

Strasbourg, 31 July 2017



Permanent Representation
of the Republic of Poland
to the Council of Europe
in Strasbourg

SPRE/4015/610/2017/AK

Ms Anna Rurka
President of the Conference
of International Non-Governmental
Organisations of the Council of Europe

Dear Ms President,

I would like to reiterate the importance the Government of Poland has always attached to the development and strengthening of the civil society in all its aspects.

With regard to the concerns and statements included in the communique, published on July 20th, this year, on the website of the Council of Europe, Conference of INGOs, entitled: 'Concern about the draft Law on the National Freedom Institute – Centre for the Development of Civil Society in Poland' I would like to clarify the following issues.

The aim of creating the National Freedom Institute is to support nonprofit organizations, created and functioning on the basis of the Polish Constitution that in the 12th Article guarantees the freedom of creation and functioning of various organizations, including associations, civic movements and foundations.

Currently, the draft law on the National Freedom Institute - Centre for the Development of Civil Society has been approved by the Government and is processed by the Parliament.

According to the Act from July 7th, 2005 on Lobbying Activity and the Resolution on the regulations on Sejm activities, public hearing can be organized by the Sejm. Without prejudging whether the public hearing will be organized or not, it is worth pointing out that the aim of conducting the public hearing is to listen to the opinions of citizens about the acts of law. However, these opinions are not binding. In this case, the opinions about the draft

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law were presented by all interested parties during the 6-week-long public consultation process, which was acknowledged by the President of the Conference of INGOs.

I would like to stress one more time that the draft law on National Freedom Institute does not introduce the centralization of the civil society organisations in Poland. It hands over some competencies from one central Government entity (i.e. Ministry of Family, Work and Social Policy) to another central entity - the Chancellery of the Prime Minister and the government executive agency, namely the National Freedom Institute. The National Freedom Institute – which is to be created by the law – is going to run various central programmes aimed at supporting the civil society sector, which were previously governed by the Ministry of Family, Work and Social Policy, as well as some new ones. It does not, however, take over any programmes run so far by other ministries or local governments. Creation of the Committee for Public Benefit Activity is to strengthen cooperation between ministries in the field of collaboration with the nonprofit organizations (and other civil society entities) and to coordinate the activities of all ministries having an impact on the shape of the programmes to be run by the National Freedom Institute.

All support programs that will be managed by the National Freedom Institute will be, however, voluntary. None of the organizations will be forced to take part in those programs.

Concerning the issue you have raised, that is to say why the programmes to be managed by the National Freedom Institute will have to be previously adopted by the Council of Ministers, it has to be pointed out that the National Freedom Institute will be a governmental executive agency, reporting to the Chair of the Committee for Public Benefit Activity – governmental body – and thus, in the light of the Polish Constitution and other regulations, its programmes should be adopted by the Council of Ministers. Adoption of the programmes by the Council of Ministers will also mean that the content of the programmes to be run by the National Freedom Institute will go through public consultation processes. It is worth adding that the programmes supporting the nonprofit sector, such as Civic Initiatives' Fund, were also adopted by the Council of Ministers during the rule of the former government.

Furthermore, I cannot agree with the statement that the role of the specialized body in the field of civic dialogue should not be to implement the governmental programmes. In democracies, national governments are democratically elected first and foremost to realise their manifestos, presented in the pre-electoral campaign. Having stated that, neither the Institute nor the new law will restrict any freedoms of NGOs in Poland. As it has been the

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case so far, Polish organizations will remain independent from the government. They will remain free to undertake research, advocacy, watchdog or monitoring activities concerning issues of public debate, regardless of whether the position taken will be or not in line with the government policy. They will be free to solicit and receive funding – cash or in-kind donations from institutional or individual donors in Poland or abroad. The draft law does not change anything in that matter. It is worth noting that similar grant making government entities operate in Germany (Federal Agency for Civic Education), Sweden (Swedish Agency for Youth and Civil Society), Estonia (National Foundation of Civil Society), Croatia (National Foundation for Civil Society Development), Latvia (Society Integration Foundation), Canada (Ontario Trillium Foundation) and other countries.

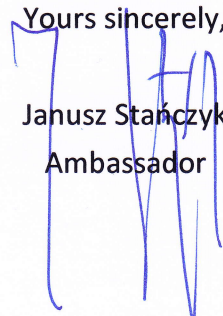
To conclude, I would like to reassure you that in the future we are open and waiting for your consultation prior to the publication of the communique, to avoid such misleading opinions and false statements on the Government's projects or draft laws. This communique, to our astonishment, was accidentally discovered by the staff of the Polish Permanent Representation on the web page of the INGOs Conference.

Let me stress Poland's commitment and attachment to the idea of promoting civil society, also at international fora, which is manifested inter alia through the annual Conference *Warsaw Dialogue for Democracy*. This unique event is addressed to human rights defenders, NGOs and activists representing civil society from all over the world.

Ms President, I would like to ask you to publish this letter on your web page along with the communique of 20 July 2017.

Yours sincerely,

Janusz Stańczyk
Ambassador



CC:

Cyril Ritchie, President of the Expert Council on NGO Law

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