

Polish new Anti-terrorism Law – targeting foreigners?

The draft of the Polish Anti-terrorism Law was published by the Ministry of Internal Affairs and Administration on April 21st, 2016. Panoptykon Foundation believes that the proposed law contains certain measures that are inconsistent with the Polish Constitution and with the European Convention on Human Rights. In fact, discriminatory treatment of foreigners (including other EU nationals) is at the very essence of the proposal. Regardless of the criticism coming from inside and outside of the country, the government wants the new law to enter into force on June 1, 2016.

Polish government claims that the new Anti-terrorism Law is necessary in order to increase coordination of the intelligence agencies and prepare for potential security threats related to the upcoming NATO summit (July 2016) and World Youth Day (June 2016). While the need to enhance management of information flows among the existing agencies and introduce better coordination mechanisms seems evident, the proposed law is going much further than necessary in terms of limiting fundamental rights, especially when it comes to foreigners living in or visiting the country. The government failed to justify how such measures – targeting not terrorism suspects but all foreigners or all users of certain technologies – are supposed to increase public security.

The most controversial propositions include:

1. Limited freedom of assembly

Due to unclear definition of terrorist act or threat that will trigger special security procedures in the country, the government may gain a powerful tool to ban public protests. Civil society organizations are therefore afraid that new provisions may be used to silence angry public. For example, in 2012 some government websites were hacked in the protest against ACTA, which could be seen as illegal act against public security. Had the new Anti-terrorism Law been in force at that time, this form of civic protest could have been treated as an act of terror and as such, could have been used to impose a ban on street protests.

2. Limited freedom of communication

The draft law provides for an obligation to register all pre-paid phone cards (with national ID). This measure will be of little use in fighting serious crime, as it can be easily circumvented by a determined individual (especially coming from abroad). However, it does limit the rights of journalists who want to protect their sources, and citizens, who have legitimate reasons to protect their privacy.

3. Unlimited access to public databases for the Internal Security Agency

According to the draft law, Internal Security Agency will gain unlimited access to all public databases (e.g. social security database, municipal registers or fingerprints stored by the police), with no oversight mechanism.

4. All foreigners under suspicion

The current standard of protection provided for foreigners that are subject to Polish jurisdiction will be drastically lowered: their phone calls might be wire-tapped without a court order and police might verify their fingerprints at any time. In a relatively ethnically homogeneous country like Poland, this creates a huge risk of discrimination on the grounds of skin color, nationality or ethnicity. Although these provisions seem to be directed at foreigners, everyone will be affected as all communication with the person under surveillance will be subject to this lower standard of protection.

5. Internet blocking on demand of Internal Security Agency

Proposed regulation provides for immediate blocking of the access to any Internet content on demand of the Chief of Internal Security Agency. Only after 5 days, a court will be supposed to verify whether the blocking demand was justified. People searching for instructions how to create an explosive material (usually well hidden from the broad public) will find it anyway, but once a filter checking all page requests is implemented, it might – and probably will be – used to block access to other types of content.

In addition to its controversial and unjustified provisions, this piece of legislation is to be adopted without any public consultations and will be pushed through the Parliament in less than a month, which by no means allows for a reasonable public debate.

Panoptykon Foundation is collecting signatures under a [petition against those measures proposed in the draft Anti-terrorism Law](#) that are unlikely to increase public security but very likely to undermine fundamental rights and contradict the founding principles of the European Union. The Foundation demands that the government withdraw from these measures and open the draft law to public consultations.

Appeal can be found at:

<https://en.panoptykon.org/articles/new-polish-anti-terrorism-law-every-foreigner-potential-threat>

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