

Poland - Human Rights Scorecard ¹

Poland is a central European country that has been a European Union member since 2004. As a former satellite state of the Soviet Union, Poland was significantly poorer than its western neighbours until the 1990s. Economic growth has come quickly, but its benefits were not distributed equally. This resulted in a polarized political system with Europe-oriented Liberals competing with traditionalist Polish conservatives. In 2015, a far-right conservative government came to power. Since then, antisemitism, xenophobia, and anti-journalist sentiments have risen. Poland is still a well-developed country, but it risks a rollback in freedoms if the far-right slide is to continue.

Official language: Polish

Ethnic groups: 96.9% Polish; 1.1% Silesian; 0.2% German; 0.1% Ukranian; 1.7% Other.

Government: Bicameral Parliamentary Republic

- President: Andrzej Duda
- Prime Minister: Mateusz Morawiecki

Death penalty: Abolitionist, de facto in 1989 and officially in 1997

Population: 38.4 million

Life expectancy: 77.8 years

Under-5 mortality: 4 per 1000

Adult literacy: 98.74 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.865 – Very High Human Development ³

According to the UNDP, Poles enjoy a gross national income per capita of \$26,150, and citizens could expect to have on average 12.3 years of schooling. Poland's HDI is very high for its national income, meaning that income in the country is used effectively to improve people's lives.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There are no reports of summary executions.

Freedom from disappearance



Respected ⁵

There are no reports of disappearances in Poland.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected ⁶

While Polish laws prohibit cruel treatment, they do not define torture. This is one of several obstacles to preventing cruel punishment at the hands of law enforcement. Because of this, there are numerous cases of torture or other cruel punishments being imposed by police.

Freedom from arbitrary arrest or detention



Respected ⁷

Polish law prohibits arbitrary arrest and detention, and these laws are generally respected.

Freedom from denial of fair public trial



Partially Respected⁸

While the president and legislature have made some attempts to meddle in the judiciary in the past two years, a fair and public trial with public defenders and a right to appeal is still available. Still, attempts to replace current judges with conservatives are concerning.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

There is not currently widespread interference with people's private lives in Poland. However, this could change soon, as there is a law currently being challenged in court that would roll back surveillance protections for citizens. The law's fate is pending.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 26.59, Rank: 58 / 185 – Partially Diverse, Free, and Independent¹¹

Poland's media isn't completely restricted yet, but it's fallen far since 2014, when its rank was 19. This is because a far-right party has come to power, turned the public media into a government mouthpiece, and begun to harass and intimidate journalists.

Freedom from academic censorship



Respected¹²

There were no reports of academic censorship or interference with cultural events.

Freedom of peaceful assembly and association



Partially respected¹³

The constitution guarantees freedoms of expression and assembly, but the current government is introducing legislation that rolls back these rights.

Freedom of religion



Respected¹⁴

The constitution guarantees freedom of religion and states that religion is a personal choice. Aside from an agreement between Poland and the Holy See that gives Catholics some funding and sponsors catholic education in schools, religions share equal legal status.

Freedom of movement



Respected¹⁵

Poland's constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. These rights are generally respected.

Protection of refugees and stateless persons



Partially respected¹⁶

Poland cooperates with the UNHCR on the status of refugees. Still, there are reports under the new government of border agents summarily deporting refugees to Belarus instead of allowing them to go through established asylum procedures.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



2 / 7 – Free¹⁹

While freedoms of expression and assembly have deteriorated somewhat since the far-right government came to power in 2015, civil liberties in Poland are still in relatively good shape.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



2 / 7 – Free²¹

Polish democracy is intact and working fairly well. Still, uneven distribution of wealth from economic growth has created a deep divide between liberal pro-Europe parties and traditionalist Polish ones. The current conservative government has tried to exercise control over the judiciary.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 60%, Rank: 36 / 180 – Some corruption²³

In Poland, anti-corruption measures, though guaranteed by the constitution, have been weakly enforced.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²⁴

International observers have been allowed to monitor conditions in prisons, detention centers for asylum seekers, and election proceedings.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed – Limited dangers to minorities²⁶

According to Minorities Rights Group International, Poland does not have any minorities which face an immediate threat of violence.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: .728/1, Rank: 42 / 149 – Somewhat equal rights²⁸

Women in Poland do not face discrimination under the law and have good health and educational outcomes. Still, women face discrimination in the workplace and in politics and their participation in each is far lower than that of men.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Protected³⁰

KidsRights has no data on Poland. However, health and educational outcomes are generally good, and there are laws mandating school and preventing child labour.

Rights of persons with disabilities



Partially respected³¹

There are laws protecting those with disabilities, and new accommodations are generally accessible. However, older accommodations are not usually accessible and efforts to retrofit public places is insufficient.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected³²

There are many reports of anti-Semitic, Islamophobic, and xenophobic hate crimes. Additionally, cases of religious community property restitution from the Holocaust and communist seizure of religious property are badly backlogged.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{33 34}

There are no penalizing laws in Poland, all types of discrimination are banned in the constitution, and acceptance is increasing in society. However, discrimination still occurs, there is no provision for marriage or partnership, and hate crime and incitement laws do not protect queer people.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³⁵

Polish law allows for broad freedoms to unionize and strike.

Freedom from forced or compulsory labour



Respected³⁶

Poland has laws prohibiting forced labour and they are adequately enforced.

Freedom from forced labour for children, and a minimum age of employment



Respected³⁷

The minimum age of employment is 16, with reasonable exceptions in artistic, cultural, sporting and advertising industries. Authorities did everything in their power to enforce these restrictions.

Right to acceptable conditions of work



Partially respected³⁸

There is a monthly minimum wage and standards surrounding work hazards and overtime are enforced. However, there have been some incidents of employers withholding pay for the duration of informal contracts with Ukrainian migrant labourers.

Right to employment



4.2% - Reasonable unemployment³⁹

The unemployment has dropped over the last several years in Poland, making it easier to find work.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Feb. 11, 2019 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Poland" UNDP, based on 2017 or the most recent year available. Accessed Feb. 11, 2010. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2017 Poland." U.S Department of State. January 1, 2017. Accessed February 11, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders. Accessed February 11, 2019. <https://rsf.org/en/poland>

¹² "Country Reports on Human Rights Practices for 2017 Poland." U.S Department of State. January 1, 2018. Accessed February 11, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Poland." World Report 2019: Poland. Accessed February 11, 2019. <http://www.hrw.org/world-report/2014/country-chapters/Poland>.

¹⁴ "Poland." International Religious Freedom Report for 2017. January 1, 2018. Accessed February 11, 2019.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Poland." World Report 2019: Poland. Accessed February 11, 2019. <http://www.hrw.org/world-report/2014/country-chapters/Poland>.

¹⁶ "Poland." World Report 2019: Poland. Accessed February 11, 2019. <http://www.hrw.org/world-report/2014/country-chapters/Poland>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed February 11, 2019 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Poland." Freedom in the World 2019: Poland. Accessed February 11, 2019. <https://freedomhouse.org/report/freedom-world/2014/Poland-0#.VIHLzGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed February 11, 2019 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

²¹ "Poland." Freedom in the World 2019: Poland. Accessed February 11, 2019. <https://freedomhouse.org/report/freedom-world/2014/Poland-0#.VIHLzGG9e8>.

²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Poland." Corruption by Country. Accessed February 11, 2019. <http://www.transparency.org/country#BHR>.

²⁴ "Country Reports on Human Rights Practices for 2017 Poland." U.S Department of State. January 1, 2017. Accessed February 11, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples Under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Feb. 11, 2019 <http://peoplesunderthreat.org/>.

²⁶ "Poland." Peoples Under Threat, Minority Rights Group International. 2017, or most recent data. Accessed Feb. 13, 2019. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Poland." World Economic Forum. Accessed February 13, 2019. <http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/#economy=POL>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed February 11, 2019. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2017 Poland." U.S Department of State. January 1, 2017. Accessed February 13, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. Accessed February 13, 2019. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2017 Poland." U.S Department of State. January 1, 2017. Accessed February 13, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Polish Unemployment." CEIC Economic Data. Accessed February 13, 2019. <https://www.ceicdata.com/en/indicator/poland/unemployment-rate>.