

Poland

by Andrzej Krajewski

Capital: Warsaw
Population: 38.1 million
GNI/capita: US\$15,500

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	1.25	1.25	1.25	1.50	1.50	1.75	1.75	2.00	2.00	2.00
Civil Society	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.50	1.25	1.50
Independent Media	1.50	1.50	1.50	1.75	1.75	1.50	1.75	2.25	2.25	2.00
Governance*	1.75	1.75	2.00	2.00	2.00	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	2.50	2.75	3.25	3.50	3.25
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	2.00	2.00	2.25	2.25	2.00
Judicial Framework and Independence	1.50	1.50	1.50	1.50	1.50	2.00	2.25	2.25	2.50	2.25
Corruption	2.25	2.25	2.25	2.50	2.50	3.00	3.25	3.00	3.00	2.75
Democracy Score	1.58	1.58	1.63	1.75	1.75	2.00	2.14	2.36	2.39	2.25

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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

In 2008, the center right party, Civic Platform (PO) and its government coalition marked its first year in power with significantly fewer political ups and downs than the two previous years under the rule of the Kaczyński twins, former Prime Minister Jaroslaw Kaczyński and President Lech Kaczyński. Current Prime Minister, Donald Tusk attempted to bring an end to the internal lustration hunt and reach new conciliatory relations with Poland's neighbors. Highlighting the competition within the executive, President Lech Kaczyński responded by using his veto power, especially at the conclusion of the year, to block reforms to health care and public media, as well as several other bills.

In the last two months of 2008 Poland began to feel the burden of the economic crisis, which led to a reduction in the predicted GDP growth in 2009, cuts in spending across the board, and growth of the budget deficit. At the end of the new ruling coalition's first full year in power, the future did not seem as bright as it did the previous year, but was not as bleak as that of some of Poland's neighbors.

National Democratic Governance. 2008 was a smooth ride following the political roller coaster of the previous two years with the Kaczyński twins sharing executive power. In October 2007, the Law and Justice party democratically relinquished power after losing the early elections. The new PO government appeared more transparent and less bureaucratic as it emphasized decentralization, trust in public life and a focus on the future. In 2008, the President showed his support for the opposition, especially the party of his brother, and orchestrated constitutional clashes with the government. *Owing to PO's restraint in using state power, and the introduction of necessary reforms, Poland's national democratic governance rating improves from 3.50 to 3.25.*

Electoral Process. With no nationwide elections in 2008 Poland remained a stable democracy, having solved its political problems in 2007 with parliamentary elections scheduled two years in advance by a vote that garnered support from the ruling party and opposition. The electoral law for European parliament elections, scheduled in June 2009, will allow a proxy vote. *As no elections were held in 2008 Poland's rating for electoral process holds steady at 2.00.*

Civil Society. NGOs were less visible than in previous years, when the hostile attitude of the government made them more combative. Gay pride marches and cultural events took place without interruption, and new watchdog and public interest groups were formed. Ecologist groups were active during the December

2008, Poznan World Ecology Forum. *Due to the decline in the vibrancy of the civil society and slight reductions of the state's funding of NGOs caused by the economic crisis Poland's civil society ratings worsens from 1.25 to 1.50.*

Independent Media. The right to freedom of speech is observed in Poland, and the government, installed in November 2007, refrained from applying pressure to the media. The government announced plans to depoliticize the public media, however, it failed to do so through legislation as a result of a Presidential veto. Nevertheless, the media appeared less polarized in 2008. *Due to this and government efforts to develop media neutrality. Poland's independent media rating improves from 2.25 to 2.00.*

Local Democratic Governance. Local governments put in place in 2006 have made use of European Union (EU) funds to implement a number of revitalization and social programs co-financed by the central government. With a general calm in national governance, and a new emphasis on decentralization, cooperation between local self-government, local governments and national structures improved. *Owing to the enhanced cooperation of local politicians, the rating for local democratic governance improves from 2.25 to 2.00.*

Judicial Framework and Independence. Less stringent criminal law and more effective courts, along with a government pledge to divide the positions of Prosecutor General and Minister of Justice in 2010 *improves Poland's rating for judicial framework and independence from 2.50 to 2.25.*

Corruption. The perseverance in the fight against corruption in football, restraint in changing the head of the Central Anticorruption Bureau, and more transparency in public life *improves Poland's corruption rating from 3.00 to 2.75.*

Outlook for 2009. The economic crisis will have a decisive influence on the political situation of Poland as well as the fate of other countries in the region; the troubled Ukrainian and Russian economies may contribute negatively to internal problems. Despite the economic hardships, support for the government was high at the end of 2008, but may drop as unemployment rises following the slowdown of Polish exports to Western European markets. European Parliament elections in June will serve as a midyear assessment of national governance, however, low turnout may lead to unbalanced results.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	2.50	2.75	3.25	3.50	3.25

In Poland, 2008 was declared the year of “politics of love” by Donald Tusk, leader of the center-right Civic Platform (PO), who was appointed prime minister in November 2007. Nevertheless, the year featured fierce political fighting between PO and the main right-wing political party, Law and Justice (PiS), which lost the 2007 early elections to PO. (The leader of PiS, Jarosław Kaczyński, is the twin brother of the president of Poland, Lech Kaczyński, who was elected in 2005.) Often described as a conflict between two palaces (the presidential and the prime ministerial), the political fighting reached a low point in October with President Kaczyński’s demand to represent Poland at the European Union (EU) summit in Brussels. The government denied use of an official plane to the president, but he joined the delegation anyway, which resulted in a public relations calamity.

Efforts by the president to create a mini-PiS cabinet in his palace proved successful. By using his veto power against fundamental reforms in health care and public media, the president marked his position as an important political player, but at the cost of international doubts over Polish dual foreign policy and growing local disapproval of his actions. Public support for the president remained low throughout 2008, with 70 percent of Poles declaring in a November survey that they did not trust Kaczyński.¹ The president’s reelection in 2010, therefore, seems unlikely.

A year after gaining power, the coalition government of PO and the Peasant Party (PSL) managed to sustain high public support, hovering around 50 percent. Poles seemed to prefer PO’s slow train over the bumpy ride with PiS. After an initial period of inaction, the Tusk government signed a missile defense agreement with the United States and introduced a fast-track approach to entering the Euro zone by 2012. Difficulties in Poland’s relations with the rest of the EU were ironed out by the withdrawal of Polish troops from Iraq (some joined NATO forces in Afghanistan) and the nonconfrontational style of Foreign Affairs Minister Radosław Sikorski (former minister of defense in the PiS cabinet). Government criticism of the judiciary appeared to be over, as the project of establishing broad lustration legislation, supported by the previous PiS government, was put on hold. However, some well-known names of former Communist secret police collaborators, such as the astronomer Aleksander Wolszczan, were still being leaked by the Institute of National Remembrance (IPN).

Two parliamentary commissions set up in late 2007 to investigate alleged illegal PiS government practices did not gather much public attention, echoing Prime

Minister Tusk's general line of "not rocking the boat." The Left, hoping for more liberal public discourse, was disappointed with the prime minister's verbal attacks on the civil rights of convicted pedophiles and the government bill terminating inflated pensions of former secret police functionaries and members of the Military Council of National Salvation. Its head, the 85-year-old general Wojciech Jaruzelski, was put on trial for "conspiracy to overthrow the legal authorities of People's Poland" by the IPN prosecutor.

Poland is a parliamentary democracy. Its Constitution, adopted by national referendum in 1997, provides a balance among executive, legislative, and judicial powers. Broad changes to the national law were introduced in 2004 to meet the requirements for EU membership. In 2006, the Constitution was changed to accommodate the European Arrest Warrant Law, which allows for the deportation of Polish nationals who break laws abroad on condition that the same crimes are punishable under Polish law. Further amendments to the Constitution dealing with Polish National Bank prerogatives will be necessary for Poland to enter the Euro zone in 2012.

The government is confirmed by a majority of the 460-member *Sejm* (lower house). Both chambers of Parliament—the *Sejm* and the Senate—work on new legislation, which is signed or vetoed by the president. The president's veto may be overridden by a 60 percent majority of the *Sejm*. The president may also send legislation to the Constitutional Tribunal, whose 15 members are elected by the *Sejm* for a single nine-year term. The Constitutional Tribunal may declare laws or parts of laws unconstitutional; its decisions are final and obligatory. The Parliament may form investigative commissions and impeach the president.

In 2007, the October early elections delivered a landslide (42 percent) victory for the opposition PO, which formed a coalition government with the PSL (9 percent). The Senate was divided between PO (60 seats) and PiS (39 seats), with one independent senator, the former left-wing prime minister. Before the elections, the government was run by PiS, which won 27 percent of votes in 2005 and first formed a minority government led by Kazimierz Marcinkiewicz, then in mid-2006 was joined by the populist Self-Defense League and the right-wing League of Polish Families in the government of Prime Minister Jarosław Kaczyński.

The most powerful political office in Poland is the prime minister, who may be recalled only by a constructive no-confidence vote. President Lech Wałęsa (1990–1995) greatly influenced the choice of ministers of defense, the interior, and foreign affairs, which led to restrictions on presidential powers in the Constitution adopted in 1997. His successor, Aleksander Kwaśniewski, who held the office from 1995 to 2005, had a lesser mandate and was more active abroad, gathering support for Poland's NATO membership in 1999 and EU membership in 2004. In October 2005, Lech Kaczyński from PiS succeeded President Kwaśniewski with 54 percent of the popular vote, beating Donald Tusk (PO) and swinging Poland's political pendulum significantly to the right with a tendency toward anti-European and antiliberal views.

All legislation is published in the *Official Gazette* and on the *Sejm*, Senate, and president's Web sites. *Sejm* proceedings and parliamentary investigative commissions are often broadcast live on public television TVP Info and on TVN24, a private channel. The Law on Freedom of Information, adopted in 2001, provides for access to a significant amount of government, self-government, and other public documents. However, the law did not overturn other legal acts dealing with this topic, and many items are still inaccessible.

Under the 1997 Law on Lustration, all public representatives, high-ranking government officials, and attorneys were required to declare if they had worked for Communist-era secret police or intelligence. Those who hid such information were punished with a 10-year ban on public service after facing trial in the lustration court initiated by the public interest prosecutor. These procedures often took years and were criticized as being too lenient. According to the new 2006 Law on Lustration, the IPN replaced the lustration court, the public interest prosecutor ceased to exist, and IPN files of all public officials were to be opened. About 700,000 people, including journalists, teachers, and university professors, were required to make written declarations, though many refused to sign them, risking their jobs. The rift between the country's elite and PiS continued to grow until May 2007, when the Constitutional Tribunal issued a decision making such statements void. The Catholic Church formed its own investigation commissions in dioceses, and prepared opinions about the agents found among clergy. All churches were officially excluded from lustration legislation; however, leaks from the IPN about priests and bishops collaborating with Communist police have continued.

The Supreme Chamber of Control audits all government institutions. Its head is nominated by the *Sejm* and approved by the Senate for a six-year term, which keeps the office less prone to political influence. The chamber audits institutional legality, efficacy, economic sense, and diligence at all levels of the central administration, Polish National Bank, and state and local administration. In 2007, Mirosław Sekuła, elected by the center-right Solidarity Electoral Action coalition, was replaced by its former deputy Jacek Jezierski. Also, the head of the Polish National Bank was changed; Leszek Balcerowicz, author of the "shock therapy" approach for Poland's economy in the early 1990s, was exchanged for a low-key PiS official, Sławomir Skrzypek. In 2008, he supported the president on several points, including voicing concerns over Poland's early joining of the Euro zone.

The early 1990s goal of creating a depoliticized, high-quality corps of civil servants throughout government was finally abandoned. In 2006, the State Cadres Reserve was formed; in 2007, all those holding the advanced academic degree of PhD (about 120,000 people), no matter the type or source of degree, were included, forcing former civil servants into lower positions.

The Polish economy generally comprises private corporations, but after 19 years of privatization, the state still owns 1 bank and 16 state companies, and holds shares in 1,212 companies.² From 1990 until October 2008, the privatization of 5,896 state companies was completed; 29 percent of these were exposed to market forces, a first step toward privatization.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.25	1.25	1.25	1.50	1.50	1.75	1.75	2.00	2.00	2.00

There were no general elections in Poland in 2008, but in June a Senate seat came into contention with the death of a parliamentary member. The opposition PiS took the seat, gathering almost twice as many votes as the ruling PO candidate, though in a traditionally conservative province. The turnout was low at only 12 percent.

Poland's multiparty parliamentary system with proportional representation was introduced in 1993. The electoral thresholds are 5 percent for parties and 8 percent for coalitions. These do not apply to national minorities; for example, the German community won one seat in the *Sejm* in 2007, although its voting power is less than 0.5 percent. The *Sejm* has 460 members, elected for four-year terms. The Senate has 100 members elected by majority vote on a provincial basis, also for four-year terms.

The system is considered free and fair, with effective protests filed with the Supreme Court. There have been no significant instances of voting fraud or use of coercion, but international (Organization for Security and Cooperation in Europe) monitoring of the 2007 early elections did find that there was preferential treatment of the largest parties by the public media, TVP foremost.

Low voter turnout has been characteristic of all elections since the beginning of the Third Republic in 1989, when a record 62 percent of the eligible population voted. Subsequently, the rate has decreased steadily, from 52 percent in 1993 to 41 percent in 2005. The all-time low was 21 percent in 2004 in the European Parliament election. Given the 46 percent turnout in local elections in 2006 and the 54 percent turnout in the 2007 early elections, it would appear that Poland may be undergoing a reversal of the trend. To solidify this positive change, the government expressed a wish to extend the June 2009 elections to the European Parliament to two days and to allow a proxy vote.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.50	1.25	1.50

Only 1 in 10 Poles belongs to some form of social organization, and 70 percent of those confess they are only passive members.³ This means that the social capital in Poland is among the lowest in the EU, despite the country's lively and influential nongovernmental organizations (NGOs). It is important to note, however, that the civic sector is generally supported by the current PO-PSL government, in contrast with the previous one.

Perhaps as a result, there were no widespread and spontaneous civil society actions in 2008 that could compare with the 2007 defense of the Rospuda Valley

peat bogs, which were slated to be destroyed by a projected highway near Augustów in northeast Poland. For years, environmentalists had fought this project, even offering an alternative route, but local and central authorities insisted it was necessary to relieve the heavy truck traffic through Augustów's city center. After winter sit-ins, marches, petitions, TV actors wearing "Save Rospuda" ribbons, and huge media support, especially by *Gazeta Wyborcza*, the European Commission asked the European Court of Justice to freeze construction until it could decide the case. In the autumn of 2008, the decision was still pending, but the contract for the road construction through Rospuda Valley had already been canceled, a clear win for the country's civic sector.

Poland's civil society is based on the traditions of the Solidarity trade union and other anti-Communist opposition movements of the 1970s and 1980s, as well as social activity by the religiously dominant Catholic Church. Frequent changes of government in the 1990s helped to establish civil society structures—foundations, think tanks, and analytical centers—in which the current opposition is maintained until the political pendulum repositions its members within the official mainstream. Since 2004, the Law on Public Benefit Activities and Volunteering has given NGOs the option to register as "public benefit organizations," allowing tax breaks and 1 percent personal income tax donations, but also stricter rules on salaries and an obligatory annual audit.

Over 50,000 associations and 7,000 foundations are registered in Poland as active in sports, recreation, tourism, art and culture, education, social help, and health protection. They report a total of eight million members, with one million performing volunteer work. The main sources of financing are member dues, self-government donations, donations from private persons, and funding from institutions. Major donors are the Polish American Freedom Foundation, Stefan Batory Foundation, and Kronenberg Foundation.

Freedom of association is secured in Article 58 of the Polish Constitution and the Law on Associations. The only prohibitions are on groups promoting Nazism, Fascism, Communist ideology, racial and national hatred, secret membership, or the use of power to overthrow the authorities. However, the authorities have not always been consistent in protecting these freedoms.

In 2007, the European Court of Human Rights (ECHR) in Strasbourg decided the case of *Bączkowski v. Poland* dealing with the Warsaw ban on a gay rights parade in 2005. Poland was reprimanded for breaking several articles of the Human Rights Convention, and Lech Kaczyński—then mayor of Warsaw, now the president—was personally criticized for his homophobic remarks. "Public officials should be restrained in expressing their opinions, realizing that their words may be treated as instructions by their subordinates," wrote the ECHR judges in their decision. Poland also lost another strategic case in the ECHR, that of Alicja Tysiąg, who had been denied the right to an abortion even though the pregnancy posed a medical risk of blindness.

For the second year, Leszek Balcerowicz, former Polish National Bank president, headed the Citizens' Development Forum, a watchdog NGO aimed at

verifying politicians' declarations and promises. In addition, the Batory Foundation ran several political watchdog projects (including a verification of 2007 election promises by political parties) involving public education, access to information, and ecology.

The most well-known Polish charity action was the annual New Year's telethon of the Great Holiday Help Orchestra. In 2008, 120,000 young volunteers raised USD\$13.9 million from street collections and auctions, and the proceeds went to purchase medical equipment for handicapped children. Polish Humanitarian Action has helped victims of natural disasters and armed conflicts in Chechnya, Palestine, Iraq, Sri Lanka, and elsewhere. It also helps poor children and refugees in Poland. The biggest charity organization in Poland is Caritas, which feeds the poor and shelters the homeless on behalf of the Catholic Church.

The trade union movement has good standing in Poland thanks to Solidarity, but it has only a shadow of its strength in 1981, when 10 million employees belonged to the union. The All-Poland Alliance of Trade Unions has about 1.5 million members. Solidarity currently has fewer than 1 million, with the majority employed in state-owned factories, steel mills, mines, railways, and budget-funded health care and education facilities.

The front line of union efforts in 2008 was the fierce defense of retirement privileges. (In Poland, the qualifying age is 60 for men, 55 for women.) When the PO-PSL government, after months of negotiations, cut the number of eligible employees from over 1.1 million to fewer than 300,000, Warsaw saw several union protests, with burned tires and firecrackers thrown in front of the Parliament building. The selling of historic shipyards in Szczecin and Gdynia also drew union protests, and criticism of the European Commission for its demand that the illegal public aid given to the ailing national industry over many years be paid back to the state budget. As part of the sale agreements, unions received high severance payments for all workers of the two shipyards. Calls for a nationwide strike in December, carried out by 100 members of the militant union *Sierpień 80* during a 48-hour occupation of Prime Minister Donald Tusk's office, were not followed.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.50	1.50	1.50	1.75	1.75	1.50	1.75	2.25	2.25	2.00

According to Christopher Bobinski, a long-term observer of Polish media “Journalism in Poland is not a dangerous profession. Investigative reporters do not have to fear reprisals at the hands of murderous thugs. There is no censorship. Journalists have enjoyed and continue to enjoy high prestige in society...”⁷⁴

The biggest news in the Polish media, which featured little change during the year, was the withdrawal in 2008 of Rupert Murdoch from TV PULS, presumably News Corp's future flagship in Poland. Contrary to expectations, the PO-PSL

government failed to transform the politicized management of Polskie Radio (PR) and television (TVP) into a more professional model. Midyear, President Lech Kaczyński vetoed the broadcasting bill prepared by PO, and the governing coalition did not manage to convince the opposition Democratic Left Alliance (SLD) to overturn the veto. Therefore, key posts in the state-owned broadcast media were still held by open supporters of the previous government. Also, while the government owns half of the daily *Rzeczpospolita*, it remains among its strongest critics, which serves a diversity of opinions but also solidifies the notion that public media are politically skewed. On the PO-PSL side, there was no sense of urgency to take back the public media and *Rzeczpospolita* from PiS supporters.

The importance of free media is well understood in Poland, where fighting censorship and the tradition of an underground free press go back to the nineteenth century. According to the Constitution, the state “shall ensure freedom of the press and other means of social communication,” but other legal acts still contain traces of authoritarian rule that threaten this basic freedom.

Article 133 of the penal code provides up to three years’ imprisonment for persons who “publicly insult the Polish Nation or the state,” though the statute has not been used in recent years. In 2007, a new form of insult was added as Article 132a: “Anyone publicly insulting the Polish Nation for participating in, organizing of, or responsibility for Nazi or Communist crimes may be punished up to three years in jail.” The dangers to free speech presented by this article prompted the ombudsman to challenge it in the Constitutional Tribunal. In September 2008, the Court declared it unconstitutional, but only on formal grounds, which means it may come back in a future bill. Libeling the president can carry a sentence of up to three years in jail. Libeling members of Parliament or government ministers is punishable by two years in jail and libeling other public officials by one year.

Libel suits against media professionals are common but usually carry only fines. The Constitutional Tribunal upheld the constitutionality of the penal code article that penalizes defamation in the media with up to two years in prison; however, three justices, including the chair, wrote dissenting opinions emphasizing that the truth of questioned statements protects the journalist against the defamation charge only if it safeguards “a socially protected interest.” In addition, they pointed out that the article runs counter to the verdict of the ECHR in Strasbourg, which ruled that a requirement of truth concerning opinions is an impossibility and therefore an infringement on the freedom of speech. In December 2008, the PO-PSL government introduced changes in the penal code to remove the infamous Article 212, which punishes libel with jail time to Parliament.

Polish electronic media are controlled by the National Broadcasting Council (KRRiT), a body elected by Parliament and the president. Before the 2005 elections, the KRRiT was composed almost completely of left-wing nominees. The new Law on Radio and Television, signed by President Kaczyński in 2005, reduced the KRRiT from nine to five members (two nominated by the *Sejm*, one by the Senate, and two by the president). KRRiT was again politicized, but this time by PiS and its allies; the KRRiT chair resigned to become a PiS parliamentarian following the 2007 early elections.

The public television broadcaster TVP has a dominant position with viewers and advertising markets with its three ground channels (TVP1, TVP2, and TVP Info with 16 local branches), satellite channels (TVP Polonia, TVP Kultura, TVP Sport, TVP History), and potentially more with digital Webcasting. TVP's strong position comes at the price of commercialization and political influence on programming.

Two-thirds of TVP's revenue comes from advertising, the rest from license fees. The PO moved to stop the collection of license fees, which are unpaid by 20 percent of households and 95 percent of enterprises, but after a presidential veto, the payment system stood on the verge of collapse and public media were in a state of disarray. In December 2008, Polskie Radio suspended its leadership, and there are speculations that TVP may do the same.

TVP's main private competitors include Polsat TV, TVN, the Canal+ cable channel, and Father Tadeusz Rydzyk's Trwam TV, a religious satellite channel. TV digital platforms are Cyfra+, Cyfrowy Polsat, and N by ITI group, owner of TVN. News Corporation, owned by Rupert Murdoch, bought 24.5 percent of TV Puls; KRRiT agreed to allow the change of its religious character, and in fall 2007, TV Puls launched new programming, which was abruptly canceled in June 2008 with the firing of over 120 journalists. In November 2008, Rupert Murdoch sold back his shares to the religious order holding the majority stake at TV Puls.

Among radio stations, the public Polskie Radio—with 6 Warsaw-based channels and 17 local stations—has a strong position, but private competitors Radio ZET and Radio RMF FM are leaders in audience and advertising revenues. Radio Maryja, founded by Father Rydzyk in 1991 together with Trwam TV, has been a popular media outlet, despite occasional rifts between PiS and Father Rydzyk caused by his antipresidential and anti-Semitic remarks. In 2008, Radio Maryja and Trwam TV became proponents of geothermal energy drilling when the PO-PSL government cut off EU funds for this venture.

Newspapers with the largest press circulation are the tabloids *Fakt* and *Super Express*. Opinion dailies include *Gazeta Wyborcza*, *Rzeczpospolita*, *Dziennik*, and *Polska. Nasz Dziennik*, a conservative nationalist daily, is part of the Father Rydzyk media empire.

There are three major opinion weeklies: the left-wing *Polityka*, the center *Newsweek Polska*, and the right-wing *Wprost*. The biggest weekly is tabloid *Życie na Gorąco*, while *Przekrój* has become a voice of the younger generation. The Catholic liberal *Tygodnik Powszechny* has a strong intellectual reputation as the only independent (though censored) paper of the former Communist Poland. Weekly *Nie*, run by Jerzy Urban, former spokesman for President Wojciech Jaruzelski, is anticlerical, left-wing, and often provocative.⁵ Two English weeklies (*Warsaw Voice* and *Warsaw Business Journal*) and a Russian weekly are also published.

The local press still produces about 3,000 titles, but media concentration has become a threat. The major press companies include Axel Springer, Agora, Mecom, and Polskapresse (Passauer Neue Presse). Media cross-ownership has not been regulated, yet the antimonopoly office intervened when Axel Springer attempted to buy 25.1 percent of Polsat TV in 2006.

According to Eurostat, 48 percent of Polish households have a computer with access to the Internet, and broadband is available in 38 percent of households.⁶ Child pornography is the only prosecuted Web offense. Naukowa Akademicka Sieć Komputerowa (Research and Academic Computer Network, a leading operator, research, and development organization) maintains a registry of sites, but there are no address restrictions. Print media have Web sites, and the number of personal and public Web sites, blogs, and video blogs in Poland has increased rapidly.

There are about 20,000 journalists working in Poland, but only a few hundred are members of the media trade unions (Journalists' Syndicate and a branch of Solidarity). Only a few thousand, mostly older professionals, are members of the Polish Journalists' Association or Republic of Poland Journalists' Association. These groups maintain ethics standards and lobby for new press legislation and changes in the penal code, but their authority is weak. The majority of Polish journalists work without a collective agreement or wage bargaining, and publishers do not disclose salaries. Media strikes and other union actions rarely occur in Poland.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	2.00	2.00	2.25	2.25	2.00

Public trust in local government reached a record high of 78 percent in 2008, up from 56 percent in 2006, the year of the last local elections.⁷ These numbers may reflect the relative calm in national politics in 2008 or the impact of the development of nearly 300 local football fields finished under the joint effort of the government and self-government program Orlik 2012—a program aimed at creating modern playing fields for youth in every Polish *gmina*, Poland's basic territorial division. The next large-scale local modernization program is a partnership with the Bill & Melinda Gates Foundation for Internet modernization of 8,000 local libraries.

Two-thirds of the officials elected in 2006 to two levels of local councils—*gmina* and *powiat* (town councils)—and 16 *voivodship* (regional assemblies) have no party affiliation. The strongest party representation (10 percent) is held by PSL. Among the regional councils, PO and the party Left and Democrats fared stronger in the more affluent western part of Poland, and the PiS led in the poorer east and south. In cities, incumbent mayors took elections with ease regardless of political affiliation, proving that at the local level a candidate's record and personality count more than party affiliation.

Self-government traditions are strong in Poland. This is especially true in the west and south, where more than a century ago, in the absence of a Polish state, local authorities worked with Catholic and Protestant clergy to maintain Polish schools and nurture Polish customs in choirs, folk dance, gymnastics groups, fire brigades, and credit unions. One of the first acts of the Solidarity government after 1989 was the restoration of local self-governance by re-creating nearly 2,500 *gminas* that were

canceled in the 1950s. Ninety thousand local officials were transferred from the state administration to local governments. In 1998, the number of regions was reduced from 49 to 16, and 314 counties and 65 cities with equal status were added.

According to the Constitution, local government is a permanent feature of the state based on the principle of subsidiarity. The powers and independence of local authorities are protected by the courts, and there is a presumption that *gmina* competences extend to all matters not reserved for other institutions of central administration. Local authorities are responsible for education, social welfare, local roads, health care, public transport, water and sewage systems, local culture, public order, and security. Municipalities are responsible for a majority of these tasks. Regional accounting chambers audit local authorities.

Local representatives are elected every four years. Mayors of cities and towns are elected directly, as are the members of local, county, and regional councils. County members elect the *starosta* (heads of *powiats*), and members of regional assemblies elect *marszałek* (marshals, or the heads of the *voivods*). They must cooperate with government-nominated *voievodas*, the national authority representatives outside Warsaw, who control *gmina* resolutions by suspending them within 30 days if they contradict the law. Appeals of *voivod* decisions are filed with the regional administrative courts.

The 1990 Law on Local Government introduced referendums as a tool of direct democracy on issues such as voluntary taxation for public purposes and the dismissal of local councils. At least 10 percent of voters must support the referendum motion, and it is valid with a minimum of 30 percent of voters participating. Municipalities are allowed to collect taxes on farms, properties, forests, pet registrations, and transportation. New taxes can be levied only via a referendum. Personal and corporate income taxes account for 75 percent of local government income. Taxes are redistributed from richer to poorer local governments.

The central government is obliged to consult local governments on every bill that may add costs to their budgets, but the time given to review budgets is often too short, and cost estimates are vague. Local self-governments must seek opinions from environmental organizations when granting building licenses, which may allow for the blocking of some development plans.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.50	1.50	1.50	1.50	1.50	2.00	2.25	2.25	2.50	2.25

A year after taking power, the PO-PSL government announced changes to the penal code and reform of the justice system. The flagship invention of its predecessor—24-hour courts for petty crimes—was found to be too expensive for punishing almost exclusively drunk drivers and subsequently will be converted into 72-hour courts without the obligatory arrest of offenders. New offenses, such as taking

photos without consent and publishing them online, and punishments such as the electronic bracelet were also introduced in the project. The minister of justice will cease to be the prosecutor general, which will make the two separate positions much less dependent on political winds. The elite cadre of 160 prosecutors, working in 11 regional offices since 2007 to fight organized crime under the aegis of the prosecutor general—minister of justice, was moved back to the regional prosecutors' offices.

After taking power, the PO-PSL coalition ended the previous government's war with judges, specifically the Constitutional Tribunal, which centered around 140 decisions that were not being implemented. The new Senate pledged to correct the matter by introducing bills devoted solely to fulfilling Constitutional Tribunal decisions.

Judges nominated by a majority of the National Judicial Council are appointed by the president. In 2007, for the first time, the president did not sign some of the nominations, which caused an uproar within the legal profession. The 2007 law obliges the National Judicial Council to lustrate the courts and help unify sentencing, and it prohibits all chief justices from being council members, which would eliminate 9 of its 23 members. The Constitutional Tribunal rejected some of these changes.

As stated in the Constitution, the judiciary has full independence from the executive and legislative branches. The court system consists of the Supreme Court, 310 district courts, 43 regional courts, 11 appeals courts, 10 garrison and 2 provincial military courts, 16 regional administrative courts, and the main administrative court. The State Tribunal, elected by the lower chamber of Parliament, determines constitutional violations by the highest officials. The Constitutional Tribunal analyzes the conformity of Polish and international laws to the Polish Constitution, adjudicates disputes of authority among central state bodies, and recognizes the temporary incapacity of the president to perform his or her office. Court decisions are final and applied directly. The *Sejm* elects Constitutional Tribunal justices for a single nine-year term. In 2006–2007, six vacancies were filled by ruling coalition candidates; in 2008, two judges known for more liberal views were chosen.

Polish judges cannot be members of political parties or trade unions and cannot perform any public function that may jeopardize their independence. They must be at least 29 years of age (27 for junior judges); there is no prerequisite of earlier work as prosecutors or lawyers. Judges cannot be arbitrarily dismissed or removed; however, the 2007 Law on Court Organization gave the minister of justice the right to reassign judges to different courts for six months, to arrest and strip judges of immunity in 24 hours, and to temporarily nominate a chief judge without soliciting the opinion of other judges. The head of the Supreme Court called these changes “crazy and offensive”; on his motion, the Constitutional Tribunal reviewed the law and found it unconstitutional.

In 2008, Poles appealed to the ECHR in Strasbourg less frequently than in the previous year. In November, about 3,550 cases from Poland were pending in the ECHR, representing 3.7 percent of all 95,900 cases from the 47 countries of the Council of Europe to come before the Court.⁸ In 2007, there were 5,100 cases from Poland, representing 5.7 percent of all cases.

The computerization of Polish courts made further advances in 2008. Protocols are being digitized, accessing criminal records takes two hours instead of two days, real estate books are being scanned and will be accessible online, and courts have information pages on the Internet. In 800 courtrooms, procedures are audio-recorded, and witness interrogations may be conducted via videoconference.

Prosecutors are part of the executive branch. Experts argue that as long as the minister of justice is the attorney general, there is no chance for autonomous, non-politically motivated work by prosecutors. The bill separating these two offices is in the *Sejm*, and the division is to start from January 1, 2010.

According to the penal procedures code, prosecutors have three months to present an indictment to the court; in practice, it takes three to four times longer. In the political case of lobbyist Marek Dochnal and heads of the “fuel mafia,” the process took three years. Prosecutors do not have terms of office; they may be advanced or removed at any time, a policy that the new government has vowed to change.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2.25	2.25	2.25	2.50	2.50	3.00	3.25	3.00	3.00	2.75

According to Transparency International, Poland has improved its Corruption Perceptions Index (CPI) for the fourth year. On a scale of 1–10, where 1 indicates highly corrupt, the 2008 CPI for Poland was 4.6, up from 4.2 in 2007, 3.7 in 2006, and 3.4 in 2005. Since 2004, when Bulgaria and Romania joined the EU, Poland is no longer the most corrupt country in the EU according to this index.

Transparency International acknowledges the following conditions as contributing to the decrease in corruption in Poland: one-mandate election precincts (in *gminas* of fewer than 20,000 inhabitants), government officials taking responsibility for mistakes and delays in the decision-making process, legal definitions for conflicts of interest, anticorruption procedures in central and local governments, better quality laws, and more transparent administration and public institutions. Warsaw University sociologist Grzegorz Makowski argues that public opinion in Poland focuses almost exclusively on bribes, while other examples of corruption, such as nepotism at work, are practically ignored.⁹ Still, in 2008 there was a political rift between PO and its coalition partner, PSL, over widespread, traditional nepotism among Polish Peasant Party members.

The Anticorruption Program of the Batory Foundation reported in its 2007 Corruption Barometer that Poles list corruption as their fifth or sixth most important problem. They observe corruption most prominently in health services, then in politics, justice, police, and local administration. Out of those who admitted to giving a bribe (only 10 percent of respondents), 58 percent did so in a healthcare transaction, 9 percent to local government, and 7 percent to police when stopped on the road.

The controversial bribery scheme involving Polish soccer tournaments, which started in 2005 but produced only a single court case in 2007, led to a major crisis in 2008. After several arrests of soccer judges and coaches suspected of fixing soccer matches, the government forced the Polish soccer association (PZPN) to hire an outside comptroller against the will of international football associations. After the warning that Poland might not be able to participate in the European championships in 2012, the government stepped back, but days later several important soccer figures were interrogated. Until the end of the year, rarely a week passed without another arrest among football officials, judges, coaches, and players, with some reporting voluntarily to the National Public Prosecutor's Office.

Members of Parliament and all government officials must report their property annually. The Central Anticorruption Bureau (CBA), with 500 officers, is empowered to fight corruption at the highest levels, including the review of property statements by politicians and officials. The CBA, installed with much trumpeting in 2006, lacked any great successes in 2008, and the new government failed to replace its head, Mariusz Kamiński, who is a close associate of the former prime minister.

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- ¹ http://www.wiadomosci24.pl/artykul/kaczynski_nie_ma_szans_na_reelekcje_79085.html?ses_go=668644b64fdefa9102042646490d61c6.
 - ² Numbers quoted from Serwis Prywatyzacja at official Ministry of State Treasury website: http:// Prywatyzacja.msp.gov.pl/portal/pr/23/5403/Przekształcenia_wlasnosciove_przedsiębiorstw_panstwowych.html.
 - ³ Data from comprehensive study "Association and civil rights capital in Poland" done in 2007 by CBOS, see: http://www.cbos.pl/SPISKOM.POL/2008/K_133_08.PDF.
 - ⁴ Krzysztof Bobinski, *Public Broadcasting: The Case of Poland* (Association of European Journalists, November 2008).
 - ⁵ All numbers are September 2008 sold copies; data from Press Distribution Control Association, http://www.teleskop.org.pl/dane_ogolnodostepne.php.
 - ⁶ <http://ceo.cxo.pl/news/327546/Eurostat...blisko.polowa.polskich.gospodarstw.domowych.z.dostepem.do.internetu.html>
 - ⁷ http://www.cbos.pl/SPISKOM.POL/2008/K_030_08.PDF.
 - ⁸ http://www.echr.coe.int/NR/rdonlyres/96960736-30E5-40DE-BC54-28F374A60C0B/0/Pending_applications_chart.pdf
 - ⁹ Grzegorz Makowski, "To nie jest skorumpowany kraj" [It is not a corrupted country], *Gazeta Wyborcza* 20, November 15–16, 2008.