

HR HELSINKI FOUNDATION for HUMAN RIGHTS

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THE CONSTITUTIONAL CRISIS

Summary:

- Poland has been facing the constitutional crisis since 2015. The crisis has two elements: one is related to process of appointing new judges of the Constitutional Tribunal while the second one is related to the legislative changes that have severely undermined the independence of the Constitutional Tribunal.
- In December 2016, the President of Poland appointed new President of the Constitutional Tribunal. The legality of the process of appointing the new President raised serious doubts.
- In January 2017, the Minister of Justice submitted an application to verify constitutionality of the appointment of three judges in 2010 (namely Judge Stanisław Rymar, Judge Piotr Tuleja and Judge Marek Zubik). Although the Constitutional Tribunal has not ruled in this case, it seems that this motion will be used as an excuse to prevent those three judges from hearing the cases and participating in ruling on cases.
- Three judges appointed without legal basis in December 2015 (namely: Henryk Cioch, Mariusz Muszyński i Lech Morawski) were assigned to cases by the new President of the Constitutional Tribunal at the beginning of 2017. The fact that the persons who are not legally appointed judges will rule on cases submitted to the Constitutional Tribunal raises serious concerns about the legality of such a decision.

THE RECENT DEVELOPMENTS

The constitutional crisis that Poland has been facing since 2015 is still on-going. In December 2016, the Parliament adopted three new Acts on the Constitutional Tribunal¹. Since 2015, the Parliament has adopted altogether 6 different pieces of legislation regulating the works of the Constitutional Tribunal. If the amendments to the Act on the Constitutional Tribunal adopted in November and in December 2015 aimed at paralysing the Tribunal's works, the newly adopted regulations primarily aimed at the securing for the governing majority the chance to appoint the new President of the Tribunal. The term of office of the previous President of the Constitutional Tribunal, Judge Andrzej Rzepliński, expired on 19th December 2016. The Act introducing the provisions on the status of the judges and provisions regulating the organisation of the Tribunal came into force a day after their publication in the Official Journal (on 20th December 2016).

The Act introducing the provisions on the status of the judges and provisions regulating the organisation of the Tribunal included several provisions that might be find unconstitutional. First of all, the Act introduced a function of a "judge acting as the President of the Constitutional Tribunal". The Polish Constitution includes provisions regarding the position of Deputy President of the Constitutional Tribunal and does not foresee the possibility of appointing another judge who might have a power to act as the President of the Constitutional Tribunal. There might have been two

¹ The adopted Acts are: Act on the status of judges of the Constitutional Tribunal, Act on the course and organization of the proceeding before the Constitutional Tribunal and the Act introducing the Act on the status of judges of the Constitutional Tribunal and the Act on the course and organization of the proceeding before the Constitutional Tribunal.

reasons behind introducing this new provision. The “judge acting as the President of the Constitutional Tribunal” was given the power to organise the General Assembly of Judges of the Constitutional Tribunal in order to appoint candidates for the position of the President of the Constitutional Tribunal. Furthermore, this judge could assign to cases the three judges appointed by the governing majority without legal basis in 2015.

THE APPOINTMENT OF THE NEW PRESIDENT OF THE CONSTITUTIONAL TRIBUNAL

On 19th December 2016, the previous President of the Constitutional Tribunal Andrzej Rzepliński’s term of office expired. On the same day, the President of Poland signed three new Acts regulating the works of the Constitutional Tribunal. On 20th the President of Poland appointed Judge Julia Przyłębska on the position of the “judge acting as the President of the Constitutional Tribunal”. Immediately after this decision, Judge Przyłębska announced the organisation of the General Assembly of Judges of the Constitutional Tribunal that took place a couple hours later. The General Assembly was supposed to appoint candidates for the position of the President of the Constitutional Tribunal and made a resolution in this regard.

14 judges (seven “old” judges and seven judges appointed by the previous Parliament/Sejm till 2015) took part in the General Assembly’s session. Judge Julia Przyłębska allowed three judges appointed in December 2015 to participate in the session even though in accordance with the Tribunal’s own jurisprudence their appointments were made without a valid legal basis.²

According to the documents which Helsinki Foundation for Human Rights obtained using the access to public information, 8 judges of the Constitutional Tribunal refused to vote in the process of appointing candidates for the president of the Constitutional Tribunal, including judge Piotr Pszczółkowski, legally appointed in December 2015, who challenged the validity of the General Assembly.

The law clearly states that the General Assembly should present the candidates for the position of the President of the Constitutional Tribunal in a form of resolution. However, the General Assembly did not adopt a resolution since 8 judges refused to participate in the procedure of electing the candidates. Despite this, Judge Julia Przyłębska decided that voting on candidates is tantamount to voting on the resolution. She was the only person who signed the minutes of the General Assembly (usually the minutes should be signed by all judges participating in the General Assembly) and presented it to the President of Poland as a resolution.

On 21 December 2016, the President of Poland appointed Julia Przyłębska as the President of the Constitutional Tribunal.

THE MOTION OF THE PROSECUTOR GENERAL

On 13th January 2017, the Prosecutor General (who simultaneously holds the post of the Minister of Justice) submitted a motion to the Constitutional Tribunal upon verification of constitutionality of the Parliament’s resolution of 26 November 2010 upon which the Parliament appointed three judges of the Constitutional Tribunal (namely Judge Stanisław Rymar, Judge Piotr Tuleja and Judge Marek

² The Constitutional Tribunal ruled in this case in its judgements of 3 and 9 December 2015.

Zubik). The Prosecutor General raised a question whether the process of appointing those judges was constitutional, since they were appointed upon one resolution instead of adopting three individual resolutions.

It was a common practice in the Parliament to appoint the new judges of the Constitutional Tribunal in a separate voting that was concluded in one resolution. For six years, none has questioned the legality of appointing three judges in 2010. However, it seems that Prosecutor General's motion served as an excuse for the President of the Tribunal to dismiss those three judges from hearing cases and participating in ruling on cases. For example, on 27 February 2017 sitting in full bench the Constitutional Tribunal was supposed to hear the case concerning the provisions regulating the work of the courts guardians. The hearing was adjourned as a result of the Prosecutor General's motion to exclude those three judges from the bench.

WHAT IS THE FUTURE OF THE CONSTITUTIONAL TRIBUNAL?

One of the first decisions made by Judge Przyłębska was assigning cases to the three judges who were appointed without valid legal basis in 2015. The fact that the persons who are not legally appointed judges will rule on cases submitted to the Constitutional Tribunal raises serious concerns about the legality of such a decision.

According to the Constitution, the Constitutional Tribunal decisions are final and binding. There is no legal procedure to appeal against these decisions. However, in the Code of Civil Procedure (on which the proceedings before the Constitutional Tribunal are based) provides a term of "non-valid judgement". Such a judgement could be issued by a bench of judges that is composed incorrectly. In this case, if the Constitutional Tribunal issues a judgement in a bench composed of three judges appointed without legal basis, the common courts should have to decide whether or not to follow this decision in their jurisprudence. This uncertainty of law will lead to serious practical problems and severely undermine the rule of law in Poland.

THE SITUATION IN PUBLIC MEDIA

Summary:

- In December 2015, the Parliament adopted an amendment to the Broadcasting Act. The amendment gave the Ministry of Treasury a competence to nominate the management and members of the boards of directors. In December 2016, the Constitutional Tribunal found this law partially unconstitutional.
- In June 2016, the Parliament adopted Act on the Council of National Media. The Council took over vital competences of the National Broadcasting Council –a constitutional organ– and is currently responsible for organising the recruitment process for the management and members of the boards of directors.
- Since December 2016, the authorities have taken several steps towards limitation the works of the journalists. The Speaker of Sejm considered introducing the policy on limited access of the journalists to the Parliament, and the President of the Constitutional Tribunal prohibited the video recording and photographing of the Tribunal’s courtroom proceedings.

THE MEDIA REFORM IN DECEMBER 2015 AND THE CONSTITUTIONAL TRIBUNAL’S RULING

On 29 December 2015, the Polish Sejm (the lower chamber of Parliament) adopted Act amending the Broadcasting Act. The amendments gave the Ministry of Treasury competence to nominate management and boards of directors in public service media, thus substantially narrowing the role of the National Broadcasting Council, which was previously responsible for these appointments. The amendments also liquidated transparent and public competitions for positions of authority in public media and terminated the terms of their offices. The amendment was provisional and remained in force until the end of June 2016.

In December 2016, the Constitutional Tribunal issued a judgement in a case of the Act amending the Broadcasting Act. The Constitutional Tribunal decided that the Act was partially unconstitutional. What was deemed to be unconstitutional is a set of solutions included in the Amending Act which completely excluded the involvement of the National Broadcasting Council in the procedure for appointing members to the management and supervisory boards of state-owned broadcasting companies.

The Tribunal stressed that the choice of the organisational structure in which the state-owned mass media were to function should be made by the legislator. Furthermore, the Tribunal stated that it was unconstitutional to deprive the National Broadcasting Council of its powers to grant consent to modifications in rules and regulations of state-owned broadcasting companies.

THE COUNCIL OF NATIONAL MEDIA

In June 2016, the Parliament adopted the second Act reforming the system of public media, namely the Act on the National Media Council. The Council of National Media is a five-member body tasked with supervising the public media. Pursuant to the Act on the Council of National Media, three members of the Council are to be elected by the Sejm and another two – by the President, from among the candidates appointed by the opposition. By transferring some of the National Broadcasting Council's powers to the National Media Council, the new law weakened the position of the National Broadcasting Council. This may arguably be deemed unconstitutional.

The National Media Council is authorized to appoint members of management boards and supervisory boards of state-owned broadcasting corporations and the executive team of the Polish Press Agency.

RESTRICTIONS IN MEDIA ACCESS TO PUBLIC INSTITUTIONS

The Parliament

In December 2016, the Press Office of the Sejm Chancellery published a brochure presenting the proposed changes in the access of journalists to the Parliament. In the light of the proposed changes the Press Centre would have been created and each of media outlets would have the right to delegate only two representatives to work in the Parliament. Furthermore, the journalists would henceforth only have the right to organize live transmissions from the plenary session of the Parliament without however the right to record. Only the journalists who would have been granted the status of the Permanent Parliamentary Correspondent would have an unlimited access to the building of the Parliament. Each of the media outlets would have the right to appoint only two such correspondents.

Both the parliamentary opposition parties and civil society strongly protested against these proposed changes. According to the HFHR, the absence of the ability to provide full news coverage of the Parliament's work means that the public is deprived of access to credible information about the most important themes related to the functioning of the state.

After strong protests, four days later the Speakers of Sejm and Senat put the works on the new policy on hold and the journalists were granted back the right to access to the Parliament (without however the access to the Sejm's gallery where was the traditional journalists' corner). In January 2017, the Speakers of Senat informed that they refrained from adopting new regulations in this regard for the time being.

The Constitutional Tribunal

On 10 January, Judge Julia Przyłębska, the newly appointed President of the Constitutional Tribunal, prohibited the video recording and photographing of the Tribunal's courtroom proceedings. The judge substantiated the prohibition by her own assessment that the presence of the media at a hearing causes "some chaos". She also argued that "excessive" media interest is not conducive to the peaceful examination of a case.

According to the HFHR, deprivation of the media's ability to record hearings conducted before the Constitutional Tribunal effectively abolishes the live coverage of constitutional hearings, which constitutes a serious interference with journalists' right to deliver information and the public opinion's right to have such information delivered.

THE PLANNED REFORM OF THE JUSTICE SYSTEM AND UNDERMINING THE INDEPENDENCE OF JUDICIARY

Summary:

- After the reform of the Prosecutor General's office, the government is planning to adopt a reform of the entire justice system.
- The government is planning to reform the structure of the National Council of the Judiciary in Poland. The impact of the reform is to increase the political control over this constitutional body.
- A group of MPs submitted a motion to the Constitutional Tribunal upon verifying the constitutionality of the provision regulating the procedure of appointing the First President of the Supreme Court.

THE REUNIFICATION OF THE OFFICES OF THE MINISTER OF JUSTICE AND PROSECUTOR GENERAL

In January 2016, the Parliament adopted new Act on Prosecutor Office. The main change introduced by this Act was the reunification of the Offices of the Minister of Justice and Prosecutor General.

Until 2009, the Minister of Justice acted also as the Prosecutor General. Such a convergence of roles posed a potential (or sometimes actual) danger of subjecting the prosecutors' work to political influences. In 2009, the reform of the prosecution was introduced. In the light of this reform, these two offices were separated and the Prosecutor General's office became independent, although Prosecutor General had an obligation to present annual summaries of its work before the Parliament.

The Act adopted in January 2016 reversed the reform of the Prosecution introduced in 2009. In the light of the Act, the prosecution is entirely supervised by the Ministry of Justice. Furthermore, the Act widens the competences of the Prosecutor General. For example, the Prosecutor General is able to appoint or dismiss a head of the prosecution unit on the basis of a discretionary decision without the necessity of carrying out a transparent and open recruitment process.

Furthermore, the Prosecutor General is able to issue decisions regarding specific investigations. The Act on Prosecutor Office gave the Prosecutor General the power to release information from any investigation to the media, which is extremely questionable from e.g. the presumption of innocence perspective.

THE REFORM OF THE NATIONAL COUNCIL OF THE JUDICIARY IN POLAND

On 24 January 2017, the Ministry of Justice presented a draft of amendments concerning functioning of the National Council of the Judiciary in Poland (the Council)³. The process of public consultation was limited by deadline of 31 January 2017.

The National Council of the Judiciary in Poland is an administrative body composed of judges and representatives of the Parliament and the President. Its pivotal responsibilities are to protect the independency of the justice system, nominate the candidates for judges and present opinions on the draft legislation concerning the justice system. According to Article 187.1 of the Constitution the National Council of the Judiciary shall be composed of:

- 1) the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court and an individual appointed by the President of the Republic;
- 2) 15 judges chosen from amongst the judges of the Supreme Court, common courts, administrative courts and military courts;
- 3) 4 members chosen by the Sejm from amongst its Deputies and 2 members chosen by the Senate from amongst its Senators.

Such a composition of the Council was supposed to guarantee its independence. The draft proposal changes the procedure of appointing judges-members of the National Council of the Judiciary in Poland. In the light of the draft, 15 judges will be elected by Sejm (first chamber of the Parliament). According to existing regulations, judges-members of the Council are elected by the representative assemblies of each level of the courts (common, administrative, military). This procedure was criticized by judges arguing that the judges appointed to regional courts (*sądy rejonowe*) – first instance courts – are not adequately represented in the Council. The Ministry of Justice argues that the new procedure, when Sejm will appoint the judges-members of the Council, guarantees the proper representativeness of the Council. However, the courts will be deprived of any influence on who will be appointed as a member of the Council.

Secondly, the procedure of appointing new judges will be amended. The Council is responsible for selecting and evaluating the candidates for the offices of judges in the courts. The procedure is conducted first at the level of a unit (*zespół*) and then by the Council sitting in plenary. According to the draft, the Council will be working in two separate assemblies (*zgromadzenia*). The first assembly (*Pierwsze Zgromadzenie*) will be composed of the “political” members of the National Council of the Judiciary in Poland and the First President of the Supreme Court and the President of the Supreme Administrative Court. The second assembly (*Drugie Zgromadzenie*) will be composed of 15 judges-members of the Council. The positive decision concerning a candidate requires two positive opinions – of each assembly.

Thirdly, the President will be given new prerogatives within the procedure of appointing new judges. The Council of the Judiciary will have to present two candidates for one office. President will choose and appoint one of the candidates. The Constitution however states that the prerogative of the President is “appointing judges” (Article 144.3 of the Constitution) and not “selecting” judges.

³The first draft of amendments was published in May 2016. The draft of 24 January 2017 is a continuation of the first one.

The Council of Judiciary in Poland and the European Network of Councils for the Judiciary have already criticized the draft Act.⁴

International documents, including the European Charter on the Status of Judges of the Council of Europe, emphasize that it is vital that the body, which is responsible for the selection of candidates to the position of a judge, their promotion and dismissal, must be independent. By contrast, the draft law gives meaningful powers to the legislative branch. The Consultative Council of European Judges (CCJE) states that a judicial council can be either composed solely of judges or have a mixed composition. When there is a mixed composition, such as proposed in the draft, the CCJE considers that, in order to prevent any manipulation or undue pressure, a substantial majority of the members of the judicial council should be elected by its peers⁵.

THE MOTION TO THE CONSTITUTIONAL TRIBUNAL TO ADJUDICATE REGARDING THE LEGALITY OF THE PROVISIONS REGULATING THE APPOINTING PROCEDURE OF THE FIRST PRESIDENT OF THE SUPREME COURT

In March 2017, the group of MPs from the governing majority submitted a motion to the Constitutional Tribunal, requesting verification of the legality of appointment of the First President of the Supreme Court.

The group of MPs questioned the legal basis for the appointment of the First President of the Supreme Court. The MPs requested the Constitutional Tribunal to issue a judgement “which will find the provisions regulating the procedure of appointing the First President of the Supreme Court as unconstitutional and will find all decisions made by the President illegal”.

A few weeks ago, Professor Małgorzata Gersdorf, the First President of the Supreme Court, gave an interview in which she stated, among other things, that she would notify the European institutions about the threats to the independence of the judiciary. The First President of the Supreme Court noted also that she would think over continuing her work within the National Council of the Judiciary of Poland if the prepared reform was adopted.⁶

⁴ The opinions of the Councils are available here:

https://www.encj.eu/images/stories/pdf/Members/opinion_krs_draft_laws_feb_2017.pdf

⁵ CCEJ, Opinion no. 10 (2007) of the Consultative Council of European Judges to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society (adopted at the 8th meeting, Strasbourg, 21-23 November 2007), p. 5.

⁶ Onet.pl, Wniosek do TK ws. legalności wyboru pierwszej prezes SN Małgorzaty Gersdorf, available at: <http://wiadomosci.onet.pl/kraj/wniosek-do-tk-ws-legalnosci-wyboru-pierwszej-prezes-sn-malgorzaty-gersdorf/ek935dy>

THE SITUATION OF THE CIVIL SOCIETY ORGANISATIONS

Summary:

- Since the beginning of 2016 the civil society sector has faced numerous challenges detrimental to its works that has and limited its ability to perform its role of promoting democratic participation facilitating government accountability towards the rule of law and human rights standards. The challenges have come in the form of attacks on non-governmental organizations (both physical and by smearing campaigns) and shrinking space for dialogue between civil society and the authorities.
- The Parliament and government are working on legislative changes which, once adopted, may have severe impact on the works of civil society sector.

ATTACKS ON CSOS

At the beginning of 2016, the headquarters of organizations acting for LGBTQ rights (namely Campaign Against Homophobia and Lambda Foundation) were attacked by persons unknown. The criminal proceedings in these cases were discontinued due to the impossibility of identifying their perpetrators. Furthermore, almost at the same time, an activist of HejtStop (Stop Hate Project) faced an enormous wave of hate speech and threats after she reported racist statement published by one sportsman to the administrators of Facebook. None of these incidents were condemned by the authorities. A letter signed by over 300 NGOs with an appeal to the Prime Minister to take action against a rising wave of hatred and attacks against NGOs remained unanswered.⁷

At the end of October 2016, the public media carried out a smear campaign aimed at certain civil society organizations which work on the rule of law and human rights, and which had received public funding for their work. The campaign began with news reports that originally was directed at the previous judge of the Constitutional Tribunal who currently strongly criticizes the reforms of the Tribunal, including undermining its independence by the governing majority. The public media used the fact that the judge is a board member of a particular CSO to attack the organization. public media made allegations that this organization received public funding in a fraudulent way. A similar approach was taken towards other CSOs. Relying on publicly available documents, the broadcasts suggested that some organizations received funds in a non-transparent way and through family and personal ties. While making allegations, the broadcasts were not backed by any evidence of a breach of law or any other irregularities such as wasting public funding.⁸

⁷ Obywatele dla Demokracji, List do premier Beaty Szydło z prośbą o podjęcie działań na rzecz przeciwstawienia się fali nienawiści, available at: <http://www.ngofund.org.pl/apel-do-premier-beaty-szydlo-o-podjecie-dzialan-w-sprawie-atakow-na-organizacje-pozarzadowe/>

⁸ Bychawska-Siniarska D., Godzisz P., Warso Z., Information on the recent challenges faced by human rights defenders and civil society in Poland, Helsinki Foundation for Human Rights, available at: www.hfhr.pl/wp-content/uploads/2016/11/HRD-report-30112016-FIN.pdf

SHRINKING SPACE FOR DIALOGUE BETWEEN CSOS AND THE ADMINISTRATION

Furthermore, none of the pieces of legislation adopted in 2016, and which have serious impacts on human rights protection, were subject to public consultations. Each act introducing consecutive reforms of the Constitutional Tribunal, the Act amending the Act on the Police and the Act on Prosecutor's Office were submitted to the Parliament as private bills of MPs in order to bypass obligations to organize public consultations. In the case of the Anti-terrorist Act, even though the government promised to launch a public consultation process, the draft has not been opened for consultation and, which is even more worrying, remained confidential until shortly before directing to the Parliament.⁹

The Civil Forum of Legislation (one of the programs of Stefan Batory Foundation) stressed that between May and September 2016 very often the authorities responsible for organizing public consultations set very short deadlines for consultations (14 days) and only the first version of the draft law was subject to consultations. Furthermore, the remarks received during the consultations were not always published and the responsible authorities almost never responded to the received remarks.¹⁰

PROJECTED LEGISLATIVE CHANGES

Currently, there are two pieces of legislation under preparation which, once adopted, may have a negative impact on the ability of CSOs to fulfill their watchdog functions.

The first piece of legislation is an amendment to the Act on the National Remembrance Institute. The new law introduces criminal liability for statements imputing responsibility for crimes of the Nazi regime to the Polish nation and establishes civil law remedies for infringements of the good name of the Republic of Poland and that of the Polish Nation. These provisions entail two kinds of dangers – the first one relates to the general limitation of the freedom of expression while the second relates to the possibility of impeding CSOs' ability to hold the government accountable. If adopted, the proposed version of the Act may discourage members of the public from discussing certain aspects of Poland's history because of the risk of facing criminal sanctions.¹¹ In the opinion of CSOs there is a risk that in the future this provision may be used against watchdog organizations and human rights

⁹ Helsinki Foundation for Human Rights, HFHR opinion on new antiterrorism law, available at: www.hfhr.pl/en/hfhr-opinion-on-new-antiterrorism-law/

¹⁰ Obywatelskie Forum Legislacji, Obserwacja praktyki procesu legislacyjnego w okresie od 16 maja do 10 września 2016 r., available at: www.batory.org.pl/upload/files/Programy%20operacyjne/Odpowiedzialne%20Panstwo/Komunikat%20z%20VI%20obserwacji.pdf

¹¹ Helsinki Foundation for Human Rights, The HFHR on draft amendment to National Remembrance Institute Act, available at: <http://www.hfhr.pl/en/the-hfhr-on-draft-amendment-to-national-remembrance-institute-act/>

defenders, particularly those active at international fora, for voicing critical opinions about the government's actions or providing information about the irregularities in the functioning of state institutions.¹²

In December 2016, the Prime Minister announced the plans to create the National Center for the Development of Civil Society. The draft will introduce numerous changes to the Act on activities for social benefit and volunteering. 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 (Director and the Council). In general, the Centre would be a body responsible for distributing funds to CSOs at the national level (the former Civic Initiatives Fund, which distributed approx. 14 million EUR per year for the projects selected in the open competitions, would be abolished and its resources would be operated by the Centre). The draft fails to provide detailed information on the competitions which would be organized to distribute funds. The draft also includes a provision in light of which it would be possible for the President of the Centre to delegate public tasks to be performed by particular CSOs. As a result, it will lead to a complete discretion in distributing public funds.

Unlike to the previous mechanisms which used to be decentralized, right now the government is aiming at centralizing all the funds under one institution. The draft Act has been strongly criticized by numerous non-governmental organizations. The Klon/Jawor Association stated that "the draft law is contradictory to the rules of partnership and sovereignty, competitiveness and transparency guaranteed not only by the Act on the activity for social benefit, but also preserved by years of cooperation".¹³

INFORMATION ABOUT THE HELSINKI FOUNDATION FOR HUMAN RIGHTS

The Helsinki Foundation for Human Rights (HFHR) is one of the oldest non-governmental organisations in Poland dealing with the protection of human rights and fundamental freedoms. As part of its activity, HFHR monitors the standards of human rights protection. HFHR closely monitors the constitutional crisis and its influence on the entire human rights protection system in Poland.

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¹² Bychawska-Siniarska D., Godzisz P., Warso Z., Information on the recent challenges faced by human rights defenders and civil society in Poland, Helsinki Foundation for Human Rights, available at: <http://www.hfhr.pl/wp-content/uploads/2016/11/HRD-report-30112016-FIN.pdf>

¹³ Citizens Observatory of Democracy, Projekt ustawy o Narodowym Centrum Rozwoju Społeczeństwa Obywatelskiego, available at: <http://obserwatoriumdemokracji.pl/ustawa/o-projekt-ustawy-o-narodowym-centrum-rozwoju-spoleczenstwa-obywatelskiego/>

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