

# POLAND ADDED TO CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS  
TO CIVIC FREEDOMS





Civic space in Poland has been in decline since the ruling Law and Justice Party (PiS) came into power in 2015. The government has passed over fifteen laws and reforms which undermined judicial independence, the rule of law and as a result civic space. Women's sexual and reproductive health rights have repeatedly come under threat, most recently by the near-total ban on abortion which came into effect last month. LGBTQI+ persons have faced government led smear campaigns and persecution. Media freedom is under threat, with attempts to undermine and exert control over independent media outlets.

### Ongoing repression of protests

On 22nd October 2020 the Constitutional Tribunal [ruled that](#) abortion in cases of foetal abnormalities are unconstitutional, imposing a near-total ban on abortion. While the court's ruling came into effect in January 2021, the independence and legitimacy of the Tribunal has been severely undermined by reforms implemented by the ruling party since 2015. Thus the lack of independence, impartiality and illegitimacy of this judgement is of great concern. The decision has sparked months of [ongoing](#) protests.

Authorities have [used](#) excessive force on protesters- which include the use of tear gas and pepper spray-kettling tactics and physical violence. Far-right groups, who [were stoked](#) by the government's call to protect churches "at all costs", have also physically attacked protesters. Despite identifying as members of the media, journalists covering protests have been detained and physically attacked by authorities and far-right groups. Protesters of all ages, including minors and older persons, have been intimidated, detained and charged for participating in or expressing support for protests. Thus far, at least 150 people have been detained. Authorities have used [unjustifiable detention methods](#), with persons initially detained in Warsaw being driven to police stations as far as 70 kilometres outside of the capital. In some cases, detainees have had little or no access to legal representation and have been subjected to strip searches or physical violence during detention.

### LGBTQI+ persons persecuted

The PiS government has targeted LGBTQI+ persons through various smear campaigns. About a hundred Polish municipalities [adopted](#) homophobic resolutions "against LGBTI propaganda", thus becoming so called "LGBTI free zones". The incumbent president, Andrzej Duda [attacked](#) LGBTQI+ persons throughout his presidential campaign during the June 2020 elections. Violations against LGBTQI+ persons further escalated in August 2020, when protests [were staged](#) over the arrest of 'Margot S', an activist of the queer collective "Stop Nonsense". Forty-eight people were arrested in total and are facing sentences of up to three years in prison. Other LGBTQI+ activists are currently facing charges for the crime of "offending religious feelings". The Polish parliament is [currently](#) considering the "Stop LGBT bill", which threatens the right to peaceful assembly, as it aims to ban gatherings that promote, among other things, "sexual orientations other than heterosexuality".

## ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN

Poland is rated 'Narrowed' on the CIVICUS Monitor.



## Media freedom under attack

The government has adopted [Hungarian style tactics](#) to undermine media independence. The public broadcaster, Telewizja Polska (TVP), is seen as a government [propaganda tool](#). Recently during protests against the near-total abortion ban, TVP [has run](#) smear campaigns against protest leaders. Independent media outlets such as Gazeta Wyborcza [have faced](#) dozens of strategic lawsuits against public participation (SLAPP) from the government due to its independent coverage. In December 2020, Polska Press- one of the country's largest media publishers with an audience of 17,4 million internet users, was [bought over](#) by PKN Orlena, (a state-owned oil company) whose CEO has close ties with PiS party Leader Jarosław Kaczyński. This month (February 2021), independent media outlets [staged](#) a media blackout protest over fears that the government's proposal to impose an advertising tax will further restrict press freedom.

## RECOMMENDATIONS

### To the Polish government:

- Authorities must refrain from the use of excessive force, physical violence and detention of protesters.
- Police officials who have used excessive force towards protesters must be immediately and effectively investigated and held accountable.
- Authorities must stop the persecution and hateful attacks against LGBTQI+ persons
- Authorities must drop ill-founded charges against protesters, journalists and LGBTQI+ activists
- Restore the independence of the judiciary in Poland including the Constitutional Tribunal and other courts
- Respect the rights of freedom of assembly and stop abusing criminal law provisions against peaceful protests

### TO THE INTERNATIONAL COMMUNITY:

- The European Union and its leaders must firmly condemn attacks against protesters, journalists and LGBTQI+ activists
- The EU must take urgent and immediate action to address fundamental rights violations, including violations of the right to peaceful assembly, expression and overall deteriorating civic space and rule of law in Poland.