



COMMISSIONER FOR HUMAN RIGHTS

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Adam Bodnar

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**Mrs  
Ingibjörg Sólrún Gísladóttir  
Director  
Office for Democratic  
Institutions and Human Rights  
Organization for Security and  
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Your Excellency,

I am writing to you once again in my official capacity, acting pursuant to the Act of 15 July 1987 on the Commissioner for Human Rights (Dz. U. [Journal of Laws ]of 2020, item 627), deeply concerned about legal changes in the Election Law that could have wide-ranging consequences for Poland's democratic system and citizens' rights. Therefore **I would like to respectfully request an urgent official opinion of the OSCE Office for Democratic Institutions and Human Rights on a law on the Presidential Election in the Republic of Poland 2020 (Senat's paper no 368)**, enacted by the lower house of the Polish parliament (Sejm RP).

The OSCE Office for Democratic Institutions and Human Rights is involved, *inter alia*, in the evaluation and review of OSCE member states' legislation in the field of the exercise by citizens of their political rights (including electoral rights). Moreover, ODIHR carries out election observation in Poland to assess the extent to which elections respect fundamental freedoms and are characterized by equality, universality, political pluralism, confidence, transparency, and accountability. Therefore, the opinion of your Office on the matter will be of exceptional value.

I would like to draw your attention to the following implications of the new law enacted by the Sejm, which i.a. are:

- The ability to ensure equal opportunities for all candidates in relation to the projected structure of election committees, their financing, as well as registering;
- The possibility to ensure that voters will be able to lodge election protests in the Supreme Court due to the shortening of the time limits to only three days, especially in relation to the specific situation within the country regarding the pandemic;
- Compliance with international standards of the new arbitrary powers of the Speaker of the Sejm on the very early stage of the electoral procedure to change dates of performing crucial election activities in connection with the epidemic, including the electoral calendar (article 15 of the law);
- The ability to ensure, so close to the election, realization of the state obligation to inform voters about the electoral procedure, including introduced postal voting on a large scale, diversification of voting methods and the possibility of excluding postal voting for citizens abroad or the introduction of postal voting in some districts accordingly to the decision of Minister of Health;
- Compliance of postal voting, as foreseen in the law, with international standards in the light of potential procedural and organizational difficulties;
- Compliance with international standards of changes in electoral bodies (commissions): limiting the role of judges in the district electoral commissions and changes in the structure and composition of precinct electoral commissions;
- The ability to conduct the election campaign in the current conditions of the pandemic, i.e. due to limitations on public gatherings, and its compliance with international standards, such as equal opportunities for candidates, transparency of and access to media.

I am aware that special procedures are needed due to the challenge of the global pandemic, which the world is facing. I am also aware that since the elections were not held on May 10, 2020, despite the applicable regulations and the electoral calendar, the situation in Poland is even more grave. Nonetheless, I am convinced that even in this difficult time we cannot pay any less attention to the preservation of the rule of law and democratic standards.

I am confident that we share a dedication to constitutional democracy, which is the foundation of our common values. I consider you as a great ally in protecting human rights in Poland. Therefore, I decided to respectfully request you to consider intervention on this matter by drawing up and submitting an opinion of the Office for Democratic Institutions and Human Rights of the OSCE, regarding the aforementioned law.

Yours sincerely

Adam Bodnar

Commissioner for Human Rights

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