

Warsaw, 19 September, 2017

UNPRECEDENTED ATTACKS ON CIVIL SOCIETY ORGANISATIONS IN POLAND

In the light of the recent developments in Poland, one of the most urgent problems is the attack on civil society by governmental administration bodies. Non-governmental organisations, critical of the state authorities (including Obywatele RP¹ [Citizens of Poland], Fundacja Otwarty Dialog [Open Dialog Foundation], Komitet Obrony Demokracji² [Committee for the Protection of Democracy] and Akcja Demokracja³ [Action Democracy]) have been subjected to unprecedented pressure due to their objection to the government's plan of the judicial reform and involvement in peaceful civil society protests in the second half of July 2017.⁴

As broadly covered by international media, anti-government protests were aimed at defending the rule of law and the Constitution^{5, 6}. **Demonstrators objected to the attacks on the independence of the judiciary and the impartiality of judges as non-constitutional draft laws.** Such draft laws presented by the current parliamentary majority (created by the Law and Justice party) in cooperation with the government, essentially violated the separation of powers principle. Significant mobilisation of society led to the vetoing of two of the three laws by President Andrzej Duda, which, thus far, contributed to halting this process partially but significantly. The independence of the Supreme Court and the National Council of the Judiciary was maintained, but the law on the system of common courts⁷ was passed, subjecting the courts to the actual control of the Minister of Justice⁸.

Controlled by the ruling party, Polish public television TVP has launched a massive defamation and slander campaign against the aforementioned organisations and, more broadly, all citizen-led independent initiatives. The campaign is based on manipulations, half-truths, and facts which do not correspond to reality. Critical organisations are suspected of artificially provoking protests in defence of courts and the Constitution, and manipulating public opinion for the money from abroad. The image of the external enemy is created, and the key activists are portrayed as *traitors of the homeland*, or puppets in the hands of foreign powers and governments (e.g. **George Soros, Russia, and even Germany and the Brussels elites**). **Projects aimed at subjecting NGOs to special supervision, including their inspection by the special services and limiting their access to foreign funding, are issued and discussed publicly, also by key ministers of the Polish government.** The organisations are accused of having an intent of provoking *a bloody revolution* and the overthrow of the government in order to

¹ <https://konstytucjarp.org/>

² <https://www.ruchkod.pl/>, <http://kodus.org/>

³ <https://www.akcjademokracja.pl/>

⁴ <https://www.ft.com/content/381746c6-6fe1-11e7-aca6-c6bd07df1a3c>

⁵ http://www.huffingtonpost.com/entry/poland-right-wing-protest_us_597b714fe4b02a4ebb754ca5

⁶ <http://kodus.org/2017/07/24/3xveto-candlelight-vigil-for-democracy/>

⁷ <http://dziennikustaw.gov.pl/du/2017/1452/1>

⁸ <http://en.odfoundation.eu/a/8266,the-statement-of-the-decision-of-the-president-of-the-republic-of-poland-of-24-july-2017-regarding-the-judiciary-reform>

achieve the interests of foreign states and other foreign actors^{9, 10, 11, 12}.

The critical voices from the EU¹³, including the European Commission^{14, 15} are held in open contempt by the Polish authorities which not only dismiss them but also make attempts to turn the public opinion against them, thus enhancing radical anti-European and xenophobic sentiment^{16, 17}.



This campaign is also carried out by extreme right-wing and nationalist organisations, and these attacks lead to a massive wave of hate speech and threats, punishable by law, in the Internet; there are also incidents in public spaces, which are often carried out with the tacit consent of and reluctant response from the law enforcement agencies. An important aspect of hateful or spiteful comments is its frequent xenophobic dimension: victims of the attacks are denied the right to Polish nationality, and aggression is also directed against a large population of Ukrainians in Poland.¹⁸ It is connected, among others, with participation of Ukrainian citizens living in Poland in the protests¹⁹ and previous high-profile humanitarian aid actions, organised for Ukraine by the Open Dialog Foundation.²⁰ The result of these activities is strong polarisation in the society and development of a climate in which the aversion to citizens' initiatives, refugees and immigrants is growing.

⁹ <http://en.odfoundation.eu/a/8268,wirtualna-polska-about-the-media-and-government-s-smear-campaign-against-odf-kramek-this-is-a-politically-motivated-beginning-of-repressions>

¹⁰ <http://krytykapolityczna.pl/kraj/jakub-majmurek-putinizacja-pis-u/>

¹¹ <http://en.odfoundation.eu/a/8294,the-open-dialog-foundation-s-statement-of-31-july-2017-funding-and-donors-or-a-few-words-about-soroses>

¹² <http://en.odfoundation.eu/a/8303,statement-of-the-president-of-the-open-dialog-foundation-lyudmyla-kozlovskaya-of-17-08-2017>

¹³ <https://www.theguardian.com/world/2017/aug/29/angela-merkel-poland-judicial-reforms-courts>

¹⁴ http://europa.eu/rapid/press-release_IP-17-2161_en.htm

¹⁵ http://europa.eu/rapid/press-release_IP-17-2205_en.htm

¹⁶ <https://twitter.com/Wyrwal/status/902475433630986240>

¹⁷ <http://www.tvp.info/33448163/453-mld-dolarow-taki-rachunek-lkaczynski-wystawil-niemcom-za-zniszczenie-warszawy>

¹⁸ <http://www.dziennikwschodni.pl/na-sygnale-brutalny-atak-na-kolejnego-ukrainca-w-lublinie-uslyszal-po-cos-tu-przyjechal-sie-rzadzic,n,1000204722.html>

¹⁹ <http://www.tvn24.pl/magazyn-tvn24/nazywam-sie-igor-isajew-jestem-ukraincem-demonstrowalem-zalal-mnie-hejt,110,2035>

²⁰ <http://en.odfoundation.eu/a/8269,bartosz-kramek-for-radio-zet-concession-is-something-we-have-never-concealed>



Media attacks are a prelude to harassment by governmental administration, which brings to mind the methods used in Poland in the communist era and now, in numerous non-democratic post-Soviet states. **Members of the Polish government, such as Minister of Interior Mariusz Błaszczak²¹ and his deputy Jarosław Zieliński²², Minister Coordinator of Poland's Special Services, Mariusz Kamiński²³, Minister of Foreign Affairs Witold Waszczykowski²⁴ and Minister of National Defence, Antoni Macierewicz²⁵ publicly discuss actions which should be taken against particular NGOs.**

On 20 July, 2017, the Ministry of the Interior sent a letter to the **Fundacja Wolni Obywatele RP** [The Foundation of Free Citizens of Poland which supports the **Citizens of Poland** movement], in which it appoints a 14-day deadline for *ceasing to violate the law*.²⁶ Should the Foundation fail to fulfill the demands, the Ministry of Interior will file a motion with the court, demanding the suspension of the Foundation's Management Board and appointment of the board of trustees. On 27 July, 2017, police recordings of surveillance activities against activists of the **Citizens of Poland** and one of the leaders of the opposition party **Nowoczesna** [Modern], **Ryszard Petru**, saw daylight. It became apparent that the largest civil opposition movement, **Komitet Obrony Demokracji** [Committee for the Defence of Democracy]²⁷ faced similar problems. On 23 August, 2017 two activists of the Citizens of Poland movement, **Wojciech Kinasiewicz** and **Tadeusz Jakrzewski** reported the above-mentioned surveillance activities, which affected them personally, to the District Prosecutor's Office in Warsaw²⁸.

On 27 July, 2017, the Ministry of Foreign Affairs demanded an explanation from the **Open Dialog Foundation**, alleging that it was calling for illegal activities and unspecified personal attacks. In spite of an extensive explanation provided by the Foundation, on 7 August, 2017, MFA, citing its supervisory powers, demanded that the Foundation remove the *illegal content* from the Foundation's websites and social media accounts within three days.²⁹ The Foundation clearly identifies it as an attack on freedom of speech and independence of NGOs.³⁰ It also assumes that the Ministry of Foreign Affairs may take steps leading to the suspension of the Foundation's Management Board.³¹ At the request of the Minister of Foreign Affairs, on 7 August, 2017, the fiscal authorities have launched a special fiscal and customs inspection of the Open Dialog Foundation (despite the fact that different inspections have already been carried out in previous years).

²¹ <http://www.polityka.pl/tygodnikpolityka/kraj/1715314,1,czym-rzadowi-pis-narazila-sie-fundacja-otwarty-dialog.read>

²² <http://www.tvp.info/33461676/wiceszef-mswia-fundacja-otwarty-dialog-powinna-zajac-sie-abw>

²³ <http://wiadomosci.onet.pl/kraj/mariusz-kaminski-chce-zbadania-dzialan-fundacji-otwarty-dialog/jh9xbf9>

²⁴ <http://www.polityka.pl/tygodnikpolityka/kraj/1715314,1,czym-rzadowi-pis-narazila-sie-fundacja-otwarty-dialog.read>

²⁵ <https://wiadomosci.wp.pl/antoni-macierewicz-chce-by-sluzby-specjalne-kontrolowaly-fundacje-wszystkie-6151512893286529a>

²⁶ https://konstytucjarp.org/wp-content/uploads/2017/07/MSWiA_20.07.2017.pdf

²⁷ <http://wyborcza.pl/7,75398,22259509,inwigilacja-opozycji-policja-powtarza-to-byla-ochrona.html>

²⁸ <https://twitter.com/ObywateleRP/status/901002678200930305>

²⁹ <http://odfoundation.eu/a/8319,wedlug-msz-bartosz-kramek-wzywa-do-lamania-prawa-kaze-fundacji-usunac-nielegalne-tresci>

³⁰ <http://odfoundation.eu/a/8320,wezwanie-msz-odbieramy-jako-cenzure-bartosz-kramek-komentuje-pismo-od-resortu>

³¹ <http://www.tvn24.pl/wiadomosci-z-kraju,3/fundacja-otwarty-dialog-msz-chce-kontroli,761329.html>

Foreigners associated with the attacked organisations are concerned about their residence documents and their right to stay and work in Poland³².

Hostile actions against particular NGOs and critical civil society as a whole, are being carried out by right-wing MPs and MEPs from Poland:

- On 25 July, 2017, **Anna Fotyga**, Chair of the Subcommittee on Security and Defence of the European Parliament (SEDE), former Minister of Foreign Affairs and prominent member of the Law and Justice party in Poland, publicly expressed her disapproval³³ of the Open Dialog Foundation. The reason for the unfavourable opinion was a statement on the situation in Poland issued by Bartosz Kramek - the Head of the Foundation Board. The statement included a calling for massive civil disobedience. MEP Fotyga has not only promised to boycott all future initiatives carried out with the participation of the Foundation but also declared that she would thwart all its efforts in the European Parliament (despite the fact that the Foundation had previously cooperated with her and carried out valuable joint initiatives, dedicated mainly to supporting Ukraine and countering Russian propaganda).
- On 31 July, 2017, **Stanisław Pięta**, MP from the Law and Justice, Vice Chair of the Polish-Ukrainian Parliamentary Group publicly announced, in a very impolite manner, that the Open Dialog Foundation should immediately leave (*get out of*) Poland³⁴ as it allegedly interferes with Polish affairs and destroys Polish-Ukrainian relations.
- The same day, **Adam Andruszkiewicz**, MP from the Kukiz'15 political party and the leader of Endecja nationalistic organisation filed a motion with *the relevant* [special] services in which he requested that an inspection be carried out in the Open Dialog Foundation as it allegedly represents *a foreign and leftist threat* to the Polish state. He declared that he would submit a parliamentary written inquiry with regard to the Foundation's activities.
- On 1 August, 2017, **Tomasz Rzymkowski**, MP from the Kukiz'15 party gave an interview³⁵ in which he described the Open Dialog Foundation as an *international predatory group* allegedly financed *by Soros and Russia* aiming at provoking a rebellion in Poland and urged a ban on foreign funding for NGOs.
- On 23 August, 2017, **Dominik Tarczyński**, MP from the Law and Justice, reported an alleged crime made by the Open Dialog Foundation of attempting to overthrow a constitutional body by force to the prosecutor's office. MP Tarczyński declared he would discuss the matter with the Prosecutor General/Minister of Justice **Zbigniew Ziobro** as well³⁶.

³² <https://twitter.com/1934ONR/status/888806231254724608>

³³ <http://fotyga.pl/2017/07/stanowisko-anny-fotygi-ws-nawolywania-do-destabilizacji-panstwa/>

³⁴ <https://medianarodowe.com/posel-pis-ukrainskiego-otwartego-dialogu-wynocha-polski/>

³⁵ <https://wpolityce.pl/polityka/351298-nasz-wywiad-rzymkowski-fundacja-otwarty-dialog-to-taka-miedzynarodowka-rozbojnicza-finansowana-z-roznych-zrodel-ktorej-celem-jest-dokonywanie-rebelii>

³⁶ <https://www.wprost.pl/kraj/10071689/Tarczynski-zglasza-Bartosza-Kramka-i-fundacje-Otwarty-Dialog-do-prokuratury-Mnie-tez-scigajcie.html>



- On 30 August, 2017, Prime Minister **Beata Szydło** (Law and Justice) in a press interview for Gazeta Polska claimed that the latest social protests were not spontaneous but *well directed and paid*. She stressed that particular foundations work for the *influential foreign interests groups* and would not give in easily. Responding to a journalist's question implying the need of reaction in the cases of the Free Citizens of Poland and the Open Dialog Foundation, Prime Minister Szydło added that the Minister of Foreign Affairs had informed the prosecutor's office on the matter of *the unlawful actions* of the Open Dialog Foundation³⁷.

Several statements have been issued by international NGOs, such as **Global Ukraine**³⁸ and **Centre for Civil Liberties**³⁹, condemning the unacceptable pressure exerted on **the Open Dialog Foundation** and other civil society organisations in Poland.

We believe that a concerted action should be carried out with the European Commission and the European Council. If the action takes into account the NGOs' appeals, it will hinder members of the Polish government from their attempts to destroy the foundations of the rule of law and civil society in the Republic of Poland.

In the light of the presented above the Open Dialog Foundation invites the participants of the HUMAN DIMENSION IMPLEMENTATION MEETING OSCE to call upon the Polish Government to restore the normal course of democratic, European standards and guarantee the independence of civil society initiatives in Poland.

For more detailed information, please contact:

Lyudmyla Kozlovskaya: lyudmylakozylovskaya@odfoundation.eu

³⁷ <http://www.gazetapolska.pl/14179-nie-ugniemy-sie-przed-silnymi-grupami-interesu-z-premier-beata-szydlo-rozmawiaja-dorota-kania-i-ryszard-gromadzki>

³⁸ <http://global-ukraine-news.org/en/2017/08/16/zayava-uchasnykiv-merezhi-global-ukrainians-pro-neprypustymist-tysku-na-fundatsiyu-vidkrytyj-dialog-u-polshhi/>

³⁹ <http://ccl.org.ua/en/statements/centre-for-civil-liberties-s-statement-on-the-pressure-on-civil-society-organisations-in-poland/>