

HR HELSINKI FOUNDATION for HUMAN RIGHTS

HFHR opinion on National Freedom Institute Bill

During the last Sejm session before summer holidays, the lower chamber of Polish Parliament will debate on a proposed law on the National Freedom Institute – Centre for the Development of Civil Society. This new institution is designed to implement projects for the development of civil society and distribute funding to non-governmental organisations.

According to the Helsinki Foundation for Human Rights, the current version of the bill, if adopted, will be a clear shift away from the concept of the state supporting the growth of civil society and a systemic threat to the independent operation and development of NGOs in Poland.

National Freedom Institute – governmental centre for civil society?

The bill introduces a new institution, the National Freedom Institute. The Institute's Director and the majority of Director's Council are to be appointed by another new institution: the Committee for Public Benefit Activity, chaired by a member of the Polish Cabinet, Council of Ministers.

“This means that the Council of Ministers will have broad powers to influence and control the work of the National Institute. In consequence, the policies of the National Institute will be redrawn after each change of the political landscape, which will prevent a sustainable development of civil society in Poland”, says Dr Barbara Grabowska-Moroz.

NGO activists' influence on the workings of the Institute will be next to none. In accordance with the bill, representatives of non-governmental organisations have 5 out of 11 seats on the Institute's Council. However, the Council is designed to play a marginal role, with its main responsibilities including issuing opinions on action plans and finances of the Institute.

Allocation of public funds

According to the Bill, the National Freedom Institute will also be responsible for the allocation of funds obtained from the European Union. The HFHR argues that the legislative proposal contains no guarantees that the relevant EU rules imposed on the Member States will be followed during the Institute's decision-making process. Examples of such rules are respecting EU and domestic laws, promoting the equality between men and women and non-discrimination as well as the principle of sustainable development.

Shrinking space for civil society

According to the HFHR, the National Freedom Institute Bill should also be interpreted as a part of a wider phenomenon of the globally shrinking civil society space. The HFHR points in its opinion to dangerous practices related to the functioning of civil society, which may be observed in Poland.

“Among such practices, we noted cases of the public media disseminating untrue or inaccurate information about the works of non-governmental organisations. Moreover, there appear instances when discretionary decisions are made to limit or cancel the public funding of certain NGO activities”, says HFHR’s lawyer Małgorzata Szuleka.