Annex IV: Country Information

Each of the reports is based on a combination of data derived from the following sources:

- Interviews with 2 respondents—HRAW leaders or informed observers of NGO landscape from a particular country. In total 21 interviews were held during February, March, April 2010 with respondents from 10 countries. Each interview was recorded and transcribed without attribution;
- Research of literature, publications and reports on the NGO sustainability, situation in the area of human rights, accountability and watchdog as well as about funding of NGOs;
- Web-search of sites of HRAWs and donor organizations relevant to the subject of the study.

At the beginning of each report we provide a summary of key human rights, accountability and watchdog issues that are relevant for a given country. These are based on various reports of international and domestic organizations that monitor the situation. The list of issues provides a context for the need of activities performed by the HRAWs. The list of selected HRAWs with their short description comes next and provides the reader with a sense of who are the major HRAW NGO actors in a given country. Lists are not exhaustive, but to some degree representative.

The next section in a country report looks at the sustainability situation of HRAWs and presents the key challenges and issues that these organizations face. The information in this section is based mostly on the analysis of conducted interviews.

The final section deals with the funding sources, both existing and potential ones and analyzes them from the perspective of HRAWs.

Given a very heterogeneous and to some extent incomplete information, it was not possible to formulate conclusions for each country, however for some countries we offer summary of findings and conclusions, especially when the available data allowed us to do so.

Each report also includes the list of resources and publications used, a list of HRAW web addresses and list of respondents without identification.

7.2 Poland

1. Human Rights, Accountability and Watchdog Issues

According to the reports of foreign or international organizations that observe the situation in the human rights and governmental accountability major issues in Poland recently include:

- Corruption
- Police misconduct
- Discrimination against women
- Inefficient and extremely slow judicial system.

Among other issues that are also worth noticing belong also incidents of anti-Semitism, trafficking persons and societal discrimination and violence against ethnic minorities, gays and lesbians.¹ ²

¹ http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154444.htm
In terms of the corruption and judicial system inefficiencies, there are efforts of the government to improve the situation. The US State Department Human Rights Report mentions:

“The law provides criminal penalties for official corruption; however, the government did not always implement these laws effectively, and officials sometimes engaged in corrupt practices”.

The Report also states that according to World Bank governance indicators for 2008, corruption was a problem in the country. There was a widespread public perception of corruption throughout the government. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.3

Similarly, the Nations in Transit Report for 2010 states that the 2009 scandals that revealed links of the top politicians with corruption (gambling industry, phone taps scandal – against investigative journalists) have shaken the confidence Polish population to their political class4.

In a more regional comparative perspective, the situation in Poland is not exceptional. For example the Transparency International Corruption Perception Index for 2010 ranks Poland as the third of the 10 New EU member countries, following Estonia and Slovenia, however, still being 21st out of 30 countries in the regional grouping.5

Another important human rights area is the discrimination against ethnic minorities and xenophobia. These issues have been analyzed in 2008 report on Xenophobia and Ethnic Discrimination in Poland of 2008 by the Helsinki Foundation for Human Rights6. The reports writes that despite Poland is an ethnically homogenous country, this issue becomes manifested especially against people who are distinctively different from the majority population or do not conform to the traditional societal expectations7. Following the Poland’s accession to the EU the number of foreigners and migrants settling down in Poland has been on the rise. The most severely are affected Roma, but also foreigners coming from the Africa, Caucasus or Turkey.

Gender discrimination is also a subject of attention. The Amnesty International reports that in May 2010 Poland was referred to the European Court of Justice by the European Commission for failing to incorporate into national law EU legislation prohibiting gender discrimination in access to, and supply of, goods and services. The anti-discrimination legislation had not been adopted by the end of December of that year.8

The UN Committee on Economic, Social and Cultural Rights criticized Poland for not guaranteeing basic sexual and reproductive health services such as contraception and family planning services.

2 http://www.freedomhouse.eu/images/Reports/NIT-2010-Poland-final.pdf
3 http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136051.htm
5 http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results
7 According to the census results, in 2002 the population of Poland was 38,230,000 people, out of which 96.74% declared Polish nationality. The remaining 3.26% are the people belonging to ethnic and national minorities, foreigners or migrants
2. Key Human Rights, Accountability and Watchdog NGOs

Poland NGO sector is one of the most developed in the former post-communist countries with strong human rights protection traditions. Similarly, as in other countries of the region, the human rights and governance issues have been significantly supported financially from the donor community during the nineties and early 2000 which contributed also to the growth of number initiatives in the area of traditional human rights protection or “newer” issues such as LGBT or women rights protection. Also, there is a group of organizations that has been focusing on corruption and governance issues (access to justice, access to information, privacy issues, etc).

It should be noted that specific watchdog NGOs are not very common as many NGOs are involved watchdog or advocacy work only as one line of their activity and not their mission. Also for the public the “watchdog” function is not particularly clear.

Among the key human rights accountability and watchdog NGOs can be included following:

Helsinki Foundation for Human Rights based in Warsaw, was established in 1989. Its creation was preceded by the seven year of activity of the Helsinki Committee in Poland, which existed in the underground since 1982. The Foundation focuses on public education, human rights training and monitoring. Among other activities it conducts strategic litigation, public interest law activities, defense of rights of minorities, children rights. Currently, the Helsinki Foundation for Human Rights is one of the most experienced and professional non-government organisations active in the field of human rights in Europe.

Stephan Batory Foundation Anti-corruption Program. Stefan Batory Foundation is an independent private Polish foundation established in 1988 by philanthropist George Soros and a group of Polish democratic leaders of 80’s. It’s mission is to support the development of an open, democratic society in Poland and other Central and East European countries. The Anti-Corruption Program ambition is to reduce the scale of the corruption problem in Poland by fostering attitude shifts amongst citizens with respect to everyday corruption, advocating new legislation to ensure transparency of decision-making and organizing permanent community pressure on the government to enforce anti-corruption laws and regulations.

Anti-Corruption NGO Coalition was established in 2001 before the parliamentary elections by a group of four NGOs (Transparency International – Poland, Stefan Batory Foundation, Helsinki Foundation for Human Rights and the Foundation for Social Communication that decided to invite citizens to sign an appeal towards political parties to explain what they plan to do to combat corruption. These answers were then monitored and followed by the members of the Coalition, which turned into a semi-permanent structure that monitors the government performance in the anti-corruption efforts. Since the beginning it included also the Center for Citizens Education, Association School of Leaders and Association of Leaders

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10 The main components of the Program, which is in place since 2000, are the combination of policy research and surveys (Corruption Barometer), watchdog activities aimed at political parties and performance of government institutions in their anti-corruption practices and legislative monitoring aimed at new legal initiatives curbing corruption. The Program’s activities concentrate on monitoring the authorities at national and local level, diagnosing the mechanism of corruption in concrete areas and professions and building social movement for transparency in public life
11 http://www.akop.pl/
Campaign Against Homophobia\(^\text{12}\) is a nationwide LGBT organization with regional branches that focuses on social awareness raising campaigns and educational activities aimed at integration of LGBT people in the society. It also provides psychosocial and legal assistance to people that face discrimination, attacks or other intimidation. It monitors media and legal development in the area of LGBT discrimination.

Institute for Public Affairs\(^\text{13}\) is a leading public policy think tank established in 1995 to support modernization reforms and to provide a forum for informed debate on social and political issues. It conducts research and develops policy recommendations. Its programs cover social policy issues, civil society development, democratic institutions, migration policies and European issues.

Foundation for Childbirth with Dignity\(^\text{14}\) is a non-profit organization that advocates for a health care system that respects the needs of women and their families, that treats them in the obstetric and gynaecological care as partners with voice and provides a friendly environment for newborns. It monitors the performance of hospitals as well as their observation of patients’ rights.

Association for Legal Interventions\(^\text{15}\) is an NGO that provides legal help to people who are subjected to discrimination or otherwise marginalized, such as asylum seekers, migrants, prisoners and detainees, abandoned or otherwise disadvantaged children and the like. Besides assistance services to clients and their representation in legal cases, the Association works towards improvement of legal system and social policies. The Association is actively involved in strategic litigation and precedence cases setting.

The Association of Leaders of Local Civic Groups\(^\text{16}\) is one of the most active national watchdog organizations in Poland with local membership. It aims at dissemination and implementation of a concept of good governance through involvement and activation of citizens into watchdog activities on local and regional level. It promotes and expands the freedom for information for citizens, propagates the concept of public budgets monitoring by citizens and organizes a network of civic watchdog initiatives. It also operates a web-portal that serves these initiatives (http://www.watchdog.org.pl/).

Association Center for Social Activity PRISMA (regional)\(^\text{17}\), based in Suwalki is a regional NGO with a mission is to support citizens’ initiatives that fulfill ideas of a civil society. Main activities include citizens advisory service in wide range of issues in which citizens need support, voluntary service center, free legal and psychological aid for victims of violence, multicultural education and mediation services.

Association Bona Fides (regional)\(^\text{18}\), based in Katowice is a regional NGO that is focused on access to information and accountability of local governance. It is one of the important local actors in Katowice, as well as an expert organization on the national scene as regards Public Information Bulletins (compulsory internet website for each public institution) that suits for releasing information on-line.

\(^{12}\) http://www.world.kph.org.pl/
\(^{13}\) http://www.isp.org.pl/
\(^{14}\) http://www.rodzicpoludzku.pl/
\(^{15}\) http://www.interwencjaprawna.pl/
\(^{16}\) http://www.lgo.pl/english/
\(^{17}\) http://pryzmat.org.pl/
\(^{18}\) http://www.bonafides.pl/
Polish Federation for Women and Family Planning\(^{19}\) is the leading organization that monitors women's procreative rights i.e. the anti-abortion law, and its consequences for individual cases, reports on the women’s health, advocates for access to appropriate medical services and sexual education.

Panoptikon Foundation\(^{20}\). It protects human rights, in particular the right to privacy, in the clash with modern technology used for surveillance purposes. Panoptikon analyses the risks associated with the operation of modern surveillance systems, monitor the actions of both public and private entities in this and intervene when human rights or democratic values are threatened.

Polish Society of Anti-Discrimination Law\(^{21}\). It leads academic research in the field of equality law; drafts comparative legal analysis; provides legal assistance and advices for those who face discrimination on the ground of gender, sexual orientation, age, disability, religion/belief, race and ethnic origin; runs strategic litigation to ensure and achieve equality on the highest possible level; promotes national, international and EU equality legislation.

Court Watch Foundation\(^{22}\). It provides courts and judiciary system’s civic oversight and builds social movement in this area. Its goal is to enhance the quality of public services by the courts in the democratic system.

Association 61\(^{23}\) – it runs a portal that gathers information on all Members of Parliaments as regards their political and vocational career, civic activity, political views, state of property and contacts. It also shows their voting record. The service is extended to the candidates’ biographies and political views at the election time. The portal uses infographics to show interesting phenomena based on data that may provide more information for a voter.

eState\(^{24}\) – it re-uses public data and provides information for citizens through new technologies that allow to have better access to information on the stands of different MPs, political parties, on legislative procedures connected with different law – on the state level; and also re-uses data on different administrative units of the self-government and releases them in a way that allows citizens to have different data connected with their local community gathered in one place.

In the Human Rights House are gathered also organizations affiliated to Helsinki Foundation for Human Rights: The Association Initiative 33, Helsinki Committee in Poland, and Viridarum – Polish Student Group against anti-semitism and xenophobia\(^{25}\)

Nevertheless, there is also other human rights and watchdog NGOs in Poland Center for Legal Assistance named after Halina Nieć, Homo Faber Association, Fund to Support Students, The Association Impolite Children with the Asperger’s Syndrome, The Nobody’s Children Foundation and others.

3. Situation of the HRAW NGOs and their Sustainability

\(^{19}\) www.federa.org.pl
\(^{20}\) www.panoptykon.org
\(^{21}\) http://www.ptpa.org.pl/
\(^{22}\) http://courtwatch.pl/
\(^{24}\) http://epanstwo.org.pl/
\(^{25}\) http://humanrightshouse.org/Articles/5431.html
USAID rates Poland in 2009 as a country where general NGOs’ sustainability is consolidated. According to this index, the country gets similar ranking to Estonia and little bit better than other Visegrad countries.26

The situation in the HRAW NGO subsector is also similar as in other countries of the region – despite a relatively better situation in last five years, there are concerns about the future of the existing funding from traditional sources (Soros), growing funding relationship with public funding and its consequences in their organizational development (building administration capacity rather than marketing and fundraising capacity) and stagnation or decrease of constituency building. The major concern is that the development as it continues decreases the „independent“ funding, which is for HRAW NGOs considered as most important.

It should be noted, however, that comparatively, Poland shows signs of most developed domestic public funding environment that responds to the needs in the HRAW NGOs area much more sensitively and sensibly, than in other countries in the region. For example, there were special programs managed since mid 2000 that have been funded by the Polish government public funding, Norwegian and EEA Funds or by the Structural Funds (European Social Fund) and target particularly support of watchdog, good governance and human rights activities (see more below). This is not so common in other countries of the region.

The sustainability of HRAW NGOs looks therefore relatively better at the first glance when compared with similar organizations in the region, but within the Polish context, their situation is not so stable. Partly because other segments of the Polish NGO sector are much more involved in development local funding from local and regional governments or through provision of services and is therefore more stable. And partly because given the size of the country and its needs that capacity of the NGOs to make a stronger footprint in this area is very needed and desired (especially in the regions). Observers of the situation express concerns about the future when the existing mosaic of funding will be fading away.

4. Overall funding situation in particular for HRAW NGOs

For HRAW NGOs in Poland the international funding (Open Society Institute, CEE Trust, international thematic and professional networks in areas such as minority rights, women rights, etc.) is still most significant. This is a conclusion made by the survey respondents and by the observers of the situation in Poland. This statement reflects both, the fact that the international funding provides certain level of independence and, secondly, its share on the funding of these type of organizations. Some estimate that international funding still makes around 70% of all income of Polish HRAW NGOs. This is especially true for those focused on human rights and anticorruption. Think Tanks and regional watchdogs have more public financing as their activities are broader than only civic oversight and strategy connected with that. Regional organizations deal with other topics that are important for the region, while think tanks are more keen to take public financing than classical watchdogs that are very concerned about their credibility.

So what makes up the remaining supposed 30%?

The most important, probably, of the domestic foundations funding for HRAW NGOs, can be considered the Stefan Batory Foundation, which is a traditional supporter of human rights and watchdog NGOs in Poland. It also designs specific programs such as the above-mentioned Anti-Corruption Program.

The Polish government funding represents also an important part of the domestic income of HRAW NGOs. There are several governmental instruments through which the HRAW NGOs draw support:

**Fund for Civic Initiatives** is a funding program established by the Polish government in 2005 and administered by the Ministry of Social Policy. The Fund is aimed at support of civic activism and provides financial support to activities initiated by NGOs in the area of public tasks defined in the public benefit and volunteer work Act, following the open competition procedure. It is an important source of financing for new initiatives.\(^{27}\)

The most important and unique in the regional context is the existence of several funding measures and programs using the funds of the European Social Fund in the Operational Program Human Capital 2007-2013 within the priority **5.4.2 Development of Civic Dialogue**\(^{28}\) aimed at:

a) Support of watchdog activities over the public administration (Development and Support of Programs in the Area of Public Supervision over the Functioning of the Public Administration)\(^{29}\)

b) Legal aid and citizens advisory services support and
c) Strengthening of the branch and regional NGO networks
d) Support of local and regional NGO information centers

These measures are unique in the regional context both, in their focus as well as in size. There are reports from within the HRAW NGOs scene, however, that question the focus of these programs and their relatively loose boundaries that allowed to use these funds for organizations that were purposefully designing activities to meet the funding requirements and not being fully committed to the watchdog activities. Also, many of the supported projects were not directly relevant to implementation of watchdog activity as the whole field has quite new to the implementing management teams to fully exploit the potential of the program. On the other hand, the fact that this funding was available shall not be overestimated – it concerned just two calls for proposals within the said priority. The criticism regarding the EU funds is present, especially due to their high administrative demand placed on recipients and a relationship that is based on a lack of trust between the donor and recipients. But even so, it is a significant precedence in the regional structural funds context from the perspective of NGO support.

Additional domestic funding can be also considered the **EEA and Norwegian Funding Mechanism** as it is managed by a domestic agency that has been separated from the Polish government. This practice – similarly as in Czech Republic, Slovakia or Romania has been also proving very successful and useful. Especially many start-up and new initiatives were supported due to these funds, which places their special importance in the recent years in this regard. In other words, the funding was used and usable not just by old and experienced organizations but also by younger and start-up initiatives. Also, the overall impression is that the Norwegian and EEA funds were less burdensome administration-wise than the ESF. The **Swiss Government Financial Mechanism** that was launch in 2011 may also represent some opportunity for

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\(^{29}\) „Tworzenie i wdrażanie programów z zakresu społecznego nadzoru nad funkcjonowaniem administracji publicznej”, Działania 5.4 Rozwój potencjału trzeciego sektora, Poddziałania 5.4.2 Rozwój dialogu obywatelskiego V Priorytetu Programu Operacyjnego Kapitał Ludzki 2007 – 2013.”
HRAW NGOs. So far however there was one call, around 20 grants, and 1 project that is implemented by watchdog organization was awarded. There is also another one for the new initiative. However the watchdog activities are among the priorities so it is still a promising source of financing. Also the EEA and Norwegian Funding Mechanism is planned to be continued. At the beginning of 2012 the consultation process on its priorities was started.

Growing importance gets the tax assignation mechanism – so called 1%. There is a growing trend in several last years in the overall NGO sector. In relationship to HRAW NGOs is this mechanism less used as it requires some initial investments into advertisement that is problematic for HRAW NGOs. Nevertheless and despite its limits - for example it requires that recipients have to follow more strict regulations regarding their own expenditures as well as puts more requirements regarding the reporting – some HRAW NGOs use it and it represents a potential that has not been fully exploited.

In terms of services provision as a way of generation of resources for NGOs – some HRAWs do provide sometimes services, but it is sometimes a complication due to increased administration (due to generation of own income). There are also some implementation issues such as the tendency of “buying” services or loyalty of a particular NGO by making a gift to it by which the NGO becomes less ready to offer critical view. It is not an important source of funding for HRAWs compared to grants.

Individual contributions and philanthropy also do not represent an important source of funding HRAW NGOs in Poland today. As survey respondents mention, there are some examples such as Amnesty International that are able to generate a higher attention for their cause. However, smaller HRAW NGOs are very cautious to solicit gift support from individuals as they have also encountered a situation where the “would-be” donors were just buying legal advise or loyalty in complicated cases by providing a gift to the organization.

In terms of optimal structure of funding for HRAW NGOs in Poland one could propose that what is most perceived as important by different actors is – independent funding. There is a consensus that for the moment the best independent funding can be provided from abroad and not locally. Some watchdog NGOs are afraid of loosing independence if they will get funding from the Polish government. It does not mean that local fundraising – especially from individuals - should be neglected. It needs more exploration and preparations for communicating the HRAW mission and importance. Domestic public financing is also important. Experience show that for HRAW it is important what kind of institution is responsible for this financing. For HRAW it is move acceptable when it is not public administration – being the object of civic oversight – who manages the funds. Therefore it is worth to lobby for global grant that is managed by the institution selected in open tender.

Also, NGO leaders reflect that the EU did not create sufficient tools for NGO financing – it is a expected from the EU and within the scope of EU priorities it should continue to support NGOs that cope with democratic governance in the post-communist region.

5. Conclusions and Recommendations

NGO sector in Poland is cooperative and its ability to organize itself and be engaged in dialogue with the government is exceptionally developed. A Federation of NGOs has been created to take care about the situation of legal regulation concerning NGOs.
Within this, the HRAW NGOs represent a strong group of NGOs, that, thanks to recent positive development and domestic conditions has been able to develop, sometimes for extensively, than intensively, but nevertheless develop and continue the provision of their activities and services to citizens and broad public.

The legal and fiscal framework in Poland for NGOs is quite stable and predictable which is a plus. HRAW NGOs and NGOs in general shall be aware of their growing dependency on public funding and develop and continue to diversify their funding, both internationally (networks, grants) and domestically (through local business and individual contributors).

### 7.2 Poland: Sources

**A. List of HRAWs (web contacts)**

8) Stowarzyszenie Liderów Lokalnych Grup Obywatelskich: [http://www.lgo.pl](http://www.lgo.pl)

**B. Literature and Resources**

3) Interview with human rights NGO director, November 2010
4) Interview with government and political system watchdog NGO director, March 2011
5) Nations in Transit, Poland, Freedom House, 2009,
8) [http://www.civilin.org](http://www.civilin.org)
9) [http://www.kapitalludzki.gov.pl](http://www.kapitalludzki.gov.pl)