⁸

Also in 2013, much discussion centered on the special tax (*janosikowe*) that is paid by wealthier municipalities in Poland and redistributed among poorer communities.⁴⁹ The tax, introduced in 2003, is a mandatory payment to the state budget. Its calculation is based on the tax revenue of a given administrative unit two years earlier. Some perceive the mechanism as unjust and promote its reform or even its abolition. "STOP Janosikowe" is a nationwide social campaign launched by Rafał Szczepański, an entrepreneur from Warsaw. It advocates a more equitable calculation of the tax and a more rational allocation and efficient use of the resulting resources. In response to this initiative and many others, the prime minister has promised to substantially reform the tax.⁵⁰

Yet another controversial idea related to local democratic governance is the so-called Varsovian Card (*karta Warszawiana*), which will come into force in January 2014.⁵¹ All those paying their taxes in Warsaw are eligible to receive the card and enjoy reduced prices for Warsaw urban transport and other municipal services. The project has been criticized for discriminating between residents of the capital and other citizens.

Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.00	2.25	2.25	2.50	2.25	2.50	2.50	2.50	2.50	2.50

The judiciary is arguably the least reformed of the three branches of government in Poland, having maintained considerable continuity in personnel during the transition to democracy. This continuity likely contributed to the character of the current system, as well as its levels of effectiveness, organization, and legitimacy among the public. Poles are quite critical about the judicial system, in particular about the courts.⁵² A majority (51 percent) define their attitude toward judges as ambivalent. Nearly a quarter (23 percent) have a negative attitude, and less than a fifth (19 percent) define their attitude as positive.

On the level of the legal framework, the Polish courts and other law enforcement institutions are undoubtedly democratic. The constitution provides firm protections for the whole catalogue of political, civil, and human rights. It guarantees equality before the law, protects freedom of conscience and religion, and ensures freedom of association and freedom of speech. It also guarantees business and property rights. Interpretation and enforcement of the constitution is overseen by the Constitutional Tribunal.

On the level of practice, several imperfections can be observed in the judicial system. Equality before the law is not always fully protected,⁵³ with the media often reporting cases in which politicians, public officials, and celebrities allegedly receive better treatment than ordinary citizens when they face criminal charges.⁵⁴ And as in previous years, individual violations of Article 3 of the European Convention on Human Rights, such as arbitrary arrest, detention without trial, and searches without warrants, were noted throughout 2013.⁵⁵ Inhumane conditions in Polish prisons,⁵⁶ such as overcrowding, also violate the convention's Article 3.

One area where constitutional guarantees seem to conflict with the laws on the books is freedom of expression, and the courts have repeatedly grappled with this contradiction. Much of the debate in 2013 focused on Article 212 of the criminal code, which allows imprisonment as a punishment for defamation.⁵⁷ In November 2012, ombudswoman Irena Lipowicz asked the Constitutional Tribunal to examine whether the article is constitutional. She noted that according to the European Court of Human Rights, custodial sentences for speech are permissible only in the most severe cases, such as when the words incite people to hatred and violence. Both the parliament and the attorney general called for the ombudswoman's application to be dismissed on the grounds that the Constitutional Tribunal had already examined and upheld the constitutionality of Article 212 in 2006. As a result, on 11 June 2013 the Constitutional Tribunal discontinued the proceedings on Lipowicz's request.

Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.00	3.25	3.00	3.00	2.75	3.25	3.25	3.25	3.25	3.50

Poland has long suffered from a legacy of corrupt practices that undermine good governance and distort the political process. However, the steady accumulation of new cases over several years—despite the effective operation of institutions designed to combat the problem—suggested in 2013 that public figures are undeterred by the prospect of punishment, and that corruption is more entrenched than previously thought.

Two different types of corruption can be distinguished. On the one hand, there is low-level corruption, encompassing all those illegal or semilegal practices that “facilitate” access to public goods such as medical care and education. It occurs predominantly in the more inefficient sectors, where the state and its agents are unable to provide all the necessary services on a universal basis. This type of corruption was widespread in the communist and early postcommunist eras, but more recently it has been fading away, partly due to the modernization of the state apparatus, and partly due to the work of institutions like the Central Anticorruption Bureau (CBA).

On the other hand, there is institutional and political corruption, which affects senior officials, politicians, and the businessmen who depend on them. Major cases are reported each year, but the most prominent example during 2013 emerged in late October amid an internal PO party election in Wrocław and the surrounding province of Lower Silesia. The Polish edition of *Newsweek* published an audio recording in which Sejm member Norbert Wojnarowski advocates for his favored candidate and at the same time promises one of the party delegates a position at KGHM, a successful state-owned mining company.⁵⁸ Additional corruption scandals were revealed later in the year. The CBA in November announced the arrests of a number of public officials accused of fixing public-procurement procedures. A former deputy interior minister and a former vice chairman of the Central Statistical Office (GUS) were among those detained.⁵⁹ Among other cases, Transport Minister Sławomir Nowak and Deputy Defense Minister Waldemar Skrzypczak were both forced to resign and face accusations of corruption.⁶⁰

Poland's problems with corruption stem in part from excessive bureaucratic regulations, registration requirements, and other controls that increase opportunities for bribery and fraud. This fact is officially recognized, and, in 2007, the governing parties even established a parliamentary commission to identify laws and regulations that stifled free enterprise and to propose legislation to eliminate them.⁶¹ Unfortunately, little of substance emerged from this commission.

Even academia is not entirely free from corruption.⁶² In late 2013 prosecutors accused a group of scientists from the University of Technology in Wrocław of embezzling 1.8 million złotych (\$570,000).⁶³ They allegedly accepted this money for research that was never conducted or finalized, and subcontracted work to unqualified friends and family members at inflated rates.

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