

Research Briefing

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Poland: 2023 parliamentary elections and new government



Summary

- 1 The Law and Justice Government, 2015 to 2023
- 2 October 2023 elections: Law and Justice loses power

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Summary

Donald Tusk, leader of the centrist Civic Coalition, was elected Prime Minister by the Polish parliament on 11 December 2023 at the head of a government bringing together three separate political coalitions. This followed parliamentary elections held on 15 October 2023, in which the governing Law and Justice party (PiS) and its allies lost their majority.

Tusk was previously Prime Minister from 2007 to 2014, and President of the European Council from 2014 to 2019.

Law and Justice in power, 2015 to 2023

PiS had been in office since winning the general election in 2015. It retained power at the 2019 parliamentary election. The PiS candidate, Andrzej Duda, won the presidential election in 2015 and was re-elected in 2020. Mateusz Morawiecki led the government as Prime Minister from 2017.

The PiS government promoted traditional conservative positions on social and family issues. It implemented a [near total ban on abortion](#) and employed [anti-LGBT+ rhetoric](#). Alongside this, the government implemented [redistributive tax and spending policies](#), aimed particularly at families.

Critics of the government complained that it had adopted [illiberal and authoritarian practices](#). This involved control of the judiciary and the media. The European Commission launched several legal actions against Poland in relation to its judicial reform programme, citing concerns about the establishment of political control over the judiciary and the “rule of law” in the country. It also launched a [procedure to determine whether Poland was in breach of core EU values](#). EU legal action led to several rulings against Poland by the Court of Justice of the EU (CJEU). The EU also blocked Poland from receiving its share of the EU’s post-covid recovery fund, making this conditional [on implementing further judicial reforms](#) to address its concerns.

Poland opposed an [EU agreement in 2023 to establish a solidarity mechanism](#) in which Member States have the option of taking a share of asylum-seekers from States receiving large numbers of them. Along with Hungary, the Polish government responded by vetoing EU statements on migration.

In May 2023, the Polish parliament approved the establishment of a commission to investigate Russian political influence in Poland between 2007 and 2022. The opposition expressed concern that this [would be used to target its political opponents](#), notably Tusk who was Prime Minister when deals to supply Russian gas to Poland were agreed.

The Polish government [played a leading role in the EU and international response](#) to Russia's invasion of Ukraine since February 2022, including through provision of military equipment and the hosting of refugees. However, it [rowed with the Ukrainian government](#) over its decision to block Ukrainian grain imports in late 2023.

The October 2023 election

During the election campaign, PiS leaders portrayed Donald [Tusk as subservient to Germany and to Russia](#) and a traitor to Polish interests. Tusk [described PiS as "poison"](#) and presented the election as a referendum on the future of democracy in Poland. He pledged to repair relations with the EU.

PiS was the leading party at the election with 35.4% of the vote. It was followed by Tusk's Civic Coalition with 30.7% of the vote and two smaller alliances, the centre/centre-right Third Way (14.4%), and the Left (8.6%). The three opposition blocs together won a majority of seats and signed an agreement on forming a coalition government in November 2023.

Four referendums held by the government on the same day as the election, including one asking voters if they supported the "[admission of thousands of illegal immigrants from the Middle East and Africa](#) under the forced relocation mechanism imposed by the European bureaucracy", failed to reach the 50% voter turnout threshold required for legal validity.

The new government

President Duda initially used his constitutional powers [to appoint a PiS-led government under Morawiecki again](#). But it lost a confidence vote on 11 December, paving the way for the lower chamber of parliament [to vote in a government led by Tusk](#).

Tusk's government has pledged to unblock EU funding by reversing the judicial reforms of the PiS Government. Tusk visited Brussels within days of taking office and said that Poland [would take the rule of law "very seriously"](#).

Tusk has promised continuing Polish support for Ukraine but has said that this [would not come at the cost of Polish entrepreneurs and farmers](#). He [visited Ukraine in January](#) and reaffirmed Polish support for Ukraine's accession to the EU.

The government has also pledged to [overturn the ban on abortion](#), make anti-LGBT+ hate speech a crime and depoliticise the media. Shortly after taking office, the government [removed the board of state TV, radio and press organisations](#).

1 The Law and Justice Government, 2015 to 2023

1.1 The rise of the Law and Justice Party and Civic Platform

Following the end of the Communist system and the first fully democratic elections to Poland's National Assembly in 1991, there was a degree of alternation in government between the post-communist centre-left and centre-right groups. From 1997 to 2001 a coalition led by a centre-right group associated with the Solidarity movement which had previously challenged communism, Solidarity Electoral Action (AWS), held office.

In 2001, AWS split with some members forming the liberal conservative Civic Platform (Platforma Obywatelska, PO) and others forming the more traditional conservative Law and Justice (Prawo i Sprawiedliwość, or PiS) party.¹ PO and PiS subsequently established themselves as the two leading parties in Polish politics.

The post-communist centre-left Democratic Left Alliance (SLD) led governments from 1993 to 1997 and 2001 to 2005 but subsequently went into decline.²

1 The 1997 constitution

The constitution provides for a National Assembly composed of: a lower house, the Sejm with 460 deputies elected by proportional representation; and a directly-elected upper house, the Senate with 100 senators. Members of both houses serve a four-year term.

The Sejm adopts laws. These are reviewed by the Senate, which can adopt amendments or reject the law. However, this can be overridden by the Sejm by an absolute majority vote.

The President of the Republic is the supreme representative of the Polish state and ensures observance with the Constitution. The President is directly elected

¹ Europa World, [Poland: Recent History The Kwaśniewski Presidency](#), accessed 25 September 2023

² Europa World, [Poland: Recent History The Kwaśniewski Presidency](#), [accessed 25 September 2023]

for a five-year term and can be re-elected once. The President heads the armed forces and nominates and appoints the Prime Minister.

The Prime Minister proposes the composition of a Council of Ministers (cabinet) and needs to win a vote of confidence in the Sejm within 14 days of appointment. The Council of Ministers is responsible to the Sejm, both collectively and individually. The Sejm may pass a vote of no confidence in the Council of Ministers specifying the name of a candidate for Prime Minister. The President will then appoint the Sejm's candidate as Prime Minister.

Legislation needs to be signed by the President before coming into force. Where the President has doubts as to the appropriateness of the legislative provisions or their conformity with the Constitution, the President can refuse to sign the act and return it to the Sejm for reconsideration. The Sejm can reject the President's veto by a three-fifth majority.

Where the President is concerned about whether an act complies with the Constitution, he/she can request that the Constitutional Tribunal review its compliance with the Constitution.³

Law and Justice wins power for the first time in 2005

PiS was founded by identical twin brothers, Lech and Jarosław Kaczyński. Lech Kaczyński was elected as President of Poland in October 2005, defeating PO co-founder Donald Tusk in the second round.

PiS was the leading party at the legislative elections in September 2005 with 27% of the vote. It initially formed a minority government but then agreed a coalition government, also involving the Self-Defence Party and League of Polish Families in May 2006.⁴ Jarosław Kaczyński became Prime Minister in July 2006. Following infighting within the coalition, an early election was called for October 2007 in which PO defeated PiS.⁵

Civic Platform wins power in 2007

PO won 41.5% of the votes in the 2007 election and Tusk became Prime Minister at the head of a coalition also including the agrarian Polish People's Party (PSL). Tusk continued as Prime Minister at the head of the PO-PSL coalition after the October 2011 election, with the PO winning 39.2% of the vote. Tusk stood down at the end of 2014, in order to become President of the

³ Europa World, [Poland: Government and Politics](#), [accessed 25 September 2023]. See also [The Constitution of the Republic of Poland](#) [accessed 11 October 2023]; and President of Poland, [Competences, The President on the adopted laws](#) [accessed 11 October 2023]

⁴ BBC News, [Poland profile - Timeline](#), 2 December 2022

⁵ Reuters, [Timeline - Polish politics since 2005](#), 10 October 2011

European Council. He was replaced as Prime Minister by Ewa Kopacz, who remained in office until PiS was returned to power in the October 2015 elections.⁶

President Lech Kaczyński was killed in an air crash, near Smolensk in Russia in April 2010, when on his way to commemorate the 70th anniversary of the Katyn massacre of Polish officers by Soviet forces. His wife and 94 others, including several senior Polish officials also died.⁷ A Commission appointed by the PiS government has subsequently claimed that Russia was behind the massacre, although expert reports have blamed human error and weather conditions.⁸

1.2

Law and Justice election wins in 2015 and 2019

PiS won a majority of seats in the Sejm (the lower house of the National Assembly) with 37.6% of the vote in the October 2015 parliamentary election. This followed the victory of the PiS candidate, Andrzej Duda, in the presidential election in May 2015. The Deputy Chair of PiS, Beata Szydło, was appointed as Prime Minister following the 2015 elections. Jarosław Kaczyński did not seek a post in the government but remained as chair of PiS and was reported to exercise a powerful influence on the government despite not being part of it.⁹ Szydło resigned as prime minister in December 2017, and was replaced as Prime Minister by Mateusz Morawiecki.¹⁰

In general elections in October 2019, PiS formed a United Right list with two smaller parties (United Right and Agreement) and won 43.6% of the vote, retaining the same number of seats (235 seats in the 460 seat Sejm). It however lost overall control of the Senate. Mateusz Morawiecki remained as Prime Minister. PiS-United Right also lost its majority in the Sejm in August 2021 after the Agreement party left the Government following disagreements over economic policy and a proposed media law.¹¹

In Presidential elections in June-July 2020, Duda was re-elected as President in a second-round run-off with 51% of the vote, defeating the Mayor of Warsaw, Rafal Trzaskowski of Civic Platform.¹²

Jaroslaw Kaczynski returned to the government as deputy prime minister in June 2023.¹³

⁶ Europa World, [Poland, Recent History](#), accessed 25 September 2023

⁷ CNN [Poland mourns president's death in crash](#), 11 April 2010

⁸ Euronews, [Polish commission again accuses Russia over 2010 Smolensk plane crash](#), 11 April 2022

⁹ LSE, Aleks Szczerbiak, [Have the 'Kaczyński tapes' had any impact on Polish politics?](#), 15 March 2019.

¹⁰ Europa World, [Poland, Recent History. The Andrzej Duda Presidency](#), accessed 26 September 2023

¹¹ Notes from Poland, [Deputy PM and head of junior coalition partner expelled from Polish government](#), 10 August 2021

¹² Europa World, [Poland, Recent History. The Andrzej Duda Presidency](#), accessed 26 September 2023

¹³ Reuters, [Poland's Kaczynski rejoins government ahead of tough election](#), 21 June 2023

1.3

Social conservatism and concerns about illiberalism

Following its return to office in 2015, PiS promoted traditional conservative positions on social and family issues. This included anti-LGBT+ rhetoric and policies and introduction of a near total ban on abortion (see below). Alongside this, the government implemented redistributive tax and spending policies, aimed particularly at families.¹⁴ This included an expanded programme of child benefit paid to parents and additional one-off payments.¹⁵

An article in Balkan Insight in 2021 described the PiS electorate as:

lower or lower-middle income people, often from outside the big cities, some of whom share the party's nationalist-conservative vision, most of whom vote pragmatically for the party that pays most attention to their economic needs.¹⁶

Critics of the government complained that it had adopted illiberal and authoritarian practices. This involved control of the judiciary (see below) and the media.¹⁷ National and local television broadcasters openly supported the government and attacked the opposition.¹⁸ Through the state-controlled oil and gas company PKN Orlen, the government took control of Polska Press, which owned most regional newspapers, over a hundred regional weeklies, and several hundred online portals.¹⁹ The international Reporters Without Borders non-governmental organisation described the PiS government as having turned public media “into instruments of propaganda”.²⁰

1.4

Dispute with the EU over judicial reforms

The European Commission launched several infringement proceedings (legal actions) against Poland in relation to a judicial reform programme that

¹⁴ Balkan Insight, [Poland's Law and Justice Makes Fresh Pitch to the Left-Behind Voters](#), 19 May 2021. See also LSE Europp Blog, [Why is Poland's Law and Justice party still so popular?](#), 1 October 2019

¹⁵ Ministry of Family and Social Policy, Republic of Poland, [What has changed in the “Family 500+” programme since 1 July 2019](#), 22 July 2019; See also Notes from Poland, [Polish government announces new child benefits for families to “create the future of our nation”](#), 17 August 2021; and European Commission, Employment, Social Affairs and Inclusion, [Employment, Social Affairs & Inclusion](#), accessed 26 September 2023

¹⁶ Balkan Insight, [Poland's Law and Justice Makes Fresh Pitch to the Left-Behind Voters](#), 19 May 2021

¹⁷ See, The Atlantic, [Poland's Experiment in Illiberal Democracy](#), 8 June 2023; and Reuters, [Poland, Hungary turning more authoritarian, rights group says](#), 15 February 2022

¹⁸ The Atlantic, [Poland's Election Is Neither Free nor Fair](#), 4 October 2023

¹⁹ German Marshall Fund of the United States, [How the Integrity of Poland's Elections Is Undermined](#), 12 October 2023

²⁰ Reporters without borders, [Poland](#) [accessed 26 October 2023]. See also Politico, [Is Poland's election fair? Pro-government media bias casts a shadow over vote](#), 15 September 2023

began in 2015. The Commission cited concerns over the independence of the judiciary and the “rule of law” in the country.

In 2017, the European Commission launched an EU procedure to determine whether Poland was in breach of core EU values. It said that the judicial reforms in Poland had put the judiciary under the political control of the ruling majority.²¹ Although the procedure could ultimately lead to the EU sanctioning Poland by removing its voting power in the Council of the EU, it has not progressed to this stage. This would first require a unanimous vote by other Member States. The European Parliament also triggered the same procedure against Hungary in 2018.²²

The European Commission has made several references to the Court of Justice of the EU (CJEU) over the judicial reforms. In July 2021, the CJEU ordered Poland to suspend several provisions of a law on the judiciary adopted in 2019.²³ This related to the disciplinary process for judges. Following a request by the European Commission, the CJEU in October 2021 imposed a daily fine of €1 million per day on Poland, until it complies with the ruling.²⁴

In June 2022, the Polish Government reached agreement with the EU on Poland’s share of the EU’s post-covid recovery fund. But this was made conditional on Poland implementing further judicial reforms to address EU concerns.²⁵ The Polish parliament adopted new legislation on the judiciary in February 2023 aimed at address EU concerns and releasing the EU funding.²⁶ However, the legislation was held up following a request by the President for a review by the constitutional tribunal.²⁷

1.5

Abortion ban

In January 2021, the Government confirmed a near total ban on abortion following a constitutional court ruling in October 2020. Abortion would be allowed in Poland only in cases of rape or incest or when the pregnancy threatens the life of the mother. This followed a legal challenge against the

²¹ European Commission, [Rule of Law: European Commission acts to defend judicial independence in Poland](#), 20 December 2017

²² See House of Commons Library Briefing Paper 9516, [Hungary: Viktor Orbán’s Government and European reaction](#)

²³ Court of Justice of the EU, Reports of Cases, [Order of the Vice-President Of The Court](#) (PDF), 14 July 2021

²⁴ Court of Justice of the EU, Press Release No 192/21, [Order of the Vice-President of the Court in Case C-204/21 R Commission v Poland](#) (PDF), 27 October 2021

²⁵ European Commission, [NextGenerationEU: European Commission endorses Poland’s €35.4 billion recovery and resilience plan](#), 1 June 2022

²⁶ Notes from Poland, [Judicial bill aiming to unlock Poland’s EU funds passes to president for final decision](#), 9 February 2023; and Euronews, [Poland passes new law to appease EU and release funding](#), 13 January 2023

²⁷ Notes from Poland, [Why does the Polish president’s judicial reform law constitutional referral matter so much?](#), 13 March 2023

1993 law permitting abortion in cases of severe foetal disabilities, launched by MPs from the ruling PiS party.²⁸

The new ruling confirmed that women could no longer terminate pregnancies in cases where the foetus has serious abnormalities and is not viable after birth.²⁹ Subsequently there were reports of several [cases of pregnant women dying after being denied an abortion](#).³⁰ Although the law did allow for termination if there is a risk to the woman's life, women's rights advocates said such cases occurred as doctors were scared to terminate pregnancies even in these situations, fearing legal repercussions.³¹

1.6 Anti-LGBT policies

Anti-LGBT+ rhetoric from PiS figures and its supporters intensified in the run-up to the parliamentary elections in 2019 and the presidential election in 2020. In 2019, PiS leader Jaroslaw Kaczynski said there was a threat to Poland from LGBT+ people and from Europe, where families can have “two mummies or two daddies”.³² In June 2020, President Duda called the promotion of LGBT+ rights an “ideology” that was more destructive than communism.³³ In 2019 and 2020, over 90 Polish municipalities, covering around a third of Poland's territory, declared that they were “LGBT-free zones” or “free from LGBT ideology”.³⁴ However, some local municipalities subsequently withdrew their anti-LGBT resolutions, partly because of the threat of EU cohesion funding being withheld.³⁵ Some were also annulled by courts in Poland.³⁶

In July 2021, the European Commission launched legal action against Poland in relation to the LGBT-free zones.³⁷ The action was closed in January 2023.³⁸

²⁸ BBC News, [Poland enforces controversial near-total abortion ban](#), 28 January 2021

²⁹ Reuters, [Thousands in Warsaw join biggest protest so far against abortion ruling](#), 30 October 2020

³⁰ The Guardian, [Protests flare across Poland after death of young mother denied an abortion](#), 28 January 2022

³¹ Euronews, [Polish leader blames low birthrate on women using alcohol](#), 8 November 2022

³² BBC News, [Polish election: Leader targets gay rights as threat to society](#), 8 October 2019

³³ BBC News, [Polish election: Andrzej Duda says LGBT 'ideology' worse than communism](#), 14 June 2020

³⁴ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Poland covering the period of January to December 2020](#), 16 February 2021; and BBC News, [Inside Poland's 'LGBT-free zones'](#), 21 September 2020

³⁵ Reuters, [EU warns Polish regions they could lose funding over 'LGBT-free' zones](#), 6 September 2021

³⁶ Notes from Poland, [Polish top court upholds annulment of anti-LGBT resolutions](#), 29 June 2022

³⁷ European Commission, [EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people, 15 July 2021](#)

³⁸ Notes from Poland, [EU ends legal action against Poland over anti-LGBT zones](#), 16 February 2023

1.7

Disagreements with EU on migration policy

The PiS government opposed initiatives to develop solidarity mechanisms to assist EU Member States receiving large numbers of irregular migrants.

In June 2023, the Council of EU agreed a European Commission proposal for a new “solidarity mechanism”. This provides that where a Member States is under migratory pressure, the other Member States have the option of taking a share of asylum-seekers from them, making a financial contribution or offering alternative support.³⁹ Poland and Hungary voted against the mechanism but were outvoted by other Member States.⁴⁰

Poland’s Prime Minister Morawiecki criticised the decision, referring to “forced relocation” that “violates the sovereignty of the member states”.⁴¹ The European Commission said there would not be “forced relocation” given that there are alternative options to accepting migrants. There is also a possible exemption from all the solidarity options for countries experiencing their own migratory pressure, and this could apply to Poland given it hosts a large number of refugees from Ukraine.⁴²

Poland and Hungary subsequently blocked EU leaders’ statements on migration.⁴³ The Polish government also announced a referendum to be held on the same day as the October 2023 parliamentary election, asking voters whether they “support the admission of thousands of illegal immigrants ... under the forced relocation mechanism imposed by the European bureaucracy”.⁴⁴

1.8

Support for Ukraine

Poland has played a leading role in the EU and international response to Russia’s invasion of Ukraine since February 2022. It has historic concerns about Russia and has been critical of neighbouring countries that had embedded their reliance on Russian energy imports and downplayed concerns about Russian activities.⁴⁵ With the EU’s largest border with Ukraine,

³⁹ Council of EU, [Migration policy: Council reaches agreement on key asylum and migration laws](#), 8 June 2023.

⁴⁰ Euronews, [EU countries strike major deal on migration rules, delivering the first breakthrough in years](#), 8 June 2023

⁴¹ Euronews, [Von der Leyen and Michel praise new EU deal on migration while Viktor Orbán calls it 'unacceptable'](#), 9 June 2022

⁴² Notes from Poland, [EU commissioner: Poland's criticism of migrant pact "incomprehensible" as it would benefit from system](#), 26 June 2023

⁴³ France 24, [Poland and Hungary reject EU plan for migration reform](#), 6 October 2023

⁴⁴ AP News, [Polish government plans referendum asking if voters want 'thousands of illegal immigrants'](#), 13 August 2023

⁴⁵ Atlantic Council, [Poland is leading Europe's response to the Russian invasion of Ukraine](#), 28 January 2023

a huge number of refugees from Ukraine passed through its territory, and Poland [hosted around a million refugees from Ukraine](#).⁴⁶

By the end of July 2023, Polish commitments to Ukraine were worth €4.268 billion, including €3 billion in military aid. Polish support for Ukraine was equivalent to 0.695% of its GDP.⁴⁷ Poland has also strengthened its own defence capacities. NATO forecasts in June 2023 showed that Poland was projected to spend 3.9% of its GDP on defence, more than any other NATO member state.⁴⁸

In late 2023, Poland quarrelled with Ukraine over the issue of Ukraine grain imports. After a request from Poland and other neighbouring countries in March 2023, the EU agreed to temporarily stop Ukrainian grain imports into their countries. However, it lifted the import ban in September, leading to Poland, Hungary and Slovakia announcing their own bans.⁴⁹

This move was criticised by Ukraine's President Zelenskyy and Ukraine also made a complaint to the World Trade Organization. The PiS-led government said it would no longer be transferring military equipment to Ukraine, beyond existing commitments.⁵⁰ The combative stance taken by the Polish government on the grain issue was interpreted by commentators as motivated by a need to retain the support of farmers in the run-up to the parliamentary election.⁵¹

1.9

Relations with Belarus

Poland's relations with Belarus continue to be tense. In 2021, Poland, Lithuania and Latvia, along with the EU, accused the Belarus Government of engaging in "hybrid warfare" by encouraging migrants to travel to Belarus and then sending them to attempt to cross the border into the EU countries. Poland has subsequently reinforced the border with Belarus, but attempted crossings have continued.⁵²

Human Rights organisations criticised the Polish authorities over the treatment of migrants at the Belarus border and the practice of pushing

⁴⁶ UNHCR, [Ukraine situation Flash Update #56](#), 29 September 2023

⁴⁷ Kiel Institute for the World Economy, [Ukraine Support Tracker](#), [accessed 10 October 2023]

⁴⁸ Reuters, [Scope of Poland's spending spree in focus as NATO ups defence goal](#), 12 July 2023

⁴⁹ Politico, [Poland, Hungary, Slovakia impose own Ukraine grain bans as EU measure expires](#), 16 September 2023

⁵⁰ The Guardian, [Poland will no longer send weapons to Ukraine, says PM, as grain dispute escalates](#), 21 September 2023

⁵¹ Financial Times, [The vicious 20-year feud at the centre of Poland's election](#), 11 October 2023

⁵² See House of Commons Library Briefing Paper 9389, [Belarus/EU migrant crisis](#)

undocumented migrants back across the border, and over intimidation of journalists attempting to report on the crisis.⁵³

In the summer of 2023, Poland moved more troops to the border with Belarus, amidst concerns that fighters from the Russian mercenary Wagner Group that had moved to Belarus could attempt to destabilise the situation further.⁵⁴

1.10

Other recent developments

Call for war reparations from Germany

The Polish Government sent an official demand to Germany in October 2022 to enter into discussions on compensating Poland for damage caused during World War II. It said that Germany had a “moral duty” in the matter.⁵⁵ This followed a report by a parliamentary committee which said that Poland was entitled to around €1.32 trillion in reparations.⁵⁶ The German Government rejected the claim, saying that compensation was already paid to former Soviet Bloc nations in the years after the war, and that the Polish government had dropped its demand for reparations in 1953. The Polish government said that Poland had stopped seeking compensation then because of pressure from the Soviet Union.⁵⁷ It said it would be taking the claim to the United Nations (UN).⁵⁸ It also raised the matter with the EU and NATO.⁵⁹

Establishment of state commission to examine Russian influence

In May 2023, the Polish parliament approved the establishment of a commission to investigate Russian political influence in Poland between 2007 and 2022.⁶⁰ The opposition expressed concern that the commission would be used to target its political opponents, notably Donald Tusk who was Prime Minister when deals to supply Russian gas to Poland were agreed.⁶¹ The law was criticised by the USA and the Council of Europe, and the EU began legal action citing concerns about the right to a fair trial and interference in the

⁵³ Human Rights Watch, [World Report 2023: Poland](#), 2023; and Amnesty International, [Poland/Belarus: New evidence of abuses highlights ‘hypocrisy’ of unequal treatment of asylum seekers](#), 11 April 2022

⁵⁴ Reuters, [More Wagner fighters move closer to Polish border, Poland PM says](#), 29 July 2023

⁵⁵ Euronews, [Germany snubs Poland's claim for World War II reparations](#), 4 January 2023

⁵⁶ DW, [Poland pressures Germany on war reparations](#), 7 January 2023

⁵⁷ Euronews, [Germany snubs Poland's claim for World War II reparations](#), 4 January 2023

⁵⁸ Euronews, [Germany snubs Poland's claim for World War II reparations](#), 4 January 2023

⁵⁹ Ministry of Foreign Affairs, Republic of Poland, [Statement by Government Plenipotentiary for Compensation for Damage Caused by German Aggression and Occupation in 1939–1945 and MFA Secretary of State Arkadiusz Mularczyk](#), 3 October 2023

⁶⁰ Politico, [Polish opposition denounces new commission to probe Russian influence](#), 27 May 2023

⁶¹ Politico, [Polish opposition denounces new commission to probe Russian influence](#), 27 May 2023

democratic process in Poland.⁶² The Polish parliament subsequently amended the legislation to remove the power of the state commission to bar individuals found guilty of acting under Russian influence from public office.⁶³

Cash for visas scandal

Media reports in Poland in August and September 2023 claimed that Poland's consular sections had issued around 250,000 visas to migrants from Asia and Africa since 2021 in return for bribes of several thousand euro each. Having been issued with visas, some migrants then travelled on to the rest of the EU and to the USA via Mexico.⁶⁴ The deputy foreign minister with responsibility for consular matters, Piotr Wawrzyk, was dismissed at the end of August and the government said it had arrested several officials over their involvement in the affair.⁶⁵ Opposition politicians accused the government of hypocrisy, given its strong anti-migrant rhetoric.⁶⁶ The European Commission also raised concerns about compliance with EU law and asked for "clarifications" about the matter.⁶⁷

2 Further reading

For further details on the Law and Justice government from 2015 to 2023, particularly its disputes with the EU on judicial reform and migration policy, its approach to LGBT+ rights and response to the war in Ukraine, see Commons Library Briefing: [Poland: The Law and Justice Government and relations with the EU, 2015-2023](#)

⁶² Euronews, [Brussels and Washington raise concerns about Poland's new law to probe cases of 'Russian influence'](#), 30 May 2023; European Commission, [Commission launches infringement procedure against Poland for violating EU law with the new law establishing a special committee](#), 8 June 2023; and European Commission for Democracy through Law (Venice Commission), [Poland – Urgent Opinion on the Law on the State Commission to Investigate Russian Influence on Internal Security in the Republic of Poland between 2007 and 2022 and on the Draft Law amending that Law](#), Council of Europe, 26 July 2023

⁶³ BBC News, [Poland waters down powers of committee investigating 'Russian influence'](#), 16 June 2023

⁶⁴ Politico, [Visas-for-bribes scandal rocks Poland's anti-immigrant government before election](#), 15 September 2023. See also BBC News, [Poland: Government under pressure over escalating cash for visas scandal](#), 16 September 2023

⁶⁵ AP News, [Poland is shaken by reports that consular officials took bribes to help migrants enter Europe and US](#), 16 September 2023

⁶⁶ AP News, [Poland is shaken by reports that consular officials took bribes to help migrants enter Europe and US](#), 16 September 2023

⁶⁷ Euronews, [Brussels asks Poland for 'clarifications' about cash-for-visas scandal](#), 20 September 2023

2 October 2023 elections: Law and Justice loses power

On 8 August 2023, President Duda confirmed that parliamentary elections due to be held in Poland later in the year would take place on 15 October 2023.⁶⁸

The governing PiS-United Right coalition led in the opinion polls ahead of the election, but the polls also indicated that three opposition blocs combined had a good chance of winning a majority of seats and defeating PiS-United Right.

Later in August, the Government also announced four referendums to be held on the same day as the election on a set of controversial questions which it framed the opposition as supporting and itself as opposing. These covered the sale of state assets to foreign entities, an increase in the retirement age, elimination of the border barrier with Belarus and admission of migrants under the EU's relocation mechanism.⁶⁹

2.1 Opposition parties

While standing separately in the election, the following opposition blocs were expected to work together to form an alternative governing coalition if they had a majority of seats after the election:

- Civic Coalition, chaired by Donald Tusk and bringing together Tusk's Civic Platform and other parties including the Modern Party and the Greens. The Coalition has been described as centrist and liberal, although Civic Platform is part of the centre-right European People's Party (EPP) international confederation.⁷⁰
- The Lewica (The Left) alliance. This includes the New Left, formed by a merger of the SLD and the Spring party in 2021, as well as other left-wing groups. New Left supports increased welfare benefits and is progressive on social policy.⁷¹

⁶⁸ Politico, [Poland's president announces election date](#), 8 August 2023

⁶⁹ International Federation for Electoral Systems, [Elections: Poland Referendum 2023](#) [accessed 11 October 2023]

⁷⁰ Atlantic Council, [Your primer on the elections in Poland](#), 11 October 2023

⁷¹ Atlantic Council, [Your primer on the elections in Poland](#), 11 October 2023

- The newly formed Third Way alliance, which brings together the new centrist liberal Polska 2050 and the more conservative centre-right Polish Coalition, which includes the Polish People's Party.

Another opposition group, the far-right and anti-EU Confederation, said it would not join a coalition with the other parties.⁷² Commentators were uncertain as to whether Confederation would lend support to a PiS-led minority government after the election.⁷³ In contrast to PiS, Confederation is viewed as sympathetic to Russia, and favours free market policies.⁷⁴

In the week before the election, opinion polls indicated that PiS-United Right would be the leading force with 36% of the vote, followed by the Civic Coalition with 30%. They were followed by Lewica and the Third Way alliance with 10% each and Confederation with 9%.⁷⁵ While Civic Coalition, Lewica and the Third Way were combined expected to win a majority of votes, the failure of one of the two smaller blocs to reach the 8% threshold required to win seats would make a PiS majority in the Sejm more likely.⁷⁶

3 Electoral system for parliamentary elections

In the lower house of the National Assembly, the Sejm, the 460 members are elected by a proportional representation vote based on party-lists in multi-member constituencies. In order to be allocated seats, parties must win at least 5% of the national vote, and coalitions must win at least 8%. National minorities lists are exempt from the threshold.

In the upper house, the Senate, the 100 members are directly elected by plurality first-past-the-post vote within single-seat constituencies.

Members of both houses serve four-year terms.⁷⁷

⁷² Reuters, [Explainer: What's at stake in Poland's parliamentary election](#), 28 August 2023

⁷³ Aleks Szczerbiak, [Can the opposition win this year's Polish election?](#), Polish Politics Blog, 10 July 2023.

⁷⁴ Notes from Poland. [Far right launches election campaign promising to "give Poland back" to the people](#), 20 February 2023

⁷⁵ Politico, [Politico Poll of Polls, Polish polls, trends and election news for Poland](#), [accessed 11 October 2023]. For further background on the parties and electoral lists competing in the election, see Atlantic Council, [Your primer on the elections in Poland](#), 11 October 2023

⁷⁶ See Euronews, [Poland is one month away from an election that could shake up its national politics](#), 15 September 2023; and Konrad-Adenauer-Stiftung, [The Polish opposition ahead of the 2023 parliamentary elections: How likely are political changes in Warsaw?](#), 1 February 2023

⁷⁷ International Federation for Electoral Systems, [Elections: Poland Sejm 2023](#) [accessed 11 October 2023]; and Interparliamentary Union [IPU PARLINE database: POLAND \(Sejm\)](#) [accessed 11 October 2023]

2.2

Election campaign

During the campaign, PiS leader Jarosław Kaczyński described opposition leader Donald Tusk as “the personification of evil”, a “traitor”, a threat to Poland’s security, and subservient to Germany and to Russia.⁷⁸ Kaczyński said Tusk had facilitated close ties between Germany and Russia, and the energy dependence of the former over the latter.⁷⁹ According to PiS, Tusk ensured that the EU turned a blind eye to German-Russian cooperation on the Nord Stream pipeline bringing Russian gas to Europe.⁸⁰ Morawiecki said that nobody in Poland had done more for Russia and for Germany over the last 15 years than Tusk.⁸¹ Morawiecki also suggested that Tusk had taken the position of European Council President in 2014 to serve German interests.⁸²

Tusk described PiS as “poison”, and a threat to Poland’s security.⁸³ He presented the election as a referendum on Poland’s future as a state with democratic norms, and on its position in the EU.⁸⁴ Civic Coalition has pledged to repair relations with the EU.⁸⁵ At an opposition march called by Tusk on 1 October, he spoke of the need to restore democracy in the spirit of the Solidarity movement of the 1980s.⁸⁶

At the end of August 2023, Tusk pledged he would get EU recovery funding that has been withheld because of EU objections to Poland’s judicial reforms unblocked “the day after the elections” if his party wins. He said that a “bit of goodwill and a bit of competence” would be enough to unblock the money.⁸⁷ However, the government and its supporters suggested this demonstrated that the EU was backing Tusk and using the rule of law issue to return him to power.⁸⁸

⁷⁸ Politico, [Poland’s election: Big hopes but no quick fixes](#), 5 October 2023; The Guardian, [EU veteran Tusk heads into final week of battle to steer Poland from populism](#), 7 October 2023; and Financial Times, [The vicious 20-year feud at the centre of Poland’s election](#), 11 October 2023

⁷⁹ Financial Times, [Germany becomes scapegoat in Poland’s bitter election campaign](#), 4 October 2023

⁸⁰ Financial Times, [The vicious 20-year feud at the centre of Poland’s election](#), 11 October 2023

⁸¹ Financial Times, [Germany becomes scapegoat in Poland’s bitter election campaign](#), 4 October 2023

⁸² AP News, [Polish opposition leader Donald Tusk seeks to boost his election chances with a rally in Warsaw](#), 30 September 2023

⁸³ Politico, [Poland’s election: Big hopes but no quick fixes](#), 5 October 2023

⁸⁴ The Guardian, [EU veteran Tusk heads into final week of battle to steer Poland from populism](#), 7 October 2023.

⁸⁵ Euronews, [Poland’s political parties reveal campaign programs before next month’s general election](#), 10 September 2023

⁸⁶ European Council on Foreign Relations, [Poland before the election: How to reverse illiberalism](#), 12 October 2023

⁸⁷ Notes from Poland, [I will unblock Poland’s EU funds day after election win, pledges opposition leader Tusk](#), 28 August 2023

⁸⁸ Notes from Poland, [I will unblock Poland’s EU funds day after election win, pledges opposition leader Tusk](#), 28 August 2023

In August, Kaczyński promised further judicial reforms if the PiS continued in office after the election, saying that: “This time, no one will stop us”.⁸⁹ PiS has also pledged changes to the retirement age to allow men to retire after 43 years of work, and women after 38 years. In addition, it promised further increases in child benefits, free prescriptions for medicines for people over 65 or under 18 and the removal of tolls on motorways.⁹⁰

In June 2023, Tusk promised to lead a “march towards modernity and tolerance”.⁹¹ This would include allowing legal abortion in the first twelve weeks of pregnancy and allowing same-sex couples to register civil partnerships.⁹² In September, Tusk described LGBT+ people as a “victimised minority” in Poland, and also said Civic Coalition would introduce legislation to simplify the gender-recognition process for trans people.⁹³

During the election campaign, Civic Coalition also proposed increased tax allowances, pay rises for teachers and other public sector workers and state funding for IVF treatment.⁹⁴

Accusations of media bias

Poland’s public broadcaster, TVP, was accused of bias during the campaign by media freedom and journalists’ organisations.⁹⁵ Media Freedom Rapid Response, an umbrella group of European media freedom organisations, released figures during the campaign which showed that for the second quarter of 2023, the governing coalition enjoyed 80% of political coverage, most of which was dedicated to PiS and that coverage of opposition parties was “overwhelmingly negative.” It said that TVP was “failing in the fundamental duty of any public broadcaster to provide fair and balanced political coverage between and during elections”.⁹⁶

Shortly after the election, a former TVP director and presenter said that the broadcaster had been creating “worse propaganda than [under communism] in the 1970s”.⁹⁷

⁸⁹ Rule of Law, [Kaczyński announces the takeover of the courts after the elections. He threatens: ‘No one will stop us’](#), 29 August 2023

⁹⁰ Reuters, [Polish parties lay out retirement, tax policies in poll programmes](#), 9 September 2023

⁹¹ Notes from Poland, [Tusk promises abortion up to 12 weeks and same-sex partnerships in “march towards modernity”](#), 8 June 2023

⁹² Notes from Poland, [Tusk promises abortion up to 12 weeks and same-sex partnerships in “march towards modernity”](#), 8 June 2023

⁹³ Notes from Poland, [Opposition leader Tusk promises simpler gender recognition and same-sex partnerships](#), 22 September 2023

⁹⁴ Reuters, [Polish parties lay out retirement, tax policies in poll programmes](#), 9 September 2023

⁹⁵ Reuters, [Polish public broadcaster faces accusations of bias as election looms](#), 13 October 2023

⁹⁶ Politico, [Is Poland’s election fair? Pro-government media bias casts a shadow over vote](#), 15 September 2023

⁹⁷ Notes from Poland, [“We made propaganda worse than under communism,” admits Polish state TV star after election failure](#), 18 October 2023

2.3

Referendums held on election day

Alongside the parliamentary elections on 5 October 2023, Polish voters voted on four referendum questions.

The referendum questions were as follows:

1. Do you support the sale of state assets to foreign entities, leading to the loss of control by Polish women and men over strategic sectors of the economy?
2. Do you support raising the retirement age, including restoring the retirement age increased to 67 for women and men?
3. Do you support the elimination of the barrier on the border between the Republic of Poland and the Republic of Belarus?
4. Do you support the admission of thousands of illegal immigrants from the Middle East and Africa under the forced relocation mechanism imposed by the European bureaucracy?⁹⁸

PiS opposed all of the measures highlighted in the referendum questions.⁹⁹ Although the opposition parties did not express support for the propositions set out in the referendum questions, PiS sought to associate them with these policies and focus the election campaign on the questions highlighted.¹⁰⁰

The opposition parties criticised the referendum questions and advocated a boycott, saying that the questions were worded in a biased way and intended to misrepresent their positions.¹⁰¹ The referendum results would only be legally valid if at least 50% of eligible voters took part.¹⁰²

In the referendum, the four questions each received a no vote of over 94%. However, the results were all declared non-binding, with less than 50% of those entitled to vote having voted.¹⁰³

⁹⁸ International Federation for Electoral Systems, [Elections: Poland Referendum 2023](#) [accessed 11 October 2023]

⁹⁹ BBC News, [Polish elections: When are they and why is Europe watching closely?](#), 8 October 2023

¹⁰⁰ Notes from Poland, [How will the ruling party's multiple referendums initiative affect the Polish election?](#), 7 September 2023

¹⁰¹ Reuters. [Explainer: What's at stake in Poland's parliamentary election](#), 28 August 2023; and Notes from Poland, [How will the ruling party's multiple referendums initiative affect the Polish election?](#), 7 September 2023

¹⁰² Notes from Poland, [Ex-head of electoral commission calls for boycott of Polish government's referendum](#), 16 August 2023

¹⁰³ Poland National Electoral Commission, [Results of voting in Nationwide Referendum 2023](#) [accessed 4 January 2024]; and International Federation for Electoral Systems, [Elections: Poland Referendum 2023](#) [accessed 23 January 2024]. See also Notes from Poland, [Exit poll: Polish government's referendum invalidated by low turnout](#), 15 October 2023

2.4

Election results

In the parliamentary election held on 15 October 2023, the PiS-United Right alliance came first in terms of vote share (35.4%) and seats in the election, but with 194 seats it fell short of a majority in the 460 Sejm. It was followed by the three opposition blocs, with Civic Coalition receiving 30.7% of the vote (157 seats), the Third Way coalition obtaining 14.4% (65 seats), and the Left getting 8.6% (26 seats). Confederation received 7.2% of the vote, winning 18 seats.

The turnout in the election was over 74%, the highest level registered since the end of communism.¹⁰⁴

Poland Parliamentary Elections, 15 October 2023

Political Party / Election list	Sejm		Senate	
	Vote share %	Seats	Vote share %	Seats
Law and Justice (PiS)-led committee	35.4	194	34.8	34
Civic Coalition (KO)	30.7	157	28.9	41
Third Way	14.4	65	11.5	11
New Left (NL)	8.6	26	5.3	9
Confederation	7.2	18	6.7	0
Senate Pact independents (aligned with KO-Third Way- NL)			2.4	4
Other independent				1
TOTAL		460		100

Sources: Poland National Electoral Commission, [Polish Parliamentary Elections 2023](#) [accessed 4 January 2024]; Notes from Poland, [Polish election result: ruling PiS party top but opposition have majority](#), 17 October 2023; Europa World, [Poland: Government and Politics](#) [accessed 4 January 2024]

Importantly for the opposition, the smaller blocs surpassed the 8% threshold for electoral coalitions, meaning that their majority vote share also translated into a majority of seats in the Sejm, enabling them to claim victory of PiS-United Right. The three opposition blocs combined also won a comfortable majority in the Senate.

Reaction

As results came in, opposition leader Donald Tusk said: “Never in my life have I been so happy about taking seemingly second place. Poland won. Democracy has won. We have removed them from power”.¹⁰⁵

A few days after the election PiS leader Jarosław Kaczyński said that the elections had shown “we are dealing with a certain game of external forces that very efficiently use formations that operate in Poland and, of course,

¹⁰⁴ Euronews, [Donald Tusk vows to bring Poland back to the 'European stage' and unlock COVID-19 recovery funds](#), 25 October 2023

¹⁰⁵ Euronews, [Five things we know so far about Poland election results](#), 16 October 2023

present themselves as Polish, present themselves as patriotic”. He said he was referring to “the Germans and Russians” in describing these “external forces”.¹⁰⁶

On 25 October, Tusk visited Brussels and had an informal meeting with European Commission President Ursula von der Leyen. Tusk said he was there “to speed up the process of returning back to the European stage”. He said that the “whole world” had “seen that democracy, the rule of law [and] freedom are back in fashion, and Poles contributed to it”.¹⁰⁷ Von der Leyen referred to the “record turnout” in the election as proof that “Poles are strongly attached to democracy”.¹⁰⁸

OSCE/Council of Europe findings on the election

The election was observed by monitors from the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE), the Parliamentary Assembly of the Council of Europe (PACE) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).¹⁰⁹ The statement of preliminary findings and conclusions on the election published by the ODIHR on 16 October said that the parliamentary elections were “competitive” with a “wide choice of political alternatives”, but that “the ruling party enjoyed clear advantage through its undue influence over the use of state resources and the public media”. It said that “the public broadcaster openly favoured the ruling party” and there was a “generally narrowing space for independent journalism”. It also referred to a highly polarised campaign “characterized by the wide use of intolerant, xenophobic and misogynistic rhetoric”.¹¹⁰

The statement also noted that holding a government-initiated referendum concurrently “served to amplify the ruling party’s campaign messages, including through the support of state-controlled companies, thereby undermining the separation of state and party and enabled some circumvention of campaign finance regulations”.¹¹¹

¹⁰⁶ Notes from Poland, [Kaczyński suggests Germany and Russia behind opposition parties now set to take power](#), 21 October 2023

¹⁰⁷ Euronews, [Donald Tusk vows to bring Poland back to the 'European stage' and unlock COVID-19 recovery funds](#), 25 October 2023

¹⁰⁸ Euronews, [Donald Tusk vows to bring Poland back to the 'European stage' and unlock COVID-19 recovery funds](#), 25 October 2023

¹⁰⁹ OSCE PA, [More than 100 OSCE PA observers to deploy to Poland for 15 October elections](#), 6 October 2023

¹¹⁰ OSCE ODIHR, [Poland, Parliamentary Elections, 15 October 2023: Statement of Preliminary Findings and Conclusions](#), 16 October 2023

¹¹¹ OSCE ODIHR, [Poland, Parliamentary Elections, 15 October 2023: Statement of Preliminary Findings and Conclusions](#), 16 October 2023

2.5

Aftermath of elections

Under Poland’s constitution, the President appoints the Prime Minister, and the Prime Minister then proposes a government which needs to win a vote of confidence in the Sejm within 14 days of appointment. In the event that a government has not been formed or a government fails to obtain the confidence of the Sejm, then the Sejm will then choose a Prime Minister and members of the government chosen by him/her by an absolute majority. The appointment of the government will then be formalised by the President (see also box 1 in section 1)¹¹².

Following the election, President Duda indicated that he would give PiS an initial opportunity to form a government under outgoing Prime Minister Mateusz Morawiecki. On 6 November, he announced that he had “decided to continue the good parliamentary tradition according to which it is the winning grouping that first gets the chance to form a government”.¹¹³ This move was criticised by some opposition figures for wasting time.¹¹⁴

According to reports, Morawiecki was seeking to split the opposition Third Way bloc and win the support of socially conservative Polish People’s Party (PSL), which made up around half of the opposition Third Way bloc, in order to form a government.¹¹⁵ In an interview published on 4 November, Morawiecki said he was appealing to members of parliament from the Third Way, Confederation and other groups “who care about the social and sovereignty programs and the issue of fighting illegal migration”.¹¹⁶

On 10 November, leaders of the three opposition blocs signed and published a coalition agreement. This included pledges to reverse the judicial reforms of the PiS Government and unlock EU funds, overturn the constitutional court ruling banning abortion, depoliticise public media, make anti-LGBT hate speech a crime, and separate church and state.¹¹⁷

One of the parties that made up the Left bloc, Together (Razem), announced that it was not signing the agreement because it had not obtained guarantees for its policy priorities. These included strengthened trade unions, guaranteed spending levels in healthcare, science and housing and decriminalisation of abortion.¹¹⁸ A firm commitment on liberalising the

¹¹² Sejm, [The Constitution of the Republic of Poland of 2nd April, 1997](#), [accessed 24 January 2024]

¹¹³ BBC News, [Polish president gives Mateusz Morawiecki opportunity to form government](#), 7 November 2023; and Politico, [Poland’s Duda nominates Morawiecki in no-hope bid to form a new government](#), 6 November 2023

¹¹⁴ Notes from Poland, [President Duda gives ruling PiS party first chance to form new government](#), 6 November 2023

¹¹⁵ DW, [Poland: Opposition politician elected speaker of parliament](#), 14 November 2023

¹¹⁶ Reuters, [Polish PM Morawiecki says he is 'not packed', hopes to form coalition](#), 4 November 2023

¹¹⁷ Notes from Poland, [Polish opposition groups sign agreement setting out programme for future coalition government](#), 10 November 2023

¹¹⁸ Notes from Poland, [Polish opposition groups sign agreement setting out programme for future coalition government](#), 10 November 2023

abortion law was opposed by the PSL. However, the seven Together members of the Sejm would support the coalition in a parliamentary confidence vote.¹¹⁹

The new parliament convened for the first time on 13 November. At the first session of the Sejm, Szymon Holownia, co-leader of Polska 2050 (part of Third Way), was elected as Speaker.¹²⁰ Candidates from Civil Platform, The Left, Third Way and Confederation were elected as deputy-speakers. However, the opposition voted against the PiS's candidate as deputy-speaker, the outgoing speaker Elżbieta Witek, citing her actions as speaker.¹²¹

The following week, Morawiecki invited all opposition parties other than the Civic Coalition to coalition talks. These invitations were rejected by the Third Way and New Left. Confederation attended talks, but informed Morawiecki that they would not support his government.¹²²

On 21 November, the European Commission announced approval of Poland revised post-covid recovery plan. This would enable the release of €5.1 billion in pre-financing before the end of the year, provided this was approved by EU Member States in the Council of EU. Further releases of funds would still however depend on Poland's implementation of previously agreed milestones, including those related to judicial reform.¹²³

2.6

New government formed

A new government under Morawiecki, made up mainly of senior civil servants that had worked with the PiS-led government in the past, was sworn-in on 27 November.¹²⁴ Fourteen days after its appointment, and as provided for under the constitution, Morawiecki's government faced a vote of confidence in the Sejm. It lost the vote on 11 December 2023, paving the way later in the day for a new government, led by Donald Tusk as Prime Minister, to be elected by the Sejm.¹²⁵ Following the vote, PiS leader Jaroslaw Kaczynski addressed Tusk directly in the chamber saying: "I know one thing, you are a German agent".¹²⁶

On 12 December, Tusk delivered a statement saying that "October 15 will go down in history as a day of peaceful revolt for freedom and democracy".

¹¹⁹ LSE Euopp blog, [What next for the Polish left?](#), 28 November 2023

¹²⁰ DW, [Poland: Opposition politician elected speaker of parliament](#), 14 November 2023`

¹²¹ Notes from Poland, [Polish opposition take initiative as new parliament meets for first time](#), 13 November 2023

¹²² DW, [Poland: A new government with a very short shelf life](#), 28 November 2023

¹²³ European Commission, [Commission endorses Poland's €59.8 billion modified recovery and resilience plan, including a REPowerEU chapter](#), 21 November 2023; and Euronews, [Poland gets EU greenlight for first payment of recovery funds, worth €5.1 billion](#), 21 November 2023

¹²⁴ DW, [Poland: A new government with a very short shelf life](#), 28 November 2023

¹²⁵ DW, [Polish parliament elects Donald Tusk as prime minister](#), 11 December 2023

¹²⁶ Reuters, [Donald Tusk appointed Polish PM, setting stage for warmer EU ties](#), 11 December 2023

He called for the restoration of national unity and an end to the presentation of “friends and allies” from NATO and the EU as a threat to us.¹²⁷

Tusk said his first foreign trip would be to Brussels, where he would make efforts to unblock EU recovery funds. He also said Poland would continue to support Ukraine and seek to mobilise continuing Western support for Ukraine’s war effort. However, he said that help for Ukraine would not come at the cost of Polish entrepreneurs and farmers. On migration he said that it was possible to build a policy that would secure the country’s borders while also treating migrants humanely.¹²⁸

Tusk said there were differences of opinion within the coalition over how far to liberalise the law on abortion, but that the government would work to enable women to have access to legal abortion.¹²⁹ On the first day of the new parliament, the Left announced it was submitting new bills to liberalise the law abortion. This included a bill to allow abortion in the first 12 weeks of pregnancy, and later for specific reason including threats to the mother’s life, if there was a threat to the mother’s health or life, or if the pregnancy resulted from rape or incest.¹³⁰

Tusk also denounced as “disgraceful” an incident in the parliament building on 12 December, when a member of parliament from the Confederation party used a fire extinguisher to put out candles lit on a menorah to celebrate the Jewish festival of Hanukkah.¹³¹

On 13 December, Tusk and his new cabinet were officially appointed to their posts by President Duda.¹³² The government included two deputy-prime ministers: Władysław Kosiniak-Kamysz, leader of PSL, also taking on the role of defence minister; and Krzysztof Gawkowski, leader of The Left’s parliamentary group, also taking on the role of digital affairs minister. Radosław Sikorski of Civic Platform returned to the role of foreign minister, which he previously held in Tusk’s government from 2007 to 2014.¹³³

The Government announced an amended draft budget for 2024 on 19 December. It said it would maintain the PiS Government’s child benefit programme. Funds were also allocated to an IVF programme which had been cut by the PiS Government. The Government would also increase teachers’ pay by 30% and that of other government employees by 20%.¹³⁴

¹²⁷ DW, [Poland's new PM Tusk sets bold pro-EU agenda in parliament](#), 12 December 2023

¹²⁸ BBC News, [New pro-EU Polish PM Donald Tusk fleshes out programme](#), 12 December 2023

¹²⁹ BBC News, [New pro-EU Polish PM Donald Tusk fleshes out programme](#), 12 December 2023

¹³⁰ Notes from Poland, [Polish Left announces bills to liberalise abortion law on first day of new parliament](#), 14 November 2023

¹³¹ BBC News, [New pro-EU Polish PM Donald Tusk fleshes out programme](#), 12 December 2023

¹³² Chancellery of the Prime , [President Andrzej Duda appoints Prime Minister Donald Tusk and a new Council of Ministers - The Chancellery of the Prime Minister - Gov.pl website \(www.gov.pl\)](#)

¹³³ Notes from Poland, [Who's who in Poland's new government](#), 13 December 2023

¹³⁴ Notes from Poland, [New Polish government updates budget with election promises, including 30% raise for teachers](#), 20 December 2023

2.7

Tusk's government in office: early developments

Request for release of EU funds

Tusk visited Brussels on 15 December, meeting Commission President von der Leyen again. Tusk said that Poland took the rule of law “very seriously” and would spend European funds in a “proper manner”. On the same day, Poland submitted a request to the EU for a €6.3 billion payment under the EU recovery programme. This would require an assessment by the Commission of the reform “milestones” identified in Poland’s recovery plan. Von der Leyen said she looked forward to “working closely together on addressing the milestones on judicial independence” in order to proceed with the payment and that she was hopeful that issues could be resolved.¹³⁵

Removal of board of state media

On 19 December, the new culture minister, Bartłomiej Sienkiewicz of Civic Platform, announced that the chairs and boards of the TVP state television company, and the state-owned Polish Radio and the Polish Press Agency (PAP) had been removed. Broadcasting of the TVP news channel was also cut-off.¹³⁶ This followed the adoption by the Sejm of a resolution calling for the restoration of “impartiality and reliability of the public media”. This led to protests by PiS, which denounced it as “an attack on the free media” and “a violation of the law”.¹³⁷ The move was also condemned by President Duda as unconstitutional and a violation of the principles of rule of law.¹³⁸

On 27 December, President Duda refused to sign into law a budget-related spending bill which included 3 billion zloties (£587 million) of funding for the state-owned media. The Government does not have the required three-fifths majority in the Sejm to overturn a presidential veto.¹³⁹

Imprisonment and pardon of former interior minister

On 20 December, the former PiS interior minister, Mariusz Kamiński, and one of his former deputy ministers, Maciej Wąsik, were given two-year prison sentences in a long-running case relating to their actions when Kamiński was

¹³⁵ Euronews, [‘We take rule of law seriously,’ Tusk says as he meets von der Leyen to unlock EU funds](#),

¹³⁶ Aleks Szczerbiak, [What is at stake in the dispute over Polish state-owned media?](#), The Polish Politics Blog, 3 January 2024. See also Notes from Poland, [How is Poland’s new ruling coalition governing?](#), 22 December 2023

¹³⁷ The Guardian, [Poland’s new government sacks state TV, radio and news bosses](#), 20 December 2023

¹³⁸ Aleks Szczerbiak, [What is at stake in the dispute over Polish state-owned media?](#), The Polish Politics Blog, 3 January 2024

¹³⁹ Aleks Szczerbiak, [What is at stake in the dispute over Polish state-owned media?](#), The Polish Politics Blog, 3 January 2024

head of the Central Anticorruption Bureau from 2006 to 2009. Wąsik was also an official for the bureau in this period. Kamiński and Wąsik had been convicted in 2015 but then pardoned by President Duda. Kamiński then became interior minister in 2019. In June 2023 the Supreme Court rejected the pardons as they had yet to receive a binding conviction due to an ongoing appeal process. The Constitutional Tribunal had ruled that the Supreme Court had no right to rule on the matter, but the case returned to court leading to the conviction in December.¹⁴⁰

Following a court order to arrest them on 8 January 2024, Kamiński and Wąsik sought to evade their arrest by taking refuge in the presidential palace, but police entered the building and arrested them.¹⁴¹ In a press conference on Tusk suggested that President Duda had been obstructing justice. Former prime minister Morawiecki described the two arrested men as “political prisoners”.¹⁴² Both men then announced they had begun a hunger strike, and PiS led protests outside the prison they were being held in.¹⁴³ The following week PiS members stalled proceedings in the Sejm.¹⁴⁴ On 23 January, President Duda announced he had pardoned the two men again.¹⁴⁵

On 24 January, Tusk warned that Kamiński and Wąsik could face prosecution again in the future over their alleged role in the use of Israeli-developed Pegasus spyware against opponents of PiS.¹⁴⁶

On 25 January, PiS leader Kaczyński suggested that the treatment of the two men amounted to “torture” for which Tusk was responsible. He also said there was an “emergency situation” in Poland and the “constitution is practically no longer valid” meaning “various methods can be used”. Tusk suggested that Kaczyński was contemplating staging a coup.¹⁴⁷

Tusk visit to Ukraine

Donald Tusk visited Ukraine on 22 January 2024, meeting with Ukraine’s President Zelensky in Kyiv.¹⁴⁸ Tusk said that Poland would “do everything...to increase Ukraine’s chance of winning this war”. Zelensky said that a new package of defence assistance from Poland had been announced, although the detail was not specified. The two leaders also discussed the possibility of joint arms production ventures between the two countries, and Tusk said there would be investment in companies in Poland and Ukraine to increase

¹⁴⁰ Notes from Poland, [Former PiS ministers given jail sentences in abuse of power case](#), 20 December 2023

¹⁴¹ Le Monde, [Polish police arrest convicted politicians at president’s palace amid escalating government dispute](#), 9 January 2024

¹⁴² Euronews, [One of two politicians arrested in Poland goes on hunger strike](#), 10 January 2024

¹⁴³ Politico, [Polish President Duda pardons 2 jailed politicians in clash with Tusk](#), 23 January 2024

¹⁴⁴ Euronews, [Polish opposition party demand the release of two imprisoned members](#), 16 January 2024

¹⁴⁵ DW, [Poland: Duda pardons politicians jailed for abuse of power](#), 23 January 2024

¹⁴⁶ Financial Times, [Feud between Poland’s Donald Tusk and Andrzej Duda intensifies over presidential pardon](#), 24 January 2024

¹⁴⁷ Financial Times, [Polish opposition leader accused of contemplating ‘coup’](#), 25 January 2024

¹⁴⁸ Kyiv Independent, [Polish PM Donald Tusk pledges unity, end to border blockade during Kyiv visit](#),

defence capabilities. Tusk reiterated Poland's support for Ukraine's rapid accession to the EU and his office announced that Poland would join the G7 framework for long-term security guarantees for Ukraine announced in July 2023.¹⁴⁹

The two leaders also said they had "reached a common understanding" regarding Polish truckers protests since November 2023 that had led to a blockade of some Polish-Ukraine border crossings.¹⁵⁰ The truckers had been complaining about unfair competition from Ukrainian carriers following the relaxation of EU entry permits in the wake of Russia's invasion of Ukraine. The protests were suspended on 16 January following an agreement between the Polish government and the truckers. The government said it would seek changes to EU rules, obtain EU funding for transport firms, and introduce stronger enforcement of controls. The truckers however warned that the blockade would resume in March if changes had not been implemented.¹⁵¹

¹⁴⁹ Kvi Independent, [Polish PM Donald Tusk pledges unity, end to border blockade during Kyiv visit](#), 26 January 2024; and Notes from Poland, ["Nothing more important than supporting Ukraine," says Tusk on Kyiv visit](#), 22 January 2024. For the G7 statement, see UK Prime Minister's Office, [Joint Declaration of Support for Ukraine](#), 12 July 2023

¹⁵⁰ Kvi Independent, [Polish PM Donald Tusk pledges unity, end to border blockade during Kyiv visit](#), 26 January 2024.

¹⁵¹ Notes from Poland, [Truckers suspend blockade of Ukraine border after agreement with Polish government](#), 16 January 2024

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