

Franet National contribution to the Fundamental Rights Report 2024

Poland

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

I. Reduction of the Value Added Tax rate on food products

In February 2022, the Polish government decided to reduce the VAT rate on food products in order to protect the Polish society from negative results of the inflation, including the rising level of poverty. Reduced rates apply to, among others: fruits, vegetables, cereal products (including bread), dairy products and meat.

According to the Regulation of the Ministry of Finance of 2 December 2022, reduced VAT rates will be in force until the end of 2023.¹ As indicated by the Ministry, due to the continuous growth of the inflation in 2023 and economic consequences of the war in Ukraine, the Polish government had to maintain reduced rates of the VAT for another year.²

II. The maximum price of heat supply in 2023

On the basis of the Act of 8 February 2023 amending the Act on special solutions for some heat sources in connection with the situation on the fuel market and some other laws,³ the Polish government has introduced a new mechanism intended to protect the vulnerable customers from the rising costs of heat supply. Pursuant to the provisions of the abovementioned Act, if the heat supply costs in a certain heating system are increased by more than 40 percent (compared to the prices valid after 30 September 2022), companies providing heat will receive a special governmental compensation. As a result, the percentage of cost increase attributable to consumers has been

¹ Poland, Regulation of 2 December 2022 of the Ministry of the Finance on reduced rates of the value added tax in 2023 ([Rozporządzenie Ministra Finansów z dnia 2 grudnia 2023 w sprawie obniżonych stawek podatku od towarów i usług w roku 2023](#)).

² Poland, Ministry of Finance, Zero VAT on food products until the end of 2023 ([Zerowy VAT na żywność do końca 2023 r.](#)), official website of the Ministry of Finance, 27 June 2023.

³ Poland, the Act of 8 February 2023 amending the Act on special solutions for some heat sources in connection with the situation on the fuel market and certain other acts. ([Ustawa z dnia 8 lutego 2023 o zmianie ustawy o szczególnych rozwiązaniach w zakresie niektórych źródeł ciepła w związku z sytuacją na rynku paliw oraz niektórych innych ustaw](#)).

limited to 40% of prices valid after September 2022. This solution is dedicated for households and public utilities (e.g. hospitals, schools) and will be in force until the end of 2023.⁴

III. Increase of the minimum wage in 2023

As underlined by the Ministry of Family and Social Policy, inflation caused by Russia's invasion of Ukraine made it necessary to increase the minimum wage in 2023.⁵ The increase has been divided into two phases – to the amount of PLN 3,490 (approx. EUR 758) effective from 1 January and PLN 3,600 (approx. EUR 782) effective from 1 July 2023.

According to the *a priori* opinion of the Small and Medium-sized Businesses Ombudsman (*Rzecznik Małych i Średnich Przedsiębiorców*), the abovementioned minimum wage increase was completely unjustified and would lead to a wage-price spiral and rising inflation. As an unemployment rate in Poland was at its lowest rate since 32 years, there were no grounds for the increase of minimum wage.⁶ Moreover, as indicated in the impact assessment accompanying the regulation, this increase in the minimum wage could negatively affect, among others, the competitiveness of companies (including international competitiveness), especially if these companies have based their business model on low labour costs. Pursuant to the impact assessment, there is no necessity to evaluate the impact and effects of the implemented regulation.⁷

IV. Introduction of the permanent 14th retirement pension

In 2021, the Polish government introduced a new, one-time financial benefit dedicated to seniors due to the rising inflation rate – the so-called 14th retirement pension (the RP). As the inflation continued to rise, the government decided to pay the RP also in 2022. Finally, in May 2023 the Parliament adopted an Act⁸ establishing the RP as a permanent, annual benefit, paid once a year. Moreover, in September 2023 the

⁴ Poland, Ministry of Climate and Environment, Further governmental protection of heat consumers from excessive price increases ([Rząd jeszcze mocniej chroni odbiorców ciepła przed nadmiernym wzrostem cen](#)), 17 January 2023.

⁵ Poland, Ministry of Family and Social Policy, Increase of minimum wage from 1 January, 2023 ([Od 1 stycznia 2023 płaca minimalna w górę](#)), official website of the Ministry of Climate and Environment, 2 January 2023.

⁶ Poland, Small and Medium-Sized Businesses Ombudsman, Opinion on the draft of the Resolution on the increase of a minimal wage ([Opinia w przedmiocie Rozporządzenia o podwyższeniu minimalnego wynagrodzenia](#)) official website of the Governmental Legislation Centre, 2 August 2022.

⁷ Poland, Regulatory Impact Assessment of the draft of the Resolution on the increase of a minimal wage ([Ocena skutków regulacji – Rozporządzenia o podwyższeniu minimalnego wynagrodzenia](#)) official website of the Governmental Legislation Centre, 27 July 2022.

⁸ Poland, the Act of 26 May 2023 on the next additional financial benefit dedicated for retirees and pensioners ([Ustawa z dnia 26 maja 2023 r. o kolejnym dodatkowym rocznym świadczeniu pieniężnym dla emerytów i rencistów](#)).

government adopted a regulation⁹ that has significantly increased the amount of the RP – from PLN 1,588 in 2022 (approx. EUR 345) to PLN 2,650 in 2023 (approx. EUR 576).

The following general remarks regarding the RP shall be noted:

- this solution applies only to retirement pension (benefit dedicated for retired employees) and annuities (e.g. social annuities and disability pensions);
- no deductions or executions from this benefit may be made (e.g. by bailiffs);
- the RP is paid *ex officio* by the Social Insurance Institution (no additional applications required);
- only persons whose total social benefits do not exceed PLN 5,500 (approx. EUR 1,165) are entitled to receive the RP.

V. Amendment to the Act on the assistance to Ukrainian citizens¹⁰

On the basis of the abovementioned amendment, currently existing solutions dedicated for Ukrainian citizens who have arrived in Poland due to the ongoing war have been updated. The most relevant updates are listed below:

- simplification of mechanisms for obtaining Polish tax residence;
- extension until the end of 2023 of the exemption from personal income tax of received humanitarian aid;
- sanctioning an electronic document (the diia.pl) as a tool authorizing its' beneficiaries to cross Polish borders and travel within the EU territory;
- granting a special status to citizens of Ukraine in the procedure of obtaining a temporary residence permit in Poland; even in the case of the occurrence of grounds for refusal, the permit will be granted for a period of 1 year.

VI. Act of 7 July 2023 on the Supporting Benefit¹¹

The Act of 7 July 2023 on the Supporting Benefit (the SB Act) introduces a new financial benefit dedicated for persons with disabilities. Key aspects of the new benefit are described below:

⁹ Poland, Regulation of the Council of Ministers of August 22, 2023 on determining the amount higher than the amount of the lowest pension used to determine the next additional annual financial benefit for retirees and pensioners in 2023. ([Rozporządzenie Rady Ministrów z dnia 22 sierpnia 2023 r. w sprawie określenia kwoty wyższej niż kwota najniższej emerytury stosowanej do ustalenia wysokości kolejnego dodatkowego rocznego świadczenia pieniężnego dla emerytów i rencistów w 2023 r.](#)).

¹⁰ Poland, the Act of 13 February 2023 amending the Act on Assistance to Ukrainian citizens in connection with the armed conflict in the territory of that State and certain other acts. ([Ustawa z dnia 13 stycznia 2023 r. o zmianie ustawy o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa oraz niektórych innych ustaw](#)).

¹¹ Poland, the Act of 7 July 2023 on a Supporting Benefit. ([Ustawa z dnia 7 lipca 2023 r. o świadczeniu wspierającym](#)).

- the benefit is dedicated only for persons above 18 years old;
- the amount of the benefit will be dependent on the so-called 'level of required support' of a disabled person; decisions determining the abovementioned level will be issued by regional disability assessment teams for a maximum period of 7 years;
- the amount of the benefit is between 40% and 220% of the amount of the social rent – the current amount of social rent is PLN 1,588.44 per month (approx. EUR 345);
- the benefit will be paid monthly, by the Social Insurance Institution, starting from 1 January 2024.

On the other hand, the SB Act introduces significant changes regarding caregiving benefits (financial benefit dedicated for persons who cannot work as they provide care for a severely disabled family member). According to the SB Act, persons providing care for more than one disabled child will be entitled to receive the caregiving benefit increased by 100% for the second and each subsequent disabled child. Furthermore, all restrictions regarding additional employment or other work of persons providing care have been lifted. Moreover, own pension benefits of the person providing care (potential retirement pension or other annuities) will not affect his entitlement to the caregiving benefit.

VII. The maximum price of energy in 2023

On 19 September 2023, the Act amending the Act on special solutions for the protection of electricity consumers in connection with the situation in the electricity market and some other laws entered into force.¹² The Act extends legal solutions introduced in 2022 in order to protect consumers from the rising costs of energy resulting from the outbreak of war in Ukraine and inflation. As indicated by the Ministry of Climate and Environment, the Act has been prepared in order to continue the process of minimizing increases of price for the most vulnerable customers and enhance the energy security of Poland by maintaining the solutions functioning since 2022.¹³ The most important solutions introduced in the abovementioned Act are listed below:

¹² Poland, the Act of 16 August 2023 amending the Act on special solutions for the protection of electricity consumers in connection with the situation in the electricity market and certain other acts. ([Ustawa z dnia 16 sierpnia 2023 o zmianie ustawy o szczególnych rozwiązaniach służących ochronie odbiorców energii elektrycznej w 2023 roku w związku z sytuacją na rynku energii elektrycznej oraz niektórych innych ustaw](#)).

¹³ Poland, Ministry of Climate and Environment, Higher limits of electricity consumption dedicated for households and lower electricity prices for the SME (small and medium-sized enterprises), JST (local government units) and sensitive entities ([Wyższe limity zużycia energii elektrycznej dla gospodarstw domowych oraz niższe ceny za prąd dla MŚP, JST i podmiotów wrażliwych](#)), official website of the Ministry of Climate and Environment, 10 July 2023.

- increasement of the limit of energy consumption being the price of which will be frozen on the level from 2022 (from 2 MWh to 3 MWh) for all energy consumers using energy for the household purposes;
- reduction of the maximum price of electricity in the Q4 of 2023 from PLN 785 (approx. EUR 170) per MWh to PLN 693 (approx. EUR 150) per MWh. This reduction is dedicated for small and medium-sized enterprises, local government units and sensitive entities.

VIII. Introduction of the neighbourhood services

On 1 November 2023, the Act amending the Act on Social Assistance and some other laws entered into force.¹⁴ As indicated by the Ministry of Family, Labour and Social Policy, the neighbourhood services shall be understood as welfare services provided at the place of residence of a person in need by people living nearby. The costs of such services are to be covered in cash by the local municipality.¹⁵ The neighbourhood services consist of the following:

- assistance in providing basic human needs;
- support in everyday hygiene and personal care;
- providing contact 'with the outside world'.

The neighbourhood services are intended to support solitary persons, defined as persons who:

- have a single household;
- are not married;
- have no descendants or ascendants.

¹⁴ Poland, Ministry of Family, Labour and Social Policy. Neighbourhood Services from 1 November of the current year ([Usługi sąsiedzkie od 1 listopada br.](#)), official website of the Ministry of Family, Labour and Social Policy, 31 October 2023.

¹⁵ Poland, Ministry of Family, Labour and Social Policy. Neighbourhood Services. New assistance since 1 November, 2023 ([Usługi sąsiedzkie. Nowe wsparcie od 1 listopada 2023 r.](#)), official website of the Ministry of Family, Labour and Social Policy, 23 October 2023.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

I. Regional Programmes co-financed by the European Social Funds

In order to implement the Regional Operational Programmes, each voivodship (*województwo*) may, inter alia, assign the European Social Funds for projects intended to mitigate the effects of rising costs of living and social exclusion.¹⁶ These funds are to be spent, among others, on regional projects dedicated for vulnerable groups such as: families at risk of poverty, persons with disabilities or immigrants who arrived to Poland due to Russia's aggression on Ukraine.¹⁷ Examples of the above projects realized in the 2023 are listed below:

- Activity – chance for the INCLUSION;¹⁸
- Phoenix and the Company;¹⁹
- The New Beginning.²⁰

II. Initiative of the Polish Humanitarian Action – TERA programme²¹

TERA programme was launched in April 2023 and is intended to provide financial support for persons who fled from Ukraine due to Russian aggression; the main goal of this programme is to ensure the primary needs of these people. The beneficiaries may receive financial support via BLIK checks, valid for 90 days, which may be used in Poland only.

¹⁶ Poland, [Przeczytaj o Europejskim Funduszu Społecznym](#), official Polish website of the European Funds.

¹⁷ Poland, [Wsparcie z Funduszy Europejskich na poziomie regionalnym dla osób uciekających do Polski z terenu Ukrainy w związku z atakiem Federacji Rosyjskiej na Ukrainie](#), official website of the Lubuskie Voivodship Regional Operational Programme, 2022.

¹⁸ Poland (2023), [Aktywność Szansą na WŁĄCZENIE](#), official website of the initiative, 2023.

¹⁹ Poland (2023), [Projekt Feniks i Spółka](#), official website of the Municipal Family Support Centre in Poznań, 2023.

²⁰ Poland (2023), [Projekt Nowy Początek](#), website of the Proesa sp. z o.o., 2023. Proesa is a training institution offering training for the unemployed and jobseekers. It is included in the register of training institutions pursuant to Article 20(1) of the Employment Promotion and Labour Market Institutions Act (*Ustawa o promocji zatrudnienia i instytucjach rynku pracy*) of 20 April 2004 and [provides training to improve professional and social skills and competences](#).

²¹ Poland (2023), [Program tymczasowej szybkiej pomocy \(TERA\) dla osób, które opuściły Ukrainę](#), official website of the initiative, 2023.

Several vulnerable groups may participate in the program, including the elderly, family members of people with disabilities, as well as Ukrainian students who arrived to Poland due to Russia's aggression.

III. For everyday purchases – assistance for Polish seniors

In April 2023, Fundacja Biedronki in cooperation with Caritas Polska have started the 6th edition of the initiative called 'For everyday purchases'. As mentioned by the organizers, this year's edition is dedicated to Polish seniors at risk of poverty due to the rising costs of living caused by Russia's aggression on Ukraine. Seniors will receive a special card with a monthly limit of 185 PLN (approx. EUR 40) valid for 10 months. These cards may be used for purchasing products in shops of the Biedronka chain of stores. The initiative also includes social activation measures and personal assistance in everyday shopping. During this year's edition, 11,000 seniors will receive support worth PLN 20,9 million (approx. EUR 4,3 million).²²

IV. Food SOS – support dedicated for aid organizations

The first edition of the Food SOS was initiated in 2022; as it turned out to be a success, the organizers decided to launch the programme in 2023 as well (from August 2023 to January 2024). The main idea of the programme is to mitigate negative effects of rising costs of living (caused by the outbreak of war in Ukraine and inflation) by providing indirect financial support for certain aid organizations taking care of vulnerable persons (e.g. homeless and socially excluded people). This indirect support involves granting e-codes for aid organizations, which may be used for purchasing food products in shops of the Biedronka chain of stores.²³

V. Help us protect the children – campaign dedicated for children in need²⁴

The initiative was conducted during the third quarter of 2023 in order to support Polish families struggling with poverty and social exclusion due to economy crisis caused by Russia's aggression on Ukraine. The aim of the initiative is to encourage private donators to provide regular support for families in need. The funds were spent for children living in poverty, especially by providing them an education, psychological and therapeutic assistance as well as hot meals. The campaign has also launched a special website

²² Poland (2023), [Fundacja Biedronki & Caritas Polska, program Na codzienne zakupy](#), official website of the initiative, 22.05.2023.

²³ Poland (2023), [Fundacja Biedronki, Program Żywnościowy SOS](#), official website of the initiative, 24.08.2023.

²⁴ Poland (2023), [Fundacja SOS Wioski Dziecięce – Kampania przeciwko wykluczeniu polskich rodzin](#), official website of the initiative, 3.07.2023.

(www.dziecisos.org), through which donators may support families with monthly financial subsidies.

VI. Polish Red Cross campaign: #godneNIEgłodne²⁵

In September 2023, the Polish Red Cross started a campaign in order to support Polish families, especially children struggling with poverty due to economic crisis caused by Russia's aggression on Ukraine. The initiative is intended to encourage private donors to provide regular support for children in need. The funds are to be spent for various types of support, including hygiene parcels and food packages. This initiative may be supported in many ways, i.e. by supporting the initiative as a volunteer of the Polish Red Cross or by sharing the information about the campaign via social media platforms and publishing a recipe for healthy dish, the price of which is within the range of PLN 10 to PLN 20.²⁶

VII. Governmental programme aimed at supporting districts (*powiaty*) in organizing and creating family forms of foster care²⁷

In November 2023, the Ministry of Family, Labour and Social Policy announced a new social programme intended to provide financial support for persons running family foster care facilities. The primary beneficiaries of the programme were professional foster families, foster families acting as family ambulance services and owners of family orphanages. The government has allocated up to PLN 40,000,000 for the Programme; these funds were spent on salaries of persons running above facilities. Funding was granted for salaries paid from 1th of June until 31th of December 2023.

Table 1 – Promising practice

Promising practice	
Title (original language)	Wzajemnie Potrzebni
Title (EN)	Mutually Needed
Organisation (original language)	Kancelaria Prezesa Rady Ministrów
Organisation (EN)	Chancellery of the Prime Minister
Government / Civil society	Government

²⁵ Poland (2023), [Godne dzieciństwo](#), official website of the Polish Red Cross, 27 September 2023.

²⁶ Poland (2023), [Walka z głodem i wykluczeniem priorytetem Polskiego Czerwonego Krzyża](#), official website of the Polish Red Cross, 27 September 2023.

²⁷ Poland (2023), [Rusza rządowy program wsparcia powiatów w organizacji i tworzeniu rodzinnych form pieczy zastępczej w 2023](#), official website of the Ministry of Family, Labour and Social Policy, 23 November 2023.

Promising practice	
Funding body	Chancellery of the Prime Minister
Reference (incl. URL, where available)	https://wzajemniepotrzebni.pl
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 st January – 31 st December 2023
Type of initiative	Competition intended to allocate public funds in cooperation with NGOs and local authorities
Main target group	Persons at risk of social exclusion (including Ukrainians)
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	<p>The project is organised as a public competition, introduced by the Polish Prime Minister, as a response of economy crisis caused by Russia’s aggression on Ukraine. The main goal of the project is to mitigate the effects of the social and housing crisis. It is intended to implement pilot measures and is dedicated for local entities (rural municipalities, urban-rural municipalities and urban municipalities of up to 120,000 citizens) as well as immigrants.</p> <p>The total funding of the project is PLN 18 million (approx. EUR 3,9 million), the maximum grant per offer is up to amounts of PLN 4,5 million PLN (approx. EUR 1 million).</p> <p>During the competition, the Operator (chosen by the Prime Minister) will select at least 3 implementers (NGOs cooperating with rural municipalities, urban-rural municipalities and urban municipalities of up to 120,000 citizens), who will receive governmental funds on a basis of a co-financing agreements. Implementers will be obliged to, inter alia:</p> <ul style="list-style-type: none"> • create, together with the local, municipal authorities, at least 3 Social Rental Agencies; • renovate up to 90 residential premises and acquire from the private market at least 10 units that will not require renovation;

Promising practice	
	<ul style="list-style-type: none"> • support at least 100 households in matters related to housing, labour, education and other social issues; • provide advisory services (including coaching, trainings), related to matters mentioned above.
Highlight any element of the actions that is transferable (max. 500 chars)	Due to the rising poverty level in the EU, this promising practice may be transferred entirely. This model of cooperation between the government and NGOs coworking with local authorities is effective, as specialized NGOs are aware of needs of local societies, when the governments often do not have such specific knowledge.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice may be easily continued in subsequent years, as one year of its duration will definitely not eliminate abovementioned social issues entirely. In potential next editions of the practice, the government may set aside more funds and support another vulnerable persons in cooperation with NGOs and local authorities.
Give reasons why you consider the practice as having concrete measurable impact	The Prime Minister has set certain objectives which are to be achieved by the implementors (e.g.: the implementors have to provide specific support for at least 100 households, renovate at least 90 residential premises).
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice is universally applicable – recently, due to the rising poverty level in the EU, each Member State struggles with abovementioned issues such as housing crisis or social exclusion of foreigners and rural citizens.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review	In order to maintain activities of implementors during the project, the organizers decided to appoint the Steering Committee. The Committee consists of: operator of the competition, Implementors, experts, representatives of the Prime Minister and beneficiaries of the project.

Promising practice	
assessment and implementation of the practice	<p>Meetings of the Committee are convened every two months in order to verify current status of the project, review latest opinions of its' participants and implement appropriate measures.</p>
<p>Explain, if applicable, how the practice provides for review and assessment</p>	<p>Following evaluation measures of the practice are to be conducted:</p> <ul style="list-style-type: none"> • monthly monitoring – each implementor is obliged to appoint a representative in order to carry out monitoring activities. As a result of these activities, the implementor is obliged to prepare monthly reports; • meetings of the Steering Committee organised in order to improve the effectiveness of implementor's activities; • evaluation studies (using FGI and CATI methods); • ongoing projects' evaluation.

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	N/A
Legal and administrative constraints, harassment,	In 2023, the District Court in Warsaw convicted Justyna Wydrzyńska, a pro-choice activist, for “aiding to perform abortion” and sentenced her to 8 months of community service for 30 hours a month. It was the first time when an activist was

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	<p>sentenced for aiding to perform abortion. At the national level, the case triggered discussion about the restrictive abortion law in Poland and the role of women support groups.²⁸ The case was also broadly commented at the international level. The Centre for Reproductive Rights said it marked <i>“the first time in recent history in which a human rights defender in Europe has been prosecuted and convicted for assisting with access to abortion”</i>.</p> <p>Furthermore, in 2023 the humanitarian crisis on the Polish-Belarusian border continued. In the absence of any state and systemic response, the humanitarian aid is provided mainly by the local communities and civil society activists. So far, however, civil society activists have been targeted by numerous Police actions (including arrests) and criminal investigations. In 2023, the District Court decided to apply pre-trial detention to one of the activists accused of facilitating the illegal crossing of the border. The Regional Court, however, lifted the decision. The criminal case is still pending.²⁹ In October 2023, the Regional Court in Warsaw decided that arresting two other activists providing aid at the border was illegal and order state’s compensation to activists for the time of their arrest.³⁰</p>
<p>Lack of media freedom a/o media pluralism; disinformation (incl. online)</p>	<p>In 2023, Helsinki Foundation for Human Rights published a report concerning the situation in the regional media acquired by the state's petrol company Orlen in 2020. It was the first report deeply investigating the situation in the largest regional media company in Poland. The research revealed five disturbing trends concerning protection of media freedom in these media outlets. First of all, the research showed the examples of favouring the ruling party and its politicians in editorial coverage – according to a survey participant, <i>“the new editor-in-chief explicitly said “we are not attacking the government”>></i>. According to the research results this trend was accompanied</p>

²⁸ Oko.press, [Koniec procesu Justyny Wydrzyńskiej. Sąd uznał ją winną "pomocnictwa w aborcji"](#)

²⁹ Oko.press, [Aktywistka z polsko-białoruskiej granicy wypuszczona z aresztu. Przed sądem pikieta: „Murem za Ewą”](#)

³⁰ Wyborcza.pl, Sąd: [Ma być zadośćuczynienie dla aktywistów z polsko-białoruskiej granicy za skandaliczne zatrzymanie przez wojsko](#)

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>by marginalizing the political opposition in the media coverage. Furthermore, the research revealed limiting the choice of topics that were considered sensitive from the perspective of the ruling majority, e.g. LGBT rights, the situation of refugees or some news concerning Orlen and extra-contentious interference in journalists' texts. Finally, the research also documented examples of the familiarity of editorial management with politicians associated with the ruling majority. According to the report, the regional media independence may play crucial role in the upcoming election (both general elections in October 2023, as well as local elections in 2024).³¹</p> <p>In October 2023, media reported that two media outlets that are part of Polska Press refused to publish a paid advertisement ordered by the members of the opposition during the on-going parliamentary campaign.³²</p>
Foreign interference	N/A
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	N/A
Lack of election integrity (incl. electoral process, political campaigning and party financing)	<p>Before the parliamentary elections in October 2023, the civil society organizations mobilized to monitor the process of voting. For example, the Civic Control of Elections (<i>Obywatelska Kontrola Wyborów</i>, a project run by the Democracy Defense Committee³³) provided a platform for 20,000 individuals who monitored the process of voting and counting the votes. The</p>

³¹ Helsinki Foundation for Human Rights, [Report "From the regional press to Orlen Press. The situation in media owned by Polska Press"](#)

³² Tvn24.pl, [Polska Press odmawia reklamy kolejnej kandydatce opozycji. "Nie mają skrupotów"](#)

³³ Ruch KOD, [Obywatelska Kontrola Wyborów](#)

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	Political Accountability Foundation's observers also monitored the process of voting and counting the votes. According to the initial report published by the Foundation after the elections, the confidentiality of voting was often violated due to the lack of properly adjusted places to vote. The Foundation also noted that there was no proper training for the members of election committees, especially when it comes to organizing the process of counting the votes. ³⁴
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	N/A
Corruption, including misuse of EU funds	N/A
Lack of (effective judicial protection by) independent and impartial courts	N/A
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	N/A

³⁴ Fundacja Odpowiedzialnej Polityki, [Społeczna Obserwacja Wyborów 2023. Raport wstępny](#)

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	N/A
Other major developments threatening democratic values	N/A

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

Potential misuse of public funds

In January 2023, the media reported on irregularities in distributing public funds to certain civil society organizations. According to the media reports, the Minister of National Education spent over PLN 40 million (approx. EUR 10 million) on call for proposal for the program "Development of the infrastructure potential of entities supporting education and upbringing".

The funds were distributed among 42 organizations. According to the media reports, the funds were distributed in a non-transparent procedure and even despite the negative assessments of the panel of experts. For example, one of the applying organizations received over PLN 4 million, even though the expert panel analysing the application found that the applying organization did not meet the criteria provided by the call for proposals.

Furthermore, the media reports indicated that many of the organizations who received funding have close ties to the governing majority representatives. For example, the deputy Prime Minister Piotr Gliński and two Law and Justice MEPs, Zdzisław Krasnodębski and Ryszard Legutko, are members of the advisory board of one of the organizations – Polska Wielki Project. Another organization – Fundacja Wolność i Demokracja – was established by the former chief of the Prime Minister Chancellery, Michał Dworczyk. Another organization – Fundacja na rzecz Wspólnych Spraw Megafon – was funded by Tomasz Kulikowski, director of the Legal Aid Office in the Chancellery of the President of Poland.

The distributed funds were spent entirely on acquisition of real estates in cities such as Warsaw, Elbląg or Beskid Niski. It remains unclear how the program would support the educational activity of the organizations.³⁵

In July 2023, the media reported that the public prosecutor's office in Warsaw launched an investigation concerning the program.

Another changes to the Act on the system of education

In 2023, for the third try the governing majority attempted to amend the Act on the system of education. Similarly to the previous attempts, also these amendments aimed at restricting access of civil society organizations to the public schools. According to the draft legislation, the organizations which *"promote problems related to sexualizing children"* should be banned from access to the public schools. According to the authors of the draft legislation, the drafted provisions should *"enhance the position and voice of parents with regard to protest against unwanted materials and contend addressed to their children by associations and organizations"*.³⁶ According to the civil society representatives, there are no civil society organizations in Poland promoting the *"sexualization of children"*. In the legislative procedure, the Senate rejected the law. Senators indicated that the new draft law failed to address the key problems of the education system, such as, among others, vacancies on teachers positions.³⁷ The works on the draft legislation will be discontinued in the new term of the Parliament.

³⁵ Tvn24.pl, [Willa Plus. 10 rzeczy, które trzeba wiedzieć o publicznych milionach rozdawanych przez ministra Czarnka](#)

³⁶ Oko.press, [Organizacje społeczne od 30 lat zmieniają polską szkołę. PiS chce je wyrzucić używając „seksualizacji”](#)

³⁷ Tvn24.pl, [Senat odrzucił lex Czarnek 3.0](#)

The new Act on family foundations

In 2023, the Parliament adopted the law on family foundations.³⁸ The law created a new form of civic association (so far, the law provided for only two forms of civic organizations, namely foundations and associations). According to the new law, the family foundation can be established by an individual person. The functioning of the family foundation should be governed by its board of directors, assembly of beneficiaries and supervisory board.

The main aim of the family foundation is to *"gather assets and manage it in the best interest of its beneficiaries"*. The law also indicates three categories of family foundations' beneficiaries: i) an individual person; ii) non-governmental organizations or iii) the founder of the family foundation.

Although in general the main aim of the family foundation would be gathering private financial assets, still there is a possibility that family foundations could become potential donors for the civil society organizations.

Policy changes

After parliamentary elections in October 2023, the former opposition parties formed a new government. One of the new ministries in the government is the Ministry of Civil Society (*Ministerstwo do spraw Społeczeństwa Obywatelskiego*). The ministry was assigned to Agnieszka Buczyńska who will also supervise the Committee for Public Benefit (*Komitet Pożytku Publicznego*), which distributes funds for the civil society organizations.³⁹

The detailed scope of the Minister's activities is set out in a regulation of the Prime Minister. According to the regulation, the Minister's tasks will include:

- 1) analysing and evaluating the effectiveness of legal solutions for civil society;
- 2) developing lines of action for the sustainable development of civil society;
- 3) supporting civic initiatives;
- 4) monitoring and dissemination of good practices in the field of civil society;

³⁸ Act on 26 January 2023 on family foundation (Ustawa z dnia 26 stycznia 2023 r. o fundacji rodzinnej).

³⁹ Republic of Poland, [Agnieszka Buczyńska - minister do spraw społeczeństwa obywatelskiego, przewodnicząca KdsP](#), 13 December 2023.

5) drafting and issuing opinions on legal acts and other government documents concerning civil society;

6) carrying out other tasks commissioned by the Council of Ministers or the Prime Minister.⁴⁰

The Minister, in the performance of the tasks set out above, will be able to request information, documents and reports on a particular matter or type of matter from the bodies of the government administration. The Minister will also act in cooperation with the competent government administration bodies, bodies of local self-government units and non-governmental organisations. To the extent necessary for the performance of their tasks, the minister may appoint teams to work on specific issues or commission expert opinions and other studies.⁴¹

Table 3 – Case law

Case law	
Deciding body (in original language)	Sąd Okręgowy w Piotrkowie Trybunalskim
Deciding body (in English)	Regional Court in Piotrków Trybunalski
Case number (also European Case Law Identifier ECLI , where applicable)	I C 566/21
Parties	Atlas of Hate activists v. Powiat Opoczno local self-government unit
Decision date	21 December 2022 (Although the judgement was issued in 2022, we still decided to include it in 2023 report as the decision was published in 2023).
Web link to the decision (if available)	N/A

⁴⁰ Poland, Prime Minister, Regulation on the detailed scope of activities of the Minister for Civil Society Affairs ([Rozporządzenie Prezesa Rady Ministrów z dnia 18 grudnia 2023 r. w sprawie szczegółowego zakresu działania Ministra do spraw Społeczeństwa Obywatelskiego](#)), 18 December 2023.

⁴¹ Ibid.

Case law	
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	<p>In 2019, the mayor of Warsaw signed the “Declaration of LGBT+ program”. The declaration included 10 points of city office commitments to protect and promote LGBT+ rights. In response to this, local government units started adopting resolutions pledging their commitment to, among others, traditional notion of family, protecting children and targeting LGBT communities. The latter declarations were called by the media the “LGBT-free zone” or “Family Charters” declarations.</p> <p>In 2019, powiat Opoczno adopted a resolution that aimed at <i>“strengthening the position of a family and marriage between a man and a women”</i>. The declaration was supposed to be a response to the Declaration LGBT+ signed by Warsaw mayor.</p> <p>Atlas of Hate, a project run by a group of activists, documented the declarations adopted by the local governments. Powiat Opoczno lodged a lawsuit against the group of activists. In the lawsuit, the local government claimed that listing the name of region in Atlas of Hate violated its good reputation. The local government sought damages in the amount of PLN 20,000.</p>
The key legal question raised by the Court	In this case, the Court considered whether the local government has the right to seek the protection of good reputation. Further, the Court also considered whether the project Atlas of Hate, while listing the names of local governments who adopted the “LGBT free zones” or “Family Charters” resolutions, should enjoy the protection of freedom of speech.
Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised	The court dismissed the lawsuit. Relying on the ECtHR jurisprudence, the Court has indicated that the freedom of speech is one of the fundamentals of the democratic society. Freedom of speech is related not only to the information and ideas, but also to the content that could be found as shocking or disturbing. Secondly, the court has found that statements concerning the decision-making process by public authorities constitute a privileged form of expressing opinions and should

Case law	
	<p>enjoy stricter protection (as the freedom of public debate is the cornerstone of the democratic society).</p> <p>The court has also found that the adoption of the resolution was not a response to some local issues that required regulation, but an effect of lobbying activity done by one of the conservative organizations.</p> <p>By adopting the resolution, the local government (Opoczno powiat) joined the nation-wide discussion on LGBT rights and situation in Poland. The Court found that by adopting the resolution the powiat took a stance on one side of the discussion and protested against the postulates promoted by the LGBT+ community and their organizations.</p> <p>The court found that a local government unit by making a radical statement cannot deny any other participant of the discussion the right to criticize it and make an equally radical statement. In the opinion of the court, in the light of Article 10 of ECHR the activists had a right to criticize the local government's declaration.</p>
