Warsaw, 14 August 2020

**Address – plenary session of the Sejm (lower house of the Parliament)**

**of the Republic of Poland**

Distinguished Marshal,

Distinguished Ladies and Gentlemen, Members of Parliament,

I have an honour to present to you an annual report on the activities of the Commissioner for Human Rights for 2019 and information on the state of respect for human rights. I am pleased that I may provide you with annual information on a historical day when clear support from the Polish Parliament for Belarussian freedom aspirations was expressed and the Solidarity Fund was established.

2019 was extremely intense as regards the work of the Office of the Commissioner for Human Rights (OCHR). In 2019, 59 524 cases were submitted to Commissioner for Human Rights (CHR), out of which 27 113 were new. Moreover, 4 385 citizens came to the OCHR in person, whereas phone talks were held with 32 395 people who were given advice and explanations during these talks. In 2019 the CHR made 184 general speeches. He became a party (of a different nature) to more than 200 different legal proceedings (before the Constitutional Tribunal, the Supreme Court, common courts of law and administrative courts). In addition, he continued proceedings in cases lodged earlier and not finished in 2018. The CHR conducted his activity in the head office in Warsaw and three regional offices: in Gdańsk, Katowice, and Wrocław. He performed the tasks not only on the basis of the Polish Constitution, but also those resulting from the anti-discrimination directives (equality body), the UN Convention on the Rights of Persons with Disabilities and the National Mechanism for the Prevention of Torture, Inhuman and Degrading Treatment. It is worth noting that during the entire term of office of the CHR, the scope of his activities did not change. In this respect of importance were budget limitations as well as granting the CHR the competence to submit extraordinary complaints.

Since it is my last annual report due to the expiry of the term of office, it is worthwhile to reflect not only on the last year’s events but also on the summary of my whole term of office.

The 7th term of office of the Commissioner for Human Rights occurred at a special time for human rights and the shaping of the contemporary image of Poland. The last five years were characterized by intense changes of the political system of the Republic of Poland, the understanding of human rights, but also the living conditions and comfort of Polish citizens. These social changes affected both the fulfilment of the CHR tasks and the way of performing his functions.

It is beyond any doubt that the most important political events in that period were the presidential election in May 2015 and then the parliamentary elections held on 25 October 2015. As a result, the Law and Justice Party got the opportunity to govern independently and thus implement the main points of its electoral programme. From that moment on, three main trends of change that affect the respect for individual rights and freedoms may be distinguished:

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- the anti-political system trend: political and legal changes aimed at the concentration of power and gradual transformation of Poland’s political system;

- the national populism trend: actions aimed at redefining human rights concepts and undermining the hitherto meaning of the constitutional guarantees;

- the social trend: changes aimed at strengthening social protection of citizens and guaranteeing them a better standard of living.

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**The anti-political system trend**. As early as in 2012 Mr Jarosław Kaczyński declared the establishment of “Budapest in Warsaw”. Starting from the election in 2015, these changes were implemented by way of gradual subordination of independent institutions, limitation of their competences, lowering the level of legitimacy of actions, in order to simultaneously strengthen the central political centre of power. This is the well-known "salami method". These changes involved the following:

- subordination of the Constitutional Tribunal to the political power,

- establishment of the National Media Council and political staffing of posts in public media, excluding the constitutional powers of the National Broadcasting Council on the basis of the legal act – this affected the method of carrying out the public mission by the TVP (Polish Public Television) and other public media;

- extension of secret services’ powers and lack of effective, judicial and democratic control of secret services,

- the merger of the Office of the General Prosecutor and the Minister of Justice, while creating mechanisms for hierarchical subordination and implementation of a policy of abuse of competences in the procedures for disciplining prosecutors (including through transfers to other professional positions or places of practicing the profession);

- changes in the rules for filling function posts in common courts of law by extending the powers of the Minister of Justice/General Prosecutor at the expense of the powers of the judicial self-government, by introducing regulations that violate the Polish Constitution concerning the mechanism for appointing members to the National Council of the Judiciary, as well as changes in the Supreme Court, including in particular the establishment of two new chambers in the Supreme Court, one of which (the Disciplinary Chamber) does not meet either constitutional or European standards appropriate for the court;

- regular application of disciplinary proceedings against judges, in order to limit their involvement in cases pertaining to the independence of the judiciary, or due to the verdicts delivered – bringing about the so called freezing effect; one of the judges, Mr Paweł Juszczyszyn, was suspended because of his judgements;

- limitation of the Parliament’s role and non-respect for the law-making rules, including in particular the rules concerning the legislation process and the presentation of draft bills by Members of Parliament (in place of the governmental ones), limitation of discussion at the forum of Sejm committees, or the speed of proceeding with draft legal acts;

- changes regarding the election system, including the status and composition of the National Electoral Commission (representatives of political parties were appointed in place of judges);

- limitation of the independence of civil servants, including the abandoning, in practice, of the competition procedures for the most senior posts in public administration, drastic lowering of the criteria for admission to the civil service and abolishing the guarantee of the stability of the civil service members’ position;

- use of public funds to finance activities of private entities that favour and support the political power (e.g. the media and non-governmental organisations linked to the government).

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The aforementioned changes led, in fact, to undermining the principle of the triple division of power. Due to these changes, Poland’s political system may not be defined as a real constitutional democracy but rather non-consolidated or hybrid democracy. Using the terminology of Steven Levitsky and Lucan Way, it may be described as the system of *competitive authoritarianism*. This is a system in which formal mechanisms and democratic institutions are preserved, however the core of these bodies’ functions was removed, while their functioning is determined by the dominating influence of the central political centre. Although there exists competitivity on the political scene, the takeover of power by the opposition is hindered due to the fact that the institutions which should be independent in a democratic system are under control. The manifestation of that were, for instance, the recent presidential elections. First, in the light of the Constitution the state of emergency should have been declared. Second, the modifications to the Electoral Code (including the introduction of voting by correspondence) cannot be introduced hastily. Third, during the elections, which finally were held, certain constitutional standards were violated (e.g. the principle of equality as regards the passive voting right). In addition, the way of holding the elections (including the involvement of public media on the side of one candidate) gave rise to considerable doubts, also on the part of OSCE (Organization for Security and Cooperation in Europe).

This gradual striving to create a new, unknown to the Constitution, political system had an impact on the respect for civil rights. The victims of human rights violations were persons who defended the existing constitutional rules or who were associated with independent state institutions (judges, prosecutors, state officials, journalists of public media). The changes were introduced through legal modifications in parallel with hate campaigns against specific individuals (protest leaders, opinion leaders) or specific professional groups (such as judges, resident physicians, teachers, NGO activists). Numerous human rights violations were committed against individuals who responded to changes, organized protests, demonstrations and civil disobedience actions as part of their civic responsibility. They also disagreed with the new rules that limited the freedom of assembly (cyclical assemblies) or completely excluded the freedom of assembly during the epidemic (e.g. entrepreneurs). The authorities did not react to the acts of hate against persons performing public functions. Even in the case of the murder of the Mayor of Gdańsk, Paweł Adamowicz, at the beginning of 2019, the authorities were unable to draw conclusions, and hate campaigns (supported by public media) became the method of governance. However, it is the death of the Mayor of Gdańsk which should lead to deeper reflection and explanation of its possible causes, as requested by five mayors of the Polish cities.

The anti-political system trend affected Poland’s position on the international scene. During its history since 1989 never had Poland been the subject of such intense interest on the part of all international organizations. Numerous proceedings against Poland were instituted by CJEU (Court of Justice of the European Union), which had impact on the legal relations with courts in other member states. The risk of legal exit from EU (the so called legal Polexit) became not only threatening but it is also perceived as real. The proof of that are recent decisions of the common courts of law in Karlsruhe and Amsterdam concerning the European Warrant of Arrest. The courts in other member states have fewer and fewer reasons to apply the principle of mutual trust in relations with Polish courts. The validity of the European Union law in Poland is challenged in an increasingly open way (the example may be ignoring the temporary CJEU order on the Disciplinary Chamber of the Supreme Court). The scenario I have been warning against for over two years is becoming a reality before our very eyes.

In 2020 Poland is a completely different country as compared to 2015. Although the Constitution of the Republic of Poland has not changed, it is a different system than 5 years ago due to the aforementioned transformations. It is a system in which electoral manipulation is much easier, guarantees of the right to an independent court are excluded, there is state violence resulting from coordinated actions of the police, prosecutor's office, secret services or public media. It is a system in which the so-called technological flow is implemented more and more effectively – from a spectacular arrest, through pre-trial detention, to being brought before a court (with simultaneous publicity for particular stages of the authorities' activities). In the course of several years, despite numerous appeals, the most basic standards for guaranteeing the rights of persons detained by the police (automatic access to a lawyer) were not introduced. Subordination of the prosecutor's office guarantees the irresponsibility of those in power in case of violation of the law, which is further strengthened by the relevant statutory standards. Also persons openly responsible for breaking the law are not held liable if it does not serve the interests of those in power (e.g. responsibility for death certificates issued by the All-Polish Youth Party). In turn, the prosecutor's office is able to act extremely intensively if acts are committed by political opponents.

In fact, the courageous attitude of judges of common courts of law is the last barrier to complete freedom and arbitrariness of power. But the question arises as to how long, under the conditions of real and symbolic violence, judicial independence will be perceived by society as a component of the right to a court. Let us take a look, for example, at pre-trial detention – whether the doubling of the number of people arrested between 2015 and 2019 (from 4 162 to 8 520 with a simultaneous fall in crime) is not, among other things, a result of pressure exerted on judges by the prosecutor’s office. A dramatic example of that is the case of the judge, Ms Alicja Czubieniak, against whom disciplinary proceedings were instituted because she cancelled pre-trial detention of the person with disability (de facto deprived of the defence lawyer).

Another question is about the role of independent media as a counterweight to the abuse of power. Because it is in many cases thanks to the courageous attitude of the media and the involvement of investigative journalists that the authorities cannot afford to do everything. However, the pressure on the media does not cease, as evidenced by their decline (over the past five years) from 19th to 62nd place in the media freedom ranking of the Reporters without Borders. The provisions on the responsibility for words have not changed either (e.g. famous Art. 212 of the Criminal Code), however, independent journalists (as well as opinion leaders) are regularly parties to legal proceedings due to the actions or private indictments of entities connected with the authorities.

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**The national populism trend.** By the concept of national populism, the researchers define the politics of right-wing parties, which in their rhetoric constantly refer to the will of the majority, the sovereign, they call into question the importance and the voice of the elite, emphasize ideals related to the nation, tradition or also Christian values. At the same time, it is an approach that assumes a kind of exclusivity in defining what is good for the nation – in this way, depending on the political need, the protection of the rights of minorities may be called into question, and those representing a different point of view are pushed to the margins of the public debate. Thus, thestarting point for the activities are not values reflected in the Constitution but the will of the nation/sovereign which is defined by those who received the mandate to govern. In consequence, the constitutional values are redefined and challenged, and the Constitution of the Republic of Poland does not become the guideline to governance but almost a barrier to exercising the will of the dominating majority. However, the purpose of the Constitution is that everybody – regardless of their convictions, religion, worldview – could fully feel the member of the political community, and the governing majority should respect that.

This trend also means the challenging of the values arising from international cooperation. Criticism by international organizations (and their representatives) is treated not as a willingness to hold a friendly dialogue, but an attack on “our values”. It turns out that ”European values” are not our values, though in fact they are concurrent with those laid down in the Constitution of 1997. It also turns out that even the rule of law (so precisely defined under Art. 2 of the Constitution of the Republic of Poland) may be regarded as an external value by the Polish authorities, as evidenced by the use of the term “the so called rule of law”.

In 2015-2020 numerous manifestations of such policy could be observed.

Let us go back to 2015. The parliamentary elections coincided with the migration crisis in Europe. The receiving of refugees by the Polish state became one of the main topics of the election campaign. To this day, we can hear the sound of the shameful words about the alleged "diseases and protozoa" to be transmitted by refugees. These words are, in fact, a denial of the historically established tradition of the reception culture in Poland (the last example: war refugees from Chechnya). This was the first, not only symbolic, example of a departure from the values of liberal democracy. In the period 2015-2020, many such examples could be observed:

**-** failure to meet the obligations to the EU to receive 400 refugees (which was negatively assessed by the CJEU on 2 April 2020).

- failure to establish a humanitarian corridor for refugees,

- lack of a real policy aimed to prevent hate speech and acts of violence against refugees and migrants,

- the practice of not accepting applications for a refugee status at the Brest-Terespol border crossing point (which was negatively assessed by the ECHR (European Court of Human Rights) in June 2020 in the case M.K. and others versus Poland),

- reduction of public funding for organizations providing assistance to refugees and migrants,

- failure to adopt an official governmental document in the form of the Migration Policy.

The ruling party’s trend towards national populism and challenging the constitutional values also manifested itself in the approach to women's rights or to the rights of LGBT people. With regard to women's rights, it is particularly noteworthy that the importance of the Istanbul Convention on the Prevention of Violence Against Women is constantly undermined (including the most recent proposal by the Minister of Justice/General Prosecutor to denounce the Convention by the Republic of Poland), the rules on the availability of legal abortion are not respected, access to contraception is restricted and the public funding for in vitro therapies has been excluded. The manifestation of the changes were also checks carried out in the offices of the organizations dealing with women’s rights (a day after the ”Black Protest”) or the elimination of the possibility of financing them by public funds.

It is also LGBT people who became victims of the above mentioned anti-constitutional actions. The ruling political authority contrasts the rights of LGBT with tradition, Christian values or even national values. As a result, LGBT people, despite binding human standards, can not only count on protection, but they are also exposed to violence from the public authorities. LGBT rights are used as a tool for political struggle, so it was difficult to expect that the most fundamental legal acts would be adopted. They include:

- modifications to the Criminal Code regarding the protection against hate speech

- regulation of the status of persons in relationship with the person of the same gender

- regulation of the procedures for deciding on the gender (the legal act of 2015 was vetoed by President Andrzej Duda).

Instead of these necessary legal changes, LGBT people experienced in 2015-2020:

- several bans on equality marches;

- verbal violence by the highest representatives of the legislature and the executive power;

- exclusion policies through the adoption at the local self-government level resolutions prohibiting the promotion of LGBT ideology, which has never been challenged by the central government representatives on the ground – voivods;

- lack of support from the state for the activities of LGBT organizations (with the exception of some local self-governments);

- lack of support for anti-discrimination education at schools.

The events of 7 and 8 August 2020 are the dramatic result of the Polish authorities' policy vis-à-vis LGBT people to date. In fact, several percent of Poles are excluded from being fully-fledged citizens of the Republic of Poland. The collapse of the rule of law, on the other hand, is destroying the protection of the rights of the traditionally discriminated groups. In this context, it is worthwhile to mention, for example, the participation of the public prosecutor's office in several civil and administrative court proceedings concerning world-view sensitive issues. By taking part in in these proceedings (and exerting indirect pressure on courts), the prosecutor's office aims to change the understanding of certain anti-discrimination notions.

The above trend is also manifested in changes regarding cultural institutions (such as the Museum of World War II). The dialogue and cooperation with scientific and artistic milieus was repeatedly replaced by an attempt to impose a specific political vision, to abuse the right to fill positions in cultural institutions, to call into question the achievements of previous generations as well as sound scientific knowledge.

These changes were also characterized by modifications in relations with non-governmental organizations. Those who took actions in the name of the common good but were perceived as acting contrary to the interests of the Party, became the subject of harassment and attacks. This happened to some charity organizations, organizations fighting for democratic standards, organizations of national and ethnic minorities as well as organizations involved in environmental protection. Moreover, in some areas the principle of "divide and rule" was applied, which was particularly evident during the protest about the carers of persons with disabilities in the Sejm. Organizations critical of the authorities could not count on good, rational cooperation with the state. One of the most important symptoms affecting the non-governmental sector were the government's efforts to ensure that the funds from the Norway Grants were not allocated to an independent operator, but to the entity subordinate to the government. It is not without reason that the ideas of placing various administrative restrictions on financing NGOs (e.g. on public collections or recently the idea of introducing a register of foreign donors) are put forward once in a while. Attempts were also made to suspend the functioning of some organizations (Citizens of Poland) and to appoint an administrative receiver.

In these conditions it was difficult to develop modern mechanisms of civic participation, as the approach to the organizations was based on mistrust and sometimes even on open hostility towards some manifestations of civic activity. The government repeatedly prevented non-governmental organizations from consulting draft laws (e.g. due to the practice of preparing drafts by Members of Parliament), did not respond to the requests for access to public information, did not care about the pluralism of the debate, and did not conduct competitions for grants in a clear and transparent manner. Moreover, some active participants in the public debate (such as the Cracow Institute of Criminal Law) received threats of lawsuits from the authorities because of the opinion they presented during the legislative process.

In addition, within the last five years the alliance of Throne and Altar was strengthened. The Catholic Church supported some of the legal changes (in particular those related to the reproductive rights), but above all it did not oppose to the attacks against the most vulnerable (e.g. LGBT people). At the same time the government showed great tolerance to any abuse by the Church, the manifestation of which might be its approach to combating paedophilia and lack of responsibility of the church highest authorities for hiding such cases.

The above changes had consequences for implementing the mandate by the CHR. The Commissioner for Human Rights is the guardian of the values laid down in the Constitution and in the international agreements ratified by Poland. He cannot give in to the currently imposed political narrative, he cannot accept the reinterpretation of existing standards.

The CHR took various actions to protect the Constitution, especially when the will of the majority and the related method of political practice threatened minorities or people critical of the authorities. However, the growing polarization of public life caused difficulties in performing CHR’s functions, due to the lack of space for exchanging thoughts and experiences, but also for conducting a real dialogue on matters important from the point of view of public life, however, ideologically sensitive. In this regard, the role of the courts should be particularly appreciated, which in many cases – despite the pressure – were able to seek solutions protecting civil rights, but also created space for the debate about the crucial problems of collision of various interests and values. It was often the courtroom which was the only place where such a dispute could have occurred. Therefore, it is all the more important to preserve the independence of the courts when this transformation trend influences so strongly social and legal relations.

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**The social trend.** The third transformation trend in the period 2015-2020 was towards the protection of social rights. It was a policy referring to the need of recognizing the material needs of society and the necessity to build a more egalitarian society, which should also benefit from the economic transformations and the economic growth persisting for many years. The most important manifestation of this policy became the 500+ programme, i.e. the scheme of support for families raising children. Moreover, the government took active steps to protect workers' rights. Undoubtedly, the economic situation also contributed to the government's success in this area. As a result, over the last five years the level of poverty (especially among children) and unemployment significantly decreased.

The above mentioned social trend contributed to profound social changes. The mass scale of social programmes such as 500+, support for children in education, re-introduction of the lower retirement age had a positive impact on the general standard of living and its comfort, especially in poorer families, where there is less chance for a well-paid job.

At the same time, some of the reforms necessary from the perspective of the respect for civil rights were postponed. In particular, the following should be mentioned:

- the equalisation of old-age pensions for women born in 1953. Despite the judgment of the Constitutional Tribunal of 6 March 2019 (P 20/16), but also the legislative activity of the Senate, this problem has not been solved until today – it was only in June 2020 that the relevant draft legal act was prepared, though the problem had been known for many years;

- an increase of the threshold for the entitlement to benefits from the Alimony Fund;

- execution of the judgment of the Constitutional Tribunal concerning care benefits for carers of persons with disabilities (judgment of 21 October 2014, K 38/13).

Of concern may be the fact that, in the face of general declarations of respect for workers' rights, some of the changes were carried out in violation of the rights of persons employed in public administration bodies. The transformation of institutions brought about the termination of employment contracts and then the offering of new employment to the so far employees. However, resulting from such transformation, not all employees were given an opportunity to continue employment. This concerned, in particular, the newly established National Fiscal Administration or the National Support Centre for Agriculture. Of concern is also the fact that the so-called "anti-crisis shields" contained solutions permitting quite free development of labour relations in public administration. In the light of the approaching crisis of public finances, the regulations adopted are like a shotgun hanging on the wall - in a moment it may fire.

The following of this social trend also resulted in a lack of energy, political will, and perhaps also the ability to seek systemic solutions for respecting the rights of individual groups of people. In this regard, it is worthwhile to mention in particular:

- the rights of persons with disabilities - no reform of the institution of incapacitation, no reform of the system of disability assessment, or no actual enforcement of deinstitutionalization and the right to "independent living";

- the rights of the elderly - insufficient efforts to change the functioning of traditional nursing homes, lack of a consistent strategy to provide support for dependent people, including support for families of elderly people confronted with neurodegenerative diseases;

- people affected by the homelessness crisis – insufficient measures to develop programmes aimed at getting out of homelessness;

- the rights of people deprived of their liberty – the Polish prison system still needs systemic changes, and there is a dramatic lack of reflection on the functioning of such entities as the centre in Gostynin. There is also a lack of deeper reflection on post-penitentiary assistance..

The proper enforcement of social rights does not only involve the resolution of specific, pressing problems, but also measures aimed at designing long-term, mature strategies based on cooperation of various actors engaged in public life. In the course of five years such tendencies could be observed, but more as an exception than the rule. An example is the reform of the mental health system and the launch of the pilot programme. It is worthwhile to mention the concept of building social services centres on a local level. Of significance was also the adoption of the package of legal acts commonly called "Accessibility Plus".

However, it must be admitted with sadness that such long-term actions were lacking in the most sensitive aspects of the protection of social rights. What is more, the coronavirus epidemic has revealed in a visible way many of the systemic problems. This concerns especially the following:

- health care – queues for services, lack of specialist doctors, insufficient treatment of certain diseases, crisis of child psychiatry, status of medical personnel (nurses, paramedics), underfunding of sanitary and epidemiological services; in fact, the agreement concluded with resident physicians to increase funding for health care was not implemented; moreover, the solutions which discourage from entering the medical profession (such as Art. 37a of the Polish Criminal Code) were adopted;

- education – lack of real computerization and preparation of teachers for remote teaching, teachers leaving the profession, hasty and harmful to children implementation of educational reform, lack of anti-discrimination and civic education;

- housing – failure to implement the "Apartment Plus" programme hindered, in fact, the development of social housing. The problem of the lack of a comprehensive re-privatization law is connected with it. Only recently has the government proposed a bill to solve the problem of housing booklets;

- climate change – this is one of our most important challenges, but it is treated without sufficient seriousness and reflection on the rights of future generations. In addition, in the context of the right to the clean environment, for example, anti-odour law (requested for many years by NGOs) was not adopted.

The problem of transport exclusion is becoming increasingly important. Finally, the public is aware of this issue. The authorities are beginning to understand that inequalities may also arise from living far away from the centres of large cities. This can have a negative impact on health care, the right to equal education, and access to work (especially for persons with disabilities). However, no significant systemic changes were undertaken to remedy this problem.

As regards the right to social security, a serious violation of human rights was the adoption of the legal act reducing pensions of former security service personnel. The mechanisms of collective responsibility were applied. At the same time, it was this social group that felt most the consequences of the crisis of the rule of law in financial terms. The wronged persons were able to seek judicial protection to a very limited extent due to the need to apply the Constitution directly by the courts.

The crisis of the rule of law is of direct importance for the respect for civil rights. As long as the courts are independent and there are mechanisms of accountability of the authorities for breaking the law, citizens may hope that their efforts will lead to the meeting of their demands. Unfortunately, too often citizens are now put in the position of the supplicant vis-à-vis the authorities. Failure to comply with specific obligations (such as the judgment of the Constitutional Tribunal in the case of carers of persons with disabilities) does not result in any legal liability. Moreover, this trend may be even more visible in the context of the increased presence of the state in the economic and financial areas. In recent weeks there has been information about the abolition of the institution of the Financial Ombudsman. One can ask oneself a question – is this decision motivated by the fact that more than half of the banking sector is now state-owned? Citizens have reason to wonder how courts will behave over time if their decisions will affect the financial interests of the leading companies owned by the State Treasury? Will they protect their clients and business competitors based on the provisions of the law or will the political factor influence their decisions? All this is happening at the time when – also thanks to the actions of the CHR and the Financial Ombudsman – they obtained a stronger position as a party in a dispute with large financial corporations. The application of EU law contributed to strengthening their legal position as consumers.

**The CHR mission**

It is impossible to present all the activities undertaken by the CHR within the last five years with regard to the aforementioned changes influencing the level of respect for human rights. However, it worthwhile to note that some of these changes might have been justified by the governing authorities by the fact that in the relevant periods of the political system transformation no comprehensive reforms were carried out. An example – the functioning of the justice system. Negligence from previous years was used as an argument for changes that served primarily political purposes, especially the above mentioned anti-constitutional transformation of the state system. At the same time, the government was not very much interested in various specific requests for the reform of the justice system, which were made by the CHR. The summary of these requests is contained in the letter addressed to Deputy Marshal, Mr Piotr Zgorzelski, drafted for the purposes of the Justice Round Table.

The practice of the CHR also shows that many of the complaints concerned systemic problems existing before. After all, the issues of health care, access to social benefits, homelessness, social housing or non-payment of alimonies are a disgraceful legacy of many years of neglect on the part of numerous governments.

I would like, at the end of my speech and my term of office, to share with you several thoughts on the principles I have adhered to in my actions.

1. Faithfulness to the Constitution – the CHR is the guardian of the rights and freedoms guaranteed in the Constitution. Regardless of the circumstances, I tried to interpret and apply the Constitution in the spirit of its authors and the established case-law of the Constitutional Tribunal.

2. Recognition of the problems of the local Poland – as part of the programme of regional meetings I participated in meetings in over 200 Polish villages and towns. Thanks to that I was able to shape the activities of the CHR in a way adapted to the observations and expectations of inhabitants of every corner of Poland.

3. The principle of cooperation - regardless of the political atmosphere but also the unfriendly actions taken by those in power in relation to the CHR, I have always tried to be guided by the principle of cooperation, because I consider it as crucial for solving problems in Poland. I have also tried to appreciate what the government does well in the area of respecting human rights.

4. Clear communication – human rights should be discussed in a clear and transparent way. Citizens should know what the Constitution means to them as well as their rights and freedoms. It is the duty of the law enforcement agencies to constantly explain and help all wronged persons to obtain information on how to protect their rights.

5. Help to the most vulnerable – within the CHR’s possibilities we have always looked for solutions that can help the most vulnerable, including through numerous individual interventions and court cases. All OCHR employees have tried to use in a creative manner the available methods of appeal and litigation interventions, often with very good results.

6. Cooperation with NGOs – the CHR has always been open to cooperation, consultation and joint actions with NGOs. I am glad that I gained the trust of so many of them, to which the regional meetings could have contributed. And I hope that I have not disappointed all those NGOs, which five years ago created a precedent mechanism that strengthened my chances of being elected as Commissioner for Human Rights.

7. Appreciation of self-government - the reform of the territorial government is one of the greatest achievements in the last 30 years. I was able to support some of these self-governments in their innovative measures for the respect for human rights. However, self-governance includes also professional self-governing bodies – as the CHR, I particularly appreciate excellent cooperation with the self-governing bodies of the bar and attorneys-at-law.

8. International cooperation – in the face of the crisis of the rule of law and the values of liberal democracy, cooperation of the CHR with international organizations was the key to performing the functions and tasks. It is also worthwhile to note excellent cooperation with ombudsmen from other countries.

9. Thinking ahead – many of the activities and recommendations of the CHR are oriented towards the future. I believe that the general speeches, but also the achievements of the three Congresses of Civil Rights will have a positive impact and will serve to solve problems in 5, 10 or 15 years. This pertains to the five most important challenges that I have identified in Agenda 2035: (a) climate change, (b) new technologies, (c) demographic problems, (d) inter-generational relations, (e) the rule of law.

**Summary**

I think that the last five years have been dramatic from the point of view of values and constitutional principles concerning the Polish political system. Although the material standard of living of the inhabitants has improved, the changes made to the state political system, unresolved systemic problems and the changes in the authoritarian direction overshadow the further development of Poland as a constitutional democracy. They put a question mark over our future in the European Union as well as our security. This already has an impact on the level of respect for civil rights and freedoms, in particular personal and political rights. The role of the CHR is to warn and I would like my speech to serve this purpose.

Poland in 2020 is different than Poland in 2015 because of our democratic maturity. The citizens of the Republic of Poland have learned what the Constitution means to them, how to use freedom of speech, freedom of association, freedom to organize peaceful gatherings, mechanisms of power control. They have shown innovation and creativity in solving specific social problems, but also in controlling those in power. Advocates and attorneys-at-law have contributed significantly to the protection of civil rights and liberties, drawing on the tradition of several decades ago. Also the judges have not yielded to great political pressure and are able to actively defend civil rights in their important judgments. All this gives hope that one day Poland will return to the family of fully democratic countries and become again a loyal member of the European Union and an active member of the international community, caring for the highest standards of human rights. If Poland is such a country, it will be more credible and effective while demanding standards in other countries.

Even if the above hope of the return comes true, we must realize that the future Poland cannot rely on the coming back to the past. If we waste the next 15 years, there may be no turning back from increasing authoritarianism, the power of global corporations, the use of new technologies to control our lives, or climate change. Therefore we must take into account development challenges and think strategically and in the long term how to solve them. We must also take care of our community and appreciate the value of European integration for our homeland. We must appreciate all those who have made sacrificial decisions to serve the common good. We also need to draw on the achievements of experts and science. Following such guidelines means a responsibility towards future generations. I hope that the achievements of my Office and the 2015-2020 term of office will be helpful for politicians in this respect.