

Statement of the members of the Civic Solidarity Platform: Polish authorities reduce the space for the activities of NGOs including human rights organizations in the country

24 April 2018

Since the end of 2015, we have seen disturbing trends in the actions of the Polish government and the parliamentary majority formed by the populist-nationalist party, Law and Justice (PiS), which harm the activities of human rights defenders and non-governmental organizations (NGOs) in Poland.

Unconstitutional legislative initiatives have jeopardized both democracy and the rule of law in Poland, particularly the principle of effective separation of powers. Following an acute conflict, the ruling majority in the Parliament de facto subordinated the Constitutional Court to itself, making this state body fully dependent on political decisions.

Numerous leading Polish NGOs including human rights organizations have expressed disagreement with these actions. In July 2017, NGOs took active part in mass peaceful protests aimed at protecting the Constitution, the rule of law and the independence of the judiciary in Poland.

The significant mobilization of society led to President Andrzej Duda vetoing two of the three controversial laws aimed at undermining the independence of the judiciary in July 2017. The independence of the Supreme Court and the National Council of the Judiciary was temporarily preserved. However, the law on the system of ordinary courts came into force, widening the control of the Minister of Justice, who is also the General Prosecutor of Poland, over the courts. And so, as early as in December 2017, despite the next wave of public protests, the Parliament adopted slightly changed, unconstitutional laws that virtually eliminate the independence of the Supreme Court and the National Council of Justice.

In response to the participation of NGOs in peaceful protests, the authorities created numerous restrictions on the third sector. Many civil initiatives critical to the authorities were targeted for attack.

In July 2017, NGOs that criticized state bodies were subjected to escalated and unprecedented pressure. To date, this concerns, in particular, NGOs and initiatives such as: Citizens Solidary in Action [Obywatele Solidarnie w Akcji], Citizens of the Republic of Poland [Obywatele RP], the Open Dialog Foundation [Fundacja Otwarty Dialog], the Committee for the Defence of Democracy [Komitet Obrony Demokracji], Action Democracy [Akcja Demokracja], the All-Poland Women's Strike [Ogólnopolski Strajk Kobiet], the Centre for Women's Rights [Centrum Praw Kobiet], the BABA Lubuskie Association for the Protection of Women's Rights [BABA Lubuskie Stowarzyszenie na Rzecz

Kobiet]. Some of these NGOs faced unjustified inspections, searches and lawsuits, and their representatives were subjected to numerous interrogations and even secret surveillance. Foreigners associated with these organizations are concerned about their future in Poland due to the possibility of losing their right to stay in the country.

For example, the Polish police conducted searches and seized documents and equipment from the offices of several women's organizations (the offices of the Centre for Women's Rights and the BABA Association). This happened the day after protest actions in defense of women's rights in Poland was held in October 2017. Another example: Poland's then-Minister of Foreign Affairs (MFA) filed a motion with the court to appoint what is known as a 'compulsory administration' to replace the existing members of the Management Board of the Open Dialog Foundation [Fundacja Otwarty Dialog]. The dispute, which is being continued by the current Polish MFA Jacek Czaputowicz will eventually be resolved by a court ruling. Similar means were intended to be used against Citizens of the Republic of Poland [Obywatele RP] by the then-Minister of Interior, Mariusz Błaszczak.

Incidents of prosecution of LGBT organizations have been recorded. A particularly alarming signal is the cessation of a number of investigations into physical attacks against LGBT activists and the offices of their organizations. Alongside women's rights organizations, they have been practically cut off from almost all available state-funding. The Polish state clearly favours initiatives focused on nationalist and religious values instead.

Members of the Polish government led by the then-Prime Minister Beata Szydło (in particular, the former Minister of the Interior, Mariusz Błaszczak, his deputy Jarosław Zieliński, the Minister–Coordinator of the Special Services of Poland Mariusz Kamiński, former Foreign Minister Witold Waszczykowski and the Minister of National Defence Antoni Macierewicz) publicly discussed actions to be taken against specific NGOs.

In addition, the aforementioned NGOs, as well as the Office of the Polish Ombudsman, have become victims of information attacks and denigrating media campaigns. These smear campaigns are based on manipulations, half-truths and outright falsehoods. These slanders are spread by state and pro-government Polish media having close ties to the ruling party.

NGOs have been accused of 'manipulating public opinion' and 'artificially provoking protests' 'for money from abroad'. Their representatives are portrayed as 'traitors to the motherland', or 'puppets' in the hands of foreign states and other foreign actors (for example, George Soros, Russia, Germany or 'Brussels elites').

The denigrating campaigns aim to intimidate human rights defenders and undermine the trust of Polish society in the work of civil society. Another dangerous consequence of these campaigns may be the creation of negative attitudes towards any international or foreign structures in society. Recently, the actor and activist for the protection of the secular state Krzysztof Pieczyński fell victim to media harassment, and was subsequently beaten in the street by unknown persons in Warsaw.

Attacks on NGOs and human rights defenders are being carried out with the support of extreme right and nationalist organizations. The attacks are openly xenophobic in nature. In particular, they are being directed against the large community of Ukrainians in Poland. Some victims are being denied the right to Polish citizenship. These actions are related to the participation of Ukrainian citizens living in Poland in protests, as well as the work of the Open Dialog Foundation [Fundacja Otwarty Dialog] and other Polish organizations which provided humanitarian assistance to Ukraine in the period of Euromaidan.

Reluctant response of the law enforcement bodies to the nationalist and xenophobic incidents leads to growing number of assaults on foreigners in Poland.

Members of the right-wing parties of the Sejm and Members of the European Parliament from Poland are also carrying out hostile actions against specific NGOs and civil society in general. For example, six members of parliament have made public statements about the need to restrict or even stop the activities of the Open Dialog Foundation (Fundacja Otwarty Dialog). The organization was accused of representing an 'external' leftist 'threat to the Polish State', 'violating Ukrainian-Polish relations' and, in general, 'provoking an uprising' in Poland. No facts exist which would confirm that the organization has been carrying out such activities and, thus, no such evidence has been presented.

At the moment, according to the reports prepared by the Citizens of the Republic of Poland movement [Obywatele RP] (based on the gathered information), approximately 800 court proceedings are being conducted either directly against participants in the social protests and activists in social movements or in relation to their activities. In the report on oppression produced by the Citizens of the Republic of Poland¹², as of the end of January 2018, 472 court trials had been initiated against protesters under the Code of Petty Offences; while a month earlier, there had been only 367 such trials. Twenty-eight criminal cases had been initiated under the Criminal Code (a month earlier there had been only 14 criminal cases), and nine persons were facing criminal charges.

Serious problems are also being caused by the new law on gatherings, which is highly controversial and widely perceived as unconstitutional, and which promotes the so-called cyclical gatherings, such as the Smolensk tragedy monthly commemoration (monthly demonstrations led by the leader of the ruling party, Jarosław Kaczyński, carried out with privileges unavailable to any other forms of street demonstration). For this reason, the Mazovian Voivode [governor] has regularly imposed a ban on pro-democracy protest actions organized on the same day by the Citizens Solidary in Action [Obywatele Solidarnie w Akcji]. Still, all of his previous decisions have been rejected by the District Court in Warsaw.

Serious concern over these attacks on the supremacy of civil rights and freedoms in Poland have been repeatedly expressed by members of the Parliamentary Assembly of the Council of Europe (Resolution 2188 (2017)³, written declaration 641⁴), pointing out in the statement on the resolution of 26 January 2018⁵ that their demands have thus far been ignored by the Polish authorities.

The space for a dialogue between civil society and the authorities continues to shrink. Representatives of non-governmental organizations (particularly those affiliated with Citizens of the Republic of Poland movement [Obywatele RP]) are commonly deprived of the opportunity to attend meetings and hearing of the Parliament's Commissions. Several questionable legislative initiatives which address the most important aspects of public life are being considered without any public consultation. In particular, these include changes in the legislation on the police, the introduction of anti-terrorism legislation, and amendments to the law on the Institute of National Remembrance (this last has already been adopted).

The authorities have changed some of the procedures for allocating public funds to NGOs. On 26 September 2017, the Senate passed a law regarding the National Institute of Freedom - Centre for the Development of Civil Society. The law was presented as being part of the government's actions to strengthen civil society. However, the

¹ <https://obywatelerp.org/wp-content/uploads/2018/02/Raport-ObyPomoc-Miesieczny-2018-01.pdf>

² <https://obywatelerp.org/wp-content/uploads/2018/02/Raport-ObyPomoc-Zbiorczy-do-2018-01-31-ENG.pdf>

³ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileId=24214>

⁴ www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24220&Lang=EN

⁵ <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNpdjE1hSZWYvWDJlURXLWV4dHluYXNwP2ZpbGVpZD0yNDQ4OCZsYW5nPUVO&xsl=aHR0cDovL3NlbWVudGlicGFjZS5uZXQvWHNsdc9QZGYvWFJlZi1XRC1BVC1YUWwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTIONDg4>

law was sharply criticized by the associations of NGOs and the Commissioner for Human Rights.

The law centralizes the government funds for public organizations within the framework of the established Centre. Since it is aimed at promoting activities which are in line with Christian and patriotic values, funding may become inaccessible for organizations whose work does not correlate with such values. Such an approach by the authorities violates the Constitution, which protects diversity of beliefs and views. The law was signed by the President on 12 October 2017 jeopardizing the independence of civil society in Poland.

Also, NGOs have recorded incidents of public funding having been either provided or terminated for political or ideological reasons.

In connection with the recent disturbing events, the International Civic Solidarity Platform hereby calls for the restoration of the participation of public and human rights organizations in democratic processes in Poland, a return to the European standards of interaction between civil society and government structures, and a guarantee of the independence of civil society initiatives in Poland.

Signed by the following organisations:

1. *The Center for Civil Liberties (Ukraine)*
2. *Helsinki Foundation for Human Rights (Poland)*
3. *Humanrights.ch*
4. *Libereco – Partnership for Human Rights (Germany/Switzerland)*
5. *International Bureau for Human Rights and the Rule of Law (Kazakhstan)*
6. *Citizens' Watch, St. Petersburg (Russia)*
7. *Moscow Helsinki Group (Russia)*
8. *Public Verdict (Russia)*
9. *Bir Duino (Kyrgyzstan)*
10. *Public Association "Dignity"*
11. *Helsinki Citizens' Assembly – Vanadzor*
12. *Helsinki Committee of Armenia (Armenia)*
13. *KRF Public Alternative (Ukraine)*
14. *DRA - German-Russian Exchange (Germany)*
15. *"OMCT - World Organisation Against Torture"*
16. *Human Rights Monitoring Institute (Lithuania)*
17. *Legal Transformation Center (Belarus)*
18. *International Partnership for Human Rights (Belgium)*
19. *Bulgarian Helsinki Committee (Bulgaria)*
20. *Helsinki Association for Human Rights NGO Armenia (Armenia)*
21. *Human Rights Matter e.V. (Germany)*
22. *The Barys Zvozhkau Belarusian Human Rights House (Belarus)*
23. *WILPF Germany (Germany)*
24. *Association UMDPL (Ukraine)*
25. *Norwegian Helsinki Committee*
26. *The Kosova Rehabilitation Centre for Torture Victims (KRCT) from Kosovo*
27. *ZARA - Zivilcourage und Anti-Rassismus-Arbeit (Austria)*
28. *Women of the Don (Russia)*
29. *Crude Accountability*

30. *Bir Duino (Kyrgyzstan)*
31. *Citizens Watch (Russia)*
32. *Regional Center for Strategic Studies (Georgia/Azerbaijan)*
33. *Centre for the Development of Democracy and Human Rights (Russia)*
34. *UNITED*
35. *Netherlands Helsinki Committee*

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