

# The End of an Era: Rankings Will Tell You the Truth about Poland



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MIŁOSZ  
HODUN

This year it was Tuesday. A terrible heat wave had been affecting Warsaw for over a week. Temperatures were above 30 degrees and everybody was looking for some shade. Those who could, spent their afternoons in parks, and many people voluntarily stayed overtime in offices to enjoy the AC. At the same time, we started to gather on Constitution Square – a windless and shade-less spot downtown Warsaw. Just like last year, and the year before. We couldn't imagine not being there. It was the 4<sup>th</sup> of June.

### PROBLEMATIC ANNIVERSARY

June 4<sup>th</sup> is the anniversary of the first Polish free elections in 1989. Or rather, partly free, to be precise – only 35% of the seats in the Sejm would be open to all comers. A newly created Senate was elected freely. It was turned into a ballot on communist rule. As a result, the democratic opposition won all of the available seats in the Sejm and 99 out of the 100 Senate seats.

For us, for my friends from Projekt: Polska, June 4<sup>th</sup> has always been a happy holiday. This is why for many years we have organized the Toast for Freedom, held on the Constitution Square in the capital of Poland, where the democrats had their headquarters before the 1989 elections. Every year, hundreds of people join us – average Varsovians, some of who still remember the struggle against the communist regime, together with those who later became ministers or presidents of Poland<sup>1</sup>.

However, for the last four years, these meetings have been very different; less happy, more reflexive. During this time, Poland has been governed by a party that can be

<sup>1</sup> <http://warszawa.wyborcza.pl/warszawa/7,54420,24864213,toast-za-wolnosc-z-bronislawem-komorowskim-tradycyjne-spotkanie.html> [in Polish]

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described as nationalistic, illiberal, anti-democratic, and anti-European – the Law and Justice (PiS) party.

Some commentators say that the PiS's regime has ended an era of Polish transformation. A conservative commentator Paweł Musiałek wrote that PiS's success is based on the negation of the “transformation thinking”<sup>2</sup>. One of the reasons why PiS won the 2015 elections was its narrative about the transformation. It was so different than the consensus of all other political forces – from post-communists, to conservatives, to liberals – who did not contend the Polish success story that had started back in 1989<sup>3</sup>. PiS not only wanted to symbolically build a new Fourth Republic, once and for all cutting the connections of the interim period of Polish history from its communist roots, but also its entire platform was built on criticism of the transformation.

<sup>2</sup> <https://klubjagiellonski.pl/2019/05/28/koniec-polskiej-transformacji/> [in Polish]

<sup>3</sup> There were some radical and/or anti-establishment parties that criticized Polish transformation, including Samoobrona (Self-Defence) or Razem, (Together) mostly for its economic consequences, but PiS was the first major party who questioned the transformation in general, making this approach the basis of its programme.



## PIS HAS PRESENTED ITSELF AS A SAVIOR THAT IS GOING TO PROTECT THE PEOPLE FROM TRANSFORMATION. JUST LIKE PUTIN IN RUSSIA

Jarosław Kaczyński, the party leader, has talked a lot about conflict of interests between beneficiaries of the transformation and those who were not able to succeed. According to Kaczyński, this consensus about the transformation present in political discourse is a fight for the interests of those who could – sometimes fairly, but sometimes not – benefit from the transformation and want to keep their position, and those whose situation has been getting constantly worse. “Vast majority of Poles is paying for conserving the system”<sup>4</sup>, the PiS’s leader stressed. In Mr. Kaczyński’s opinion, this fight is about Poland’s development and whether will it be for everybody or only for select groups.

What Mr. Kaczyński serves his followers in generalized terms, providing historical underpinnings of the new regime, his militant acolytes translate into a more pragmatic

stance. Just like Prime Minister Mateusz Morawiecki who talked about cities that won and cities that lost, “there are cities that have been on the peripheries of transformation. There are cities that used to develop very well but in the transition their chances were stolen, they lost their social and economic meaning”<sup>5</sup>, – he claimed. And he emotionally described the losers’ situation as “apathy, passivity, and inactivity”. In this view, the new republic can be established only as an outcome of a conflict between these cities, and the underdeveloped cities must prevail. PiS has presented itself as a savior that is going to protect the people from transformation. Just like Putin in Russia.

The narrative about the Polish transformation has clearly changed with the Law and Justice government in power. Even the opinion leaders, who have their roots in the anti-communist opposition, have modified the way they talk about the phenomenon of Poland’s development since 1989, shifting towards a more biased and less “to be proud of” approach. Just like Krzysztof Mazur put it, “The transformation is like politics. It’s not black or white. It’s gray and prosaic”<sup>6</sup>.

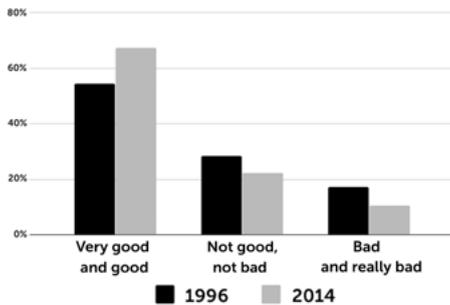
But is it really? Do we indeed face such a huge dilemma when we want to keep on calling Poland’s transformation a *success story*? How about moving away for a moment from political fights, from everyday conflict between parties and their spins, and look at the transition from a more objective angle? This is precisely why we should examine available data to see how the situation in Poland has changed in the last thirty year,

<sup>4</sup> <https://wiadomosci.onet.pl/kraj/kaczynski-w-polsce-panuje-spor-o-zyski-z-transformacji-o-wartosci/5qwnk> [in Polish]

<sup>5</sup> <https://www.portalsamorzadowy.pl/polityka-i-spoleczenstwo/mateusz-morawiecki-miasta-ktore-znalazly-sie-na-uboczu-transformacji-wymagaja-inwestycji.114814.html> [in Polish]

<sup>6</sup> Krzysztof Mazur is a conservative commentator associated with *Klub Jagielloński*, a PiS-connected think tank. See: <https://krytykapolityczna.pl/kultura/historia/spiecie-okragly-stol-klub-jagielloński/> [in Polish]

Figure 1: Self-estimation of health in Poland (1990: 9% versus 2017: 19%)



Source: PGSS, ESS

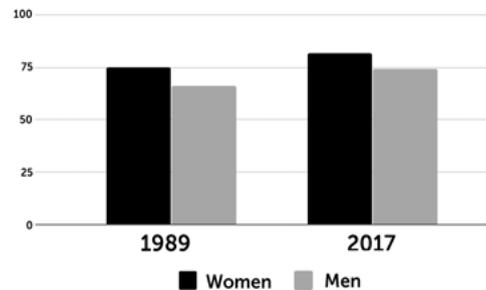
and only after that may we form a judgment whether it was a success or not.

### STARTING POINT: SUCCESSFUL BEGINNINGS OF TRANSFORMATION IN POLAND

Let us forget economic data for a moment. If we wanted to identify the key economic measurements, we might mention that Polish GDP grew 826.96% between 1989 and 2018, translating into the highest growth in Europe. Additionally, Polish exports grew 4.4 times, family households' income is now twice as big as it was thirty years ago, and so on, and so forth. Instead, however, let us focus on the socio-cultural factors that are of vital importance when discussing the Polish transformation.

When taking a look at the data related to self-estimation of health in Poland, average life expectancy, death rate, and number of people going on holidays [See: Figures 1-4], comparing the years directly after the transformation with the latest data, the presented evidence may be that Poland became a different country. In less than three decades Poles have relocated from a *communist state*, to the center of Europe. It is visible for Poles themselves and for independent observers.

Figure 2: Life expectancy in Poland (1989 versus 2017)



Source: GUS

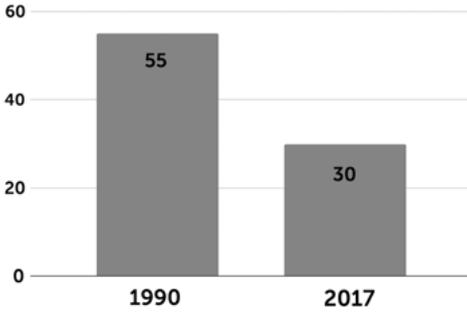
The later ones could draw positive conclusions looking only at the Human Development Report by the United Nations, which measures long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living<sup>7</sup>.

Poland's HDI value for 2017 is 0.865— which put the country in the very high human development category – positioning it at 33 out of 189 countries and territories. Between 1990 and 2017, Poland's HDI value increased from 0.712 to 0.865, thus amounting to a significant increase of 21.5%<sup>8</sup>.

<sup>7</sup> A long and healthy life is measured by life expectancy. Knowledge level is measured by mean years of education among the adult population, which is the average number of years of education received in a life-time by people aged 25 years and older; and access to learning and knowledge by expected years of schooling for children of school-entry age, which is the total number of years of schooling a child of school-entry age can expect to receive if prevailing patterns of age-specific enrollment rates stay the same throughout the child's life. Standard of living is measured by Gross National Income (GNI) per capita, expressed in constant 2011 international dollars converted using purchasing power parity (PPP) conversion rates.

<sup>8</sup> Between 1990 and 2017, Poland's life expectancy at birth increased by seven years, mean years of schooling increased by 2.6 years and expected years of schooling increased by 4.2 years. Poland's GNI per capita increased by app. 163.2% between 1990 and 2017.

Figure 3: Deaths per 100,000 people caused by air pollution [1990: 55 versus 2017: 30]



Source: IHME

### LET'S INDEX IT!

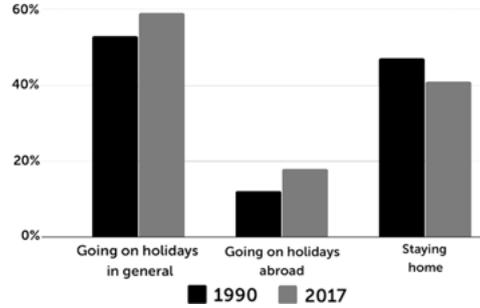
The modern world loves numbers and indexes! Rankings are great click baits and media outlets produce more of them every year, but some of the international rankings are definitely more than that. There are indexes that are outcomes of months-long studies and analysis that gather data that is difficult and costly to gather and are done by top researchers and experts. Such rankings are a great comparative tool that helps us to understand the world today and place our country in the network of global dependencies.

### FREEDOM AND PEACE

Freedom seems to be the broadest category that could be measured (it's so abstract and capacious), and Freedom House<sup>9</sup> has prepared a multi-faceted and extensive index successfully for many years. The survey was created in the 1970s, but data that can be used for a comparative picture may only be easily gathered from 1999 onward.

<sup>9</sup> *Freedom in the World* is a yearly survey and a report launched in 1973 by a U.S.-based non-governmental organization, Freedom House, which measures the degree of civil liberties and political rights in every country. The Index produces annual scores representing the levels of political rights and civil liberties in each state and territory, on a scale from 1 (most free) to 7 (least free).

Figure 4: Percentage of Polish people going on holidays [1990 versus 2017]



Source: GUS

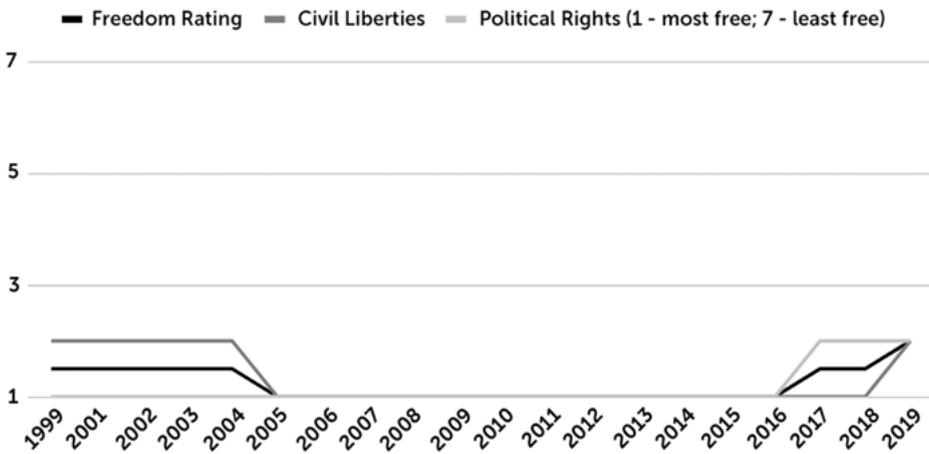
Depending on the ratings, nations are nowadays classified as "Free", "Partly Free", or "Not Free". There is no doubt that Poland entered the 1990s belonging to the last category, just like Russia or Belarus today. The heritage of the People's Republic of Poland was everything but liberties and rights. Thus seeing Poland's debut in the Freedom of the World index in 1999, scoring already in the highest class of free nations, proves how much had been done in the first decade after the peaceful revolution. Currently, Poland belongs to the same group as all EU member states (except Hungary), Canada, and Australia.

### FREEDOM IN THE WORLD

After years of consequent improvement of Poland's position in the Freedom House's index, clearly visible between the years 2005 and 2016, Poland has started to lose its position [See: Figure 5]. In the 2018 edition, the overview of the situation in Poland was summarized as follows:

*"Poland's democratic institutions took root at the start of its transition from communist rule in 1989. Rapid economic growth and other societal changes have benefited some segments of the population more than others, contributing to*

Figure 5: Poland's score in three main categories of the *Freedom in the World Index* (1999–2019)



Source: *Freedom in the World* data (1999–2019)

*a deep divide between liberal, pro-European parties and those purporting to defend national interests and “traditional” Polish Catholic values. Since taking power in late 2015, the populist, socially conservative Law and Justice (PiS) party has enacted numerous measures that increase political influence over state institutions—notably the judiciary—and threaten Polish democracy*<sup>10</sup>.

In other words, under the PiS administration, Poland became less of a free country; deep political divisions may only get deeper, changing Poland into a semi-authoritarian state.

In recent years, the key category responsible for Poland's drop are civil liberties, especially the “Rule of Law” sub-category. The authors expressed their concerns about the independence of courts and adherence to the EU's values. In the 2019 edition, Poland was singled out as one of the countries in the

spotlight in this regard – as the only European state, next to China, Armenia, or Iraq<sup>11</sup>.

Similar findings come from the analysis of the Global Peace Index (GPI)<sup>12</sup>, which measures the relative position of nations' peacefulness. Poland has debuted in the 33<sup>rd</sup> place in the first ranking and has always been among the very peaceful states of the world. It was improving for seven years and reached its best position ever in 2015. With that, Poland joined the world's top 20 most peaceful countries, ahead of the Netherlands or Spain. Unfortunately, the country left

<sup>11</sup> Ibid.

<sup>12</sup> *Global Peace Index* is a report produced by the Institute for Economics and Peace (IEP) and developed in consultation with an international panel of peace experts. The Index was first launched in May 2007. In 2017, twenty three indicators were used to establish each country's peacefulness score. The indicators were originally selected with the assistance of an expert panel in 2007 and are reviewed by the expert panel on an annual basis. The scores for each indicator are normalized on a scale of 1–5, whereby qualitative indicators are banded into five groupings and quantitative ones are scored from 1–5, to the third decimal point. Iceland has been the winner since 2008.

<sup>10</sup> <https://freedomhouse.org/report/freedom-world/2018/poland>

the top 20 really quickly, and in 2017, it came back to its starting position (the lowest ever).

Looking at the full stats of the 2019 edition of the GPI index, it may be observed that Poland is doing poorly in the “Violent Demonstrations” and “Incarceration” categories. The current government’s silent support towards the far-right groups and hooligans responsible for organizing hateful and sometimes violent marches, together with the latest reform of the penal code<sup>13</sup> will likely further negatively impact Poland’s position in the ranking next year.

### **DEMOCRACY**

Democracy is another broad category that is not easy to measure, but which must be taken into account when evaluating the Polish transition. There are several valuable and recognized indexes that can be used in this regard. Once again, however, none of them provide records from the beginning of the 1990s, since they were all launched in the 21<sup>st</sup> century. Regardless, they still provide a useful tool to comment on the latest developments and trends, after having

analyzed the path the country had gone through since 1989.

The point of departure is not controversial at all. Poland entered the 1990s as a single-party authoritarian regime with democratic centralism as the state’s official practice, grotesque elections, and only a *façade* of democratic institutions emulated from the West.

The Bertelsmann Foundation has been measuring the state of democracy in OECD

<sup>13</sup> In May 2019, the Polish parliament (Sejm) approved a package of criminal justice reforms condemned as too tough by legal experts, who also accused PiS of rushing through important legislative changes in violation of democratic principles, in particular the introduction of life sentences without parole.



THE CHANGES  
IN THE JUDICIARY  
SYSTEM, MEDIA,  
CIVIL SERVICE,  
AND PARTY-  
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OF STATE-OWNED  
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countries since 2009<sup>14</sup>. Poland’s debut in it proved a success story of its transition. The

<sup>14</sup> *The Sustainable Governance Indicators (SGI)*, first published in spring 2009 and updated in 2011, analyze and compare the need for reform in OECD member countries, as well as each country’s ability to respond to current social and political challenges. *Status Index* scores are composite measures, based on numerous quantitative and qualitative assessments. The “Democracy” category counts for half of the index score, while the four policy-specific categories collectively provide the remainder. The first dimension of the index maps the quality of democracy within a country and examines four criteria: “Electoral Process”, “Access to Information”, “Civil Rights”, and “Rule of Law”. The second dimension corresponds to the OECD states’ competencies in policy fields that are highly relevant for future viability. The index examines fields such as “Economy and Employment”, “Social Affairs”, “Security”, and “Resources”, which include fifteen different policy areas. The SGI are updated every two or three years. See: <https://www.sgi-network.org/2018/>



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country was already a member of the European Union, respecting the Copenhagen criteria, and its democratic reforms became a benchmark exported with support of the then government to Ukraine, Georgia, other states of the Eastern Partnership, and elsewhere in the world<sup>15</sup>.

In the ranking, Poland has been climbing, being placed just after such leading states as Scandinavia, Switzerland, and Germany. But in 2018, Poland moved 29 steps down on the ladder, from number 8 to 37<sup>16</sup>. Currently, there are only four other countries behind Poland: Romania, Mexico, Hungary, and Turkey. This radical drop is explained chiefly by the fact that Poland moved from being a regional champion in 2015, dramatically towards authoritarian regime. The changes in the judiciary system, media, civil service,

<sup>15</sup> It is visible with initiatives like Warsaw Dialogue for Democracy, Lech Walesa Solidarity Prize, and European Solidarity Center.

<sup>16</sup> [https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/SGI\\_2018\\_Englisch\\_komprimiert.pdf](https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/SGI_2018_Englisch_komprimiert.pdf)

and party-dependency of state-owned enterprises (SOEs) pushed Poland further away from the most exemplary democracies.

According to the Bertelsmann Foundation's data, one key variable that decides the democratic success of a country is its capability of reaching a consensus on the most important issues for the society. In Poland, we can now observe something diametrically different. It is an extreme polarization between PiS and all other parties<sup>17</sup>. The lack of agreement between two fighting political blocks stops virtually all relevant reforms and spins the spiral of populism. Polish government is deliberately stoking social tensions rather than seeking consensus in an effort to negotiate forward-thinking solutions.

**QUALITY OF DEMOCRACY  
(SUSTAINABLE GOVERNANCE  
INDICATORS)**

What is more, the support for nationalist populists from PiS who are responsible for the recent regress in Poland is still very high<sup>18</sup>. This phenomenon illustrates the fact that in Poland, fundamental democratic values are not sufficiently anchored in the

political DNA of a large part of the society. This, in turn, could explain why the process of a deeper societal transformation has not yet been completed.

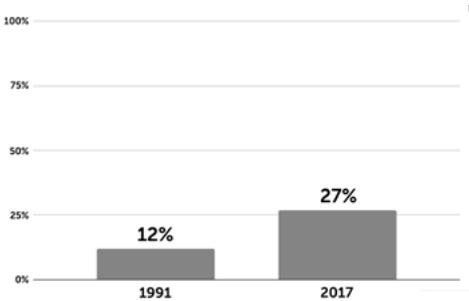
Similar conclusions may be drawn from the *Democracy Index*<sup>19</sup>, published by the

<sup>17</sup> Law and Justice calls opposition parties "total opposition". Only the anti-establishment Kukiz'15 party, which often supports PiS is not labeled this way.

<sup>18</sup> PiS won the 2019 EP elections with spectacular 45.38% of voter support.

<sup>19</sup> *The Democracy Index* is compiled by the Economist Intelligence Unit (EIU), a UK-based company. Its intention is to measure the state of democracy in 167 countries. The index is based on sixty indicators grouped in five different categories, measuring pluralism, civil liberties, and political culture. In addition to a numeric score and a ranking, the index categorizes each country in

Figure 6: Women in Sejm (1991 – 12% versus 2017 – 27%)



Source: PKW

Economist Intelligence Unit (EIU). For the past twelve years – since the data has been available, – Poland has been in the group of “flawed democracies”<sup>20</sup>. Its first score in 2006 was 7.3 points out of 10. In 2014, Poland reached its peak and started a fast ride down the index. In 2018, it scored only 6.67 points and became democracy number 54 in the world, sharing this position with Guyana, just below the Philippines, Malaysia, and Colombia. It is fourteen positions lower than it was in 2014.

One more interesting index provided by the Bertelsmann Foundation is the Transformation Index (BTI)<sup>21</sup>, which analyzes and evaluates the quality of democracy and political management in 129 developing and transition countries<sup>22</sup>. Two applied measurements relevant for this inquiry are the Status Index, which examines progress

one of four regime types: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes. See: <https://www.eiu.com/topic/democracy-index>

<sup>20</sup> Ibid.

<sup>21</sup> *The Bertelsmann Stiftung’s Transformation Index (BTI)* analyzes and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and a market economy. Country experts assess the extent to which a total of seventeen criteria have been met for each of the 129 countries. See: <https://www.bti-project.org/en/home/>

<sup>22</sup> Ibid.



THE LARGER  
THE SIZE  
OF THE ENTERPRISE,  
THE MORE TIME  
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ON INTERACTING  
WITH GOVERNMENT  
OFFICIALS  
ON THE INTER-  
PRETATION  
AND APPLICATION  
OF LAWS

towards democracy and market liberalism of the analyzed countries, and the Governance

Index – which ranks the countries according to their leadership’s political management<sup>23</sup>.

For sixteen years, Poland has been among the world leaders in the BTI’s main ranking, reaching its highest position in 2005, then maintaining its position since 2006 for a decade, with a visible fall in 2016. This fall is even more evident in correlation with the Governance Index, in which the country observed a step down between the years 2015 and 2018.

<sup>23</sup> <https://www.bti-project.org/en/data/rankings/governance-index/>

The BTI reports have praised the Polish transformation embodied in a series of political reforms after 1989, and in the country's ambition to join international organizations – aspirations which led to Poland's EU accession in 2004. "Poland experienced relatively calm years from the time of the 2005 elections. However, domestic politics have become more confrontational again," the 2018 executive summary acknowledges<sup>24</sup>. In the latest report, however, Poland is criticized for the judicial reforms, the recurrent assemblies law, and politicization of national media<sup>25</sup>.

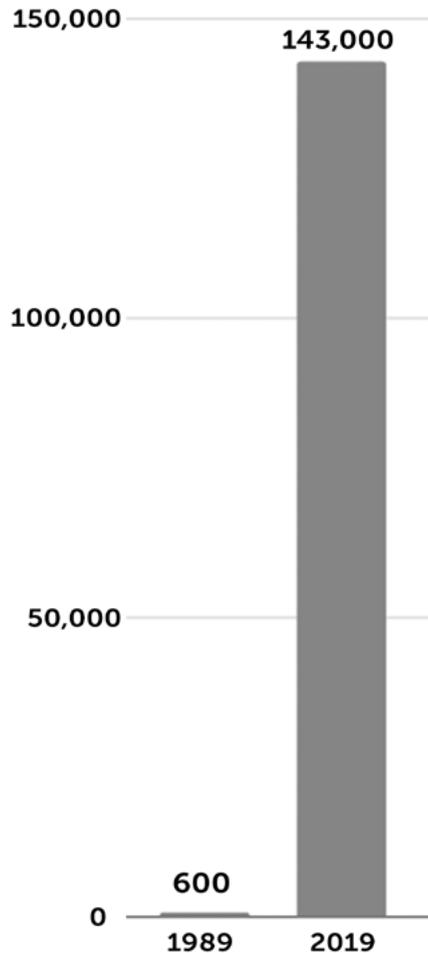
The conclusions, as regards Poland's judicial system, are also confirmed by the *World Justice Project Rule of Law Index*<sup>26</sup>. The Index presents a portrait of the rule of law by providing scores and rankings based on eight factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice. Poland's most

<sup>24</sup> <https://www.bti-project.org/en/reports/country-reports/detail/itc/pol/ity/2018/itr/ecse/>

<sup>25</sup> Poland, which the BTI 2014 still certified as demonstrating "very good" governance, offers a particularly striking example of the polarization of political competition. This has been precipitated not only by protest parties, but also by established parties that have adopted populist mobilization strategies and modes of argumentation. For example, the conflict between the Polish government and the opposition escalated in December 2016, when the opposition stormed the speaker's podium in parliament after the parliamentary president ejected an opposition legislator from the hall for protesting the governing majority's exclusion of journalists from parliamentary sessions. Legislators from the ruling party then left the chamber and passed the state budget without participation from the opposition lawmakers, who protested by blockading parliament for several weeks. Ibid.

<sup>26</sup> The World Justice Project's (WJP) *Rule of Law Index* is the world's leading source for original data on the rule of law. The 2019 edition covers 126 countries and jurisdictions, relying on more than 120,000 household surveys and 3,800 expert surveys to measure how the rule of law is experienced in practical, everyday situations by the general public worldwide. See: <https://worldjustice-project.org/>

Figure 7: Number of NGOs in Poland



Source: ngo.pl

recent results<sup>27</sup> indicate a decline in adherence to the rule of law. The largest decline in the factor of "Constraints on Government Powers" has also been noted. In the 2019 edition of the Index, Poland took the lead in the shameful report titled *A Sign of Authoritarianism*.

<sup>27</sup> The data from 2008-2011 is also available but at that time less than seventy countries were analyzed, compared to today's 126.



## SINCE THE BEGINNING OF THE TRANSITION IN POLAND, CORRUPTION WAS SEEN AS A PROBLEM FOR PEOPLE AND BUSINESSES

On a slightly more optimistic note, however, it is worth emphasizing that the NGO sector has changed radically in Poland in the last 30 years – for the better. Currently, all kinds of foundations, associations, and groups constitute one of the pillars of Polish democracy and civil activism, supporting the state and controlling officials. The active part these institutions have had in Polish society [See: Figure 7] translates directly into support for them, with over 50% of Poles trusting NGOs<sup>28</sup>.

On the other hand, the democracy indexes could be supplemented by the Corruption Perception Index (CPI), which offers a reflection on the stage of the democracy (or its deficits), as perceived by citizens.

CPI has been published annually by Transparency International since 1995 and ranks countries “by their perceived levels of public sector corruption, as determined by expert

assessments and opinion surveys”<sup>29</sup>. Currently, the Index evaluates 180 countries on a scale between 100 (which means very clean) to 0 (hence highly corrupt). At this moment, Poland holds the 36<sup>th</sup> position on the list.

It is difficult to compare Poland’s 2019 results with its first score in 1996, when it debuted on the 24<sup>th</sup> location. Back then the Index covered only about fifty states, compared to one hundred and eighty today. Modern Poland inherited systematic Soviet-style corruption. Since the beginning of the transition in Poland, corruption was seen as a problem for people and businesses operating in Poland, and in the 1990s not much was possible to do with the public administration without “a gift in an envelope”. Political corruption posed a challenge to fair business as politicians used their position to gain benefits. The practices of nepotism and cronyism were widespread. Much has been done to improve the situation. The Criminal Code in Poland now criminalizes bribery, extortion, cronyism, patronage, abuse of public functions, influence peddling, gifts, and money laundering. As a consequence, the Central Anti-Corruption Bureau was created to address these issues.

The pick in the Corruption Perception Index was most probably connected to a corruption scandal known as the *Rywin Gate*<sup>30</sup>, which toppled in 2004 with the Democratic Left Alliance (SLD) government – the party has never rebuilt its position. At the same time, the scandal gave political fuel to PiS, which presented itself as a brand new, anti-corruption, and anti-establishment party. PiS presidential candidate for the 2005 election, Lech Kaczyński, and an eventual

<sup>29</sup> <https://www.transparency.org/cpi2018>

<sup>28</sup> <https://publicystyka.ngo.pl/30-lat-wolnosci-1989-2019-jak-zmienial-sie-sektor-pozarzadowy-infografika> [in Polish]

<sup>30</sup> <https://www.independent.co.uk/news/world/europe/producer-of-the-pianist-is-jailed-for-corruption-561390.html>

winner, called for a “moral revolution”<sup>31</sup>, claiming that the Third Polish Republic (the result of the 1989 transformation) should be completely replaced with a Fourth Polish Republic, a “strong and moral state”<sup>32</sup>. Having this in mind, it may be surprising that under the current PiS government, Poland is losing in the CPI index. This is mostly due to the cronyism of PiS protégées, who are given jobs in SOEs, regardless of their competences<sup>33</sup>.

### MINORITY RIGHTS

While the state of democracy is usually reflected in conditions of the protection of human rights, minority rights tend to be the litmus paper of human rights in general. Therefore, it would be helpful to look at the position of Poland in LGBT+ rights rankings.

The situation for LGBT+ people in Poland has never been easy. Similarly to the whole region of Eastern Europe, the fight for LGBT+ people’s rights did not start with the Stonewall movement in 1969, but only after 1989. Nevertheless, legally, not much has been done in the last thirty years.

Some progress could be observed in the areas of LGBT+ anti-discrimination in employment and housing. Nothing, however, has been achieved in terms of civil partnerships, hate speech crimes, or banning conversion therapies<sup>34</sup>. The *Annual Review* by ILGA-Europe<sup>35</sup> examines the advances

<sup>31</sup> [https://www.old.pis.org.pl/download.php?q=mmedia&f=program\\_2005\\_skrót.pdf](https://www.old.pis.org.pl/download.php?q=mmedia&f=program_2005_skrót.pdf) [in Polish]

<sup>32</sup> Ibid.

<sup>33</sup> [http://4liberty.eu/wp-content/uploads/2017/10/06\\_REPOLONIZATION-AND-STATE-PATRONAGE-CURRENT-CHALLENGES\\_ADAM-SZ%C5%81APKA.pdf](http://4liberty.eu/wp-content/uploads/2017/10/06_REPOLONIZATION-AND-STATE-PATRONAGE-CURRENT-CHALLENGES_ADAM-SZ%C5%81APKA.pdf)

<sup>34</sup> The Nowoczesna party has prepared bills on these three issues but the Speaker of the Sejm is currently blocking any progress in the parliamentary procedure.

<sup>35</sup> Each May, ILGA-Europe releases its *Rainbow Europe* review, to mark the International Day Against Homophobia and Transphobia. It reviews the human rights



## THE SITUATION FOR LGBT+ PEOPLE IN POLAND HAS NEVER BEEN EASY

made at a national level country-by-country in twelve months. Noteworthy, Poland has always been in the bottom of the ranking.

The country started in 36<sup>th</sup> place in 2010, reached its best score in 2014, only to drop again to the 39<sup>th</sup> position (out of 49 in total) in 2018 and 2019<sup>36</sup>. In the EU, only Latvia is performing worse. The most dramatic downside happened in 2016, when Poland dropped from 28% to 18%<sup>37</sup>. This sudden decrease was due to the changes in the Gender Accordance Act and the fact that homophobic and transphobic statements were once again made by public figures. At the same time, judges working on court cases involving violent attacks continued to

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situation and assesses what life is like for LGBTI people in every European country, covering discrimination, family recognition, hate speech/crimes, gender recognition, freedom of assembly, association and express, and asylum laws. See: <https://www.rainbow-europe.org/>

<sup>36</sup> [https://www.ilga-europe.org/sites/default/files/Attachments/rainbowindex2019online\\_0\\_0.pdf](https://www.ilga-europe.org/sites/default/files/Attachments/rainbowindex2019online_0_0.pdf)

<sup>37</sup> The score is organized in a way that each country can get per cents in six categories: Equality and non-discrimination (totally responsible for up to 25% of the overall score), Family (20%), Hate crime and hate speech (20%), Legal gender recognition and bodily integrity (20%), Civil society space (8%), Asylum (7%). In 2018 edition Poland scored 18%, only 13% of the available points in the Equality category, null in Famil and Hate crime, 27% of Legal gender recognition and bodily integrity, 17% of Asylum points and full score in the Civil society.

ignore the bias motivation in their sentencing<sup>38</sup>.

Nevertheless, it must be stressed that the general situation of LGBT+ in Polish society is slowly improving. The acceptance towards the LGBT+ community and of same-sex civil unions is growing<sup>39</sup>. More and more public personalities *come out*, including politicians<sup>40</sup>. In 2019, twenty equality marches (pride parades) were, or are, yet to be organized in Poland – from Warsaw to small towns like Gniezno.

### **MEDIA FREEDOM**

Freedom of media is a derivative of general freedom and democracy, which is why it is appropriate to also look at the *World Press Freedom Index* by Reporters Without Borders (RWB)<sup>41</sup>.

Poland has started building its strong position in the ranking since 2009, when it joined the group of the countries with free media. However, in 2016, a dramatic downgrade was observed, and ever since Poland has continued its decline in the RWB index, coming in 59<sup>th</sup> out of 180 countries in the 2019 report. This sandwiches it between Fiji

<sup>38</sup> [https://www.ilga-europe.org/sites/default/files/Attachments/annual\\_review\\_2016-for\\_web.pdf](https://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf), p. 13.

<sup>39</sup> <https://oko.press/rekordowe-poparcie-dla-zwiazkow-partnerskich-i-rownosci-malzenskiej-sondaz/> [in Polish]

<sup>40</sup> For instance, Robert Biedroń and his newly emerged Wiosna party scored 6% in the EP elections. Additionally, Paweł Rabiej of the Nowoczesna party is now the deputy mayor of Warsaw.

<sup>41</sup> The *Press Freedom Index* is an annual ranking of countries compiled and published by Reporters Without Borders, based upon the organization's own assessment of the countries' press freedom records in the previous year. It intends to reflect the degree of freedom that journalists, news organizations, and netizens have in each country, and the efforts made by authorities to respect this freedom. The report is partly based on a questionnaire, which asks questions about pluralism, media independence, environment, and self-censorship, legislative framework, transparency, and infrastructure. See: <https://rsf.org/en>



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and the Dominican Republic, and thus ties Poland with its record-low score of 2006. In a scathing justification of Poland's position titled *Blinded by Ideology*, Reporters Without Borders cited the tightening of control by the ruling party over public media<sup>42</sup>.

Press freedom is one of the main victims of the Law and Justice government, RWB claims. "The public media have been renamed 'national media' and have been transformed into 'government propaganda mouthpieces'. Their new directors tolerate neither opposition nor neutrality from employees and fire those who refuse to comply"<sup>43</sup>. Many blamed state-owned TV broadcaster TVP's "hate propaganda" for Gdańsk mayor Paweł Adamowicz's murder in January 2019 – frequent demonstrations were held outside its headquarters in War-

<sup>42</sup> <https://rsf.org/en/poland>

<sup>43</sup> Ibid.

saw and in front of regional branches.

The increase in harassment of independent media in recent months is looking more and more like full-blown judicial persecution. As it already was before, the government's leading target has been the daily *Gazeta Wyborcza*, which is now in the personal sights of Jarosław Kaczyński. To those who urge moderation, the PiS government always responds with the same arguments based on an ideology that tolerates no dissent<sup>44</sup>.

### **EDUCATION**

Education is an aspect that may be a great indicator of overall success of a given country. Mature democracies with future-oriented political class, which believe in development of the entire community and look rather for a consensus for big projects than pointless fights that can bring only short-term gains, tend to invest in an educational system that will benefit the next generations.

The data on education shows that Poland has improved all basic indicators [See: Table 1]. The general educational structure of the country is closer to the Western democracies, fitting better modern societies building their economies on services and their growth on innovation [See: Table 2].

The number of kindergartens has grown, so has the number of kids attending them, thus making pre-school education almost universal. The important issue is still the lack of kindergartens in the countryside and nurseries all over the country.

Additionally, the number of schools that provide higher education<sup>45</sup> has grown significantly. Although many of them are private and often provide educational services of rather low quality, some of the top universities as well as technical, medical, and arts academies are climbing up in international rankings and attract more and more foreign students<sup>46</sup>.

An interesting international ranking that confirms Poland's success in education is the OECD's Programme for International Student Assessment, known as PISA [See: Figure 8]. No other European country climbed PISA so consistently as Poland. Polish students improved their results in all three competence fields tested: mathematics, science, and reading and interpreting. The results of Polish students were below the OECD average in 2003 and in subsequent surveys in 2006 and 2009 – at the OECD-average level, while in 2012 Polish students achieved results significantly above the OECD average. 2015 placed Poland 5<sup>th</sup> in Europe and 11<sup>th</sup> in the world<sup>47</sup>. This steep increase has been due to reforms introduced in the early 1990s, accompanied by cutting off the ideological content of the old Soviet-influenced curricula. The most important change of the 1999 education reform was an extension of comprehensive education

<sup>44</sup> *Gazeta Wyborcza* has been for PiS and Kaczyński a symbol of a post-1989 success of the old elites. Kaczyński sees in *Wyborcza* a tube of this part of the anti-communist opposition that negotiated and found compromise with the communists. He cannot accept that *Wyborcza* is spreading the version of the newest history where Polish transition is a big success and Lech Wałęsa (not Lech Kaczyński) is the biggest hero of "Solidarność". To promote his alternative version of history PiS-connected business people and journalists invested heavily in a network of right-wing media that were niche before 2015 and now are heavily subsidized by the state and work as PiS's propaganda tube. Available [online]: <https://rsf.org/en/poland>

<sup>45</sup> In the Polish system occur universities, academies, and higher schools.

<sup>46</sup> Eg. <https://serwisy.gazetaprawna.pl/edukacja/artykuly/1192832.polskie-uczelnie-w-rankingu-szanghajskim-2018.html>, <https://www.wprost.pl/edukacja/10227185/szesnascie-polskich-uczeln-w-prestizowym-qs-world-university-ranking.html> [in Polish]

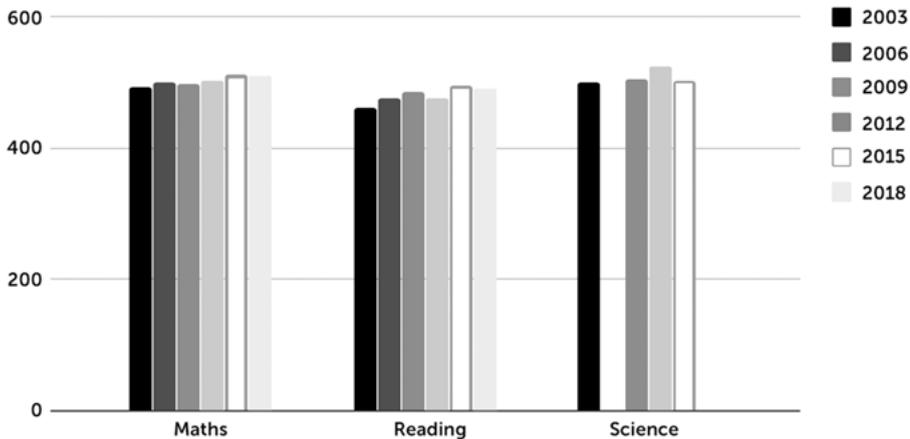
<sup>47</sup> <https://data.oecd.org/poland.htm>

Table 1: Dynamics of the level of education in Poland)

	1990	2019
Number of higher education institutions	98	394
Spots in kindergartens in the countryside	230,000	286,000
Spots in kindergartens in cities	680,000	881,000
Number of 3-5-year-olds in kindergartens per 1,000 citizens	318	847 (2018)
Number of foreigners studying in Poland	4,100	72,000 (2017)

Source: GUS

Figure 8: Poland's PISA results in Reading, Maths &amp; Science (overall)



Source: OECD

by one year (from 8 to 9 years) and introducing a modern curriculum<sup>48</sup>.

This positive trend will, however, most likely be stopped by the so-called deform of education run by PiS in the years 2015-

2019, which assumes a return to the pre-1999 school system and a change in the curricula, which significantly limits natural science, civil education, critical thinking, and soft skills development<sup>49</sup>.

<sup>49</sup> Ibid.

<sup>50</sup> According to ISCED, UNESCO standards.

<sup>51</sup> According to UNSECO-F2013.

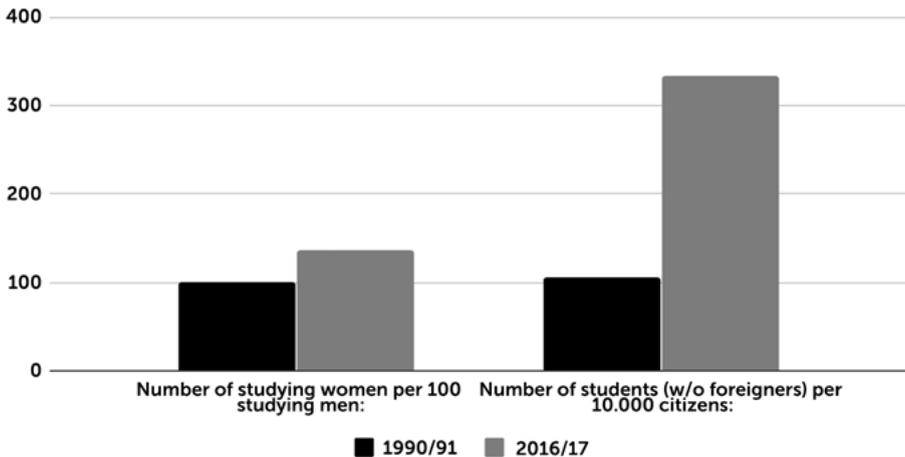
<sup>48</sup> [http://4liberty.eu/wp-content/uploads/2017/04/Mi%C5%82osz-Hodun\\_Education-in-Poland-at-the-Service-of-the-Ruling-Party\\_Review-6.pdf](http://4liberty.eu/wp-content/uploads/2017/04/Mi%C5%82osz-Hodun_Education-in-Poland-at-the-Service-of-the-Ruling-Party_Review-6.pdf)

Table 2: Most popular groups of higher education areas among students:

Year	In general	Group of areas					
		First		Second		Third	
		Name	%	Name	%	Name	%
1990/91 <sup>50</sup>	100	Technical	16.9	Pedagogical	14.2	Business and management	13.2
2016/17 <sup>51</sup>	100	Business and administration	18.7	Engineering and technical	10.6	Social	10.5

Source: GUS

Figure 9: Female and foreign students in Poland (1990-2017)



Source: GUS

Unfortunately, there is no reliable ranking that would show Poland's cultural position vis-à-vis other countries and its change in the last three decades. There is, however, no doubt that Polish arts and culture have been successful in the world and are now prominent. Polish artists continue to receive prestigious international awards (e.g. recent international recognition of Polish writer Olga Tokarczuk or film director Paweł Pawlikowski).

Table 3 and Table 4 prove that Polish culture managed to develop in the market without full state subsidies, like it was during the old times. Not all the titles and institutions survived the transition, especially the case of local newspapers and cultural organizations in smaller locations. But on the national level the number of magazines published has doubled and the number of books have almost quadrupled. There are more seats in theaters, opera houses and philharmonic

Table 3: Publications in Poland (1990 versus 2017)

	1990	2017
Books	10,242	36,260
Newspapers	130	46
Magazines	3,007	6,939

Source: GUS

halls than ever before, and every year Poles spend more and more money on culture.

Noteworthy, the successes of Polish culture may be partly connected with long-term plans and strategies developed by newly created institutions, for instance Polish Film Institute (PISF)<sup>52</sup>. PISF created a systemic solution to support the film industry (engaging public and private money) and became the nation's key funding and international networking hub for cinema production. The institute has helped scores of films achieve international success and changed the image of Polish films abroad.

## CONCLUSIONS

All the data presented above proves that Poland has used the last 30 years well, and thus managed to build a prosperous and democratic country and a free society of active citizens. Poland's position in all discussed rankings, although clearly not perfect, places the country in the European and world's top. Poland's success was prized with membership in the most important international organizations<sup>53</sup> and the European Union, the most elite club of developed states<sup>54</sup>.

<sup>52</sup> <http://en.pisf.pl/> [in Polish]

<sup>53</sup> After 1989, Poland became a member of (among others): Council of Europe (1991), WTO (1995), OSCE (1995), OECD (1996), and NATO (1999). Currently, Poland is a non-permanent member of the UN Security Council (UNSC) and has chances to join G20 in 2029.

<sup>54</sup> Jerzy Buzek was the President of the European Parlia-



POLAND HAS USED THE LAST 30 YEARS WELL, AND THUS MANAGED TO BUILD A PROSPEROUS AND DEMOCRATIC COUNTRY AND A FREE SOCIETY OF ACTIVE CITIZENS

There is a lot to be proud of. Of course, there is still a lot to do – especially in the area of protection of human rights, in particular minority rights. The last four years have shown that the transition has not been deep enough, and that newly established democratic institutions and liberal values are not fully internalized.

Moreover, the process of building the new state went perhaps faster than the process of building the new society. There has not been enough (civic) education in schools, and permanent evaluation of the actual transition within the society. This, in turn, resulted in the victory of a populist party (PiS) that demolished the fragile achievements of last three decades of transition.

ment (2009–2012), whereas Donald Tusk was the President of the European Council (2014–2019).

Table 4: Cultural institutions in Poland (per 1000 citizens)

	1990	2017
Books in libraries	3589.0	3340.0
Library users	195.0	157.0
Seats in theaters and music halls	1.6	2.5
Number of 3-5-year-olds in kindergartens per 1,000 citizens	338.0	345.0
Seats in cinemas	9.8	7.5
Spectators in cinemas	862.0	1480.0

Source: GUS

Law and Justice was able to easily push backwards many of the crucial reforms in the field of democracy, and especially the judiciary, free media, and protection of human rights. People gave up their rights almost without a fight and put in danger their future in Europe and the Western World for nationalistic promises of greatness and blurry visions of social solidarity. This can still be repaired, but only with constructive and far-sighted policies, responsible politics, and a long-term and far-reaching education.

The recent illiberal revolution in Poland is not something unique, it is a part of a universal trend that is contrary to the paradigm of development Poland followed for 25 years. It is visible in most of the indexes that show that it is not only Poland that is less free and less democratic, it is true for the whole world. As if the world started moving the other way around and Poland was getting closer to what it was back in 1989. Such a state of affairs simply cannot be accepted. In summation, liberals must view this trend towards illiberalism as a huge obstacle that must be overcome. Still, it is my belief that after this troublesome period of

“correction” in transformation, Poland will shake it off, recover, and get back on the path towards real development, thus regaining the position of a European champion. I am positive about that because Polish people perceive the transformation and its fruits as something positive for the country, for the people in general, and for themselves. They certainly do not want to go back to the pre-revolution era.



\*

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