Challenges for organised civil society in Poland and innovative solutions developed to respond to them

Słubfurt, 29th of March, 2019

Filip Pazderski
Institute of Public Affairs (IPA)
Drift in the political environment for CSOs operation in Poland after 2015 elections
Steps taken after new government of Law and Justice (PiS) took their office in November 2015

**Rule of Law**
- Dispute over the composition of the Constitutional Tribunal → PiS taking control over this institution
- Ruling party take control over the public media by amending the media law
- Laws on police, civil service and public manifestations amended
- Laws on courts system, Supreme Court, Nat. Judiciary Council + elections...

**Public role of CSOs**
- Decrease of the quality of public dialogue with CSOs → some civic dialogue bodies were dissolved + legislative process rarely included public consultations
- Defamation campaign in main public TV news claiming that some CSOs were associated with the political opposition and misusing public funds
- Prime minister and other prominent representatives of the ruling party joined this campaign, declaring that CSOs require stronger regulation

**Public funding**
- Several calls suspended or cancelled without explanation
- In grant competitions of various ministries CSOs with little or no relevant experience won over CSOs with extensive relevant experience
- Increased controls in chosen CSOs or some public grants canceled
New framework related to operating of CSOs in Poland

- In result of the defamation campaign in public TV a new law proposed in late December 2016 introducing central administration over the civil society sector through a new agency reporting directly to the Prime Minister - the National Centre for Civil Society Development – National Freedom Institute.

- Law adopted in September 2017 after facade consultations (i.e. nobody never answered 33 out of 49 submitted opinions challenging the idea of new body).

- Amendment of Law on Public Gatherings → „cyclic demonstrations”

- Dispute over the €40 million dedicated to the civil society in Poland from the EEA and Norway Grants (previously used to support citizens’ participation in public life, promoting democratic values and human rights, encouraging advocacy and civic control and supporting vulnerable/minority groups, including anti-discrimination education and counteracting hate-speech).

- Law on transparency in public life with an obligation to disclose affiliation to a CSOs by 1,5 mln of Poles → Polish version of „foreign agents” provision?
CSOs respond to the challenges they have met – some hopes for the civil society in Poland and beyond
New situation has motivated some CSOs to act; the Polish sector has started to organise itself by establishing several thematic coalitions.

Some CSOs started changing the mode of their operation and have opened themselves up to the people, building or enlarging circles of their followers and supporters → potential for counteracting the main problems of the CSOs, which are too dependent on public support and separate from the society.

They also started to exchange their know-how and good examples on how to respond to current threats.

The procedures/guidelines how to act, while attacked by the state were prepared.

Expressing solidarity with the CSOs struggling with the new situation and developing common answers to new legislations.
INFORMAL COALITIONS BUILDING TO REPORT & RESPOND RULE OF LAW VIOLATIONS

Citizens Observatory of Democracy

Citizens Observatory of Democracy keeps track of reactions from civil society organisations, legal and other professionals, academics and citizens to changes to legislation that affect civil rights and liberties, democratic rule of law and political system.

The Observatory is a joint initiative of non-governmental organisations that promote respect for and protection of human rights, transparency and accountability of public administration and advocate for a better quality of legislation.

Choose the topic:

- Asylum Seekers
- Civil Service
- Civil society
- Constitutional Tribunal and the judiciary
PARTICIPATORY STRATEGIC THINKING ON CSOs DEVELOPMENT
- STRATEGIC ROAD MAP FOR CIVIL SECTOR DEVELOPMENT
DIVERSIFYING CSOs FINANCIAL SUPPORT, i.e. by CROWD-FUNDING and openly asking for donations
Campaign „Social organisations. IT WORKS!” – Organised by a coalition of numerous CSOs working in a participatory way

Każdego roku ze wsparcia ponad 100 tysięcy organizacji społecznych działających w Polsce korzystają miliony osób: dzieci, młodzież, dorosłych i seniorów. Często robia to nieświadomie, bo niewiele z nich wie, że organizacje społeczne działają niemal wszędzie – w szkole, na boisku, w szpitalu, telewizji, teatrze czy nawet w lesie.

Dlatego kilkadziesiąt organizacji społecznych połączyło siły, aby pokazać co robią i jaki ma to wpływ na życie każdego i każdej z nas. Efektem naszej współpracy jest kampania społeczna „Organizacje społeczne. To działa” – pierwsza w Polsce kampania, w którą zaangażowało się tak dużo tak różnorodnych organizacji społecznych, a kolejne do niej dołączają.

Chcemy, żebyście zobaczyli jak działamy, kim są ludzie pracujący w organizacjach społecznych, a kim ci, którzy korzystają z naszego wsparcia. Aby Wam to ułatwić przygotowujemy serię krótkich materiałów: filmików wideo i zdjęć, które odnajdziecie w sieci wpisując hasztag #otodzia.

Dołączcie do nas!
Organizacje społeczne.
To działa.

kampanię tworzą

Fundacja Autonomia
Fundacja ClientEarth
Fundacja Dajemy Dzieciom Siłę
Fundacja Edukacja dla Demokracji
Fundacja im. Stefana Batorego
Fundacja Orange
Centrum PISOP

Fundacja Katalyst Engineering
Fundacja Panoptikon
Fundacja Schuman
Fundacja Wspomagania Wsi
Fundusz Obywatelski
Hekselska Fundacja Praw Człowieka
Kampania Przeciw Homofobii

Ogólnopolska Federacja Organizacji Pozarządowych
Otwarta Rzeczpospolita
Polsko-Amerykańska Fundacja Wolności
Pracownia Badań i Innowacji Społecznych Stocznia
Proekspedowanie Womacki

Sieć Obywatelska Watchdog Polska
Stowarzyszenie Intervencji Prawnej
Stowarzyszenie Klóp/Jawor
Instytut Spraw Publicznych
Fundacja Szkoła z klasą
WWF Polska
Towarzystwo Inicjatyw Twórczych „4”
Stowarzyszenie malutkich Ubezpieczeń
DZIEŃ ORGANIZACJI SPoŁECZNYCH

Tych ambasadorek i ambasadorów organizacji społecznych nie musielismy przekonywać, że to działa. Doskonale wiedzą...

czytaj więcej

Z MILOŚCI DO PTAKÓW

Zalew Siemianówka na północnym krańcu Puszczy Białowieskiej. Na przełomie lata i jesieni zawodowi ornitolodzy...

czytaj więcej

WSZYSTKO SIĘ UŁOŻY

Milania i Waha uciekli z Czeczenii wraz ze swoimi dziećmi 7 lat temu. W...

czytaj więcej

ROZWIŃ SKRZYDŁA

By niebo przed sobą otworzyć... Po pierwsze: najważniejszy jest wiatr. Ani znowu, ani...

czytaj więcej

OLEŚNICA BAJK STAJL

Kilka osób, zainspirowanych przez fotoreportera z Nowego Jorku, który robił zdjęcia amerykańskich rowerzystów, zdecydowało...

czytaj więcej

TANGO Z PARKINSONEM

Każdy reaguje inaczej. Éwa najpierw zamknęła się w sobie. Krystyna informowała wszystkich o swojej porażce i prosiła...

czytaj więcej

ULICÓWKA

Co roku w Bełk, ślaszczyc jest nietypowy turniej piłki nożnej - Ulicówka...

czytaj więcej

LEKARZE NADZIEI

100 metrów kwadratowych — tyle potrafi mieć niejedno mieszkanie, taką też powierzchnię ma do...

czytaj więcej
There are already evidences that this strategy may work!
o Collection of the 1% income tax for the 2017 tax year → several organisations working on building democratic society and safeguarding rule of law in the country collected probably the largest amounts ever – e.g. Civic Found/“For Poland Foundation”, Stefan Batory Foundation, Watchdog Poland Network or Panoptykon Foundation

➤ Maybe we finally start overcoming the weakness of private philanthropy in Poland?

o Smear campaigns undermining the perception of the civil society organisations might have limited influence, if they meet with clear counteraction

➤ Klon/Jawor Association survey carried out in early 2017 shown that people awareness about the role of CSOs in the democratic society have even grown in Poland as compared to its previous state
Level of distrust towards certain democratical instytutions in the V4 countries (IPA survey); question: „Do you trust in following instytutions?”
Scale: 1 - definitely YES; 4 - definitely NO (research conducted 08.2017 under IVF support)

<table>
<thead>
<tr>
<th>Distrust (average results)</th>
<th>V4</th>
<th>Czech Rep.</th>
<th>Slovakia</th>
<th>Poland</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fireman</td>
<td>1,36</td>
<td>1,31</td>
<td>1,35</td>
<td>1,39</td>
<td>1,39</td>
</tr>
<tr>
<td>Police</td>
<td>2,4</td>
<td>2,2</td>
<td>2,6</td>
<td>2,3</td>
<td>2,4</td>
</tr>
<tr>
<td>Local authorities</td>
<td>2,4</td>
<td>2,3</td>
<td>2,6</td>
<td>2,4</td>
<td>2,4</td>
</tr>
<tr>
<td><strong>NGOs / CSOs</strong></td>
<td>2,6</td>
<td>2,9</td>
<td>2,9</td>
<td>2,3</td>
<td>2,4</td>
</tr>
<tr>
<td>President</td>
<td>2,6</td>
<td>2,5</td>
<td>2,5</td>
<td>2,5</td>
<td>2,9</td>
</tr>
<tr>
<td>Courts</td>
<td>2,7</td>
<td>2,6</td>
<td>3,0</td>
<td>2,6</td>
<td>2,6</td>
</tr>
<tr>
<td>Public media (radio and TV)</td>
<td>2,7</td>
<td>2,5</td>
<td>2,3</td>
<td>3,0</td>
<td>3,0</td>
</tr>
<tr>
<td>European Commission</td>
<td>2,7</td>
<td>3,2</td>
<td>2,9</td>
<td>2,4</td>
<td>2,3</td>
</tr>
<tr>
<td>European Parliament</td>
<td>2,8</td>
<td>3,2</td>
<td>2,9</td>
<td>2,5</td>
<td>2,4</td>
</tr>
<tr>
<td>Church</td>
<td>3,0</td>
<td>3,3</td>
<td>3,0</td>
<td>2,9</td>
<td>2,9</td>
</tr>
<tr>
<td>Government</td>
<td>3,1</td>
<td>3,1</td>
<td>3,1</td>
<td>3,0</td>
<td>3,1</td>
</tr>
<tr>
<td>Parliament</td>
<td>3,1</td>
<td>3,1</td>
<td>3,1</td>
<td>3,1</td>
<td>3,2</td>
</tr>
<tr>
<td>Political parties</td>
<td>3,3</td>
<td>3,3</td>
<td>3,4</td>
<td>3,3</td>
<td>3,3</td>
</tr>
</tbody>
</table>
There are several factors that can help us understand these data:

- Due to public distrust in politics and representative institutions, inhabitants of PL and HU appear reluctant to accept the discourse produced by politicians.

- These societies are largely polarised → when CSOs were attacked by the ruling party and media they control, the part of the society that opposes respective governments stood stronger behind the CSOs.

- Other actors in the public debate defended attacked CSOs and explained their work to citizens in a fair manner → In Poland the private media were able to answer the accusations against the CSOs disseminated by public media.

- Some CSOs have modified the mode of their operation and opened themselves up more to the people, building or enlarging circles of their followers and supporters → There is potential for counteracting the main problems of the V4 civic sector that have been pointed out for years!
Thank you very much for your attention!

More information

e-mail:  filip.pazderski@isp.org.pl

http:  www.isp.org.pl
Current state of affairs of Polish civil society:

- Relatively low level of trust between people and towards public institutions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The percentage of adult Poles who agree with the statement that, generally speaking, you can trust most of the people</td>
<td>19%</td>
<td>17%</td>
<td>19%</td>
<td>26%</td>
<td>26%</td>
<td>23%</td>
<td>23%</td>
</tr>
<tr>
<td>The percentage of adult Poles declaring trust to:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>local government</td>
<td>43%</td>
<td>53%</td>
<td>56%</td>
<td>68%</td>
<td>55%</td>
<td>58%</td>
<td>64%</td>
</tr>
<tr>
<td>courts</td>
<td>40%</td>
<td>31%</td>
<td>39%</td>
<td>59%</td>
<td>44%</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>public administration officials</td>
<td>31%</td>
<td>33%</td>
<td>38%</td>
<td>53%</td>
<td>42%</td>
<td>45%</td>
<td>50%</td>
</tr>
<tr>
<td>government</td>
<td>42%</td>
<td>21%</td>
<td>47%</td>
<td>56%</td>
<td>31%</td>
<td>39%</td>
<td>38%</td>
</tr>
<tr>
<td>parliament (Sejm &amp; Senate)</td>
<td>28%</td>
<td>21%</td>
<td>30%</td>
<td>39%</td>
<td>21%</td>
<td>29%</td>
<td>30%</td>
</tr>
<tr>
<td>political parties</td>
<td>15%</td>
<td>13%</td>
<td>24%</td>
<td>28%</td>
<td>14%</td>
<td>20%</td>
<td>20%</td>
</tr>
</tbody>
</table>

Source: Boguszewski, CBOS (2010); Omyła-Rudzka, CBOS (2016)
IPA Project (2011): *Has our dream come true? Comparative research of Central and Eastern European Civil Societies*

- The reasons why the respondent think the CSOs could not solve some problems

<table>
<thead>
<tr>
<th>Reasons</th>
<th>Yes</th>
<th>No</th>
<th>don’t know</th>
<th>Refuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>I think these organisations are vehicles of political parties</td>
<td>73,4%</td>
<td>22,3%</td>
<td>4,3%</td>
<td>0,0%</td>
</tr>
<tr>
<td>I think that they represent business interests, not civic ones</td>
<td>71,3%</td>
<td>24,5%</td>
<td>3,2%</td>
<td>1,1%</td>
</tr>
<tr>
<td>I think these organisations concentrate on their own financial benefits</td>
<td>66,0%</td>
<td>31,9%</td>
<td>2,1%</td>
<td>0,0%</td>
</tr>
<tr>
<td>I don’t think these organisations are effective</td>
<td>63,8%</td>
<td>31,9%</td>
<td>3,2%</td>
<td>1,1%</td>
</tr>
<tr>
<td>I don’t think they deal with problems that are really important</td>
<td>56,4%</td>
<td>41,5%</td>
<td>2,1%</td>
<td>0,0%</td>
</tr>
<tr>
<td>I do not know anything about the activities of the NGOs</td>
<td>41,5%</td>
<td>55,3%</td>
<td>3,2%</td>
<td>0,0%</td>
</tr>
<tr>
<td>They represent foreign interest</td>
<td>28,7%</td>
<td>60,6%</td>
<td>10,6%</td>
<td>0,0%</td>
</tr>
</tbody>
</table>
How likely/probably is it that you turn to the following, if you have a problem?

<table>
<thead>
<tr>
<th>How likely/probably is it, that you turn to the following, if you have a problem?</th>
<th>not likely at all</th>
<th>not very likely</th>
<th>somewhat likely</th>
<th>likely</th>
<th>very likely</th>
<th>don’t know</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>MP</td>
<td>38,8%</td>
<td>17,9%</td>
<td>19,4%</td>
<td>10,7%</td>
<td>12,9%</td>
<td>0,3%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Local government representative</td>
<td><strong>25,9%</strong></td>
<td><strong>20,8%</strong></td>
<td>23,8%</td>
<td>16,6%</td>
<td>12,8%</td>
<td>0,1%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Local authority</td>
<td><strong>23,7%</strong></td>
<td><strong>20,3%</strong></td>
<td>26,0%</td>
<td>17,5%</td>
<td>12,3%</td>
<td>0,3%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Government agency (ministry)</td>
<td>36,0%</td>
<td>18,7%</td>
<td>20,5%</td>
<td>14,1%</td>
<td>10,4%</td>
<td>0,3%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Civil society organization</td>
<td><strong>14,8%</strong></td>
<td><strong>12,5%</strong></td>
<td>29,9%</td>
<td>26,6%</td>
<td>15,9%</td>
<td>0,3%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Media</td>
<td>16,3%</td>
<td>13,1%</td>
<td>23,0%</td>
<td>24,8%</td>
<td>22,8%</td>
<td>0,0%</td>
<td>100,0%</td>
</tr>
<tr>
<td>MEP and the European Parliament ombudsman/ EU institutions – petition, complaint</td>
<td>27,2%</td>
<td>17,0%</td>
<td>20,8%</td>
<td>19,3%</td>
<td>15,2%</td>
<td>0,5%</td>
<td>100,0%</td>
</tr>
<tr>
<td>The police</td>
<td>8,1%</td>
<td>8,5%</td>
<td>18,0%</td>
<td><strong>31,8%</strong></td>
<td><strong>33,3%</strong></td>
<td>0,1%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Family</td>
<td>2,1%</td>
<td>1,0%</td>
<td>6,4%</td>
<td><strong>14,0%</strong></td>
<td><strong>76,5%</strong></td>
<td>0,0%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Friends</td>
<td>5,0%</td>
<td>4,0%</td>
<td>15,4%</td>
<td><strong>31,3%</strong></td>
<td><strong>44,4%</strong></td>
<td>0,0%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Church community</td>
<td><strong>29,4%</strong></td>
<td><strong>18,4%</strong></td>
<td>22,9%</td>
<td>15,4%</td>
<td>13,9%</td>
<td>0,1%</td>
<td>100,0%</td>
</tr>
<tr>
<td>Colleagues at work</td>
<td>11,1%</td>
<td>11,2%</td>
<td>27,3%</td>
<td>26,8%</td>
<td>22,7%</td>
<td>0,8%</td>
<td>100,0%</td>
</tr>
<tr>
<td>None, I try to solve it myself</td>
<td>38,8%</td>
<td>17,9%</td>
<td>19,4%</td>
<td>10,7%</td>
<td>12,9%</td>
<td>0,3%</td>
<td>100,0%</td>
</tr>
</tbody>
</table>
Main sources of Polish CSOs income (in % of the total sector’s income):

- European Union funds: 23%
- Local administration: 15%
- Central administration / government: 15%
- Other sources: 2%
- Revenues from public collections and...: 2%
- Foreign public sources from outside the EU: 2%
- Bank interest, gains from solid capital, shares: 3%
- Support from national NGOs: 3%
- Support from foreign NGO: 3%
- Membership fees: 3%
- Paid statutory activity: 4%
- Institutional & business donations: 4%
- 1% tax mechanism: 5%
- Economic activity: 7%
- Private donations: 9%
- Revenues from own property: 1%
- Other sources: 2%

Source: Klon / Jawor 2013