

# Information on the recent challenges faced by human rights defenders and civil society in Poland



## Overview of challenges faced by human rights defenders and civil society

Prepared for  
the United Nations Special Rapporteur  
on the situation of human rights defenders

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## **Executive summary**

Since the end of last year, we observe and are victims of a number of disturbing trends, detrimental to the work of human rights defenders (HRDs) and non-governmental organizations (NGOs) in Poland. The governing majority concentrated its effort to block the work of the Constitutional Tribunal, by failing to appoint the judges elected by the previous parliament and by adopting laws aimed at paralysing the Constitutional Court. The constitutional crisis poses a serious threat to safeguarding the rule of law and the separation of powers.

The disturbing trends, relevant to the situation of HRDs and NGOs consist of legislative measures, including changes to the law on police, the introduction of the antiterrorist law and proposed amendments to the law on National Remembrance Institute. These changes hinder the ability of human rights defenders and non-governmental organizations to fulfil their watchdog function. Moreover there are plans to establish a National Centre for the Development of Civil Society that would centralize the cooperation with NGOs and the distribution of state-funding. This would make NGOs who carry out public tasks completely dependent upon the government.

The introduction of different legislative measures has been accompanied by an ongoing smear campaign in public media against several human rights defenders and NGOs, as well as against the Office of the Commissioner for Human Rights. The aim of the attacks is to undermine the trust in the work of non-governmental organizations and to intimidate human rights defenders.

Moreover there were several instances of the involvement of the prosecution in court proceedings against LGBT organizations. These interventions suggest condoning homophobic statements and discriminatory practices.

Another worrying element is the discontinuation of a number of preliminary proceedings concerning physical attacks on LGBT activists and their premises. Finally, NGOs have identified cases when public funding was granted or denied on political grounds.

The described trends result in an increasingly restricted space for public debate in general, and for the work of independent civil society in Poland. In light of those challenges, the authors of this report would like to urge the Rapporteur to address the situation in Poland publicly.

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## 1. Introduction

After the parliamentary elections of October 2015 many substantial changes were introduced to the Polish legal system. The governing majority concentrated its effort to block the works of the Constitutional Tribunal, by failing to appoint the judges elected by the previous parliament and by adopting laws aimed at paralysing the Constitutional Court. The constitutional crisis poses a serious threat to safeguarding the rule of law and the separation of powers. At the same time, the new governing majority adopted many changes to the laws on police, public media and anti-terrorism. All these changes have raised serious concerns from the perspective of human rights protection. Currently the government is proposing new draft legislation on assemblies and the creation of a centralized body distributing funds for civil society, which will directly affect the functioning of civil society in Poland.

In many cases the changes to the laws were not preceded by public consultations. In cases in which consultations were organized, they were a façade. Moreover NGOs representatives have been denied the possibility to speak during meeting of parliamentary commissions. While before the last year elections there was an ongoing dialogue between NGOs and the ministries,

this no longer is the case. The government seems uninterested in the opinion of the civil society representatives.

Since the end of last year we have also observed other worrying trends that have a detrimental effect on the ability of the human rights defenders and non-governmental organizations to operate freely and independently. Besides the introduction of new legislation, these trends consist of media smear campaign, involvement of the prosecution in court proceeding against LGBT organizations, discontinuation of proceeding in cases of physical attacks on LGBT activist and their premises, as well as granting public funds on presumably political grounds.

The aim of this document is to give an overview of the challenges currently faced by human rights defenders and civil society in Poland, and provide recommendations for the possible actions that could be taken by the Special Rapporteur.

## **2. Limited space for dialogue**

### **2.1 General comments**

The dialogue between civil society organizations and the parliament or ministries has become increasingly difficult. The laws passed by the parliament, despite the fact they are prepared by different ministries, are introduced to the parliament as bills authored by the members of parliament. This enables bypassing the law, which requires all draft legislation prepared in the ministries to be consulted with civil society once introduced to the parliament.<sup>1</sup> There is no such a requirement as far as bills drafted by members of parliament are concerned.<sup>2</sup> This practice excludes civil society from the process of drafting new laws. As a result bills are not assessed from the perspective of human rights standards.

Another worrying practice is denying civil society organizations access to parliamentary committees working on a particular draft. If participation is allowed, in many cases NGOs are not given the possibility to voice their concerns. This was the case during the session of the legislative committee that took place 21 December 2015. For eight hours a lawyer from the Helsinki Foundation for Human Rights was asking for a possibility to speak, however the chairman of the committee did not grant it<sup>3</sup>.

Similarly, the cooperation with the ministries is becoming increasingly difficult. Civil society's requests for meetings are ignored for months. This hinders particularly the work of NGOs working on human rights defenders in post-soviet region. Previously, regular study visits (and meetings with ministries) were organized. Currently it is no longer the case.

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<sup>1</sup> Regulamin pracy Rady Ministrów, 29 October 2013

<sup>2</sup> Regulamin Sejmu, 30 July 1992

<sup>3</sup> Details of the incident were described at: <http://wyborcza.pl/1,75398,19382391,prawnik-helsinskiej-fundacji-nie-dopuszczony-do-glosu-po-osmiu.html>

## **2.2 Dissolution of consultation platforms in the field of antidiscrimination**

Since the 2015 elections, the government has made particular attempts to limit the ways in which civil society organizations can cooperate with policy makers on the issue of discrimination, racism, xenophobia and homophobia.

On 27 April 2016 the Prime Minister Beata Szydło dissolved the Council for Counteracting Racial Discrimination, Xenophobia and Related Intolerance. The Council was established in 2013 and its primary task was to enable the coordination of the works of different public institutions in the area of combatting hate speech and other acts of intolerance. The Council was a cross-governmental body that provided a platform for discussions with civil society organizations. The decision to abolish it was not consulted with human rights defenders involved in its work. An alternative forum was not proposed.

At the end of 2015 the Ministry of Interior's Human Rights Protection Team attempted to form a consultation platform called the Working Group on Countering Hate Crimes. During the first meeting, subgroups were formed to discuss specific issues. The meeting of the first subgroup on hate speech was called for several months later (July 2016). It was, however, cancelled last minute, supposedly due to the World Youth Days taking place at the same time. Until 25 November 2016 no more meetings of the Working Group took place.

At the beginning of November 2016, the Ministry of Interior and Administration dissolved the Human Rights Protection Team, which worked with NGOs on hate crime and human rights issues. Team members and tasks were merged into a larger unit dealing with European migration and anti-trafficking. The decision was criticized by human rights NGOs, who see this move as part of dismantling the system of countering hate crime.

## **3. Legal developments**

Below we briefly discuss legal amendments which either have been announced or are already adopted that, in our view, have or might have a negative impact on the ability of human rights defenders and non-governmental organizations to fulfil their watchdog function.

### **3.1 The law on National Remembrance Institute**

A bill is currently being discussed that would amend the law on National Remembrance Institute.<sup>4</sup> The proposed modification is aimed at criminalizing the act of ascribing to the Polish nation or the Polish state the responsibility for crimes against humanity committed by the Third Reich.

The bill, however, is not limited to statements concerning historical facts. It provides for measures of civil-legal protection against violations of the "reputation" of Poland or the Polish nation. According to the proposal a lawsuit could be brought by the Institute of National Remembrance or a non-governmental organization within the scope of its statutory tasks.

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<sup>4</sup> Projekt ustawy o zmianie ustawy o Instytucji Pamięci Narodowej - Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu, ustawy o grobach i cmentarzach wojennych, ustawy o muzeach, ustawy o odpowiedzialności podmiotów zbiorowych za czyny zabronione pod groźbą kary oraz ustawy o zakazie propagowania komunizmu lub innego ustroju totalitarnego przez nazwy budowli, obiektów i urządzeń użyteczności publicznej (nr druku sejmowego 806)

We fear that in the future this provision may be used against watchdog organizations and human rights defenders, particularly those active at the international fora, for voicing critical opinions about the government's actions or providing information (e.g. preparing reports, statements) about irregularities in the functioning of the state institutions.

### **3.2 The Law on Assemblies**

There are plans to amend the law on assemblies and introduce a new type of assembly - a periodic assembly.<sup>5</sup> Currently organizers of an assembly are required to notify the local government. However in the case of periodic assemblies a permission would be issued by the voivode (wojewoda – Head of the Region), who is a representative of the national government.

The amendments would create a hierarchy of assemblies. It would be impossible to organize a demonstration in the same location where an assembly organized by public authorities or churches is to take place. Moreover the periodic assembly would be more privileged than other types of demonstrations of citizens. The decision of the voivode would force local government to prohibit the organization of the other type of assembly. Moreover the amendment would prohibit organizing counter-demonstrations to periodic assemblies.

There were a number of massive demonstrations organized in recent months all over Poland as a protest against violations of human rights and the rule of law. For example on 3 October 2016 manifestations against the proposal for a complete abortion ban were organized in more than 190 villages, towns and cities across Poland. They gathered ca. 162 000 participants. We fear that the plans to amend the law on assemblies would limit the right to protest against human right violations.

### **3.3 Plans to establish a National Centre for the Development of Civil Society (Narodowe Centrum Rozwoju Społeczeństwa Obywatelskiego)**

The government is planning to establish a National Centre for the Development of Civil Society.<sup>6</sup> It will centralize the cooperation with civil society and the distribution of state-funding. Currently the distribution of funds is decentralized between different ministries and local governments, which guarantees more pluralistic distribution of resources.

The draft law is an arbitrary proposal that has not been consulted with representatives of the civil society. It would introduce a number of changes to the current law on Public Benefit Activity and Voluntarism of 2003, the adoption of which had been preceded by extensive public consultation.

The National Centre would be controlled by the Prime Minister through a nominated plenipotentiary. The government would have a decisive role in deciding about the composition of the Centre's governing bodies - the Director and the Council, and it would define programs

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<sup>5</sup> Projekt ustawy o zmianie ustawy – Prawo o zgromadzeniach (nr druku sejmowego 1044)

<sup>6</sup> The proposal is not yet available on the official website, however it has been leaked and is available on a website run by a civil-society association. It is dated 31 October 2016.

<http://wiadomosci.ngo.pl/files/wiadomosci.ngo.pl/public/filespublic/projekt-narodowe-centrum-rozwoju.pdf>

for the development of civil society. The thematic areas for projects would be proposed by the Director and approved by the Council without the participation of the civil society.

The draft law prescribes that funds would be granted after a competition. There would be a mechanism of complaint for NGOs in case they did not agree with the competition outcome. However, the complaint would not suspend the decision to grant funds.

We are concerned that, if the law is adopted, NGOs critical towards policies of the government and promoting strong democracy standards will be systemically denied any financial support, which will be directed to pro-government organisations.

### **3.4 Amendments to the law on Police and the adoption of the anti-terrorism law**

In February 2016 the act amending the law on Police and some other laws was adopted.<sup>7</sup> It modified several laws regulating activities of different law-enforcement and intelligence agencies. The amendments gave state agencies the power to gain access to “internet data”, which encompasses not only the metadata, but may also include the content of communication. The extensive surveillance competences and the lack of oversight may be used against all citizens, however in our view, watchdog organizations, due to the nature of their work, are in particular danger.

Moreover, the new antiterrorist law<sup>8</sup> that was adopted in June 2016 and poses a serious threat to basic rights of foreign nationals, who may now be subject to phone-tapping and surveillance without court oversight, can affect human rights organizations providing assistance to refugees and migrants. The law does not contain any safeguards against the abuse of surveillance measures. Moreover the law allows for blocking websites and prohibits the purchase of anonymous prepaid phone-cards. This may negatively impact watchdog organizations’ ability to communicate with anonymous sources.

## **4. Smear campaigns against human rights defenders**

### **4.1 Description of event**

At least seven broadcasts showing the work of human rights defenders in a negative light were aired in Wiadomości, the main news service of TVP 1, between October 24-30.<sup>9</sup> The broadcasts focused on civil society actors (organizations and individuals) who work on rule of law, democratic governance and human rights, and who had received public funding for their work in the past.

Based on publicly available documents, the broadcasts alleged that some HRDs received public funds in a fraudulent, non-transparent way, through family and personal ties. The broadcasts used graphs and animations showing money transfers, and featured commentaries by right-wing

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<sup>7</sup> Ustawa o zmianie ustawy o Policji i niektórych innych ustaw (druk sejmowy 154)

<sup>8</sup> Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych

<sup>9</sup> See the list of broadcasts on <http://www.hfhr.pl/wp-content/uploads/2016/11/Skarga-KRRiT-Wiadomosci-TVP.pdf>

journalists which suggested that there are irregularities in the way public money is being transferred to HRDs.

While making allegations, the broadcasts were not backed by any evidence of breach of law or any other irregularities, such as waste of public funding or problems with settlement of grants.

Particularly, the following HRDs were mentioned in the context of receiving public funds for their work, as a clear mean to attempt to discredit them due to such funding:



Example of "informatory" boards broadcast in the main news *Wiadomości* at 19.30 on 25 November 2016.

- Organizations: Fundacja Rozwoju Demokracji Lokalnej (Foundation for the Development of Local Democracy);
- Fundacja Pracownia Badań i Innowacji Społecznych ‘Stocznia’ (Foundation Workshop of Research and Social Innovations ‘Shipyard’);
- Stowarzyszenie Klon/Jawor (Association Maple/Sycamore);
- Stowarzyszenie 61 (Association 61);
- The following individuals: Róża Rzeplińska, Zofia Komorowska, Jakub Wygnański, Urszula Krasnodębska, Jerzy Stępień, Commissioner for Human Rights Adam Bodnar, and Katarzyna Sadło. All of the above HRDs, targeted by the campaign,

are known for their public engagement, working professionally and volunteering in numerous initiatives.

Before the October smear campaign there were other attempts to discredit HRDs. On 5 February 2016 Amnesty International (AI) organized in front of the President’s Andrzej Duda’s office a protest against the new law on the police. At one point a number of protesters started shouting “Duda to Wawel” (Wawel is where the late president Lech Kaczyński was buried) when AI director, Draginja Nadazdin was speaking. She and other organizers interrupted them. Few minutes after organizers clearly said there is no place for this kind of statement at the AI’s protest. Situation was published on youtube on the same evening and few months later aired in *Wiadomości*, without however the fragment where the organizers interrupt the other protesters. A number of offensive and abusive comments about the director and the organization followed.

In our view discrediting HRDs by public broadcaster is an attempt to intimidate HRDs and discourage them from continuing their work. It delegitimizes them in the public eye and limits their ability to perform their work in a professional capacity, as being driven primarily by financial gain, rather than by human rights-related motives.

More recently, on 5 November 2016, following the review of Poland at the United Nations Human Rights Committee, public media criticized the Commissioner for Human Rights, Adam

Bodnar, for having his Office participate in the reviews<sup>10</sup>. Some members of the Parliament stated that Adam Bodnar should be dismissed from his position. Such an act of reprisal against the Commissioner is extremely worrying and indicates the climate in which Polish human rights defenders are currently working.

## 4.2 Legal and policy framework

According to the provisions of the 2004 Act on public benefit activity and volunteerism<sup>11</sup>, and the principles of subsidiarity, grants to carry out public services, such as providing training to public administration, support victims of crimes or conduct research, are provided to civil society actors in open and transparent competitions.

The 1993 Act on Radio and TV<sup>12</sup> imposes on public television the duty to broadcast information respecting the principles of impartiality, balance and independence.

According to OSCE guidelines, “[s]tate institutions and officials must refrain from engaging in smear campaigns, negative portrayals or the stigmatization of human rights defenders and their work. This includes the negative labelling of human rights defenders, discrediting human rights work and human rights defenders or defaming them in any way.”<sup>13</sup>

The consecutive UN experts on HRDs have condemned smear campaigns. For example, in 2001, in her first report to the UNGA, the Special Representative of the Secretary General on human rights defenders reported that “smear campaigns against human rights defenders have become a tool increasingly used to discredit their work.”<sup>14</sup> Since, United Nations resolutions on human rights defenders have repeatedly called upon States and leaders in all sectors of society to acknowledge publicly the important and legitimate role of human rights defenders, and avoid stigmatisation.

## 4.3 Reaction to the smear campaign

On 23 May 2016 a number of Polish NGOs signed a common statement in which they criticized the broadcast accusing the AI Director of chanting the offensive slogans, and underlined that the aim of the material was to discredit Amnesty International.<sup>15</sup>

Following the October smear campaign on public TV, on 8 November 2016, 135 civil society organizations signed a protest letter addressed to the TVP, criticizing the biased character of the broadcasts. As of 25 November 2016 the letter was additionally signed by 1969 individuals.<sup>16</sup>

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<sup>10</sup> The material is available on: <http://wiadomosci.tvp.pl/27619875/05112016-1930>

<sup>11</sup> Ustawa z dnia 24 kwietnia 2003 r. o działalności pożytku publicznego i o wolontariacie, Dz.U. 2003 nr 96 poz. 873

<sup>12</sup> Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji, Dz.U. 1993 nr 7 poz. 34

<sup>13</sup> ODIHR, Guidelines on the Protection of Human Rights Defenders, on: <http://www.osce.org/odihr/119633?download=true>, ODIHR, Warsaw, 2014, p. 62.

<sup>14</sup> Cited in ODIHR, Guidelines, op. cit., p. 62.

<sup>15</sup> The letter is available on: <http://www.hfhr.pl/list-organizacji-pozarzadowych-do-prezesa-tvp/>

<sup>16</sup> Organizatorzy, List protestacyjny organizacji pozarzadowych – dołącz swój podpis, on: <http://wiadomosci.ngo.pl/wiadomosc/2001353.html>

In reaction to the smear campaign, the Helsinki Foundation for Human Rights filed a complaint with the National Radio and TV Council (Krajowa Rada Radiofonii i Telewizji – KRRiT) on 3 November 2016.<sup>17</sup> The KRRiT responded on 8 November 2016 saying that it asked the TVP to deliver the broadcasts for investigation. As of 25 November 2016, the investigation is pending.

Neither the president nor the prime minister have taken a stance on the smear campaign. On 25 November 2016, the deputy prime minister Piotr Gliński, speaking about “certain broadcasts and publications”, said that “if someone feels insulted then he feels obliged to apologize.” In this context, he mentioned the names of R. Rzeplińska, Z. Komorowska and J. Wygnański. Mr. Gliński said that “those people were put in a critical light in connection with [the fact] that the non-governmental sector sometimes does some things in an improper way or in a way that one could criticize.”<sup>18</sup> While the words of Mr. Gliński are read by some as an apology,<sup>19</sup> the fact that they were put in a context of alleged irregularities in the NGO sector overshadows the supposed condemnation of the smear campaign. The statement of the deputy prime minister did not stop further materials on NGOs to be broadcasted in Wiadomości TVP.

## **5. Engagement of the prosecution in court cases relevant to human rights**

Another worrying trend is the engagement of the prosecution in court proceedings on the side of the party whose actions are discriminatory or violated human rights. In this context it is important to point out that in Poland the office of the Minister of Justice and the Prosecutor General have been combined. In view of the authors of this report the prosecution’s interventions in the described cases condone violations of human rights. Moreover the involvement and the statements by the Prosecutor General constitute an attempt to influence the court.

For example, Prosecutor General/Minister of Justice intervened in the case of a print shop employee who denied a service to a representative of the LGBT Business Forum saying that he would not participate “in the promotion of LGBT”. The employee was found guilty of a misdemeanour (case no. 7W 1640/16, judgment of 21 June 2016). The decision of the court was appealed. The Prosecutor General/Minister of Justice said he would oversee the proceeding in order to ensure a fair ruling. He wrote on his website that the courts are obligated to protect

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<sup>17</sup> Helsinki Foundation for Human Rights, Complaint to the National Radio and TV Council, on: <http://www.hfhr.pl/wp-content/uploads/2016/11/Skarga-KRRiT-Wiadomosci-TVP.pdf>

<sup>18</sup> Baran, V., Piotr Gliński: jestem gotów przeprosić Zofię Komorowską i Różę Rzeplińską, on: [http://wpolityce.pl/polityka/316880-prof-glinski-to-ze-ktos-jest-z-kims-spokrewniony-nie-oznacza-ze-dzialania-danej-organizacji-pozarządowej-sa-naganne-i-przeprosza-komorowska-i-rzeplinska](http://wiadomosci.wp.pl/kat,1342,title,Piotr-Glinski-jestem-gotow-przeprosic-Zofie-Komorowska-i-Roze-Rzeplinska,wid,18607551,wiadomosc.html?ticaid=11826b&_tictsrn=3; wpolityce.pl, Prof. Gliński: To, że ktoś jest z kimś spokrewniony, nie oznacza, że działania danej organizacji pozarządowej są naganne. I przeprosza Komorowską i Rzeplińską, on: <a href=)

<sup>19</sup> Consider, e.g. Orłowski, M., Minister Gliński przeprosza Zofię Komorowską i Różę Rzeplińską, on: <http://wyborcza.pl/7,75398,21030502,glinski-przeprosza-zofie-komorowska-i-roze-rzeplinska.html>

the freedom of conscience guaranteed by the Constitution and not violate it, and called the court's decision "a dangerous precedent".<sup>20</sup>

Another case where the prosecution intervened concerns a civil defamation lawsuit against an LGBT association "Diversity Workshop" brought by a conservative Polish organization on behalf of Paul Cameron (case no. I C 1779/14). The case concerned a website publication and a letter sent by the Association to rectors of Polish universities where Paul Cameron was to hold a lecture. The Association pointed out the objections formulated by professional organizations and scientists against Cameron's claims about the associations between homosexuality and the perpetration of child sexual abuse and crime. On 1 July 2015 the Court of the first instance ruled against the Association and held that the publications violated Paul Cameron's personality rights. The Association should publish apologies, however the Court did not oblige it to pay compensation. Both parties appealed the judgment. Prosecution joined the case in (case no. V ACa 786/15) only after the appeal was brought.

## **6. Physical attacks**

The attacks on civil society include cases of vandalism and physical violence against LGBTI activists. In many of those cases the proceedings are discontinued. For example in February 2016, a Celtic cross and phrases "white power" and "fagging forbidden" was carved on the entrance to the office of Lambda Warsaw Association, a nongovernmental organization providing legal, medical and psychological help to LGBT people. The perpetrators spit on the office doors, ripped off and burned a poster that was hanging on it. One week later, on the night of 1-2 March unidentified perpetrators broke a window in the office of the Association. The investigations concerning both cases were discontinued, in the first case due to the fact that the perpetrator had not been identified, in the second because of the low value of the object that was destroyed.

Moreover, on 3 March 2016 three young men attempted to force their way into the office of Campaign Against Homophobia (Kampania Przeciw Homofobii), an organization working for the equal rights of lesbian, gay, bisexual and transgender people. The men were shouting insults. They fled before the arrival of the police. The police failed to identify the perpetrators, and therefore the investigation was discontinued.

## **7. Funding of civil society organizations**

This year in Poland, the Ministry of Justice denied funding to several progressive women's rights NGOs, e.g. Women's Rights Centre (Centrum Praw Kobiet). According to the Minister of Justice this decision was justified, because in his opinion the support offered by the Women's

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<sup>20</sup> Ministry of Justice, Oświadczenie Ministra Sprawiedliwości Prokuratora Generalnego Zbigniewa Ziobro w sprawie wyroku Sądu Rejonowego dla Łodzi Widzewa wobec pracownika drukarni on: <https://ms.gov.pl/pl/informacje/news,8476,oswiadczenie-ministra-sprawiedliwosci-prokuratora.html>

Rights Centre is not comprehensive enough, since it is focused only on women. In view of the Minister such a practice discriminates male victims of domestic violence.<sup>21</sup>

Moreover on 1 July 2016 the Ministry of Foreign Affairs announced that the grant contest to establish Regional Centers for International Debate was won by an organization that was established in 2015, even though the rules of the contest required that the bidder had documented experience from the period 2013-2015. Grupa Zagranica, a Polish platform of civil society organizations, engaged in development cooperation, democracy support, humanitarian aid and global education, expressed concern about granting funds to a party that did not have the required experience. According to the Ministry of Foreign Affairs, the rules did not require the bidder to be established in 2013, but only that they implemented 5 project.

Grupa Zagranica was also denied the possibility to monitor the meetings of committees who evaluate project proposals submitted by non-governmental organizations. The monitoring was carried out since 2004. Recommendations formulated by Grupa Zagranica contributed to the improvement of procedures and played an important role in the process of creating the current procedure of distributing funds, which by the vast majority of stakeholders is assessed as transparent. The monitoring increased the transparency of the Department of Development Cooperation and was a pillar of the cooperation with the Ministry.

## 8. Recommendations:

The space for public dialogue has drastically shrank in the last year in Poland, in such a way that retaliation against those disagreeing with the authorities take various forms. As civil society actors in Poland, we need strong, public and principled support from international voices, to underline the positive contribution of civil society and the legitimacy of human rights defenders, as Poland knows through its history.

What has for long been a cooperative atmosphere between the government and civil society has become confrontational, due to the lack of sincere consultation of civil society and repeated support for smear campaigns or silence when such happen, in violation of Poland's commitments as co-sponsor of multiple United Nations resolutions on the protection of human rights defenders.

The voice of the Special Rapporteur on the situation of human rights defenders is therefore needed at this time:

- Specifically, to **underline the potential long-term negative consequences of establishing a National Center for the Development of Civil Society**, with the aim it is given by the government and in a climate of limitation of the autonomy and access to funding by the authorities;
- Generally, to **voice support for human rights defenders** and civil society in Poland;

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<sup>21</sup>Commissioner for Human Rights, Dlaczego niektóre organizacje pozarządowe nie mogą liczyć na dotacje? – Minister Sprawiedliwości odpowiada RPO on: <https://www.rpo.gov.pl/pl/content/dlaczego-niektore-organizacje-pozarzadowe-nie-moga-liczyc-na-dotacje-minister-sprawiedliwosci>

- **Express concern** over the smear campaign against HRDs in the public media, the dissolution of platforms of consultation and discussion of issues connected with human rights and discrimination and the cutting of public funding for organizations providing services to particularly vulnerable and marginalized groups;
- Request an official visit to Poland, in order to **review the situation of human rights defenders** and gather first-hand information on challenges faced by civil society;
- Draw attention of the international community to the challenges faced by human rights defenders and civil society in Poland

## 9. Information about the authors

The report has been prepared by the Helsinki Foundation for Human Rights in cooperation with Lambda Warsaw Association, with the assistance of Grupa Zagranica<sup>22</sup> and with the support of Human Rights House Foundation.

The Helsinki Foundation for Human Rights is one of the biggest and oldest non-governmental organisations dealing with the human rights protection in Poland. HFHR's mission is to promote human rights protection in democratic state ruled by law. HFHR undertakes educational, legal and monitoring activities both in Poland and the countries of the former Soviet Bloc. HFHR has a consultative status at ECOSOC and is a member of numerous research networks and platforms.

Lambda Warsaw Association is the oldest and largest organization in Poland providing support for the LGBT community. It works in the area of discrimination and security, as well as health.

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