

Narrative report

Citizens' Network Watchdog Polska

in 2023

I. Objectives of the Association:

The objective of the Association is to promote and protect human rights and freedoms, and civil liberties, as well as activities supporting the development of democracy, and to support monitoring and education activities, in particular those taken by members of the Association and individuals cooperating with them, in order to increase transparency and integrity of public life, including:

- 1) to promote free access to public information;
- 2) to promote public asset management and public policy management that is effective, lawful, transparent and open to civil oversight;
- 3) to provide technical and financial support to individuals and organisations in exercising civil oversight;
- 4) to take action to promote ethics in public life and anti-corruption activities.

II. Formal information on activities

Two General Meetings of Members took place in 2023:

- Extraordinary General Meeting of Members on 28-29 January 2023 in Pruszków,
- The General Assembly of Members was held on 24-25 June 2023 in Sienna. This was the reporting and election sitting.

There were no elections to the Board and Audit Committee as their terms were still valid. The Board of Directors consisted of Szymon Osowski, Katarzyna Batko-Tołuć and Marzena Błaszczyk. The Audit Committee, consisted of Jerzy Migduła, Zenon Michajłowski and Jakub Jaworski.

Due to the resignation from the Ethics Committee on 5.01.2023 of Edyta Widawska and Anna Gryta on 9.01.2023, a by-election to the Ethics Committee was held during the January general meeting. The new composition of the Ethics Commission - after the addition of members - was as follows:

- Ewa Majda
- Norbert Orłowski
- Anna Dęboń
- Przemysław Żak
- Michał Zemełka
- Jacek Werder
- Alina Czyżewska
- Krzysztof Pietruszewski
- Anna Cioch

On 12 February 2023, Michał Zemełka resigned from the Ethics Committee, followed by Anna Dęboń resigning from the Ethics Committee on 16 February 2023. In turn, Norbert Orłowski stepped down from the Ethics Committee on 13 March 2023. On 4 April 2023, Krzysztof Pietruszewski resigned from the Association and thus from the Ethics Committee. On 24 June 2023, Alina Czyżewska, Ewa Majda, Jacek Werder, Przemysław Żak and Anna Cioch resigned from the commission.

The General Assembly of Members therefore elected a new Ethics Committee in June, consisting of:

- Michał Zemełka
- Anna Cioch
- Wojciech Paszkowski
- Marcin Jaworski

The Meeting also adopted the financial <https://bip.siecobywatelska.pl/userfiles/file/Sprawozdania%20od%202023%20roku/Sprawozdanie%20finansowe%20wersja%20papierowa%20do%20wgl%C4%85du%20z%20podpisami.pdf> (ENG translation

https://siecobywatelska.pl/wp-content/uploads/2023/07/Translation-of-financial-report_2022_Watchdog-Poland.pdf and substantive https://bip.siecobywatelska.pl/userfiles/file/Sprawozdania%20od%202023%20roku/Sprawozdanie%20omerytoryczne_21765.pdf reports for 2022 (ENG <https://siecobywatelska.pl/wp-content/uploads/2023/07/Narrative-report-2022-Watchdog-1.docx>).

Changes were made to the Association's statutes - a requirement to be a supporting member before becoming an ordinary member was introduced. The method of payment of the membership fee was changed so that it can be paid in parts.

In 2023, an audit of the association's financial statements was carried out by an auditor from the firm SW Audyt Sztanga, Wieczorek Spółka Jawna

[https://bip.siecobywatelska.pl/userfiles/file/Sprawozdania%20od%202023%20roku/Sprawozdanie%20z%20badania%20SF%20Watchdog%20za%202022\(6\).pdf](https://bip.siecobywatelska.pl/userfiles/file/Sprawozdania%20od%202023%20roku/Sprawozdanie%20z%20badania%20SF%20Watchdog%20za%202022(6).pdf) (ENG

<https://siecobywatelska.pl/wp-content/uploads/2023/07/Audit-of-the-financial-report-2022.pdf>). As of 10 January 2023, the association started its paid public benefit activities, in which it carries out its statutory activities related to monitoring the activities of public entities, educational activities and support for other entities.

From 1 June 2023, the Association's accounting has also changed. The financial audit for 2023 was audited by the auditor <https://bip.siecobywatelska.pl/userfiles/file/kontrola/Sprawozdanie%20z%20badania%20SF%20Watchdog%20za%202023.pdf>.

III. Brief summary of activities in 2023

In 2023, the Association celebrated its 20th anniversary. It was also the year of the general elections and the referendum, a lot of our activities were related to this topic. We were involved in activities related to the amendment of the Public Information Act. A draft law on free access to information was prepared by Dr. Łukasz Prus and Dr. Karolina Kulińska-Jachowska from the University of Wrocław. Dr Michał Bernaczyk, a Professor at the University of Wrocław, was also consulted on the draft. The most important assumptions of the bill were also consulted with those attending the Jamboree of Transparency Fans.

We continued our activities concerning the so-called 'envelope elections' and the release of private voter data to the Polish Post Office without legal basis. This year's activities were hampered by the abolition law adopted at the end of 2022, which, in the case of our complaints about the prosecutors' failure to take action, became a frequent basis justifying the dismissal of further cases. Towards the end of the year, a Commission of Inquiry was set up to investigate the legality, regularity, and expediency of the steps taken to prepare for and conduct the 2020 election of the President of the Republic of Poland by postal voting (SKGK), and at one of its first meetings, it was announced that Szymon Osowski (President of the Board of Watchdog) would be called as a witness. ([Commission homepage](#))

Independence of local media and freedom of expression was an important topic - we engaged in countering SLAPPs. We conducted strategic litigation in the European Court of Human Rights, Polish administrative courts, and criminal courts.

We conducted trainings for local watchdogs and fans of openness. We analyzed documents and information with activists on the website sprawdzamyjakjest.pl (WeCheckHowIts), while collaborating with other community organisations.

Together with the Foundation for Poland, we conducted a second grant competition for watchdog organisations. In January 2023, the Association received PLN 30,000 from Polish Public Television

(TVP). This was the result of a ruling by the District Court in Warsaw. from the action of the Foundation for the Development of Local Democracy in Warsaw against Polish public television. We transferred the money received to the Media Forum Foundation, which used it to prepare a training publication for journalists.

We took part in the referendum campaign - we prepared a radio and TV spot that was broadcast on regional and national public media. Due to the plebiscite nature of the referendum, we urged people to boycott it by refusing to accept the ballot paper.

We have organised several events - online and onsite - including two meetings related to human rights - the Jamboree of Fans of Transparency in September and the Human Rights and Rule of Law Celebration in December.

The activities of our representatives in the Our Ombudsman coalition continued. We gave our opinion on legislative proposals, and spoke out together with other organisations through open letters and position papers. We published monitoring reports. We wrote texts for our websites.

Our activities in numbers were as follows:

- 1306 - that is how many cases we registered in 2023 in our legal clinic, which is our record. The previous one fell in 2021, and it was 1,250 cases. This compares with only 761 in 2016.
- 800 - that's the number of people our lawyers and solicitors helped in 2023, some people came back to us with different cases
- 3695 - this is the total number of FOI requests we sent out in 2023 - compared to 3457 in 2022. This number is made up of 2828 requests sent out as part of our monitoring, 636 requests sent out in collaboration with the Ocalenie Foundation and the Let Them Live! Foundation, and 231 requests in our cases to individual institutions - 60 more requests than in 2022 .
- 665 - this is how many FOI requests were sent by other organisations using our fedrowanie.siecobywatska.pl system
- 150 - that is how many judgements were made in our cases in the administrative courts. This is the same as the year before. In 2021, there were 178 (a temporary increase due to the suspension of cases for the pandemic). In earlier years, the number fluctuated between 150 and 160 verdicts per year
- 205 - this is the total number of texts that have appeared on our websites. This is 55 more than in 2022
- 12 is the number of open online events - our discussions with experts have been viewed more than 9700 times is the number of webinars and online events
- 532 - that is how many media mentions there were about us in 2023. This is approximately 20 percent less than the year before; in 2022 we had 664 of these mentions and a decrease of the same amount. However, this is a better result than in 2020. In 2023, we appeared 208 times in national media, 187 times in trade media, and 137 times in local media.

- 167 people engaged in marking documents as part of the campaign in Checking How It Is, of which 59 people created an account and marked documents for the first time
- 18 is the number of positions and appeals in the public debate. This is up from 2022.

IV. Leading themes for action

In 2023, the leading themes were action to protect the right to information and amend the Access to Public Information Act, action to protect the rule of law, prevent corruption, election integrity, freedom of expression.

V. Key takeaways

Advocacy

Participation in the work on revising the requirements for the contract register

In 2023, we conducted advocacy activities related to the central register of contracts concluded by public finance sector units. In July, there was a first meeting with the Legal Department at the Ministry of Finance - this was the result of our appeal on this issue sent back in 2021. At the meeting, we highlighted important issues for improvement. By the end of 2023, a team was meeting at the Ministry of Finance to come up with amendments to the law introducing the contract register. We attended these meetings and provided regular updates on what was happening at the meetings.

Laying the groundwork for amendments to the Access to Information Act

In 2023, we devoted a lot of attention to international standards on the right to information and digitalisation issues. At the beginning of the year, we invited our constituency to listen to an online discussion on international standards. The discussion on the right to information in Poland is often limited to disputes about the technical conditions for making it available. Issues such as the rule of law, protection of human rights, and prevention of corruption are overlooked. Globally, the right to information has been recognised as extremely important, as evidenced by the adoption of almost 135 laws on information over the past 25 years. In 2015, UNESCO officially recognised the International Day for the Right to Information, and in 2022, the UN issued a report on the topic. There is an ongoing discussion in the European Union about standards for access to EU documents, which could modernise the approach to openness. In February, we organised another expert meeting, which could be followed live online. This time we focused on the question of what can be done to make digitalisation conducive to openness. An important point of reference in the discussion was the project of access to information bill prepared in Germany by CSOs, which emphasises the importance of open data and the transparency portal. Poland has similar regulations, but much information is not published, and access on request is sometimes difficult. The draft regulations in

Germany suggest that the administration should organise records so that they can be made available without excessive work. The meeting aimed to discuss the problems of digitilisation in public institutions and the tools and strategies needed to solve them.

We regularly mention the need for statutory changes when contributing to the EU report on the rule of law. Thanks to our efforts, the topic has been taken up by international organisations. The European Civic Forum, in its report on the state of civil society in Europe, recommends that Poland respect the right to information and introduce the standards contained in the Tromsø Convention and international standards.

In 2023, we published the State of Openness Report for the first time. The aim of the report was to collect information on the number of requests for information submitted to the administration of each level, we also analysed available information related to cases in courts, cases submitted to our counselling centre and the public opinion survey. This is important because data on requests for information and how they are answered are not collected and analysed by public institutions or authorities in Poland. In the public debate and in court judgements one can often encounter notions of 'abuse' of the right to information, and there are also problems with obtaining so-called processed information. We also described issues of access to information by journalists. The report is based on 2022 data, also taking into account 2023 events, and analyses access to information at local and central levels. It presents the results of research, monitoring of local government units, and problems related to access to information, highlighting the need for reforms and improved transparency. A press breakfast for journalists was organised during the promotion of the report. The preparation of further editions of the report will continue in the coming years.

As part of our 2023 activities, we asked experts from Access Info Europe to analyse our Access to Public Information Act against the Tromsø Convention, which has not been ratified by Poland. To international standards, we also referred to the State of Openness Report. One of them is the collection of information on the number of requests or the manner of response by institutions and authorities. In Poland, this type of data is not collected.

Before the parliamentary elections, we presented our ideas to politicians at a meeting organised by CSOs entitled 'We have an idea for Poland'. We also prepared a draft law on freedom of information.

Preparations for Poland's accession to the Open Government Partnership

After more than 12 years, we have returned to the theme of Open Government Partnerships. In September, we participated in the OGP conference in Tallinn. Subsequently, we started advocacy activities - the formation of a new Coalition for Open Government. In 2012, despite the efforts of civil society organisations and repeated appeals to the government, Poland did not join the OGP. The Coalition took many actions, including sending letters and organising meetings with politicians, but the government ignored these initiatives. During a meeting of CSOs with the Minister of

Digitalisation Krzysztof Gawkowski in December, we argued for Poland to join the partnership. Together with other organisations, we are planning further advocacy activities.

Participation in the evaluation of Poland's compliance with the Convention against Corruption (UNCAC)

In 2023, we were the only organisation from Poland to take part in the EU's anti-corruption policy consultation. We called for ensuring the right to information to enable citizens and journalists to scrutinise public authorities, creating independent national bodies to monitor the right to information, publishing contract registers, officials' calendars, and asset declarations. In addition, we called for the standardisation and creation of an electronic system of asset declarations and the provision of data on public tenders to monitor corruption.

In March, we also participated in a meeting as part of a study visit of the Evaluation Team within the framework of the second cycle of the review of Poland's implementation of the provisions of the United Nations Convention against Corruption (Dz.U. of 2007, No. 84, item 563) - United Nations Convention against Corruption - (UNCAC). The second cycle of the review and the related study visit concerned the evaluation of Poland's implementation of the provisions of Chapters II and V of the UNCAC devoted to anti-corruption and the return of benefits derived from corruption. We also provided our comments on the proposal for a report assessing Poland's progress.

In November, we signed a statement addressed to the Conference of the Parties to the United Nations Convention against Corruption (UNCAC), which was prepared by Transparency International. The statement was about strengthening transparency in political financing. It highlighted the importance of the UNCAC Convention in the fight against global corruption. Particular challenges relate to the implementation of Article 7 of the Convention, concerning the regulation of funding of candidates and political parties and restrictions on private and anonymous donations. The statement points out that transparency of political finances is crucial to the integrity of democratic processes and counteracts the waste of public resources. Lack of financial transparency leads to clientelism, corruption, increases the cost of political participation, and undermines trust in government.

Involvement in the preparation of anti-SLAPP legislation

In 2023, the Citizens Network Watchdog Poland continued to participate in the work of CASE - Coalition against SLAPP in Europe and the Polish Working Group against SLAPP. At that time, the European Union was working on the anti-slapp directive, a draft of which was presented in April 2023. In parallel, an expert committee of the Council of Europe was working on a recommendation on the topic.

In November, we participated in a conference and meeting with Michel Forst - UN Special Rapporteur on Environmental Defenders - 'Repression against human rights defenders and environmental

defenders - the Polish perspective versus international standards, where the topic of Polish SLAPPs and systemic problems with access to environmental information were addressed.

Commitment to hold public officials accountable for acting over authority at the 2020 elections

At the end of December 2022, the abolition law was passed by the Sejm and subsequently signed by President Andrzej Duda. The new legislation had a significant impact on our court cases related to release of the voters data without legal basis and sending it to the Polish Post Office during preparations to the do called 'envelope elections' in 2020. At the end of November, the new Sejm began the procedure for the appointment of a Commission of Inquiry to look into these elections. When the members of the commission were identified, we wrote to the Speaker of the Sejm informing him of the conflict of interest of Mariusz Krystian, who was one of the mayors who gave the data to the Polish Post in 2020. (The conflict was first noticed by prosecutor Ewa Wrzosek). On 8 December 2023, a hearing was held in Szamotuły on the complaint of the Citizens Network Watchdog Poland against the decision of the Warsaw Regional Prosecutor's Office. The Prosecutor's Office found that the association was not harmed by the transfer of voter data to the Polish Post Office. The District Court in Szamotuły, after hearing the association's attorney Adam Kuczynski, decided that the case should proceed. This opens up the possibility of prosecuting more than 130 mayors for illegal transfer of personal data. The court will now examine the complaint on its merits, looking at compliance with European Union law.

Calls for hearings of candidates for key state positions

Public hearings provide greater transparency and substantive debate in the recruitment process, which could set a new standard for elections to key public positions in Poland.

In December, together with other organisations, we called for a public hearing of the candidates for the State Election Commission. We also took part in a conference-hearing of the candidates for the post of President of the Office for Personal Data Protection.

Strategic litigation

Case 10103/20

Our case before the European Court of Human Rights continued in 2023. In 2021, the European Court of Human Rights communicated the case concerning access to public information (No. 10103/20) to the Polish government. There was no ruling in 2023.

The case of President Obajtek's photographs

Our case concerning the photos of Orlen (public company) CEO Daniel Obajtek has started in the regional administrative court in Warsaw. Sponsored articles with large photos of CEO Obajtek dominated Polish dailies on 17 January 2022, with the exception of several titles, including "Gazeta Wyborcza". The publications occupied up to two or three newspaper pages. At the time, the Watchdog requested information on PKN Orlen's advertising and promotion contracts, but Orlen refused, citing company secrecy. The Regional Administrative Court ruled that Orlen's promotional activities were not public activities, which was the basis for dismissing the complaint. We filed a cassation appeal, arguing that Orlen's promotional activities are closely related to its public utility tasks and should be considered public information. The complaint also argued that the transparency of expenditure of companies with State Treasury shareholding is crucial and that information on the management of public property should be public. In its response to the complaint, Orlen requested that the complaint be dismissed and that the proceedings be suspended pending the Constitutional Court's consideration of the application to declare certain provisions of the Access to Public Information Act unconstitutional. The regional Administrative Court found that Orlen is an entity obliged to make information available, but that advertising and promotions are not public activities of the company. Consequently, we have filed a classification complaint to obtain the Supreme Administrative Court's recognition that Orlen's promotional activities are public information, which should allow them to be disclosed.

<https://siecobywatelska.pl/czym-zajmuje-sie-pkn-orken-i-dlaczego-mamy-sie-tym-nie-interesowac/>

The case of medical records

The Central Anti-Corruption Bureau (CBA) entered the office of Dr. Maria Kubisa, a gynaecologist from Szczecin, and took personal medical files of her patients that she cured during 30 years. Dr Kubisa did not know who would have access to these records or why her patients were being summoned for questioning. One patient requested information from the Regional Prosecutor's Office in Szczecin about how the documents were stored, but the prosecutor's office refused, citing Article 156 of the Code of Criminal Procedure. The patient turned to our association for help. We filed a complaint against the prosecutor's inaction, arguing that the right to public information took precedence. The court upheld this complaint, obliging the public prosecutor's office to consider the request, holding that Article 156 of the Code of Criminal Procedure does not preclude the application of the Access to Public Information Act. The public prosecutor's office has filed a cassation appeal and the case is pending at the Supreme Administrative Court.

The case concerning the Smolensk file

Since 2017, the Citizens Network Watchdog Poland has been trying to obtain information about access to the files of the Smolensk catastrophe proceedings. The National Prosecutor's Office initially refused, arguing that the proceedings were ongoing. In 2018, the Provincial Administrative Court ordered the prosecutor's office to provide access to this information. The prosecutor's office filed a

cassation appeal, which the Supreme Administrative Court dismissed in 2022, confirming that the request was only for information on who had access to the files, not the files themselves. Nevertheless, the National Public Prosecutor's Office continued to maintain that the request was inaccurate. In 2023, we filed a complaint in this case for failure to comply with the judgement.

<https://siecobywatelska.pl/katastrofa-smolenska-akta-postepowania/>

Advice and legal clinic

The year 2023 was a record year for the legal clinic of the Citizens Network Watchdog Poland, with 1306 cases registered, surpassing the previous record in 2021 of 1250 cases. For comparison, in 2016 there were only 761. Our legal clinic has been operating since 2007 and an electronic advice system has been in place for almost nine years. Our legal team consists of eight experts. We answer questions on access to public information and prepare letters, applications, and requests. accesses cases and intervenes. Cases can be submitted via a form on the website, e-mail, or by telephone.

In 2023, the most frequently reported issues were related to the functioning of government offices (279 issues) and public finances (223 issues). Questions concerning education, justice, and the environment were also frequent. Among others, we have registered 107 unusual cases. In 348 cases, the problems were not related to access to public information. In many cases, officials cited various obstacles, stating that this particular information is not public information (126 cases) or the need to process information (122 cases).

The most frequent inquiries were addressed to municipal offices (561 cases), as well as to various other entities, including the Chancellery of the Sejm and the Polish Air Navigation Agency. Assistance was often provided to community organisations and local watchdogs. More than 800 people benefited from the help of our legal team, often returning with further questions.

Our team described and catalogued cases internally to operate more effectively. The cases described included information obligations of professional self-governments, the openness of public contracts, and information request procedures. Assistance also included drafting 251 complaints to the administrative courts and joining 21 proceedings. These activities were documented on the website informacjapubliczna.org.

Education

School of Watchdog Initiatives

In 2023, the seventh edition of the School of Watchdog Initiatives took place, which was aimed at people working in south-eastern Poland. The school was attended by 20 people. There were 3 planned conventions (Lublin, Radom, Białystok) and two additional ones: in Pruszków, during which participants presented their monitoring activities, and a welfare convention in Bystra.

Summer festivals

In the summer we took part in the Open'er and Pol'n'Rock festivals. At our stand, we promoted the right to information and openness in government activities. Festival-goers eagerly visited the stand, engaging in discussions and educational activities such as recognizing fake news and checking the watchdog horoscope. The NGO zone also hosted discussions on the importance of participating in elections. The initiative was well received, with festival-goers showing interest and support for the association's activities.

Education on the Internet

Remote course

In 2023, a new version of the course on human rights and monitoring was created: kursy.siecobywatelska.pl.

Conversations on the Internet

In addition, six educational meetings were held on various aspects related to monitoring of the parliamentary elections:

- Elections. How to observe them? *Election timetable, key moments, issues of importance to observe.*
- Monitoring of electoral materials in public space. *A practical example from Slupsk.*
- How to monitor an election campaign. *A practical example from Lublin.*
- Women's participation in the electoral process.
- Civic control of elections. *Presentation of the concept of election day observation.*
- Open Elections. *Presentation of a tool for the joint presentation of records of contributions to political parties.*

There were also four meetings on transparency in 2023

- International standards in transparency
- On the relationship between digitilisation and transparency
- What contract registers do we have in Europe?
- State of transparency in Poland report

Podcasts

We also recorded two podcasts.

- On elections and openness.
- About the village hall fund

Educational texts

We have published 35 educational texts on informacjapubliczna.org

Texts about rules and standards:

- Disclosure and international standards
- Right to information and copyright
- "The Constitution of the Internet"
- Right to hold and express views

Texts on how to use rights and existing technical solutions to implement them:

- Access to court decisions
- A contract delegating the performance of municipal tasks to a private entity constitutes public information
- Administrative court proceedings without secrets - Watchdog's legal glossary
- How to recover court costs?
- Three steps to determine whether a whistleblowing report is public information
- What should be done if asset declarations have disappeared from an institution's BIP website?
- Can a referendum on the transfer of a village to another municipality be held at the request of residents?
- ePUAP system for access to information
- What if an authority gives two contradictory answers to the same question?
- Further release of public information
- Can there be any consequences for recording the proceedings of a municipal council committee?
- Public information and personal data protection - comments on the status of the applicant
- e-Delivery and refusal to provide information
- Anonymisation and the right to information
- Foreign national
- About broadcasts and recordings of municipal council sessions and committee meetings
- Information: can it be obtained offhand?
- Can information made available on request be published? PUODO decision
- Can the authority pass on the applicant's data to a third party?
- Can a request for information be made via Facebook?

Texts describing specific cases:

- Information obligations of the Polish Angling Association
- Questions about foster care and public information
- Nursery school funding and public information
- Almost £900 for sharing information? Unacceptable
- Is the Police Headquarters covered by the benefits register?
- Is correspondence with the head teacher public?
- Professional bodies and access to information
- An undisclosed taste of papal creams
- Civic education one (questions about Student Government Regulations)

- How to ask about the implementation of election promises
- Openness according to the District Chamber of Architects

Monitoring

Remote sessions of municipal councils

In 2023, we repeated the monitoring of the meetings of the municipal councils during the pandemic. We checked how the municipal councils coped with organising remote sessions. We published a report 'Remotely or Realistically' in which we presented the most important findings and recommendations.

During the Covid-19 pandemic, many municipalities switched to a remote mode even before the relevant legislation was in place. It was not until 31 March 2020 that Section 15zzx was introduced into the Coronavirus Act, which allowed for online sessions. Our first summary, written based on non-representative data collected in 2022, analysed responses from 269 municipalities to questions on the organisation of remote council sessions. We diagnosed that some municipalities coped well with the new reality by providing opportunities for residents to participate in sessions, while others reduced residents to the role of a silent audience. Problems arising from imprecise regulations left room for wide interpretation, resulting in different practices in municipalities. In our report, we recommend regulating the forms of sessions using remote communication means and setting standards for the quality of session broadcasts.

We carried out further monitoring on a representative sample of municipalities in February and March 2023.

It included questions to 437 municipalities, of which 435 responded. The data showed that 43% of municipalities did not hold remote sessions between 2020 and 2022, the most common being rural municipalities. In 2023, 87% of municipalities did not hold any remote sessions.

The software used for remote sessions most often allowed for audience participation, with the most commonly used platforms being E-session, Zoom, Microsoft Teams, Cisco Webex Meetings and Posiedzenia.pl. Only 9% of municipalities had amended their municipal council statutes in relation to online deliberations. Most municipalities had a bandwidth of between 25 and 250 Mbps, with urban municipalities having a better bandwidth.

The report shows that the lack of clear guidelines and standards for holding remote sessions created confusion, and differences in the availability of technology were apparent between different types of municipalities. Urban municipalities were more likely to be mindful of the need to adapt their statutes to the new reality, while rural municipalities were more likely to remain stationary. The majority of municipalities declared that they provided the opportunity for residents to participate in remote sessions of the municipal council and reverted to stationary mode whenever possible.

<https://siecobywatelska.pl/zdalnie-czy-realnie-czyli-jak-obraduja-rady-gminy-raport-z-monitoringu/>

After the end of the epidemic emergency on 1 July 2023, some municipalities continued to hold remote sessions, raising legal questions.

Monitoring the situation at the Polish-Belarusian border

Death of people at the border

In 2023, we collected data on dead and missing third-country nationals near the border of the European Union and Belarus. We carried out our activities for the Ocalenie Foundation, which together with NGOs from Lithuania (*Sienos Grupė*), Latvia (*I want to help refugees*) and Belarus (*Human Constanta*, which operates in Lithuania and Poland) worked on an international report on deceased and missing third-country nationals near the border of the European Union and Belarus. Since the summer of 2021, when the first migrants arrived at the EU's external border, such data had not been systematically collected and analysed.

The data collected is to be used in reporting to international bodies: Human Rights Committee, UN Committee Against Torture, in communications with the European Commission, with the UN Special Rapporteur on the Human Rights of Migrants, and in cases before the European Court of Human Rights.

Animal deaths at the border

We also collected information for the "Let Them Live Foundation". Among other things, we asked about the number of interventions related to the need to help or kill a protected animal injured or killed in concertina (razor wire) from September 2021 to 1 November 2023, on the Polish-Belarusian border.

The coalition also collected information from volunteer observers. A report on this activity was produced in early 2024. As a result of it, the government promised to change the safeguards at the border.

Transparency of political party funding

We have been monitoring the finances of political parties for many years. During this time we have encountered various difficulties in obtaining basic information. The new legislation mandating the keeping of records of contracts and contributions by political parties is a significant change, but its practical implementation is questionable. In 2023, almost one year after the introduction of the amended law, we checked how parties were complying with their obligation to publish the registers. We analysed the contribution and contract registers of 24 parties with representatives in the Sejm, the Senate, and the European Parliament. For example, Law and Justice, Civic Platform, and the New Left keep the registers required by law, while parties such as REGIONAL. Minority with Majority and

Social Movement did not provide any registers. We assessed the registers in terms of ease of access, scope of information, functionality, and timeliness.

We also supported the creation of the Open Elections service. Launched on 15 July 2023, the project was created to support the openness and transparency of political party funding, building on two registers that are mandatory for parties: the register of contributions to political parties and the register of contracts concluded by political parties.

SLAPP

The Association monitored SLAPP cases based on media reports and mentions. It has also submitted a request for the number of cases under Article.212 of the Penal Code in 2021-2022 to the Ministry of Justice. Two *amicus curiae* opinions on SLAPPs have been prepared. We participated as observers in two such cases. The challenge proved to be the successive submissions of SLAPP cases that started to appear in our counsel's office. Due to the specific nature of these types of cases - they can be criminal, civil, as well as administrative or misdemeanour cases - work began on recruiting attorneys who would be prepared to handle these types of cases. Accordingly, a project proposal was prepared. The association, in partnership with the Civil Prague Society Centre, received a grant from the German Marshall Fund to train lawyers in the project 'Solidarity against SLAPP'. At the beginning of December, the recruitment of 20 activists and 20 lawyers began.

Speeches and positions

In 2023, the association was making its voice heard by publishing and expressing support for positions relating to legislative changes at the national and European levels.

We appealed together with other organisations involved in observing the electoral process in Poland for amendments to the Electoral Code. The draft law on which work began in the Sejm introduced significant changes to the organisation of elections, without public consultations and cost estimates, which violated the principles of good legislation and led to a decrease in confidence in the electoral process. These changes were intended to increase the government's control over elections and could impede independent scrutiny of the electoral process. We emphasised that such underdeveloped changes are particularly dangerous in an election year.

We supported the appeal prepared by Court Watch Poland regarding the openness of civil proceedings in remote court sessions. We also signed the Forest Manifesto of forestry organisations and movements, due to the demand for full access to forest and nature conservation information for the public. Due to the refusal to provide information or inaction on this issue, the State Forests have lost more than sixty court cases in recent years (some of which have been assisted by counsel run by our organisation).

Together with other organisations participating in the Universal Periodic Review, we demanded explanations related to the acceptance of the recommendations received during the 4th review. Out

of the 233 recommendations received, only 89 were accepted. We pointed out that the consequences of such an action would be felt in the form of a worse system of protection for victims, including compliance with the provisions of our Constitution.

Much controversy was aroused by a letter we signed in which we expressed solidarity with the Never Again Association, which was confronted with the publicity related to the case of Judge Marciniak. Our statement was related to both the issues of the state of public debate in Poland and freedom of speech.

An important part of the debate taking place at European level was the work related to the EMFA (European Media Freedom Act). Together with journalist organisations, we pointed out that many media outlets in the EU face economic and political pressures, which undermine journalists' independence and media pluralism. We pointed out that the EMFA project seeks to protect media independence by setting common European standards for editorial freedom and oversight, ensuring ownership and financial transparency, and creating an environment conducive to independent journalism.

We also drew attention to the inadequacies associated with the rule of law report. In our appeal to the European Commission, we emphasised together with other organisations that the Rule of Law Report is an important tool to draw attention to human rights problems. We recommended taking a more comprehensive approach to the rule of law, democracy, and human rights and increasing the visibility and awareness of the report. We pointed out the need to improve the detail and quality of the assessments contained in the recommendations and the need to systematically address the non-implementation of judicial decisions.

An important issue was the transparency of CSOs at EU level. In the 2023 proposed legislation it was apparent that there was a growing inequality in the requirements for organisations compared to other entities such as consultancies, law firms, and other companies. This was evident both at the level of the proposed reports in the European Parliament, or the legislation that would introduce a 'foreign agents' mechanism. Together with other organisations from all over Europe, we signed appeals and letters on these issues.

We signed up to the Hague Declaration, which outlined civil society's priorities ahead of the 2023 Council of Europe summit in Reykjavik. One of the demands is an increase in sanctions for non-implementation of ECtHR judgments, the appointment of a High Representative for the Implementation of Judgments, and an increase in the budget of the Council of Europe.

We were also signatories to the Declaration of CSOs at the Summit for Democracy 2023, which emphasised the need to protect fundamental freedoms and civic space, support fair elections and political pluralism, and strengthen independent media and resistance to disinformation. It also recommended promoting human rights on digital platforms, supporting the rule of law and justice, and strengthening anti-corruption mechanisms.

Networking

Around the elections

Together with Association 61, we led the Zaczyn coalition ('Leaven'), bringing together organisations around election integrity, civic education, and pro-frequency activities.

The Coalition focuses on information exchange, support, and cooperation. In various ways, Democracy Action, Amnesty International, the Federation for Women and Family Planning, the Bronisław Geremek Centre Foundation, the Forests and Citizens Foundation, the Stefan Batory Foundation, the Impulse for Youth Foundation, the Civic City Lubartow Foundation, the Responsible Politics Foundation, the OffSchool Foundation, the Varia Posnania Foundation, the Visible Foundation, the Free Courts Foundation, the Freedom Foundation, the Economic Freedom Foundation, the Rural Development Foundation, the Henryk Wujec Civic Fund at the Foundation for Poland, the Helsinki Foundation for Human Rights, the East Initiative, the Institute of Public Affairs, the "Public Affairs" Initiative, the Freedom Foundation, the Freedom Foundation. Henryk Wujec Civic Fund at the Foundation for Poland, Helsinki Foundation for Human Rights, Eastern Initiative, Institute of Public Affairs, Spring Without Barriers Initiative, Our Advocate Initiative, Kogutorium, Committee for the Defence of Democracy, Congress of Civic Democratic Movements, Youth Climate Strike, All-Poland Federation of Non-Governmental Organisations, Socially Sensitive Association, Active and Clean Nasielsk Association, AS Association, BoMiasto Association, dO!PAmina Lab Association, Inspirations Association, Young People's Association of Płużnica Municipality, Nenufar Association, Open Republic Association.

At the beginning of 2023, Coalition members were actively involved in giving their opinions on amendments to the electoral code.

The online election education activities referred to in the report were carried out as part of the Leaven Coalition.

The coalition met regularly once a week to exchange information. Two planning meetings were also held. One concerned the creation of tools to monitor the abuse of public resources, and the other is the preparation of public campaigns. The first topic was developed by the Responsible Politics Foundation. The second was taken up by two organisations - the OffSchool Foundation, which prepared a campaign aimed at first-time voters - #RobięToPierwszyRaz, and the BoMiasto Association, which created an educational game called 'Głosobranie'. Both of these organisations were the leaders and implementers of the ideas created together, during the planning meeting.

At the end of 2023, a report was also prepared: 'From Atoms to Organised Civil Society for the Rule of Law. *On the path taken by civil society organisations to safeguard democracy, human rights and the rule of law.*'

The Coalition has its own sub-site <https://siecobywatelska.pl/zaczyn/>.

At rallies

From 30 September to 1 October, the 2nd Jamboree od Fans of Transprfarency took place in Falenty. It started with an inspiring presentation by Szymon Osowski, highlighting successes in the area of openness, mainly due to the involvement of people. Improvements to the system for protecting the right to information were discussed, with experts presenting legislative proposals developed with us. The consultation raised many questions, highlighting the need for further discussions before the public debate. Issues of professional burnout were also discussed, with a wellbeing workshop. The meeting provided an opportunity to share knowledge and experiences, e.g. on privacy and disclosure, and the use of artificial intelligence in monitoring. The importance of sharing knowledge and inspiring each other was emphasised. Graduates of the School of Watchdog Initiatives talked about their monitorings during the School of Watchdog Initiatives.

From 8 to 10 December, celebrating International Human Rights Day on 10 December, the Citizens Network Watchdog Poland co-organised a rally of human rights defenders and the rule of law. During the rally, debates related to the rule of law were held, and the Charter of Fundamental Rights and its application for organisations participating in committees monitoring European Union funds were also discussed. Those attending the rally also had the opportunity to take part in a letter writing marathon organised by Amnesty International. For the second time, we also cooperated with the Helsinki Foundation for Human Rights as a partner of the WATCH DOCS film festival. During the evening gala, the 2nd Henryk Wujec Civic Award was presented to Ewa Kulik-Bielińska. The main award of the festival went to the film '20 Days in Mariupol' by Mstyslav Chernov. Mothers' Day" and "Lonely Oaks" were also honoured.

Social campaigns

Referendum

With the referendum scheduled to take place on the day of the general election, we signed the organisation's appeal. Firstly, we drew attention to the lack of the right to information. The questions of the referendum, combined with the explanatory spots, were phrased in a way that contained a thesis and suggested explicitly how to vote "correctly". The explanatory spots contained false, simplistic information and deliberately created a sense of insecurity in the viewers.

We also pointed out that the organisation of a nationwide referendum on the day of parliamentary elections negatively affects the transparency of the electoral process and the integrity of the election campaign. The ruling party has disproportionately high campaign funds at its disposal, and in practice it will be impossible to distinguish between the expenses incurred for the election campaign and the referendum campaign. Running the election campaign and the referendum campaign at the same time may lead to abuses and affect the implementation of the principle of equality in the electoral process.

At the same time, the association took part in the referendum campaign by reporting to the PKW and then sending spots to regional and national public media. Given our objections, we urged people to opt out of participating in the referendum by refusing to accept the referendum ballot. At the same time, more than a dozen other social organisations in Poland ran a similar campaign.

Celebrating 20 years of the organisation

On 29 September 2023, we celebrated the association's 20th birthday. To mark the occasion, we gathered with our members, team and guests for a Toast to Transparency.

We thanked everyone who has contributed over the years to the development and co-creation of our organisation. To the individuals and institutions who have given us a helping hand in difficult moments, and to our friends and supporters.

31 March 2024