

Dear Madam, Dear Sir,

On behalf of the human rights and civil society organisations I would like to present a state of play and recommendations concerning protection of the right to information in Poland.

I mean the right to information understood as part of the freedom of expression, a right of **everyone to seek information**. As it is stated in the Article 19 of the Covenant on Civil and Political Rights and Art. 10 of the European Convention on Human Rights. The minimum standard for this right is settled in the Council of Europe's Convention on Access to Official Documents. Its protection is also a target of the 16th Millenium Development Goal.

The organisation that I represent, the Citizens Network Watchdog Poland, is a human right defender especially focused on protection of this right. We have managed to educate and network thousands of activists, civil society organizations, bloggers and journalists actively enjoying this right and concerned with the level of its protection. We are also a part of a broader group of human rights defenders, who are i. a. represented by my colleagues here, and who - along with us - **discuss the current problems and possible solutions as regards freedom of information**.

As regards the Universal Periodic Review we take part in the national consultation. They are organised by the Ministry of Foreign Affairs. We - human rights defenders and civil society organisations have to consult a document that we do not know - as it is kept undisclosed unless it is ready. In the third cycle we prepared a report from consultations, which I will gladly share. In the forth cycle - up until now - there are the same problems.

Coming to the point of my presentation I would like to underline that freedom of information is important i. a. to the rule of law. There was no specific or general recommendation related to the FOI in the last cycle of the Universal Periodic Review. But there were several related to the rule of law that are presented in the Mid-Term Progress Report as non-relevant or fulfilled. Much too often however, public opinion at large lacks reliable information provided by public institutions that allow them to support or reject such a statement.

It is due to systemic problems observed by the civil society organisations since 2011. They are exposed now because of the serious doubts around the rule of law in Poland. Those systemic problems derive from the fact that although there are strong guarantees of the FOI in the Polish Constitution, much too often the practice of their application is low. The system is unpredictable, the information finally received often happens to be outdated and received after lengthy court proceedings, broad areas of public life are discretionary excluded from public information by new acts.

Therefore we gladly ask the Polish government and recommending states to present the following recommendations.

First of all, to guarantee freedom of information in the national legislation **by preparing a new bill on access to public information** in cooperation with human rights defenders, civil society experts, academics and public officials.

To make it possible, it is necessary to **review the national legislation as regards obstacles to full execution of the freedom of information** in accordance with the Constitution of the Republic of Poland.

Knowing the current practice, we find it crucial to make sure that finally such processes lead to the system of protection that is consistent with the freedom of information standards arising from Article 19 of the International Covenant on Civil and Political Rights, Council of Europe Convention on Access to Official Documents and Polish Constitution.

To conclude, I would like to add that such changes will have a significant impact on the following Millennium Development Goal's targets:

- Promotion of the rule of law at the national level
- Substantial reduction of corruption
- Development of effective, accountable and transparent institutions
- Responsive, inclusive, participatory and representative decision-making
- **And of course access to information and protection of other fundamental freedoms.**