

# Poland

by Piotr Arak, Piotr Żakowiecki

*Capital:* Warsaw  
*Population:* 38 million  
*GNI/capita, PPP:* \$23,930

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
National Democratic Governance	3.25	3.50	3.25	3.25	2.75	2.50	2.50	2.50	2.50	<b>2.75</b>
Electoral Process	2.00	2.00	2.00	1.75	1.50	1.25	1.25	1.25	1.50	<b>1.50</b>
Civil Society	1.50	1.25	1.50	1.50	1.50	1.50	1.50	1.50	1.50	<b>1.50</b>
Independent Media	2.25	2.25	2.00	2.25	2.25	2.25	2.50	2.50	2.50	<b>2.75</b>
Local Democratic Governance	2.25	2.25	2.00	1.75	1.75	1.75	1.75	1.50	1.50	<b>1.50</b>
Judicial Framework and Independence	2.25	2.50	2.25	2.50	2.50	2.50	2.50	2.50	2.50	<b>2.75</b>
Corruption	3.00	3.00	2.75	3.25	3.25	3.25	3.25	3.50	3.50	<b>3.50</b>
<b>Democracy Score</b>	<b>2.36</b>	<b>2.39</b>	<b>2.25</b>	<b>2.32</b>	<b>2.21</b>	<b>2.14</b>	<b>2.18</b>	<b>2.18</b>	<b>2.21</b>	<b>2.32</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. 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. The opinions expressed in this report are those of the author(s).

# EXECUTIVE SUMMARY

The year 2015 brought immense political change in Poland. It marked the end of two terms in power for the coalition of the center-right Civic Platform (PO) and Polish People's Party (PSL), as the socially conservative Law and Justice (PiS) won the May presidential election and secured a majority of seats in the parliament in October. The new government immediately embarked on an ambitious plan for institutional and constitutional reforms in the judiciary, media, and educational system, as well as in policy toward the European Union (EU).

PiS's victories were hardly expected at the beginning of the year. Prime Minister Ewa Kopacz had managed to keep PO ahead in the polls for several months, the economy continued to improve, and in June, the European Commission ended the application of the "excessive deficit procedure" to Poland, which had led to tight budget controls. The PO-PSL coalition remained generally committed to the liberal democratic status quo, although it was reluctant to openly advocate for domestically controversial issues, such as the adoption of the Istanbul Convention on violence against women.

Incumbent president Bronisław Komorowski, supported by the PO, seemed to have no serious contenders leading into the May elections. However, an uninspiring electoral campaign featuring a number of gaffes on Komorowski's part and the rise of protest voters who supported maverick populist and rock musician Paweł Kukiz caused Komorowski to narrowly lose to the PiS member of the European Parliament, Andrzej Duda.

The results of the presidential election were symptomatic of growing popular dissatisfaction with the ruling coalition. Just as Komorowski failed to retain his 2010 electorate, the PO's ratings started to decline. The coalition was unable to counter the momentum fueled by Duda's victory, Kukiz's anti-establishment rhetoric, and PiS's skillful parliamentary campaign, which revolved around a promise of "positive change." While the coalition was handling multiple crises, including major protests by miners, teachers, and nurses, it was dealt another blow in June, when secret recordings of its prominent politicians started to emerge once again, reigniting the 2014 "Waitergate" scandal. A prompt cabinet reshuffle only strengthened the impression of weakness.

The October parliamentary elections were a resounding victory for the PiS, which won 235 of 460 seats and formed Poland's first one-party government since 1989. The results still left the PiS 72 seats short of the supermajority needed to amend the constitution, but this did not stop the new government from taking on an agenda that many considered nothing short of revolutionary. In cooperation with President Duda, the PiS effectively nullified the October election of five judges to the Constitutional Tribunal and passed a law that is widely expected to paralyze the work of the court. Before the end of the year, it also passed amendments politicizing public media appointments and firing *en masse* all senior civil servants in ministries and central public institutions.

The new government passed all of these legislative acts with a swift nonstandard parliamentary path, bypassing public consultations and regulatory tests. Most importantly, the chief decision-maker behind PiS's agenda has been party chairman Jarosław Kaczyński, who has dominated both President Duda and Prime Minister Beata Szydło's decisions while formally remaining outside of the regular system of checks and balances.

Responding to the PiS's aggressive agenda, in late November citizens formed a new grassroots civic movement called the Committee for the Defense of Democracy (KOD). With support from liberal media outlets and opposition parties (.Nowoczesna and the PO), KOD quickly organized mass protests in Warsaw and other major cities, with additional demonstrations expected in 2016.

### **Score Changes:**

- **National Democratic Governance rating declined from 2.50 to 2.75** due to the rapid passage of major reforms at the end of the year without adequate consultations with civil society or in parliament.
- **Independent Media rating declined from 2.50 to 2.75** due to the swift, politically motivated reshuffle of public media following the change of government. The reform leaves the government in a position to further expand its control over public and private outlets in 2016.
- **Judicial Framework and Independence rating declined from 2.50 to 2.75** due to the far-reaching reform of the Constitutional Tribunal that is expected to curb its functioning as an effective oversight body; abuses of law associated with the election of the Tribunal's judges; and the unfolding reform threatening the independence of the public prosecutor's office.

**As a result, Poland's Democracy Score declined from 2.21 to 2.32.**

**Outlook for 2016:** With a parliamentary majority and a supportive president, PiS will tighten its control over state institutions. Far-reaching reforms have already started in the judiciary, public media, and civil service; in 2016 there will be vivid public debate on reforms in education, healthcare, and the pension system. PiS is also likely to reform the electoral system. The government will be forced to confront public dissent, which could begin to take more radical forms. In foreign policy, Poland will maintain its Atlanticist orientation but will act more assertively toward the EU and Germany than the previous government and may adopt a more hawkish stance toward Russia. Given the ruling party's track record of rule-bending and disregard for public consultations, the state of Polish democracy will continue to deteriorate.

# MAIN REPORT

## National Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.25	3.50	3.25	3.25	2.75	2.50	2.50	2.50	2.50	2.75

- The October 2015 parliamentary victory of the socially conservative Law and Justice (PiS) came after eight years of governance by the center-right Civic Platform (PO) and the agrarian Polish People’s Party (PSL) that was gradually bogged down in scandals and protests. After the European Union (EU) ended the application of the “excessive deficit procedure” that had constrained Poland’s public spending, the PO-led government increased spending in what became its last year in office. The lowest pensions were indexed more favorably, a program of day care centers for the elderly began, and the government introduced free legal aid and a flexible rule for social benefits so that more people would be eligible. It also implemented an “Apartment for the Young” program, passed a new tax law based on the principle of resolving issues to the taxpayer’s benefit, extended the *de minimis* program to increase funding for entrepreneurship, and supported exporters who had been hit by Russia’s embargo on Polish exports.<sup>1</sup>
- At the same time, however, the 2014 “Waitergate”<sup>2</sup> scandal finally caught up with the PO government. In June 2015, Zbigniew Stonoga, a little-known businessman and antiestablishment activist, published online over 2,000 pages of files from the Public Prosecutor’s Office concerning one of the most publicized scandals of 2014. In reaction to the publication, Prime Minister Ewa Kopacz apologized to the nation four months before the parliamentary elections, and speaker of the parliament and former foreign affairs minister Radosław Sikorski, as well as the ministers in charge of health, treasury, and sport, resigned.<sup>3</sup> The resignations were seen as too little too late, especially as the publication of the Stonoga files did not include new facts.<sup>4</sup>
- The PiS’s victory was also due to its focus on bread-and-butter issues during the campaign. New PiS prime minister Beata Szydło promised welfare reforms in her first 100 days in office, and in November, she announced that her cabinet will introduce a monthly subsidy of PLN 500 (\$125) to families for each child after the first. Additionally, she announced that the government would lower the retirement age to 65 years for men and 60 for women (it is currently set to increase every year to reach 67 in 2040 for both sexes), double the income tax threshold to PLN 8,000 (\$2,000), provide free pharmaceuticals for people above 75, and introduce a minimum hourly wage of PLN 12 (\$3). She also promised to lower corporate taxes from 19 to 15 percent and additional education and health reforms.<sup>5</sup>
- At the end of December, the new government changed the law on the recruitment of senior civil servants, lifting the ban on political party membership and terminating the contracts of all senior officials within 30 days.<sup>6</sup> The PiS’s electoral victory marked not only a shift in power in the government but also a turn to informal governance. Rather than becoming prime minister, PiS chairman Jarosław Kaczyński remained only a member of parliament (MP), although it is widely agreed that he is now the most influential person in the country.<sup>7</sup> This has created a situation where the country’s top decision-maker has no constitutional accountability for his decisions and exercises virtually unchecked power through his influence over the parliament and the president, himself a protégé of Kaczyński.<sup>8</sup> Kaczyński’s critics maintain that this shift of power, coupled with Kaczyński’s commanding leadership style, is undermining liberal democracy in Poland.<sup>9</sup>
- The European refugee crisis dominated Poland’s foreign affairs agenda in the second half of the year. In September, the government secured a waiver from the EU’s mandatory quota system with the help of other Central European countries but in the end agreed to admit 7,000 refugees.<sup>10</sup> Even though Poland remained distanced from main transit routes and was required to admit a small number of

refugees relative to its population, anti-migrant and anti-Muslim attitudes strengthened and fed into the popularity of far-right activists, a few of whom entered parliament. Temporary migration from Ukraine also increased two-fold in the first half of 2015, as about 400,000 Ukrainians worked in Poland compared to about 200,000 during the same period in 2014.<sup>11</sup> Some experts predicted mass immigration to Poland from Ukraine in the near future.<sup>12</sup>

- Apart from several protests by teachers and nurses for higher pay, the biggest economic issue of 2015 was the coal crisis in Silesia. In January, the government adopted a plan to rescue the mines of the state-owned Kompania Węglowa by closing four out of 14 mines. Trade unions opposed the decision, and major strikes broke out across Silesia. Following long negotiations, the government eventually backed out of the decision to close the mines and adopted a plan to transfer 11 mines from Kompania Węglowa to a new entity, Nowa Kompania Węglowa, and sell the remaining three mines to private investors. For the plan to work, however, Nowa Kompania Węglowa would need around PLN 2 billion (\$490 million), which would be impossible without the involvement of state-owned energy companies.<sup>13</sup> The issue remained unresolved at the end of 2015.

### Electoral Process

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.00	2.00	2.00	1.75	1.50	1.25	1.25	1.25	1.50	1.50

- When Andrzej Duda, a member of European Parliament from PiS, unexpectedly won during the first round of the presidential elections in May, outperforming most preelection polls and receiving 34.8 percent of the vote, the stage was set for a new political order in Poland.<sup>14</sup> Incumbent president Bronisław Komorowski, who only six months earlier enjoyed the trust of more than 75 percent of the public and had polled at above 50 percent, finished second with 33.8 percent of the vote. In contrast to Duda’s significant online presence and his very active campaign that leaned heavily on the legacy of former president Lech Kaczyński, Komorowski’s campaign was passive and filled with gaffes.<sup>15</sup> Duda’s first-round victory gave him a tactical advantage over Komorowski in the second round, which he won with 51.6 percent of the popular vote.
- Besides Duda’s victory, the other surprise during the elections was the strong performance of “tribune of the people” and rock-musician Paweł Kukiz, who received 20.8 percent of the vote in the first round. With populist slogans and a promise to change the electoral system from proportional to majoritarian, the “authentic” outsider became the choice for many people who were fed up with the main political parties.<sup>16</sup> The elections were also a prelude to the demise of the left and the PSL. Democratic Left Alliance (SLD) candidate Magdalena Ogórek received 2.4 percent of the vote, the lowest-ever result for an SLD presidential candidate, and PSL’s Adam Jarubas got 1.6 percent. Poland’s other political maverick, Janusz Palikot, received 1.4 percent of the vote.<sup>17</sup>
- The October parliamentary elections confirmed a change in power and turn to the right in Polish politics. PiS received 37.58 percent of the vote, which gave them 235 MPs (78 more than in 2011) and a majority in the Sejm.<sup>18</sup> PO managed to maintain the support of 24.09 percent of the voters (earning them 138 MPs), while the newly founded liberal party .Nowoczesna (Modern) took 7.6 percent of the vote (28 MPs). Paweł Kukiz’s Kukiz’15 movement became the third power in the parliament with 8.81 percent of the popular vote and 42 MPs, including a number of radicals, such as far-right leader of the National Movement, Robert Winnicki.<sup>19</sup> PSL managed to receive just enough votes to enter parliament (5.13 percent, 16 MPs).
- Meanwhile the new parliament will be the first since 1989 without a left-wing party. The United Left (Zjednoczona Lewica) coalition received only 7.55 percent of the vote, just short of the coalition threshold of eight percent. A new social democratic grassroots initiative, Together (Razem), captured

at least some of the left’s votes. Although it failed to clear the five percent threshold for parties, it won enough to secure public funding for the next four years.<sup>20</sup>

- The electoral institutions fulfilled their duties in 2015. Following problems with the vote count in the 2014 local elections, electoral commissions strengthened internal controls, and there were no major irregularities in 2015. On a few occasions, however, politicians tried to use national referendums for their own ends. In a surprising move following the first round of presidential elections in May, Komorowski called for a nationwide referendum on three topics, including the introduction of single-member electoral districts. Many interpreted the move as an abuse of the referendum mechanism aimed at attracting Kukiz’s protest voters in the second round. In September, after Komorowski’s presidential bid had already tanked, the referendum failed with an embarrassingly low turnout of 7.8 percent.<sup>21</sup> Also in September, newly elected president Duda tried to call a referendum on issues important to PiS but eventually failed because of opposition from the PO-led Senate.<sup>22</sup>

### Civil Society

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1.50	1.25	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

- In general, people in Poland conflate nongovernmental organizations (NGOs) with charities and are reluctant to contribute to their work. According to a report published in early 2015, 40 percent of Poles have no association with the word “NGO,” while four out of five think that NGOs’ main goal is to help the poor or distribute charity.<sup>23</sup> In reality, only 5 percent of Polish NGOs do social work. People are also uninformed about how NGOs receive funding—more than half of respondents said they are financed through the 1 percent tax write-off that every citizen can make,<sup>24</sup> while in reality the write-offs make up only 7 percent of NGOs’ budgets. Half of their funding comes from public grants, including EU money,<sup>25</sup> while only 14 percent comes from private funding, and only 7 percent from member contributions. Additionally, 63 percent of Poles think that NGOs should provide their services for free, and 54 percent think that their employees should work for free, too.<sup>26</sup>
- Throughout the year, left- and right-wing initiatives collected hundreds of thousands of signatures and forced the Sejm to discuss them, although none of the proposals were adopted in the end. A group of liberal activists gathered 150,000 signatures for a bill to suspend state funding of religion lessons in schools, but at year’s end, the “Secular School” initiative had yet to be discussed.<sup>27</sup> Two separate initiatives to penalize abortion and to ban the morning-after pill gained 400,000 and 200,000 signatures, respectively, but neither became law under the PO government.<sup>28</sup>
- In April, former president Bronisław Komorowski ratified the Council of Europe convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). The convention had been a major source of conflict between right-wing parties and those of the center and the left. Right-wing concerns, voiced mainly by PiS,<sup>29</sup> included the association of religion and tradition with violence and the portrayal the family as a site of violence.<sup>30</sup> The convention passed with support from PO and the left in February.
- Anti-immigrant and anti-Muslim sentiment grew in the wake of the European refugee crisis. The influx of Syrian and other Middle Eastern and North African refugees to Europe and the obligation of each EU country to accept a quota of them fueled xenophobic behavior and bolstered the positions of right-wing activists and politicians. In September, a nationalist rally in Warsaw attracted 7,000 people, three times more than a separate rally in favor of the admission of Syrians to Poland.<sup>31</sup> The same attitudes were present in the annual Independence Day march, which gathered 20,000 participants in November. That same month, a group of right-wing radicals burned an effigy of an Orthodox Jew holding an EU flag while protesting against refugee resettlement in Wrocław.<sup>32</sup>

- In November, a grassroots movement called the Committee for the Defense of Democracy (KOD) was established to protest PiS’s actions, including its pardoning of secret services head Mariusz Kamiński (see Corruption section) and its alleged breach of the constitution. Started as a Facebook group, KOD organized mass protests of tens of thousands of people in Warsaw and other cities throughout November and December.<sup>33</sup> The movement developed regional structures and was enjoying the support of opposition politicians. In December, a progovernment rally also attracted tens of thousands of people.<sup>34</sup>
- There were some significant developments in regard to labor relations during the year. In July, the Constitutional Tribunal ruled that provisions on trade unions that allow only employees to form and join unions are unconstitutional. This decision means that the roughly 1 million Poles employed through contracts will also be able to join unions. No amendments to the relevant laws had been made by year’s end.<sup>35</sup> In October, the new Council of Social Dialogue replaced the Trilateral Commission of trade unions, employer organizations, and the government. The commission had ceased to function two years ago when the unions stopped participating in its meetings. The council, which will be appointed by the president instead of the prime minister, will have a limited right to initiate legislation and will receive greater funding than the commission, but the participants and scope of dialogue will remain the same.<sup>36</sup>

## Independent Media

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.25	2.25	2.00	2.25	2.25	2.25	2.50	2.50	2.50	2.75

- Media ownership has been a hotly debated topic in Poland. Right-wing politicians and commentators repeatedly point out what they see as an excessive share controlled by foreign-owned outlets,<sup>37</sup> while others emphasize problems stemming from market concentration. For example, in 2014, the Bauer Publishing House had a 33 percent share in print media circulation and a 28 percent share of radio listeners.<sup>38</sup> According to the National Broadcasting Council’s 2014 annual report,<sup>39</sup> the television market is oligopolistic, with three commercial networks and the public broadcaster making up 95 percent of it. The report also pointed out that the regional press market is “practically a monopoly” with the German-owned Polskapresse owning 21 out of 26 local newspapers.<sup>40</sup> Sales and readership of print newspapers and newsmagazines continued to fall: in the first half of 2015, paid circulation of the top five weeklies fell by 6.5 percent on average.<sup>41</sup>
- Defamation is a criminal offense. In September, the Constitutional Tribunal upheld the constitutionality of laws against defamation of the nation, state, and its institutions,<sup>42</sup> and in October, upheld a similar law concerning the constitutionality of religious defamation laws.<sup>43</sup> In 2014, there were 38 cases where people were prosecuted under the religious defamation law,<sup>44</sup> but no official record is kept of the number of “state defamation” cases.<sup>45</sup>
- During the parliamentary campaign, public television was accused of biased coverage of electoral committees. It gave vastly more airtime to PO and PiS committees than the other parties in the campaign.<sup>46</sup> Additionally, the debate over whether the journalists who published materials in the “Waitergate” scandal (see NDG section) should testify continued in 2015. In October, a court effectively ordered the disclosure of their sources.<sup>47</sup> The journalists involved said they would not cooperate, and the case was ongoing at year’s end.
- There were cases of political layoffs in the public media throughout the year. In March, a presenter at Warsaw regional public radio RDC was sacked for criticizing Catholic institutions on air.<sup>48</sup> In September, Ewa Wanat, chief editor of RDC, was dismissed on “disciplinary grounds” for posting a public comment on social media criticizing activists campaigning to lower the school age.<sup>49</sup> In mid-November, following the victory of PiS, new minister of culture Piotr Gliński scolded his interviewer

Karolina Lewicka live on-air on the public news channel TVP Info, saying that over the past couple of years the outlet had practiced “propaganda and manipulation” and that “this would now change.”<sup>50</sup> Lewicka, who had assertively questioned Glišński, was suspended by TVP and later lost her job.

- The PiS’s plans for public media reform were already clear by the end of October: the party intended to change the legal status of public television and transform radio companies and the Polish Press Agency (PAP) from state-owned commercial companies to “national cultural institutions” subordinate to a brand-new National Media Council and financed mainly through a new audiovisual levy included in household electricity bills.<sup>51</sup> Implementation of this plan will take place in 2016, but the take-over of public media began in the final days of December, when the Sejm passed a bill that terminated the mandates of all the current CEOs and executive boards of public media companies and temporarily transferred the power to appoint new ones from the National Broadcasting Council to the Minister of Treasury.<sup>52</sup> The move was widely criticized as a crackdown on media independence, and on December 31 directors of the main public television channels resigned in protest.<sup>53</sup> Meanwhile, prominent PiS politicians argued that public media had previously been partisan and that its criticism of the government was unacceptable.<sup>54</sup> Commentators also pointed out that Polish public media had previously been subject to political control<sup>55</sup> and that politically-motivated purges of journalists had happened before.<sup>56</sup>

### Local Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.25	2.25	2.00	1.75	1.75	1.75	1.75	1.50	1.50	1.50

- As a follow-up to the 2014 local elections, there were votes in another 384 municipalities, mainly in districts where single local council members needed to be reelected and where district courts had upheld objections to the fairness of the elections.<sup>57</sup> The protests pertained to cases where there were demonstrated errors in electoral commissions’ protocols<sup>58</sup> or where there was a narrow difference between the two candidates and ballot-stuffing was suspected.<sup>59</sup>
- In September, Poland adopted a law on metropolitan districts. The law introduces a fourth type of local government entity, the metropolitan district, which can be established through a decree from the Council of Ministers in areas inhabited by at least a half a million people. Establishing a metropolitan district will require the consent of the councils of at least 50 percent of the municipalities and counties and 70 percent of the city counties that would enter it. The districts would be responsible for urban planning, public transport, and waste management, among other things, and would be financed through 9 percent of personal income tax paid by their inhabitants (split between the central budget and local municipalities).<sup>60</sup> The law was much anticipated by local governments in the Silesian conurbation and the Tri-city metropolitan area in Pomerania.
- The 2014–2020 EU financial framework, within which Poland was assigned €82.5 billion, provides a crucial source of investment funding for local governments. The European Commission accepted all of the Polish operational programs (OPs), including 16 regional ones, in February. The regional OPs’ budget for the whole period is €31.3 billion, and the first tenders for EU funding were opened in August. New policy instruments, such as integrated territorial investments and community-managed local development, were expected to increase cooperation between municipalities.<sup>61</sup>
- In June, citizens in over 100 municipalities, including some major cities, such as Warsaw, Gdańsk, Łódź, and Wrocław, voted on another round of participatory budgeting, in which citizens choose how to spend public funds. In Warsaw, authorities set aside PLN 50 million (\$12.7 million) for 644 projects voted on by 173,000 citizens.<sup>62</sup> There are currently no national evaluations of the procedure, although there are monitoring initiatives piloted by NGOs.<sup>63</sup>



## Judicial Framework and Independence

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.25	2.50	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.75

- In 2015 the PO-PSL coalition completed a systemic reform<sup>64</sup> of Poland’s judicial system, changing it from an inquisitorial to an adversarial system in which the judge will now act as a neutral arbiter and the prosecutor’s office is responsible for gathering evidence. The new system introduces obligations to inform defendants about their rights and provide them with a right to a public attorney at the preliminary stage (PiS criticized the reform and started preparations to reverse it following the elections). There was also a significant Constitutional Tribunal (CT) ruling against a law allowing the Minister of Justice (MJ) to request access to case files.<sup>65</sup>
- However, controversies concerning the appointment of CT judges and changes to the Law on the Constitutional Tribunal (LCT), particularly following the change of government, overshadowed these significant developments. In June, the PO-PSL coalition amended the LCT. President Bronisław Komorowski had originally proposed the amendment in 2013 with the intention to streamline the CT’s work.<sup>66</sup> The coalition MPs, however, expanded the draft and added a transitional clause that shortened the deadline for proposing candidates to replace the CT judges whose terms were to expire later in the year.
- The changes made possible the replacement of five judges right before the October parliamentary elections. On October 8, during the final session of the Sejm, the parliament elected five new judges out of the 15 total on the court. The vote was controversial because the terms in office of the incumbent judges were to expire after the elections: three in early November and two in early December. The PO-PSL coalition argued that because the new Sejm would not convene until November 12, the vote was necessary to preserve the CT’s continuity. The PiS, however, saw it as a politically-motivated attempt to prevent the new majority from electing the judges. President Duda refused to swear in the judges, and parliament adopted a law on November 19 that vacated the current seats of the chief justice and the vice chief and provided for the election of new judges. The CT later struck down the first part of the amendment.<sup>67</sup>
- Just as the court was preparing to rule on the June amendments to the LCT, PiS’s new parliamentary majority elected another five CT judges late at night on December 2, and the president swore in four of them the following morning.<sup>68</sup> That same day, the court ruled that the early election of two judges was unconstitutional, but that President Duda was obliged to immediately swear in the other three judges elected in October.<sup>69</sup> In response, the chief of the prime minister’s chancellery delayed the official publication of the ruling which was necessary to give it binding force and implied a breach of the LCT clause requiring at least nine judges to rule on cases of “particular complexity or saliency.”<sup>70</sup> The ruling was eventually published on December 16, but the president did not comply with it.
- Additionally, on December 15, PiS proposed significant changes to the LCT that essentially paralyzed the court. According to the amendments, the CT can give verdicts only with a two-thirds majority and at least 13 out of 15 judges present (instead of a simple majority with as few as three judges present in certain types of cases), have shorter proceedings, and is required to investigate cases in order of submission, making it necessary to work through a large backlog before handling new cases. PiS politicians argued that the reform was meant to increase the court’s prestige, although Kaczynski also pointed out that the old CT would block his party’s welfarist reforms.<sup>71</sup> The new law did not undergo public consultations and was passed on December 24.
- Earlier in December, PiS MPs submitted a draft law to regulate the immunity-waiving procedure aimed to facilitate the prosecution of certain officials elected by the Sejm, most notably the chief of the Supreme Audit Office, the Ombudsman, and the Inspector General for Personal Data Protection.<sup>72</sup> Under the proposed law, the immunity-waiving procedure could be triggered either by the Ministry of

Justice or a citizen complaint. Several commentators had pointed out that it could also be used to target Ombudsman Adam Bodnar, whose selection PiS had strongly criticized.<sup>73</sup>

- In late December, PiS began proceedings on a new law on the Prosecutor General, according to which the Minister of Justice would also hold the post of Prosecutor General and directly control all public prosecutors, with the power to override investigators' decisions and take over cases. Additionally, the National Prosecutors' Council would be transformed into an advisory body, losing disciplinary powers over the Prosecutor General. The law was pending in parliament at year's end.<sup>74</sup>

## Corruption

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.00	3.00	2.75	3.25	3.25	3.25	3.25	3.50	3.50	3.50

- Corruption and nepotism remain important issues in Polish public life. A September poll revealed that 67 percent of Poles believe corruption is a serious problem, although 83 percent had not heard about any incidents in their local environments in 2015. According to respondents, the most corrupt occupations are doctors (65 percent), referees (59 percent), MPs (56 percent), self-government council members, and local government officials at various levels (55 percent). Least likely to be corrupt in the public eye are teachers (31 percent) and bank clerks (35 percent).<sup>75</sup>
- Like in previous years, there were several corruption scandals in 2015. A large investigation into the privatization of chemical company Ciech that started in 2014 continued throughout the year.<sup>76</sup> In April, Minister of Justice Cezary Grabarczyk had to step down following media allegations that he and some others obtained firearm permits without passing a practical exam.<sup>77</sup> In September, former influential interior minister Krzysztof Janik was accused of receiving PLN 140,000 (\$35,600) in bribes for helping a firm in dealings with the tax office in Katowice.<sup>78</sup>
- In November, President Duda pardoned the former head of the Central Anticorruption Bureau (CBA) and current minister-coordinator of the secret services Mariusz Kamiński, along with three former officials of the bureau. In March 2015, the Warsaw-Śródmieście Regional Court convicted them of abuse of power in connection with the so-called land scandal, a 2007 sting operation that led to the resignation of then deputy prime minister Andrzej Lepper. Kamiński appealed the three-year prison sentence and ten-year ban on holding public office. The presidential pardon was heavily debated. Some experts argued that pardoning is impossible without a final sentence, since the president can only absolve of guilt, while others claimed the president's pardon prerogative should be as broad as possible. In December, the regional court passed the appeal to the Warsaw District Court, thus disregarding the pardon and arguing that it can take effect only after the appeals process is exhausted.<sup>79</sup>
- The longstanding "Podkarpackiegate" scandal resulted in charges to Jan Bury, the PSL's former caucus head in the Sejm. The affair goes back to April 2013, when CBA agents detained the marshal of Podkarpacie, a PSL politician linked to Bury. In early July 2014, CBA agents detained two heads of a Podkarpacie fuel company. They were charged with influence-peddling involving Deputy Minister for Infrastructure Zbigniew Rynasiewicz, then a PO MP from Podkarpacie. Last year, CBA searched the offices of Rynasiewicz and Bury.<sup>80</sup> Several other persons were charged, including one person from the Rzeszów prosecutor's office.<sup>81</sup> In September 2015, the prosecutor's office wanted to open a case against Bury, but the ruling coalition's MPs sustained his immunity.<sup>82</sup> However, police promptly arrested him after he lost his mandate in the October parliamentary elections.
- While wiretapped by the CBA, Bury had allegedly tried to influence the hiring process for posts in the Supreme Audit Office (NIK). NIK chief Krzysztof Kwiatkowski allegedly set up hiring processes for managerial posts in his office, and in August, the prosecution announced that charges had been opened against him as well. It is apparent from the CBA wiretaps that Kwiatkowski had agreed to

cancel the competition for the position of deputy head of the NIK's delegation in Rzeszów so that Bury's assistant from the 1990s could win in a new set of proceedings. The prosecutor's office also accused Kwiatkowski of unlawful influence in the competition for positions in the NIK delegation in Łódź and the head office in Warsaw, and Bury of influencing NIK inspections in Podkarpacie.<sup>83</sup> The Sejm did not waive the immunity of Kwiatkowski in 2015, but the new majority might vote again on the issue, and may vote to bring a case against him in the State Tribunal.<sup>84</sup>

AUTHOR: PIOTR ARAK AND PIOTR ŻAKOWIECKI

*Piotr Arak is a senior analyst for social affairs at the Polityka Insight Center for Policy Analysis in Warsaw. He is a PhD candidate in public policy at the University of Warsaw and a graduate of social policy and statistical methods in business.*

*Piotr Żakowiecki is an analyst for social affairs at Polityka Insight and a graduate of the London School of Economics and the National University of Singapore.*

*The views expressed in this report are those of the authors and do not necessarily reflect the opinion of their employers.*

---

<sup>1</sup> "Ewa Kopacz podsumowuje rok rządów" [Ewa Kopacz sums up her year in office], Onet.pl, 30 September 2015, <http://wiadomosci.onet.pl/kraj/ewa-kopacz-podsumowuje-rok-rzadow-po/9e6s87>

<sup>2</sup> "Waitergate" refers to wiretapped conversations between Polish politicians, businessmen, lobbyists, and other public figures over expensive dinners funded by taxpayers' money in two upscale restaurants in Warsaw. For more details read last year's *Nations in Transit* report: <https://freedomhouse.org/report/nations-transit/2015/poland>

<sup>3</sup> "Poland leak scandal: Three ministers and Speaker resign," British Broadcasting Corporation (BBC), 10 June 2015, <http://www.bbc.com/news/world-europe-33089659>

<sup>4</sup> Paulina Pacula, "Poland: Waitergate not over yet," EU Observer, 15 June 2015, <https://euobserver.com/beyond-brussels/129102>

<sup>5</sup> "Koniec z arogancją władzy i koniec z pychą. Całe expose Beaty Szydło" [The end of pride and arrogance of power. The whole exposé of Beata Szydło], Tvn24.pl, 18 November 2015, <http://www.tvn24.pl/cale-expose-premier-beaty-szydlo,595528.s.html>

<sup>6</sup> "Senior civil servants to be appointed," TheNews.pl, 31 December 2015, <http://www.thenews.pl/1/9/Artykul/234913.Senior-civil-servants-to-be-appointed>

<sup>7</sup> Kaczyński's central position has become a given for domestic and foreign commentators. This impression has been cemented by several accolades, including several 'Man of the Year' titles and topping rankings of influence. See Katarzyna Skrzydłowska-Kalukin, "40 najbardziej wpływowych Polaków" [40 most-influential Poles], Wprost 49/2015, 2015, <http://www.wprost.pl/ar/526245/40-NAJBARDZIEJ-WPLYWOWYCH-POLAKOW>; Jan von Puhl, "Mann aus Eisen" [Man of Iron], Der Spiegel 51/2015, 12 December 2015, <http://goo.gl/XqOAx7>; Jan Cienski, "The king of Poland," Politico, 27 October 2015, <http://goo.gl/i8fthx>; and Henry Foy, "Jaroslaw Kaczynski: the power behind the Polish throne," Financial Times, 23 October 2015, <http://goo.gl/b18LQA>

<sup>8</sup> It is important to note that Poland has had several politicians who held influence beyond their official status. From 1997 to 2001, when Jerzy Buzek was the prime minister, the unofficial head of state was Marian Krzaklewski, an MP and head of the Solidarity trade union. In 2005, when Kazimierz Marcinkiewicz became the prime minister, Jarosław Kaczyński's office was the actual center of power. In 2010, former prime minister Jan Krzysztof Bielecki became the head of the economic council to the prime minister, but in reality his role was bigger than that of a deputy prime minister.

<sup>9</sup> Jan Tokarski, "Koniec demokracji czy liberalizmu?" [End of democracy or liberalism?], Kultura Liberalna, 4 December 2015, <http://kulturaliberalna.pl/2015/12/04/tokarski-pis-demokracja-komentarz/>

<sup>10</sup> "Poland announces refugee numbers," Radio Poland, 20 October 2015, <http://www.thenews.pl/1/10/Artykul/225661.Poland-announces-refugee-numbers>

---

<sup>11</sup> Marta Jaroszewicz, “Kryzysowa migracja Ukraińców” [The migration of Ukrainians in times of crisis], Centre for Eastern Studies (OSW), 19 October 2015, <http://www.osw.waw.pl/pl/publikacje/komentarze-osw/2015-10-19/kryzysowa-migracja-ukraincow>

<sup>12</sup> Maciej Deja, “Polska w obliczu fali imigracji. “Jeśli konflikt na Ukrainie się zaostrzy, to może być katastrofa”” [Poland to face a wave of immigration. If the conflict in Ukraine intensifies, it could be a disaster], Polska Times, 29 June 2015, <http://www.polskatimes.pl/artykul/3918019,polska-w-obliczu-fali-imigracji-jesli-konflikt-na-ukrainie-sie-zaostrzy-to-moze-byc-katastrofa,id.t.html>

<sup>13</sup> “Rząd m.in. o programie dla Śląska i restrukturyzacji górnictwa” [The government on the program for the region and the restructuring of the mining industry], Onet.pl, 29 June 2015, <http://wiadomosci.onet.pl/slask/rzad-m-in-o-programie-dla-slaska-i-restrukturyzacji-gornictwa/fkc9q8>

<sup>14</sup> “I edycja konkursu o Puchar Pytii rozstrzygnięta” [The first edition of the Cup of Pythia resolved], Center for Quantitative Research in Political Science of the Jagiellonian University, 17 June 2015, <http://www.cbip.uj.edu.pl/pytia2015>

<sup>15</sup> “Dziesięć wypowiedzi Bronisława Komorowskiego którymi sam sobie zaszkodził” [Ten quotes from Bronisław Komorowski which hurt only him], Onet.pl, 27 May 2015, <http://wiadomosci.onet.pl/tylko-w-onecie/dziesiec-wypowiedzi-bronislawa-komorowskiego-ktorymi-sam-sobie-zaszkodzil/ermmdf>

<sup>16</sup> Another controversial right-wing politician and MEP, Janusz Korwin-Mikke, got 3.3 percent. Kukiz and Korwin-Mikke were set to cooperate during the parliamentary elections, but Kukiz eventually decided to compete on his own.

<sup>17</sup> “Wybory prezydenckie 2015: PKW ogłosiła oficjalne wyniki. Andrzej Duda prezydentem” [Presidential Election 2015: PKW announced the official results. Andrzej Duda is the President], Onet.pl, 25 May 2015, <http://wiadomosci.onet.pl/tylko-w-onecie/wybory-prezydenckie-2015-znamy-juz-oficjalne-wyniki-podane-przez-pkw/m5xlbq>

<sup>18</sup> PiS also won an overwhelming majority in the Senate (the higher house of parliament). PiS won 62 seats, PO won 34, and PSL won one seat. Three independent candidates also managed to enter the Senate. See Marcin Maj, “Oficjalne wyniki wyborów do Sejmu i Senatu 2015” [Official results of the elections to Sejm and Senate in 2015], Dziennik Internautów, 27 October 2015, <http://di.com.pl/oficjalne-wyniki-wyborow-do-sejmu-i-senatu-2015-53642>

<sup>19</sup> Wojciech Czuchnowski and Jacek Harłukowicz, “Wybory 2015 r. Kukiz wprowadził do Sejmu narodowców” [Elections 2015. Kukiz helped the nationalists get elected to the parliament], Wyborcza.pl, 27 October 2015, <http://wyborcza.pl/1,75478,19093230,wybory-2015-r-kukiz-wprowadzil-do-sejmu-narodowcow.html>

<sup>20</sup> “Wyniki wyborów do Sejmu RP” [Results of elections to the Sejm], Państwowa Komisja Wyborcza [National Electoral Commission], accessed 21 March 2016, [http://parlament2015.pkw.gov.pl/349\\_Wyniki\\_Sejm](http://parlament2015.pkw.gov.pl/349_Wyniki_Sejm)

<sup>21</sup> “Niska frekwencja w referendum to kompromitacja klasy politycznej” [The low turnout in the referendum is discrediting the political class], Tvn24.pl, 7 September 2015, <http://fakty.tvn24.pl/opinie,56/niska-frekwencja-w-referendum-to-kompromitacja-klasy-politycznej,575014.html>

<sup>22</sup> “Senat odrzucił wniosek prezydenta Dudy. Nie będzie referendum 25 października! "Solidarność" oburzona: Precz z Platformą!” [The Senate rejected the request of President Duda. There will be no referendum on October 25th! "Solidarity" outraged: Down with the Platform!"] wPolityce.pl, 4 September 2015, <http://wpolityce.pl/polityka/264334-senat-odrzucil-wniosek-prezydenta-dudy-nie-bedzie-referendum-25-pazdziernika-solidarnosc-oburzona-precz-z-platforma>

<sup>23</sup> According to a survey from 2013, about 18 percent of Poles do some volunteer work in a NGO, and about one in ten does something for his or her religious group or church. See Stowarzyszenie Klon/Jawor, “Zaangażowanie społeczne Polek i Polaków” [Social participation of Poles], The Malopolska Region, 2014, [http://www.malopolskie.pl/Pliki/2015/20140407\\_RAPORT\\_final-1.pdf](http://www.malopolskie.pl/Pliki/2015/20140407_RAPORT_final-1.pdf)

<sup>24</sup> 47 percent of Poles write off one percent of their income tax to NGOs, but most of the money goes to fewer than 10 organizations. Some experts argue that this mechanism did not help the financial conditions of civil society. See Piotr Skwirowski, “Rekordowe wpływy z 1 proc. podatku. Najwięksi zgarniają pulę” [Record revenues from the one percent], Wyborcza.biz, 7 October 2015, <http://wyborcza.biz/biznes/1,100896,18981376,rekordowe-wplywy-z-1-proc-podatku-najwieksi-zgarniaja-pule.html>

<sup>25</sup> Stowarzyszenie Klon/Jawor, “Podstawowe fakty o organizacjach pozarządowych” [Basic facts about NGOs], ngo.pl, 2013, [http://www.ngo.pl/PodstawoweFakty\\_2012\\_raport/ebook/content/PodstawoweFaktyNGO\\_2012\\_KlonJawor\\_raport.pdf](http://www.ngo.pl/PodstawoweFakty_2012_raport/ebook/content/PodstawoweFaktyNGO_2012_KlonJawor_raport.pdf)

- 
- <sup>26</sup> Stowarzyszenie Klon/Jawor, “Wizerunek organizacji pozarządowych. Raport z badania” [Image of NGOs. Study report], ngo.pl, May 2015, [http://wiadomosci.ngo.pl/files/wiadomosci.ngo.pl/public/dokumenty\\_2014/raport\\_wizerunek.pdf](http://wiadomosci.ngo.pl/files/wiadomosci.ngo.pl/public/dokumenty_2014/raport_wizerunek.pdf)
- <sup>27</sup> “Konferencja Episkopatu Polski zabrała głos w sprawie lekcji religii w szkołach” [Polish Bishops' Conference spoke on religion class in schools], Polskie Radio, 3 February 2016, <http://www.polskieradio.pl/5/3/Artykul/1578288,Konferencja-Episkopatu-Polski-zabrała-głos-w-sprawie-lekcji-religii-w-szkołach>
- <sup>28</sup> “Sejm odrzucił obywatelski projekt o całkowitym zakazie aborcji” [The Sejm rejected the civic project that banned abortion], Kai.pl, 9 September 2015, <http://ekai.pl/wydarzenia/polska/x92213/sejm-odrzucil-obywatelski-projekt-o-calkowitym-zakazie-aborcji/>; “Organizacje pro-life chcą zakazać pigułki dzień po. Zebrały 200 tys. podpisów” [Pro-life organizations want to ban the morning after pill. They gathered 200,000 signatures], Wyborcza.pl, 9 October 2015, <http://wyborcza.pl/1,75478,18996984,organizacje-pro-life-chca-zakazac-pigulki-dzien-po-zebraly.html>
- <sup>29</sup> Up until the end of 2015 the PiS government did not appoint an equal opportunities ombudsman, who was customarily a minister at the Chancellery of the Prime Minister.
- <sup>30</sup> “Zapis przebiegu posiedzenia komisji” [Recording of a joint session of Sejm’s Foreign Affairs and Justice and Human Rights commissions], Sejm, 5 February 2015, <http://www.sejm.gov.pl/sejm7.nsf/biuletyn.xsp?sknr=SPC-220>
- <sup>31</sup> Tomasz Golonko, “Warszawa: trwa demonstracja narodowców przeciw uchodźcom” [Warsaw: nationalist demonstration against refugees takes place], Gazeta.pl, 12 September 2015, <http://wiadomosci.gazeta.pl/wiadomosci/1,114871,18801369,warszawa-trwa-demonstracja-naradowcow-przeciw-uchodzcom-ogladaj.html>
- <sup>32</sup> Tomasz Pajączek, “Spalili kukłę przedstawiającą Żyda pod oknami ratusza. Jest reakcja prezydenta Wrocławia” [They burned an effigy depicting a Jew under the windows of City Hall. The reaction of the president of Wrocław], Onet.pl, 19 November 2015, <http://wiadomosci.onet.pl/wroclaw/spalili-kukle-przedstawiajaca-zyda-pod-oknami-ratusza-jest-reakcja-prezydenta/qrd92x>
- <sup>33</sup> “Policja o liczebności manifestacji PiS: Dwa razy liczniejsza, od tej organizowanej przez KOD” [Police on the number of people at the PiS manifestation: Two times more than at KOD’s], Dziennik.pl, 13 December 2015, <http://wiadomosci.dziennik.pl/wydarzenia/artykuly/508041,policja-o-liczebnosci-manifestacji-pis-w-warszawie.html>
- <sup>34</sup> Wiktor Szary and Paweł Florkiewicz, “Thousands rally to support Polish government after opposition protest,” Reuters, 13 December 2015, <http://uk.reuters.com/article/uk-poland-protests-idUKKBN0TW0L820151213>
- <sup>35</sup> Piotr Żakowiecki, “How can trade unions boost their influence,” Polityka Insight, 9 July 2015, <http://www.politykainsight.pl/en/socialaffairs/tradeunions/1621949,1,impact-extension-of-the-right-to-organise-in-trade-unions.read>
- <sup>36</sup> Piotr Arak, “Social dialogue: How is the new council meant to work,” Polityka Insight, 26 March 2015, <http://www.politykainsight.pl/en/socialaffairs/socialpolicy/1613749,1,solution-how-is-the-new-social-dialogue-council-supposed-to-work.read>
- <sup>37</sup> Good data is hard to find on the topic. According to a KRRiT report, in 2014 foreign-owned companies RMF and Eurozet held 40 percent of overall revenues among radio broadcasters. 76 percent of overall press circulation was attributed to foreign-owned publishers. Less than 40 percent of television viewership was attributed to channels owned by foreign companies. See “Informacja o podstawowych problemach radiofonii i telewizji w 2014 roku” [Information about the basic problems of radio and television in 2014], National Broadcasting Council (KRRiT), March 2015, [http://www.krrit.gov.pl/Data/Files/\\_public/Portals/0/konferencje/sprawozdania/informacja-www.pdf](http://www.krrit.gov.pl/Data/Files/_public/Portals/0/konferencje/sprawozdania/informacja-www.pdf)
- <sup>38</sup> Paweł Grzegorzczak, “Czy musimy repolonizować media? Analiza zagranicznego kapitału w Polsce” [Do we need to re-polonise the media? Analysis of foreign capital in Poland], Jagielloński24, 14 September 2015, <http://jagiellonski24.pl/2015/09/14/czy-musimy-repolonizowac-media-analiza-zagranicznego-kapitalu-w-polsce/>
- <sup>39</sup> Krajowa Rada Radiofonii i Telewizji (KRRiT), a non-governmental regulatory agency with members appointed by Sejm for fixed terms.
- <sup>40</sup> “Informacja o podstawowych problemach radiofonii i telewizji w 2014 roku” [Information about the basic problems of radio and television in 2014], National Broadcasting Council (KRRiT), March 2015, [http://www.krrit.gov.pl/Data/Files/\\_public/Portals/0/konferencje/sprawozdania/informacja-www.pdf](http://www.krrit.gov.pl/Data/Files/_public/Portals/0/konferencje/sprawozdania/informacja-www.pdf)
- <sup>41</sup> “Spadła sprzedaż kioskowa wszystkich dzienników ogólnopolskich. ‘Rzeczpospolita’ najbardziej w dół” [All national daily newspapers sales fell. ‘Rzeczpospolita’ lost the most], Wirtualne Media, 17 August 2015, <http://www.wirtualnemedia.pl/artykul/spadla-sprzedaz-kioskowa-wszystkich-dziennikow-ogolnopolskich-rzeczpospolita-najbardziej-w-dol>; “Tylko ‘Tygodnik Powszechny’ na plusie po I półroczu. ‘Wprost’ stracił

---

najwięcej” [Only ‘Tygodnik Powszechny’ gained in first half of the year. ‘Wprost’ lost the most], Wirtualne Media, 20 September 2015, <http://www.wirtualnemedia.pl/artykul/tylko-tygodnik-powszechny-na-plusie-po-i-polroczu-wprost-stracil-najwiecej>

<sup>42</sup> Emilia Świętochowska, “Za ostentacyjne pogardzanie premierem należy się kara” [A penalty is justified for demonstrative denigration of the PM], *Gazeta Prawna*, 22 September 2015, <http://goo.gl/6SEfa1>

<sup>43</sup> “TK nie uznał racji Dody. Kara za obrazę uczuć religijnych zgodna z konstytucją” [CT rejected Doda’s arguments. Penalty for religious defamation is not unconstitutional], *TVP.info*, 6 October 2015, <http://goo.gl/nFgv1g>

<sup>44</sup> “Obraża uczuć religijnych (art. 196)” [Religious defamation, article 196], *statystyka.policja.pl*, accessed 21 March 2016, <http://goo.gl/Cetxsl>

<sup>45</sup> They fall under the Offense Code rather than the Criminal Code.

<sup>46</sup> Official data on airtime showed that from 7 to 27 of September, PO politicians were visible in public television for nearly 17 hours, PiS’s for 15.5 hours, ZL’s for almost five hours, PSL’s for more than three hours, *Nowoczesna*’s for two hours, *Kukiz 15*’s for 42 minutes, *Korwin*’s for 19 minutes, and *Razem*’s for eight seconds. All committees registered nationwide electoral lists and should have received equal treatment according to public media legislation. See BIP, “Demokracja Telewizyjna: czas antenowy partii i komitetów wyborczych w telewizji publicznej od 7 Września do 27 Września” [Democracy on television: the airtime of party and electoral committees on public television from 7 September to 27 September], accessed 21 March 2016, <https://goo.gl/XMZuxL>

<sup>47</sup> “Dziennikarze opisujący aferę taśmową zwolnieni z tajemnicy dziennikarskiej. ‘Uderzenie w wolność mediów’” [Journalists covering the wiretapping scandal taken off the confidentiality of sources obligation. ‘A blow to media independence’], *Wirtualne Media*, 5 October 2015, <http://goo.gl/QLs4lp>

<sup>48</sup> “Zarząd RDC o zwolnieniu Elizy Michalik: nieakceptowalny styl prowadzenia audycji i sposób wyrażania opinii” [RDC’s board on Eliza Michalik dismissal: unacceptable way of running the program], *Wirtualne Media*, 19 March 2015, <http://goo.gl/18Puj2>

<sup>49</sup> In her comment, Wanat criticised activists campaigning against lowering the school age. As the activists had been associated with PiS, the dismissal was considered politically motivated. See “Towarzystwo Dziennikarskie protestuje ws. Wanat. ‘Nie wolno zwalniać za ironiczny wpis’” [Towarzystwo Dziennikarskie protests in Wanat case. ‘Dismissal for an ironic comment is unacceptable’], *Wyborcza.pl*, 16 September 2015, <http://goo.gl/U3xHtv>; “Ewa Wanat dyscyplinarnie zwolniona z Radia RDC” [Ewa Wanat dismissed from RDC radio on disciplinary grounds], *Wyborcza.pl*, 14 September 2015, <http://goo.gl/WXqW8V>

<sup>50</sup> “Karolina Lewicka zawieszona po kłótni w TVP Info z prof. Glińskim” [Karolina Lewicka suspended after a row with prof. Gliński on TVP Info], *Wirtualne Media*, 23 November 2015, <http://goo.gl/Sv2PjS>

<sup>51</sup> “PiS zmieni szefów mediów publicznych. Będzie nowy abonament” [PiS to replace heads of public media. New television license to be introduced], *Wirtualne Media*, 27 October 2015, <http://goo.gl/PplS8d>

<sup>52</sup> “Ustawa z dnia 30 grudnia 2015 r. o zmianie ustawy o radiofonii i telewizji” [Law of December 30th, 2015 on changing the law on radio and television], *Sejm*, 30 December 2015, <http://goo.gl/sCRVx9>

<sup>53</sup> “KRRiT: Ustawa PiS łamie konstytucyjną niezależność mediów” [KRRiT: PiS’s bill violates the constitutional independence of the media], *Wyborcza.pl*, 30 December 2015, <http://bit.ly/1kYUdsQ>; “Dyrektorzy TVP1, TVP2, TAI, TVP Kultura i kadr podali się do dymisji” [Directors of TVP1, TVP2, TAI, TVP Culture and HR resigned], *Wirtualne Media*, 1 January 2016, <http://goo.gl/xNuV5O>

<sup>54</sup> “Posłanka Pawłowicz: za kilka dni uczciwe informacje w mediach publicznych, dziennikarze-klamczuchy na resocjalizację do o. Rydzyka” [MP Pawłowicz: public media to start reporting honestly in a few days, fibster journalists to be schooled by Father Rydzyk], *Wirtualne Media*, 30 December 2015, <http://bit.ly/1mPlwXC>

<sup>55</sup> Jakub Majmurek, “Czyje są media publiczne?” [Who owns public media?], *Wirtualne Media*, 5 January 2016, <http://goo.gl/QumH7c>

<sup>56</sup> “Gorąca debata w Sejmie. Lichocka wylicza dziennikarzy zwolnionych przez Platformę i punktuje ws. mediów publicznych” [Heated debate in Sejm. Lichocka enumerates journalists sacked by PO and scores on public media], *wPolityce.pl*, 30 December 2015, <http://goo.gl/8ScoeJ>

<sup>57</sup> “Terminarz wyborów w trakcie kadencji – 2014–2018” [Schedule of mid-term elections 2014–2018], *Państwowa Komisja Wyborcza* [National Electoral Commission], accessed 23 March 2016, [http://pkw.gov.pl/pliki/1458219209\\_Terminarz%20wybor%C3%B3w%20w%20trakcie%20kadencji%20-%202014-2018.pdf](http://pkw.gov.pl/pliki/1458219209_Terminarz%20wybor%C3%B3w%20w%20trakcie%20kadencji%20-%202014-2018.pdf)

<sup>58</sup> Ewelina Latosek, “Mandat radnej wygaszony” [Councillor’s mandate annulled], *WPR24*, 8 March 2015, <http://goo.gl/RX4zfi>

- 
- <sup>59</sup> Katarzyna Włodkowska, “Pomorze. Sąd unieważnił wybory do rady miejskiej w Łęborku i Czersku” [Pomerania. Court annulled the results of city council elections in Łębork and Czersk], Wyborcza.pl, 20 January 2015, <http://goo.gl/vcdPx8>
- <sup>60</sup> “Ustawa z dnia 9 października 2015 r. o związkach metropolitalnych” [Law of 9 October 2015 on metropolitan districts], Dziennik Ustaw Rzeczypospolitej Polskiej, 18 November 2015, <http://goo.gl/miJ9pK>
- <sup>61</sup> Ministerstwo Infrastruktury i Rozwoju, “Fundusze unijne: co dla samorządów w nowej perspektywie” [EU Funds: what can local governments expect in the new term], Polskie Radio, 28 March 2015, <https://goo.gl/wnMHpN>
- <sup>62</sup> Anna Petroff, “Wyniki głosowania w II budżecie partycypacyjnym” [Results of voting for the second participatory budget], City of Warsaw, 8 July 2015, <http://goo.gl/iUEAHU>
- <sup>63</sup> “Budżet obywatelski: jak wprowadzają go polskie miasta?” [Participatory budgeting: how do Polish cities implement it?], Portal Samorządowy, 28 May 2015, <http://goo.gl/qD9Xxd>
- <sup>64</sup> The increase in responsibilities, as well as an arguable lack of sufficient preparation of prosecutors, was considered a major weakness of the reform. As a result there was a considerable drop in the number of prosecutions, and many cases were dropped without prejudice. Ministry of Justice officials, however, defended the reform, blaming the courts and prosecutors for the delays and irregularities associated with the implementation. See Dorota Kowalska, “Barbara Piwnik: Prokuratorzy i adwokaci nie są przygotowani do nowych zasad” [Barbara Piwnik: Prosecutors and attorneys are not ready for the new rules], Dziennik Bałtycki, 2 October 2015, <http://goo.gl/sf9aO2>; “Królikowski: Nowy proces karny jest jak remont” [Królikowski: The new criminal procedure is like a renovation], Rzeczpospolita, 9 December 2015, <http://goo.gl/uGMVGI>
- <sup>65</sup> “Prawo o ustroju sądów powszechnych, Wyrok w sprawie sygn. akt Kp 1/15” [Law on the organization of common courts of law, Ruling in case Kp 1/15], Trybunał Konstytucyjny, 14 October 2015, <http://goo.gl/n5dQHQ>
- <sup>66</sup> Changes included allowing similar cases to be investigated collectively, the simpler ones to be investigated without the parties present, and setting deadlines for rulings. For full draft, see “Projekt ustawy o Trybunale Konstytucyjnym (Druk nr 1590)” [Draft law on Constitutional Tribunal (Sign. no 1590)], Sejm, 10 July 2013, <http://goo.gl/LRtXx5>
- <sup>67</sup> “Wyrok w sprawie sygn. akt K 35/15 (Nowelizacja ustawy o Trybunale Konstytucyjnym)” [Ruling in case K 35/15 (Amendment to Law on Constitutional Tribunal)], Trybunał Konstytucyjny, 9 December 2015, <http://goo.gl/7TlxG8>
- <sup>68</sup> “Sejm wybrał pięciu nowych sędziów TK. PiS: PO złamała konstytucję” [Sejm elected five new CT judges. PiS: PO violated the constitution], Polskie Radio, 2 December 2015, <http://goo.gl/Z13gTc>
- <sup>69</sup> “Komunikat po rozprawie w sprawie K 34/15” [A post-session communique for case K 34/15], Trybunał Konstytucyjny, 3 December 2015, <http://goo.gl/BBYIOR>
- <sup>70</sup> “Wyrok TK nie wejdzie w życie? Według Kancelarii Premiera jest nieważny” [CT’s ruling will not come into force? PM’s Chancellery considers it null and void], niezalezna.pl, 11 December 2015, <http://goo.gl/vg0aF1>
- <sup>71</sup> Anna Śledzińska-Simon, “Midnight Judges: Poland’s Constitutional Tribunal Caught Between Political Fronts,” Verfassungsblog, 23 November 2015, <http://verfassungsblog.de/midnight-judges-polands-constitutional-tribunal-caught-between-political-fronts>
- <sup>72</sup> Nina Szczęch, “PiS otworzy drogę do uchylania immunitetów” [PiS to enable immunity waiving], Polityka Insight, 7 December 2015, <http://goo.gl/lo3LL0>
- <sup>73</sup> Ewa Siedlecka, “Kadry decydują o wszystkim. Kogo teraz pozbędzie się PiS” [The cadres decide on everything. Whom PiS will get rid of next], Wyborcza.pl, 5 December 2015, <http://goo.gl/qF9E89>; Paulina Marzęcka, “Jak pozbyć się Rzecznika Praw Obywatelskich? Kolejna nowelizacja PiS” [How to get rid of the Ombudsman? PiS’s newest amendment], Newsweek Polska, 18 December 2015, <http://goo.gl/FvzsnK>; Joanna Cieśla, “Adam Bodnar: rzecznik na celowniku PiS” [Adam Bodnar: the Ombudsman targeted by PiS], Polityka.pl, 27 December 2015, <http://goo.gl/dsZrtJ>
- <sup>74</sup> “Poselski projekt ustawy – Przepisy wprowadzające ustawę – Prawo o prokuraturze” [Parliamentary draft law – regulation introducing law on prosecution], Sejm, 24 December 2015, <http://bit.ly/1mPpKi0>
- <sup>75</sup> “Korupcja, samorząd: samorządowcy wśród najbardziej skorumpowanych grup zawodowych” [Corruption, local government: local government among most corrupt professions], Portal Samorządowy, 15 September 2015, <http://www.portalsamorzadowy.pl/polityka-i-spoleczenstwo/korupcja-samorzad-samorzadowcy-wsrod-najbardziej-skorumpowanych-grup-zawodowych,73419.html>
- <sup>76</sup> “CBA w siedzibie warszawskiej giełdy. Prezes wydał dokumenty w sprawie prywatyzacji Ciechu” [Central Anticorruption Bureau in the Warsaw Stock Exchange. The president shared documents on the privatization of Ciech], TVP.info, 15 October 2015, <http://www.tvp.info/22181706/cba-w-siedzibie-warszawskiej-gieldy-prezes-wydal-dokumenty-w-sprawie-prywatyzacji-ciechu>

---

<sup>77</sup> “Cezary Grabarczyk podał się do dymisji. Premier ją przyjął” [Cezary Grabarczyk stepped down. The PM approved], Tvn24.pl, 29 April 2015, <http://www.tvn24.pl/wiadomosci-z-kraju,3/cezary-grabarczyk-podal-sie-do-dymisji,538050.html>

<sup>78</sup> “PiS i PO o zarzutach dla Janika: Korupcja była i jest problemem, Katowicka prokuratura jest ostatnio bardzo aktywna” [PiS and PO on Janik charges: ‘Corruption was and is a problem,’ ‘Katowice prosecutor's office has been very active recently], Gazeta Prawna, 29 September 2015, <http://www.gazetaprawna.pl/artykuly/896724,pis-i-po-o-zarzutach-dla-janika.html>

<sup>79</sup> “Mariusz Kamiński ulaskawiony, ale sąd i tak zajmie się jego apelacją” [Mariusz Kaminski pardoned, but the court will still take care of his appeal], RMF24.pl, 1 December 2015, <http://www.rmfm24.pl/fakty/polska/news-mariusz-kaminski-ulaskawiony-ale-sad-i-tak-zajmie-sie-jego-a.nId,1930836>

<sup>80</sup> “PiS MPs demand dismissal of coalition MPs amid corruption scandal,” The Warsaw Voice, 18 July 2014, <http://www.warsawvoice.pl/WVpage/pages/article.php/28892/news>

<sup>81</sup> “Nowe fakty ws. sfery podkarpackiej” [New facts in the Podkarpackie affair], Onet.pl, 15 June 2015, <http://wiadomosci.onet.pl/rzeszow/nowe-fakty-ws-afery-podkarpackiej/tc42gl>

<sup>82</sup> “Koniec sprawy Burego i Kwiatkowskiego” [The end of Bury and Kwiatkowski case], Rzeczpospolita, 7 October 2015, <http://www4.rp.pl/Polityka/151009727-Koniec-sprawy-Burego-i-Kwiatkowskiego.html>

<sup>83</sup> Piotr Semeniuk, “Can Kwiatkowski lose the post at the helm of NIK?” Polityka Insight, 1 September 2015, <http://www.politykainsight.pl/en/legal/administration/1631465,1,update-allegations-could-lead-to-a-dismissal-of-head-of-nik-krzysztof-kwiatkowski.read>

<sup>84</sup> According to the Bill on NIK, the dismissal is possible in three situations: illness, final conviction for a criminal offence (in court or before the State Tribunal), or as a result of making a false vetting statement. The decision to dismiss the head has to be taken by an absolute majority of votes in the Sejm, with the consent of the Senate.