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## NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

POLAND

The project “NGOs and the judiciary - watch dog activities, interactions, collaboration, communication” is supported by the Visegrad Fund ([www.visegradfund.org](http://www.visegradfund.org)) and the Ministry of Foreign Affairs of the Republic of Korea ([www.mofa.go.kr](http://www.mofa.go.kr)).



Ministry of Foreign Affairs  
Republic of Korea

# Country report – Poland

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Part 1. ....	4
Introduction.....	4
Short country information.....	5
Judicial system organization information .....	5
Types and examples of NGOs – courts interactions.....	7
General questions on NGOs engagement in interaction, collaboration with the judiciary .....	7
Legal framework. Standing of NGOs. ....	12
Thematic questions .....	15
NGOs monitoring, advocating and engaging in the legislative process regarding judiciary .....	19
Trial monitoring, trial observation, court watch .....	21
Involvement of NGOs in court trials.....	24
NGOs working in the field of access to information. Transparency.....	27
NGOs defending judiciary and judicial independence .....	28
Trainings and workshops for judges organized by expert NGOs .....	29
Trainings of judges are generally perceived as within the scope of activity of the National School of Judiciary and Public Prosecution. Nevertheless, non-governmental organizations facilitate various trainings and workshops for judges, especially in the areas not covered by curriculum of the School. .....	29
NGOs as organizations educating citizens in about the judiciary .....	31
Any other form of NGOs – courts interactions that do not fit into previous types .....	32
International cooperation .....	32
Part 2 .....	34
NGOs “organization cards”.....	34
Part 3 .....	64
“Project cards” .....	64

Part 4 .....	71
Country bibliography .....	71

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## Part 1. Introduction

*Summary (max. one page, 2000 characters).*

*Please summarise your main findings as well as state of interaction, collaboration between NGOs and judiciary in your country. What is most important? What is characteristic?*

Poland is an example of a country, where – generally speaking – civil society is strongly engaged in attempts of influencing the positive reforms of the judiciary, also by monitoring. Through years various aspects of the judiciary activities were monitored, many recommendations were developed and the methodology of watchdog activities in this respect is quite well established.

We can see that in general, even if slowly, the civic monitoring and communication between judges and NGOs strengthen the judiciary and motivate changes in the positive direction.

As to the characteristic aspects and missing points, gaps, as well as main recommendations the following issues might be mentioned.

Unfortunately the detailed scientific research of the judiciary and its different aspects is missing in Poland. There is a lot of statistical evidence collected by the Ministry and courts but only incidental empirical research projects are conducted. It is why actually NGOs are trying to fill the gap and develop some research projects as described in the report below.

However NGOs have very limited sources, including financial resources, and they may not cover all important research needs. They should rather advocate that appropriate agencies and academia provide needed research and data.

There are some well established judges associations and they play important role in collaboration with NGOs (institutionally or individual judges from those associations who are generally more open to the collaboration with civil society).

Same time, well-established ways of communicating the results of the NGO activities, providing feedback from NGO to courts but also from judges to NGOs, are still missing. This is quite crucial issue as lack of good communication sometimes causes misunderstandings, lack of trust and similar.

In 2015 Ministry of Justice elaborated for the first time a program of collaboration with NGOs dealing with justice sector. This potentially may bring interesting developments, however since in the meantime the government has changed it is difficult to project in what way this will be implemented and continued.

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NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

## Short country information

The Republic of Poland is a member of the Visegrad Group and the European Union. The total area of Poland is 312,679 square kilometers making it the 9th largest in Europe. With a population of over 38.5 million people Poland is the sixth most populous member of the European Union. Poland is a unitary state divided into 16 administrative subdivisions. Poland's current constitution was adopted in 1997. It guarantees a multi-party state, the freedoms of religion, speech and assembly, and specifically casts off many Communist ideals to create a 'free market economic system'. The government structure centers on the Council of Ministers, led by a prime minister. The president appoints the cabinet according to the proposals of the prime minister, typically from the majority coalition in the Sejm. Polish voters elect both a president and a bicameral parliament consisting of a 460-member lower house (Sejm) and a 100-member Senate (Senat).

Different social organisations are governed by different laws. Most important in this context are non-governmental organisations (mainly associations and foundations) governed by the law on associations (membership organisations) and the law on foundations (non-membership organisations). In order to establish a registered association 15 persons are needed; in order to establish an 'ordinary association' (*stowarzyszenie zwykłe*) three persons are needed and notification instead of registration is sufficient.

There are about 100,000 associations and more than 17,000 foundations registered in Poland (2015).<sup>3</sup> It shows that registering an organization is not difficult or limited.<sup>4</sup>

The most frequently reported problem for NGOs was difficulty in obtaining funds - 77.3% of the organizations experience it on a daily basis. The second most frequently reported problem (53.8%) was a lack of people willing to work selflessly for the organization. Moreover, two thirds of the organizations do not employ permanent, paid staff.<sup>5</sup>

## Judicial system organization information

Art. 173 of the Polish Constitution of 2 April 1997 provides for dualism of the judiciary authority. It is composed of courts and tribunals. Courts encompass<sup>6</sup>:

- the Supreme Court
- 376 common courts – 11 appeal courts, 45 regional courts and 321 district courts (the

<sup>3</sup> <http://fakty.ngo.pl> (15.10.2015).

<sup>4</sup> <http://www.mpips.gov.pl/spoleczenstwo-obywatelskie/> (15.10.2015).

<sup>5</sup> <http://www.pozytek.gov.pl/Basic,definitions,concerning,the,third,sector,553.html>

<sup>6</sup> The information on the structure of the courts is based on the on the site of the Ministry of Justice <https://ms.gov.pl/en/the-judiciary-in-poland/> (15.08.2015).

number fluctuates)

- the Supreme Administrative Court and regional administrative courts
- military courts.

Proceedings before Polish courts take place in two instances.

There are about 10.000 judges.

Judges of common courts are appointed by the President of the Republic of Poland at the motion of the National Judiciary Council for an unspecified period of time<sup>7</sup>. The procedure begins with the announcement of the post, candidates are firstly evaluated by judges inspectors, then evaluated (in the form of voting) by the collegium of local courts and judges assemblies of local courts. Files of candidates with evaluations are delivered to the National Judiciary Council.

As regards tribunals, the Constitution lists the Constitutional Tribunal (checking constitutionality of legal acts)<sup>8</sup> and the Tribunal of the State (adjudicating in cases of violations of the Constitution or of a statute committed by President, ministers and other top officials)<sup>9</sup>.

**The National School of Judiciary and Public Prosecution**<sup>10</sup> (Krajowa Szkoła Sądownictwa i Prokuratury) was established as a legal entity on the basis of the Act of 23 January 2009 (Journal of Laws No. 2012, item 1230) and started its activities on 4 March 2009. It is the only central institution responsible for the initial and continuous training of the judiciary and prosecution staff in Poland. There is no formal obligation for judges to participate in lifelong learning or to devote particular number of hours annually for the training.

**The National Council of the Judiciary of Poland**<sup>11</sup> is a constitutional collegiate body guarding the independence of courts and of judges.<sup>12</sup> **Its tasks include:** consideration and evaluation of candidates and submission to the President of motions for appointment of judges; providing opinions regarding normative acts concerning the judiciary and judges. The Council is composed of 25 members: the First President of the Supreme Court, the President of the Supreme Administrative Court, a person appointed by the President of the Republic of Poland, the Minister of Justice, four MPs, two senators, ten judges representing common courts, two judges of the Supreme Court, two judges of administrative courts and a judge of a military court.

There are no public **judges associations** but there are several private ones. Association of Polish Judges IUSTITIA<sup>13</sup> is the oldest and the biggest one. Association of Judges THEMIS<sup>14</sup> is

<sup>7</sup> From 2016 judges assessors will be introduced (kind of junior judges), appointed as judges but for a limited period of time (up to 5 years, one appointment possible). Assessor might be appointed as a judge or finish its career as a assessor.

<sup>8</sup> <http://trybunal.gov.pl/en/> (15.08.2015).

<sup>9</sup> <http://trybunalstanu.pl/en/SitePages/Current%20members.aspx>.

<sup>10</sup> <https://www.kssip.gov.pl/angielski> (15.08.2015).

<sup>11</sup> <http://krs.gov.pl/en> (15.08.2015).

<sup>12</sup> The scope of operation and procedure of work of the Council are specified by the Constitution and the Law of 12 May 2011 on the National Judiciary Council.

<sup>13</sup> <http://iustitia.pl> (15.08.2015).

the second general association. Additionally there are two associations of family judges: Association of Family Judges in Poland<sup>15</sup> and Association of Family Judges PRO FAMILIA<sup>16</sup>. Finally there are also some small local associations.

The judiciary is under the constant critique from both politicians and public opinion (most often expressed by the part of the media). It is also an easy target. Peaceful public debate on the state of the judiciary and need of reform is lacking, there is instead a lot of attacks and populist arguments. There are voices that claim that the judiciary as a whole needs a dramatic reform and there are voices that point out to particular shortcomings accepting the general state of affairs.

Main challenges include: organization of work; distribution of work; delays (especially in big cities); system of providing opinions by expert witnesses; communication of courts, judges and society; system of appointments and promotion of judges (evaluation of not only professional but also character qualities); better working conditions for supporting staff.

According to comparative research done in the EU (2013), 43 % of Poles tend to trust judiciary in Poland.<sup>17</sup> However, public trust surveys in Poland show that this opinion varies. In last 20 years good opinion about courts was expressed by 20-43% of the population and bad opinion by 30-65% (in Sept. 2015, 27% of the interviewees were of good opinion and 46 of bad opinion).<sup>18</sup>

### Types and examples of NGOs – courts interactions

*The scope of the project is broad; we can name various ways of interaction between NGOs and judiciary (see following points). Please provide information whether in your country NGOs are engaging into particular type of interaction. Please provide some history of this type of involvement and give examples of particular activities of particular NGOs. Please do not limit your comments to your own NGO but refer to wide scope of NGOs (in most countries they are different NGOs that get in contact with courts and judges, for instance: consumer NGOs, court watch NGOs, environmental NGOs, feminist NGOs, human rights NGOs, NGOs combating discrimination, NGOs focusing on access to information etc.).*

### General questions on NGOs engagement in interaction, collaboration with the judiciary

*In the section above, you listed main challenges the judiciary faces. Are those challenges addressed by the NGOs? If yes, how? If not, why not?*

<sup>14</sup> <http://www.themis-sedziowie.eu> (15.08.2015).

<sup>15</sup> <http://www.ssrwp.pl> (15.08.2015).

<sup>16</sup> <http://sedziowierodzinni.pl> (15.08.2015).

<sup>17</sup> [http://europa.eu/rapid/press-release\\_IP-13-1117\\_pl.htm](http://europa.eu/rapid/press-release_IP-13-1117_pl.htm) (15.08.2015).

<sup>18</sup> [http://www.cbos.pl/SPISKOM.POL/2015/K\\_131\\_15.PDF](http://www.cbos.pl/SPISKOM.POL/2015/K_131_15.PDF), p. 14 (15.10.2015).

NGOs focusing on judicial matters definitely try to address challenges that judiciary faces. They try to conduct research, that is often missing, in order to understand current situation. They conduct court monitoring and trial observation and provide feedback that can be used in overcoming shortcomings. They are engaged in issues of transparency of courts operation and better communication of courts, judges and society. They deal with problems regarding the system of providing opinions of expert witnesses. What is missing so far is lack of engagement of the NGO sector in judges' appointment procedures (with the exception of the appointment of Constitutional Court judges). But generally NGOs seem to address all important issues regarding judiciary; of course due to limited sources it is often fragmentary.

*What aspects of judiciary should be monitored by civil society according to NGOs? According to judges?*

NGOs try to monitor many different aspects of the judiciary. What is missing so far is the lack of monitoring of the appointment and promotion procedures of judges (with the exception of the Constitutional Court). New trend that is discussed is the monitoring of the judicial decisions, with the use of better access to databases containing judicial decisions. Generally NGOs do not limit themselves and seem to be willing to monitor anything that is needed from citizens' point of view (if there is lack of transparency or official statistical data). Judges would welcome more NGOs effort that would investigate and point out different difficulties, shortcomings and limitations in the work of courts and judges.

*Who is eligible to conduct such a monitoring, what are the competences needed?*

Generally speaking any NGO may conduct some monitoring regarding the judiciary. However this is often sensitive and hermetic field of life and sometimes it requires special competences. Legal background is sometimes required, deep knowledge of the judicial system and its actors is very helpful.

But, what is sometimes underlined, we should not expect only legal experts to monitor the judiciary. Also regular citizens, without legal background, may and should be engaged in different kind of projects, like for instance court watch. It is important that the judiciary receives feedback also from regular citizens on how they feel when in courts, how they are treated by the judicial institutions. What is important is to openly show the methodology of the particular monitoring.

*Do you see any trends, developments in NGO engagement in the judicial affairs? Do you see any obstacles to this work?*

Generally speaking it is easier for big professional organizations to focus on judicial issues. Small, local NGOs even if interact with courts, they do it rather occasionally, within individual projects.

There is visible trend over the years of more projects devoted to the judiciary, projects regarding access to data and transparency of courts operation, more strategic litigation (test cases for instance based on law counteracting discrimination), more organizations preparing amicus curiae brief for courts.

Main obstacles are lack of funding, lack of professional legal personnel. Sometimes courts and judges are also seen as too demanding in a sense that work on the judicial issues is too difficult and requires more effort and preparation than other activities.

*How to deliver NGO feedback to judiciary? What are the best ways used in your country? Is there any problem in communication with judicial bodies, courts, and judges when delivering feedback?*

The popular ways of delivering the feedback are typical traditional tools like publications, conferences, seminars, and roundtables. The best way is to invite and include representatives of the judiciary in the debate about the particular project, results of research, project outcomes or recommendations, to make them if not co-authors, at least active commentators.

Courts and judges feel like being under constant critique (if not attack) and are quite difficult group to receive feedback. It is important that judges do trust particular organization and its true devotion to the good mission. According to judges it is important that NGOs balance the message, do not focus only on shortcomings, but stay objective and show also positive aspects of the courts operation. This is often the controversial issue, as watchdog organizations tend to focus on negative aspects.

*Is the result of work of NGOs (regarding judiciary) being treated seriously? Are project findings and reports discussed, studied, answered? By whom, how?*

There are no stable mechanisms that would ensure that the results of the work of NGOs are treated seriously and project findings are discussed, studied and answered. It depends on particular institutions and what more important particular people. So part of judges (or court presidents), or part of decisions makers from the Ministry of Justice or part of members of the Judicial Council are open to the debate and NGOs input and others are not open and do not treat work of NGOs seriously. The best for a for discussions are judges associations, quite open for contact, as well as particular presidents of courts that organize discussion on the level of court.

Generally there is a room for improvement in this regard and it would make sense to establish some channels of communication in between NGOs and stakeholders from the judiciary in order to ensure proper reception of the feedback provided by NGOs.

*What is the overall attitude of the general public towards the NGO engagement in judicial matters? Are there any characteristic voices? Is there a support or the opposite?*

There is nothing characteristic in the attitude of the general public towards the NGO engagement in judicial matters. The level of trust to Polish courts is rather low so the controlling role of NGOs vis a vis courts is sometimes underlined (in media, public debate, on the Internet).

*What are ways for the Judiciary to take into account NGO feedback?*

NGO feedback regarding judiciary, courts and judges, should be taken into consideration by all stakeholders. Decision makers, like Ministry of Justice and relevant parliamentary commissions should use it in legislative process. The reports should be used in planning strategies and designing particular processes. Court presidents should study and discuss on

the court level NGO findings and recommendations. All judges, also within the judges associations, local courts general assemblies of judges, or individually should analyse results of the important research and their own performance. NGO feedback should also be taken into consideration when designing curricula for the training for both future judges and judges in service.

*Do NGOs collaborate, have common projects, and interact with judges associations? If not, why not? If yes, please provide examples.*

Some, stronger organization, with known long record and well established contacts with judges do collaborate with judges associations. Generally it helps and ensures better reception of the project activities and feedback. It is more difficult for local NGOs or organization without known record to collaborate but generally speaking Polish Judges Associations are rather open to collaborations (with limitations obvious for judges and their fragile role).

INPRIS or Helsinki Foundation for Human Rights has done number of projects in collaboration with judges associations, like common conferences (INPRIS and THEMIS conference in the Supreme Court on reasoning of judicial decisions), workshops (THEMIS and INPRIS series of seminars for judges and NGOs on antidiscrimination law), or research (several research project of HFHR done with IUSTITIA, for instance Efficient Court. Collection of Best Practises).

*Are NGOs represented in the official judicial bodies or bodies relevant for the judiciary (judicial council, consultative bodies, other)?*

There is no tradition of the representation of NGOs in the official judicial bodies or bodies relevant for the judiciary, like Judicial Council, local judges assemblies. There are no civil society representatives in the Judicial Council.

Sometimes, NGOs are represented occasionally in some consultative bodies during the works of the Ministry of Justice, or during the legislative process.

*Are NGOs being invited by judicial bodies to meetings, seminars, conferences etc.?*

Some NGOs, that are engaged in the rule of law issues, human rights protection, including the matters of the judiciary, status of judges, independence and impartiality are being invited by judicial bodies to meetings, seminars, and conferences. Judicial Council, Ministry of Justice, sometimes local courts, when organizing local events, invite also NGOs.

*Do NGOs collaborate with legal profession(s) in projects regarding judiciary? If yes, on what subjects and in what form?*

In some projects regarding judiciary NGOs do collaborate with representatives of the legal profession, in Polish case with advocates and legal advisors. NGOs for instance do organise trainings for lawyers (in the form of seminars or workshops) in order to provide adequate legal tools and encourage them to undertake particular types of cases (for instance project of the Polish Association of Antidiscrimination Law to train lawyers on discrimination issues, or INPRIS project for lawyers on usage of the Charter of Fundamental Rights of the European

Union). Lawyers act also as collaborators in projects of strategic litigation or when preparing amicus curiae briefs.

*Does curriculum for future judges (judicial academy) or judges in service include information about NGOs and their possible role in the Society and in the judicial proceedings?*

The subjects covering the NGOs and their possible role in the Society and in the judicial proceedings are not a permanent element of the curriculum for future judges (within the judicial academy) or for judges in service. But it is slowly changing and NGO representatives are more often being invited to the particular trainings, meetings, seminar to present their point of view and their output.

*Are there any critical voices about NGOs engagement in the judicial matters? What mistakes NGOs make? What shall be improved changed in NGO approaches? What are opinions of judges on the above issues?*

Critical voices that are being rise about NGOs engagement in the judicial matters focus on the following arguments or allegations. Judges sometimes argue that NGOs have too much watchdog approach, do not stay objective, and tend to focus on shortcomings and imperfections. That their conclusions and recommendations are not balanced. Judges also call for more in depth approach and analysing, not staying on the surface, focusing not just on the effects but also on the reasons of their activities. Often the reason is bad legislation or decisions of the government, not judges themselves, while in common view judges bear the responsibility for courts' operation. Judges also claim that NGOs do make mistakes in their evaluation due to the lack of practical knowledge on courts operation or misunderstandings. Judges urge NGOs to focus also on difficulties and obstacles that they face in their work, critical evaluation of the legislation and administration of courts. On helping judges to fulfil their mission and job, not just criticizing them.

*Are NGOs (especially in their monitoring activities) collaborating with academia (scientists, researchers, sociologists of law)? What are the forms and scope of such collaboration?*

NGOs dealing with the judiciary, especially in their research and monitoring activities, collaborate sometimes with academics: scientists, researchers, especially sociologists and sociologists of law. But usually this is occasional. There is no constant collaboration of the scientific and NGO world. Partly it is due to the fact that empirical research of the judiciary is still quite rare. This is surprising as the operation of the judiciary is potentially very rich field for the research. So since the interest of the scientific world is limited, NGOs try to fill the gap and conduct necessary research. This is however also very limited and focused on issues of interest for particular NGOs. Nevertheless when elaborating research and monitoring tools NGOs seek professional advice and input from sociologists. There is potentially a lot of room for the future collaboration of NGOs and academics and hopefully this will develop.

*Is the idea of ranking (rating) of courts (based on chosen criteria) present in your country? Are NGOs in any way involved in this?*

Generally there is no tradition of ranking of the courts or judges according to elaborated and lasting methodology. But method of ranking is sometimes used. Occasionally media create some ad hoc ranking showing some phenomenon based on the available statistics. The best example of the use of ranking however is the project of NGOs (Helsinki Foundation for Human Rights, FOR foundation and K2) that created the ranking of the courts' internet sites, that was repeated during 3 times and caused positive change of the sites.

*Is there a funding for such work (related to judiciary) available in your country? Who provides funding and for what types of projects? Is this available from public sources (what) or private (what)? Are there any recent changes in this matter?*

Usually there are no special funding streams for the projects focusing on the judiciary. NGOs that interact with courts use the general available sources of funding, both from private and public sources. In 2015 the special program of collaboration in between Ministry of Justice and NGOs was developed that promises potential collaboration, also in form of donations or cofounding. But so far this is only on paper and it is difficult to predict whether it will have any practical dimension. Also, since big part of this work has a watchdog character, it is difficult to expect public funds for this type of activity. There is no tradition of public funding for watchdog activities.

Generally since Poland joined the European Union many donators stepped back arguing that their efforts will be replaced by the EU funds. It is true but not in all fields, and especially watch dog activities. Therefore there is a big need for funding in this field.

### Legal framework. Standing of NGOs.

*What are the ways in which NGOs may engage in judicial or other relevant procedures?*

*What types of proceedings (civil, administrative, criminal, etc.) may NGOs engage in? Are there any differences in NGOs' standing in different types of proceedings?*

*Are NGOs entitled to act on behalf of parties (to represent a party in court)? Under what terms and conditions?*

*Are NGOs entitled to act in support of parties (to join already existing proceedings)? Under what terms and conditions?*

Ngo's in Poland may act both on behalf and in support of parties of the proceedings.

Civil, criminal and administrative laws use the very wide terms 'non-governmental organisations' (civil law) and 'social organisations' (criminal and administrative law) that include any associations and foundations, trade unions, professional organisations, etc.

In **civil procedure** a non-governmental organisation may act in support but sometimes also on behalf of the complainant.<sup>19</sup> This solution was adopted in the Code of Civil Procedure, which allows non-governmental organisations to file a claim on behalf of individuals or join such proceedings,<sup>20</sup> e.g. in alimony (maintenance) and consumer protection cases<sup>21</sup> or in labour law and social security cases.<sup>22</sup> If a non-governmental organisation does not participate in the proceedings, it may still present its opinion on the case to the court (acting de facto as an *amicus curiae* even if the law does not use this expression).<sup>23</sup> There was also an important ruling of the Constitutional Tribunal (CT) which referred to an *amicus curiae* brief provided by an NGO in a case before the CT, thus in a way recognising use of an *amicus curiae* by courts even without clear legal provision allowing for this.<sup>24</sup>

Since May 2012, NGOs may also initiate or join proceedings on behalf of an individual person who is an entrepreneur (if that person is a member of the organisation and provides written consent) in a dispute with another entrepreneur.

If an organisation initiates civil proceedings on behalf of a party, it has the rights of a party to the proceedings and may seek and obtain any remedy including calling witnesses or appealing the ruling (this refers also to obligations of the party, like respecting court orders and compliance with deadlines) (Article 62, Code of Civil Procedure).

Similarly, social organisations are entitled to bring or join **administrative proceedings**. Article 31.1 of the Code of Administrative Procedure reads: 'A social organisation may, in a case concerning another person, request: 1) to institute proceedings, 2) to be admitted to proceedings, if it is justified by the official objects of the organisation and when it is in the public interest'. It is up to the administrative organ to decide whether to admit the social organisation, but this decision may be appealed. But even if it is not taking part in proceedings as a party, an organisation, with the consent of the administrative organ, may still express its opinion (*amicus curiae* brief) (Article 31.2-5). The Act on Procedure before Administrative Courts (a separate instrument from the Code of Administrative Procedure)

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<sup>19</sup> See more detailed analyses in: S.Spurek, 'Udział organizacji społecznej w postępowaniu karnym, cywilnym i administracyjnym' (Participation of the social organisation in criminal, civil and administrative proceedings), in: *Przeciwdziałanie dyskryminacji z powodu orientacji seksualnej w świetle prawa polskiego oraz standardów europejskich* (Counteracting discrimination on ground of sexual orientation in the light of Polish law and European standards), ed. K. Śmiszek, Warsaw 2006; K. Gonera (Supreme Court Judge), 'Udział organizacji społecznych w postępowaniu sądowym jako gwarancja prawa do rzetelnego procesu' (Participation of the social organisation in court proceedings as a guarantee of the right to fair trial), and M. Bernatt, 'Opinia przyjaciela sądu (*amicus curiae*) jako pomocnicza instytucja prawna w orzecznictwie sądów polskich' (The *amicus curiae* brief as an auxiliary legal institution in the jurisprudence of Polish courts), both in: *Sprawny sąd. Zbiór dobrych praktyk* (The efficient court. Collection of best practices) ed. Ł. Bojarski, C.H. Beck, Warsaw 2008 (p. 166-176 and 184-189).

<sup>20</sup> Article 8 Code of Civil Procedure.

<sup>21</sup> Article 61 Code of Civil Procedure.

<sup>22</sup> Article 462 Code of Civil Procedure.

<sup>23</sup> Article 63 Code of Civil Procedure.

<sup>24</sup> Constitutional Tribunal judgment of 16.01.2006 (SK 30/05), justification p. I.8. p. III 2.2.

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

also allows social organisations to take part in proceedings when this is justified by their official objects and in the cases specified by particular provisions (Articles 9; 25.4; 33.2).

An organisation admitted to administrative proceedings has the rights of a party (with some limitations) (Article 31.3, Code of Administrative Procedure).

Representatives of social organisations may also be admitted to **criminal proceedings**. According to Articles 90 and 91 of the Code of Criminal Procedure, a representative of a social organisation may be admitted if ‘there is a need to protect the public interest or an important individual interest falling within the official objects of the organisation, in particular the need to protect human rights and freedoms.’ The decision whether to admit the representative rests with the court, which evaluates the importance of the public or individual interest. The application to admit representative should be submitted in writing and designate particular person/s as representative/s.

In criminal proceedings, the rights of a representative of a social organisation are limited to: participation in the hearing, expressing his/her opinion orally on the court record and submitting his/her opinion in writing (Article 91, Code of Criminal Procedure).

### **Actio popularis**

*Does your national law allow for actio popularis (when NGOs act in the public interest on their own behalf, without a specific party/victim to support or represent)? Please give details.*

Polish law does not allow associations to act in the public interest on their own behalf, without a specific victim to support or represent (actio popularis).

### **Class action**

*Does your national law allow for class action (when NGOs act in the interest of more than one individual party/victim for claims arising from the same event)? Please give details.*

Until 2010 there was no legislation on **class action**. This gap constituted a considerable restriction in pursuing justice. In general each single lawsuit brought before a court initiates separate court proceedings with all the obligatory elements like court fees, legal representation, correspondence and communication with the court, presentation of evidence, etc. There is a possibility for a court to decide to hear a number of related cases jointly, but this will not affect these obligatory elements of the procedure. The only practical benefit for the parties (and the court itself) may result from the fact that the process of gathering evidence (e.g. calling witnesses or obtaining documents) is more time and cost efficient.<sup>25</sup>

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<sup>25</sup> *Access to Justice for Human Rights Abuse Involving Corporations*. A project of the International Commission of Jurists. Draft Report for Poland. September 2009. Drafted by: K. Szymielewicz.

In 2009, however, Parliament passed a law on class action which entered into force on 19 July 2010.<sup>26</sup> The European model of class action, as opposed to the American, was chosen – meaning that all parties interested in the case must join it personally.

Unfortunately at the very end of work on the draft act, when it had already been passed by the Sejm (the lower house of Parliament), the Senate introduced some changes that significantly narrowed the scope of the law and limited it to consumer protection claims and torts (with the exception of protection of ‘personal rights’).

*Are there any legal limits or practical barriers that limit NGOs activities related to the proceedings or generally projects related to judiciary (like for instance restrictions on the entrance to the court, costs of the proceedings – how NGOs handle these problems)?*

There are two requirements imposed on organisations to be able to demonstrate legal standing (Article 61 of the Act on the Code of Civil Procedure) – organisations should list particular field of their interest among the objects set out in their governing documents, and if they file a complaint on behalf of a party or join court proceedings they should present the party’s written consent.

Even there are no formal limits, in reality this kind of activity is seen by NGOs as very professional and requiring special competences. The research done by the Polish Association of Anti-Discrimination Law has shown that not many NGOs engage in this kind of work: it is mostly those familiar with legal issues, especially large, strong NGOs based in the capital.<sup>27</sup>

## Thematic questions

*In each of the following thematic sections please provide following information:*

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*

<sup>26</sup> Act of 17 December 2009 on pursuing claims in collective actions, in force from 19 July 2010 (*Ustawa z dnia 17 grudnia 2009 r. o dochodzeniu roszczeń w postępowaniu grupowym*, Dz.U. Nr 7, poz. 44 z 18 stycznia 2010).

<sup>27</sup> See: *Anti-discrimination law in the practice of Polish common courts. Monitoring report*, Polish Association of Anti-Discrimination Law (2013), p. 179-212; *Prawo antydyskryminacyjne w praktyce polskich sądów powszechnych. Raport z monitoring*, Polskie Towarzystwo Prawa Antydyskryminacyjnego (2013), available at [www.ptpa.org.pl](http://www.ptpa.org.pl).

- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity
- Please address also other particular questions included in the particular sections

## Monitoring of the judiciary by NGOs

For instance: monitoring of judicial institutions / judicial bodies, monitoring of courts' activities, monitoring of communication of courts with citizens, monitoring of judges appointments etc. Please note that this is different from monitoring of the legislative process and trial observation that are the separate categories below.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

Monitoring of the judiciary has long established tradition in Poland as a part of wider watchdog movement. The aim of such monitoring is an attempt to initiate a number of positive changes in the way Polish courts operate. These changes, in turn, could help the courts to build trust in the judiciary and the rule of law in Poland. Watchdog movement in Poland try to make Polish courts more open to citizens and caring more about the societal consequences of their activities. The other goal is to obtain trustworthy and broad knowledge about how citizens perceive the functioning of Polish courts. This is not another public opinion poll, but a reconstruction of the actual experience of people who have found themselves in court.

Civil Development Forum is involved in many research projects and campaigns. The latest comprehensive report “The next 25 years: what reforms do we need to implement to catch up with the West?” identified problems with the justice system as one the most significant obstacle to invest and develop business in Poland. Some other examples of monitoring projects are:

- “The next 25 years: what reforms do we need to implement to catch up with the West?” (including sections about justice system) (2015)

- “Mediation as an opportunity to improve efficiency of the Polish justice system” (2015)
- “Analysis of the Polish judges’ payroll system” (2014)
- “Uneven fight of taxpayers with the fiscal apparatus in front of administrative courts” (2014)
- “Courts on the record. Transparency and performance of Polish courts” (2013)
- “Causes of unfair convictions in Poland” (2012)
- “The Polish courts. Ranking of Websites of district and appeal courts” (2008 - 2012)
- “Custodial preventive measures” - in cooperation with the Helsinki Foundation for Human Rights (HFHR) and the Polish Business Council (2011)
- “Interim evaluation of the work of judges” - in cooperation with HFHR (2011)
- “Public availability of judicial decisions” - in collaboration with HFHR (2010)
- “Professional responsibility of prosecutors” - in cooperation with HFHR (2010)
- “Civil monitoring of candidates for attorney general” - in cooperation with HFHR (2010)
- “Reformers and the brake. Overview of Ministers of Justice after 1989”. (2010)
- “Polish effectiveness of the judiciary in the light of international and domestic standards” - in cooperation with HFHR (2010)
- “Communication of courts with citizens - empirical studies, conclusions, recommendations of changes” - in cooperation with HFHR (2009)

Since 2006 INPRIS enters into coalitions with other non-governmental organizations for the purpose of monitoring the election and nomination process of candidates for various public positions in Poland (before 2009 INPRIS founders acted in the project on behalf of other organizations). So far, they have monitored the process of election / nomination of candidates for: Justices of the Constitutional Court (all current 15 justices went through the process); The Ombudsman; The Chief Commissioner for Protection of Personal Data (twice); The Prosecutor General. INPRIS, and the NGO Coalition believe that elections to the key public positions in Poland should not occur without civic scrutiny. The Coalition undertakes the following activities to advance an informed, fair and transparent election process:

- conduct independent research, collect and publish data on the candidates (e.g. filing requests for public information in government agencies that hold official records about the candidate’s career);
- ask the candidates to answer a detailed questionnaire on their career and qualifications; the questionnaire and the answers are published on the Internet;
- organize public debates with participation of the candidates – candidates may present themselves and answer questions from civil society, academia and media;

- monitor the parliamentary proceedings in the election/appointment process, starting with the official hearing of the candidates before the Justice and Human Rights Commission of Sejm (the lower chamber of the Polish Parliament);
- present findings and recommendations in several reports and publications.

The Helsinki Foundation of Human Rights decided to carry out studies on the level of Polish common courts of communication with citizens. In particular, they used in practice the possibility of contact with the courts via e-mail or phone as well as through personal contact with employees of the courts. They also evaluated whether the courts communicate in a clear and understandable through official letters. The monitoring also included the organization of the court in terms of communication with citizens, that is, to what extent the court is an institution "friendly" for the citizen by providing them all kinds of facilities, contributing to the understanding of his actions and decisions of the courts. The result of our study was a report "Communication with citizens of the courts – research empirical conclusions, recommendations and changes". The monitoring project was carried out on a sample of 39 randomly selected regional, district and appeal courts across the country. The report presents test results along with recommendations addressed to the Ministry of Justice, as well as managers of courts (presidents and administrative directors).

The same organization conducted monitoring of a commercial courts. The aim of the program was to create a record of one day of work of a commercial court in Poland, including the study of both accessibility to the court understood as the ability to use the principle of openness of court proceedings, as well as in the more literal sense (physical accessibility). Between April and October 2008, observers visited all 104 commercial courts in Poland (district and regional), looking at judicial buildings, hearing rooms, the work of judges, attorneys and court personnel. Well trained students from law schools across the country, equipped with a comprehensive questionnaire were observers.

European Forensic Initiatives Centre is carrying out currently the project covering the miscarriages of justice caused by wrong delivery of forensic science and invalid scientific evidence. As part of the project, they are going to enlist court cases in Poland, which over the last 25 years, resulted in a wrong sentence due to an improper forensic examinations and invalid scientific evidence. They truly believe that the analysis of such cases shall enable us to create a series of recommendations aiming at the prevention of miscarriages of justice based on invalid scientific evidence in Poland. In such a way their undertakings aim at increasing the confidence of the Polish citizens in the justice system. Within this project they are going to cooperate with the recognised foreign bodies whose vast experience in the abovementioned area can guarantee the success of the action.

The HNLAC (Halina Nieć Legal Aid Center) prepared an analysis of judicial practice in

foreigners' detention cases within the project "Reducing the scope of detention of vulnerable foreigners seeking protection in Poland" conducted in 2012 – 2013. During the project the Center cooperated with the District Court for Kraków -Krowdrza in Krakow, District Court in Przemyśl, District Court for the Capital City of Warsaw in Warsaw.

The challenge related to judicial (systemic) monitoring is how to disseminate the results of the monitoring and how to communicate outcomes especially to the judiciary. Moreover, sometimes the methodology of the monitoring is a subject of vivid discussion and criticism – it's very important to provide specific information about the methodology of each monitoring to make the results as reliable as possible.

For more information, check cards related to Halina Nieć Legal Aid Center (HNLAC), European Forensic Initiatives Centre, Civil Development Forum, Nobody's Children Foundation

### NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

This section also covers engagement of the NGOs in the debate on judiciary and its systemic changes that may be part (or not) of the legislative process.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
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NGOs in Poland are involved in the debate on judiciary and its systemic changes, especially these being part of the legislative process. The differencing factor is the question if this monitoring is specially focused on reform of judiciary, or more broadly on the whole legislative process with some aspects of judiciary reform.

One of the core project of the Helsinki Foundation for Human Rights (still ongoing) is "Reform of the judiciary". The main observation for establishing this project was the fact that since the democratic changes in 1989, there was no complex reform of judiciary in Poland, only many ministers of justice undertook or take the effort of reform. In most cases, however, it amounts to a partial measures that are usually not based on a comprehensive and thorough analysis. These activities are often only a reaction to the current media events. Numerous changes to the law, not taking into account real social problems

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

and research from other fields, varied ideological approach to justice has a negative impact on the quality of new laws, as well as the protection of human rights.

Therefore the Helsinki Foundation for Human Rights decided to establish a program consisting of 3 main activities:

1) monitoring the process of law making in the field of justice reform

Monitoring is based on giving opinions by experts on key projects of legislation. Monitoring includes: the stage of public consultation, inter-ministerial, parliamentary commissions work and actions taken after the law is passed by the Sejm (eg. work in the Office of the President and the Constitutional Court). Monitoring of the selected projects is preceded by a specially organized seminars or expert meetings. As the scope of potential legislative changes in the sphere of justice seems to be extensive, monitoring activities focus on only the bills that were deemed fundamental to the reform of the judiciary and to protect the rights and freedoms of individuals. However, in the framework of the monitoring, the Foundation tries to follow also what are the legislative progress in relation to other, less important legal acts.

2) monitoring of the application of the law after at least one year of its enactment

This monitoring assumes preparing of analyse on the application of newly adopted laws and reforms. The Foundation wants to examine whether the assumptions associated with the idea of the creation of the act in question have been completed, evaluate the effectiveness of the reform and the possible need for further amendment of the law. Analysis are conducted on the basis of verification of the correctness of legal regulations views of doctrine, interviews with stakeholders, analysis of court records and complaints about the operation of the new law. The result of the analysis are presented as policy papers presented during a specially organized conference attended by politicians, experts and practitioners affecting the shape of further regulation.

3) interventions aimed at changing the law or its practical application based on carefully selected issues of the complaints addressed to the Foundation

The program conduct monitoring of any actions taken by State authorities to respond to the Foundation's interventions, until the successful solutions that can contribute to general or systemic changes in the judiciary. As a result, the project is extending support to individuals who have been victims of poorly functioning justice system, via public interest actions. Particular attention is focused on issues relating to the consequences of the lack of enforcement of decisions of the Constitutional Court and the European Court of Human Rights.

The example of the organization focused on broader issue of legislation process itself, with some aspects of judicial reform also covered, is Batory Foundation and its project "Monitoring of legislative process". The project was run from 2008 to 2011, and previous monitoring activity within transparency project was enriched in cooperation with

parliamentary journalists-reporters, professional lobbyists and NGOs. They informed the deputies clubs and parliamentary committees about observations and comments on the irregularities in the law making informing, trying to introduce into practice that the parliamentary mechanisms should enhance the transparency of the legislative process. One of the covered by project legislation process was bill on National Council of Judiciary of Poland.

NGOs not only run monitoring projects on law-making process in the area of judiciary, but are also involved via various advocacy tools in the reform. The Ministry of Justice decided in 2014 to establish The Social Council on Implementation of the Modernization Strategy of Justice in Poland. The Head of the Council is Grzegorz Wiaderek, one of the founders of Institute for Law and Society INPRIS – many other NGOs activists are engaged in this body. Additionally, there is ongoing process of establishing cooperation program between Ministry of Justice and NGOs for 2016.

Moreover, some think tanks are active in legislation process, especially on the stage of public consultation. Lately (in January 2015) INPRIS delivered its opinion on the act on free of charge legal aid. Generally, this bill raised attention on many NGOs, taking into account its scope that influence the activity of many NGOs.

The challenge for such kind of activity, especially monitoring, is that this is really expert-based activity, that requires lots of knowledge not only on the judiciary system, but also on the legislation process itself. Moreover, the results of monitoring and advocacy is not easy to be communicated to the public, which makes that kind of activity less coverage-oriented – therefore also funding of such projects is a challenge.

Some more external obstacles have to be named while discussing such kind of activity. NGOs often lack the instruments that allow for active involvement in the process of law making in the regard of judiciary. Their role is often confined to submitting their comments on the stage of public consultation. Moreover, the legislative practise in Poland is often hasty.

### **Trial monitoring, trial observation, court watch**

There are different kinds of trial observation. Shortly it may be divided into more in depth specialized observation of particular cases or types of cases (often but not necessary of the high profile cases) done by experts or court watch activity when common citizens (usually not lawyers, sometimes students) visit the court for one day and observe “the culture of judging”.

*- Do NGOs in your country engage in this type of activity?*

*- If yes, please provide more information, examples of particular organizations, examples of particular projects*

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
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Monitoring of the trials has long established tradition in Poland as a part of wider watchdog movement. Observers enjoy guaranteed access to public proceedings and can focus on a specific element of the case – whether a particular legal institution (such as the right to a fair hearing), or overall assessment of the fairness of the proceedings.

"Citizen court monitoring" - a flagship project of the Court Watch Poland Foundation, conducted on a continuous basis since May 2010. It is based on the right of ordinary citizens to participate in public hearings and observe the work of the court. So far, more than 26,000 observations of hearings and court infrastructure have been conducted. These observations are carried out throughout the country: so far the monitoring covered more than 160 (out of ca. 350) courts in Poland. Every year, a report summarizing the annual cycle of monitoring is presented during a national conference with the participation of the most important representatives of Polish judiciary. The Foundation also launched an online service - <http://www.wokandaobywatelska.pl> – which allows citizens concerned about their court case to invite independent observers for a particular hearings throughout the country. In 2013, the Foundation was invited by the Ministry of Justice to co-create the "Strategy of Modernization of the Area of Justice for the years 2014-2020". In 2014, in cooperation with the OSCE, an English summary of our methodology and results was published (see "Court Monitoring Methodology", available here: [http://courtwatch.pl/wp-content/uploads/Court\\_Monitoring\\_Methodology.pdf](http://courtwatch.pl/wp-content/uploads/Court_Monitoring_Methodology.pdf)). Since then, they have been able to discuss our approach to court monitoring with NGOs, lawyers and others in several countries, including Croatia, FYROM, Georgia, and Montenegro. Court Monitoring Methodology

Nobody's Children Foundation carries out monitoring of court cases involving children. In 2011 the FDN conducted a study of court records in terms of the practice of interviewing children in Poland and.

PTPA (Polish Society of Anti-Discrimination Law) constantly monitors the activities of the judiciary and law enforcement agencies in the fight against discrimination and the application of anti-discrimination legislation. Moreover, in the period from January 2012 until January 2013 the project "Monitoring the application by the Polish justice anti-discrimination law" was carried out. Monitoring has to control the practical application by

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

the Polish courts of law provisions to ensure protection against unequal treatment and an evaluation of the relationship between non-governmental organizations, anti-discrimination and justice. The Society also released the report "Anti-discrimination law in the practice of Polish courts of general jurisdiction" which contains the results of monitoring the application of anti-discrimination provisions, the attitudes of judges to the phenomenon of discrimination, as well as the relationship between NGOs and the judiciary. Polish Society of Anti-Discrimination Law has completed an analysis of hundreds of decisions in criminal, civil and labor cases. Interviews with 54 judges were also conducted on the opinion concerning the phenomenon of discrimination and the role of NGOs in court proceedings. The Society asked also non-governmental organizations working in the field of anti-discrimination about their experience of observing the hearings, bringing proceedings and submission of opinion friend of the court (*amicus curiae*).

In the period from July 2012 to May 2013 PTPA in partnership with the Foundation for the Trans-Merger carried out the project "Monitoring of compliance by the judiciary of international standards of human rights protection in proceedings related to gender reassignment's register", which aim was to examine the practice of court proceedings in cases related to gender reassignment and to develop guidelines for a legislative act, which in a comprehensive manner regulates the issues of gender reassignment procedures. On the basis of court records and interviews with the judges the publication "The legal situation of transgender people" was prepared. The publication presents comprehensive legal situation of transgender people by providing international standards to protect the rights of transgender people, pointing to examples of rules that have to be applied to gender's register of transgender people and presenting the assumptions of legal changes concerning those persons under Polish law.

Various unjustified restrictions on public access to the courtroom can still be encountered throughout the Polish system of justice, and some citizens continue to receive an unsatisfactory treatment before the court. Inefficient communication strategy of the courts contributes to negative public assessment of the courts, which contribute to lack of trust and undermine authority of the court. More emphasis is needed on problem-solving and procedural justice: collaboration between prosecution, courts, probation and other institutions (especially the NGOs) needs to be significantly improved. Another challenge is promoting the understanding of watchdog organizations in Polish society: at the moment the relatively few existing initiatives and organizations are dependent on project funding, which does not ensure continuity.

For more information, check cards related to Court Watch Poland and Polish Society of Anti-Discrimination Law.

## Involvement of NGOs in court trials.

This section includes strategic litigation (impact litigation, test cases), providing amicus curiae brief, as well as engaging in the proceedings in other possible ways (initiating or joining it), like social/citizens representative and similar. Please also include information on actio popularis and class action cases if possible and done by NGOs. Generally we are focused on NGOs that engage in trials pro public bono, if there are interested in wider picture than just interest of their members. But sometimes it is different to evaluate, so please do not limit your answer if you think that it might be of interest to others or shows some trends or interesting phenomena.

Many NGOs in Poland are involved in court trials using different mechanisms such as strategic litigation (impact litigation, test cases), providing amicus curiae brief, engaging in the proceedings in other possible ways (initiating or joining it) like social/citizens representative and similar. For many of them court trials are final stages in the direction of getting to public policy or legal changes they advocate for.

The most complex approach to the issue of the NGOs engagement in court trials is shown by the Helsinki Foundation for Human Rights. It started "Strategic litigation program" in October 2004. The Helsinki Foundation for Human Rights joins or begins a strategically important judicial and administrative proceedings. Through its participation in these proceedings, the Programme aims to achieve breakthrough judgments, changing practice or legislation in specific legal issues which raise serious doubts from the point of view of human rights protection. The program activity consists in particular of:

- observing of hearings;
- submission of amicus curiae opinion - the opinion of the Foundation, which presents a significant problem from the point of view of human rights in the light of the constitutional and legal comparative without referring directly to the facts of the case;
- participation in court proceedings on the rights of the so-called. third party - this means that at the hearing the representatives of the Foundation shall have the right to speak and submit proposals and declarations;
- collaboration with law firms and individual lawyers and ensuring judicial and legal assistance on a pro bono basis.

During its current activities, the Program participated or supported almost all the important issues of human rights taking place in Poland. The program conducts and coordinates currently approx. 40 cases on issues such as freedom of expression, freedom of peaceful assembly, association, personal liberty, the right to trial and access to legal assistance, prisoners' rights, non-discrimination or labour rights.

The Nobody's Children Foundation (FDN) is a non-governmental non-profit organization working toward the goals of protecting children from abuse and providing help for abused children, their families, and their caregivers. The Foundation participate in proceedings before courts in the context of:

- The "guardian of the child-victims of crime". Volunteer organizations are involved in criminal proceedings as a person indicated (Art. 361 § 1 of the Code of Criminal Procedure). Their tasks are to accompany the parent / legal guardian of the child at the hearing, observing the conduct of the hearing
- Authors of amicus curie. FDN directs the courts occurrence, which calls for ensuring adequate protection of the child in criminal proceedings, in particular during interrogation operations
- Act as a guardian of the process. Foundation's lawyers exercise the rights of minors victims in criminal proceedings in the case of exclusion from representation of their legal representatives
- Monitoring of court cases. The Foundation monitors the legal proceedings of people using legal aid organization
- Interventions. FDN initiates criminal proceedings in the event of any threat to the welfare of the child.

Allerhand Advocacy program focuses on issues of vital importance for the rule of law and transparency in public life. Through actions of interventions, strategic litigations or cooperation with the media, the Institute undertakes, supports, monitors judicial proceedings precedents with significant potential impact on the functioning of public institutions and respect for human rights in Poland. Examples of engagement:

- Referral to the Constitutional Court of two constitutional complaints:
  - the examination of the constitutionality of the barrier clause in elections to the European Parliament;
  - the examination of the constitutionality of legislation legitimacy to request for correction of inaccurate data and information as part of the referendum campaign.
- Participation of the Institute in judicial proceedings in terms of corrected information provided during the referendum campaign on the organization in Krakow Winter Olympics.
- The involvement of the Institute in the public discussion on the reform of the pension system in Poland

Association for Legal Intervention (SIP) was established in 2005 by a group of young activists and lawyers. Since then SIP evolved into a professional non-profit organization with the aim

of combating social exclusion through provision of free legal advice to people whose rights and freedoms are threatened or violated and raising legal and civil awareness in the society. SIP has an experience in participation in proceedings before the civil, criminal and administrative courts (including strategic litigation), to support SIP's clients the proceedings (eg. the initiation of actions, joining the proceedings); filing lawsuits and representing clients in court in employment and discrimination cases and representing clients before courts, mainly foreigners and persons deprived of their liberty.

The Society of Polish Antidiscrimination law is involved in court proceedings by providing representation before the court by a lawyer / attorney team members or a lawyer / attorney working with the organization on a pro bono basis, to bring an action in favor of the plaintiff, join the proceedings, observe the hearings and provide an opinion friend of the court (*amicus curiae*). Its experience in this field applies to proceedings before the Polish courts (including the Supreme Court) and in terms of submission of the request for a preliminary ruling to the Court of Justice of the EU. It also has an experience in proceedings at the European Court of Human Rights and other international bodies. As a non-governmental organization the Society informs law enforcement agencies about crimes carried out in violation of the principle of equal treatment and non-discrimination.

Ordo Iuris gathers academics and legal practitioners aiming at promotion of legal culture based on the respect for human dignity and rights. Third parties interventions (including *Amici curiae* briefs) by the Ordo Iuris Institute were already accepted by Polish courts, including Supreme Court of the Republic of Poland. The Institute was also allowed by the President of the European Committee of Social Rights to submit observations in a complaint considered by the Committee as well as allowed by the President of the European Court of Human Rights to deliver third party intervention.

The situation related to NGOs involvements in courts trials is getting better and such an involvement is more widely accepted, nevertheless some judges still have concerns related to this and in some cases they deny such possibilities.

There are many challenges for NGOs related to such activities. NGO representatives joining the case should be essentially prepared and able to control my emotions, especially in family matters. A representative of the organization cannot identify with the party, he should be objective. Some judges claim that some NGOs focus more on media coverage, not on taking an active part in the proceedings and such attitude should be avoided because as a consequence, they are not seen by judges as constructive actors who can take part in legal proceedings. Moreover, to take part in court trials organizations have to employ lawyers (or convince them to do pro bono work) which for many organizations is an obstacle to

undertake strategic litigation.

For more information, check cards related to The Nobody's Children Foundation Polish Society of Anti-Discrimination Law, Helsinki Foundation for Human Rights, The Allerhand Institute, Association for Legal Intervention.

## NGOs working in the field of access to information. Transparency.

This section covers information on courts and their operation (including access to jurisprudence as well as access to information on administration and finances of courts).

Access to information is recently a big topic in public debate in Poland - the access to jurisprudence and information on administration and finances of courts are highly debated issues. NGOs engaged in this area are quite visible and recognizable - Citizens Network Watchdog Poland is the best example of such organization.

Citizens Network Watchdog Poland is an independent, apolitical and non-profit organization in the form of a watchdog and think-do-thank organization for the public benefit. They empower citizens to feel that they have the right to find out how government and state institutions function as well as influence decision-making and the management of public assets.

The organization's activities in area of judiciary relate, inter alia, to access to the following public information: the judgments and justifications; to all kinds of contracts and information about additional incomes of judges (e.g. a dispute with the Supreme Court concerning the contract for building a website, or with the National School of Judiciary and Public Prosecution for a contract with lecturers); information about the age and place of residence of judges; to accounting documents, financial (eg. the budgets of courts); to asset declarations of judges. The Network often gets engaged in court proceedings on the right to access to information.

The biggest challenge for the Network is analyze of existing official source of information on justice - the available statistics are presented in a very complicated way and difficult to analyze. Moreover, it's demanding to show Networks's activity in positive, empowering and fostering for judiciary way – the message about results of undertakes activities is often negative.

Most of judges is against publicizing of asset declarations, they also express doubts as to whether all requests for access to public information are reasonable - administrative courts are flooded, and the judges have serious doubts whether those things are serious. Finally, some of them express the view that the legislator deciding about the availability of judgments should balance the public interest (which is openness, transparency) and the private interests of the parties (the protection of private or intimate sphere of life).

Access to information related to judiciary, especially those dealing with finances and personal issues is still perceived as highly controversial by most of judges as dealing with sensitive issues. Citizens Network Watchdog Poland is by many perceived as an enemy of judiciary independence, since its activity is straight to the point and without compromises. Dealing with monitoring of functioning of judiciary (from personal and financial perspective) is a new idea in many countries and therefore organizations have to try to establish good relationships with judges, sell their activity to the public as positively as possible and be open for dialogue.

## NGOs defending judiciary and judicial independence

While NGOs exercise social control over judiciary they may also act when the judiciary is under attack (especially political) and its independence is under threat.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
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Polish NGOs not only monitor judiciary, but if the situation requires they defend judicial independence. Since the judiciary itself is defended in a systemic way by the National Council of the Judiciary of Poland (a constitutional organ safeguarding independence of courts and judges), that usually fulfils its mission, NGOs react only in very extreme cases of judiciary being under attack. Such activates are not core types of actions of any Polish NGOs, they are definitely additional.

Interestingly, there are three associations of judges in Poland (Iusticia, Themis and the Association of Judges in Family Matters) that are really active in area of judiciary

independence. Iusticia and the Association of Judges in Family Matters issued a statement in August 2015 to defend the judge who rendered very controversial decision in the case on children custody. The decision was criticized by many, also by leading politicians. The organizations claim that a situation in which public officials attack the judicial authority and usurp power to arbitrarily issue the only legitimate judgments in the cases they do not know fully and also benefit from their position to distribute these pronouncements, is a violation of the constitutional principle of separation of powers

Helsinki Foundation of Human Rights is really active in issuing opinions and statements to defend judicial independence. Lately (in August 2015) the Foundation asked Polish President Andrzej Duda to refer the act providing for limiting the immunities of judges in relation to road traffic offenses to the Constitutional Tribunal. The NGO stated that such a regulation will violate judicial independence. The Foundation stressed that guaranteed in the Constitution "judicial immunity" is widely recognized as one of the basic safeguards of judiciary that limits the possibility of exerting pressure on judges, and thus is the main guarantee of the independence of the judge.

In 2005-2008 five judges and five assistant judges received positive feedback from the National Council of the Judiciary of Poland for appointment as judges, but the president refused their vocation. The president did not provide any reasoning for his decision which was criticized widely by civil society. The Helsinki Foundation of Human Rights proceed strategic litigation case on this issue.

## Trainings and workshops for judges organized by expert NGOs

*This section covers educational activities organized by NGOs or in collaboration with NGOs dedicated to judges and judicial staff. This also covers NGOs (and their work) being an inspiration for creating official curricula.*

Trainings of judges are generally perceived as within the scope of activity of the National School of Judiciary and Public Prosecution. Nevertheless, non-governmental organizations facilitate various trainings and workshops for judges, especially in the areas not covered by curriculum of the School.

First project to be mentioned was organized by the Helsinki Foundation for Human Rights "The journalist in court". It was joint workshops for judges and journalists involving an exchange of roles during mock-trials. It turned out that mutual understanding of roles, their nature and limitations, helped in building mutual trust between judges and journalists.

The Polish Society of Anti-Discrimination Law is an organization of lawyers which deals with the issues of equal treatment and non-discrimination. The Society provides

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

training for various professional groups, including judges and prosecutors. The result of the project "Monitoring the application by the Polish justice anti-discrimination legislation" was establishing cooperation with the National School of Judges and Prosecutors in area of vocational training of judges and prosecutors.

The Nobody's Children Foundation conducts training for judges, prosecutors and expert psychologists to interview minors in criminal proceedings. Training broaden the knowledge of participants on the psychological determinants of child witnesses and teach methods of interviewing children. The organization has tested and successfully used for many years training modules for judges, prosecutors and psychological experts in the field of child's participation in legal proceedings.

The Institute for Law and Society organized workshops dedicated for judges in order to disseminate the knowledge on the Charter of Fundamental Rights of the European Union (that was researched by INPRIS during international project).

Professional non-governmental organizations can be serious partner for judiciary in are of training – NGOs are a kind of reservoir of knowledge, as they are specialized in very narrow fields, where they can spend a lot of time (judge often has to share time on very different issues). Organizations keep track of what is happening in their area of operation in the world, have good international contacts, access to knowledge, materials, know-how, which they can use in the trainings.

There are some examples of NGOs inspiring those responsible for education in state institutions – e.g. the program "Efficient Court". The aim of the project implemented by the judges association Justicia the Helsinki Foundation for Human Rights was to identify best practices in the judiciary, describe them and popularize in order to standardize best practices. This initiative was the inspiration for much more extensive program of pilot courts, conducted in the framework of the National School of Judiciary and Public Prosecution. Moreover, the Coalition for Equal Opportunities (association of nearly 60 organizations) issued a formal position to National School of Judiciary and Public Prosecution calling for greater visibility of issues of discrimination in trainings for judges and involvement of expert organizations in such trainings.

There are some challenges in dealing with education of judges. First of all, The National School of Judiciary and Public Prosecution does not operate ad hoc basis, but applicants develop a training plan (carried out over several years) and the annual plan of judicial training (professional development). Such trainings gives results in the long term, not immediately. Judges and prosecutors are a group of more conservative, in order for the training to be successful judges has to accept arguments and be truly convinced.

For more information, check cards related to the Polish Society of Anti-Discrimination Law and The Nobody's Children Foundation, INPRIS.

### NGOs as organizations educating citizens in about the judiciary

This section cover all possible types of education and awareness raising about judiciary done by NGOs. This may include trial simulation, visits in courts, other events in interaction with courts and judges.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*

Educating citizens about the judiciary is usually on the subjects covered by various NGOs dealing with broader area of civil society education. Sometimes it is also a side effect of various projects related to the judiciary.

The example of the second situation can be Citizen Court Monitoring - an important goal of this project is the legal education of its participants, and also of the wider public. Currently, many Polish citizens reveal a low legal awareness and are fearful when faced with the court. Court Watch Poland Foundation has been trying to break the spell of this passive attitude and show citizens how to effectively control the judiciary while respecting the rule of judicial independence. Over the course of the program over 3,000 people have been introduced to the idea and methodology of court monitoring. During training for volunteers the Foundation emphasizes the rights and duties of citizens in court. Experience shows that participation in the program is an important educational, civic and existential experience for most of our volunteers. Another, parallel, goal of Citizen Court Monitoring is to educate the observers in the basics of law and to build trust in the judiciary in Poland through facilitating personal contact with the court.

Polskie Stowarzyszenie Edukacji Prawnej (Polish Association of Legal Education) for many years was involved in facilitating street law project. Young students of law faculties was prepared to conduct training in various informants (schools, prisons, detention centers, libraries) to educate participants about the work and specific of judiciary system in Poland. Due to such construction of the project both trainers-students and participants benefited and increased their knowledge.

## Any other form of NGOs – courts interactions that do not fit into previous types

An interesting example of innovative NGOs engagement in courts' mission is project "Pilot implementation of the Community Court model in Poland" conducted by the Courtwatch Foundation. The aim of the project is to develop and pilot innovative social services modeled on the American 'community court'. Community court is based on close cooperation of the court with a social organization, in order to more fully apply the principles of restorative justice. In 2015, the Courtwatch Foundation opened Restorative Justice Centers in two Polish cities - Bialystok and Torun. Collaborating closely with three public universities, as well as with the courts, probation service and mediators, they work to transform the current, restrictive penal policy in Poland towards a more sustainable one, focusing on restorative and procedural justice.

The other interesting project to share is "Professional and Sustainable Watchdogs for the Public Interest" (2014-2016) - a systemic project funded by Norwegian and EEA grants and implemented by 5 non-governmental organization. The project is aimed at capacity and sustainability building of those organizations that focus on monitoring public institutions. In Poland, such initiatives still largely rely on external funding, rather than on grassroots support. Therefore, the project aims at increasing the public perception and understanding of the role of watchdogs for ensuring the quality of governance at all levels. Topics of three trainings ('schools') included using social science methods in watchdogging, statistical analysis; crowdsourcing, using IT tools and communicating and cooperating with stakeholders.

Moreover, FOR was invited for a meeting with non-governmental organizations organized by the National School of Judges and Prosecutors. The meeting reduces the distance between the organization and institution, it had a positive effect on the assessment of the transparency of the organization. It also confirmed the genuine desire for dialogue on changes that could positively affect the operation of justice exists.

## International cooperation

Were/ are there any important projects in our area of interest that were done as a part on international projects or in international cooperation?

Projects run by Polish NGOs and dedicated to the judiciary or in interaction with the judiciary

have rather national character. However many organizations dealing with the judiciary are active also internationally. Polish NGOs learn from others experience and also share their own. Activities like court monitoring and trial observation, strategic litigation, training on human rights are done by organizations that collaborate internationally, however not in the implementation of particular projects. There are however some exceptions like for instance common development of regional strategies in litigation (HFHR is engaged in this type of activities) or training for judges within international projects (INPRIS in the project on the Charter of Fundamental Rights of the EU as a living instrument).

## Part 2

### NGOs “organization cards”

#### INFORMATION ABOUT THE ORGANIZATION

##### Centrum Pomocy Prawnej im. Haliny Nieć (CPPHN)

##### Halina Nieć Legal Aid Center (HNLAC)

Ul. Krowoderska 11/7

31-141 Kraków

Poland

Tel: 12 633 73 34

Fax: 12 423 32 77

[biuro@pomocprawna.org](mailto:biuro@pomocprawna.org)

[www.pomocprawna.org](http://www.pomocprawna.org)

[www.facebook.com/pomocprawna.org](https://www.facebook.com/pomocprawna.org)

[www.twitter.com/CPPHN](https://www.twitter.com/CPPHN)

[www.youtube.com/user/CentrumPomocyPrawnej](https://www.youtube.com/user/CentrumPomocyPrawnej)

The Halina Nieć Legal Aid Center is a non-profit non-governmental organization established in 2002 in Kraków. The HNLAC’s main objective is to protect human rights by providing free legal aid to persons at risk of social exclusion and discrimination, including the poor, victims of domestic violence, foreigners, asylum seekers, refugees and stateless. The HNLAC also monitors the adherence to standards of human rights, undertakes legal interventions and advocacy activities, and pursues research and educational projects. The Center also undertakes activities aimed at preventing and tackling human and child trafficking by organizing social campaigns and offering legal aid to the victims.

**Mission Statement:** Free legal aid for socially marginalized people, whose rights and freedoms are violated; development of democracy; promotion of the concept of respecting human rights and the rule of law, and the development of civil society and promoting the culture of law in Poland.

#### ACTIVITIES AND PROJECTS

##### 1. Providing of free information and legal assistance to foreigners in refugee procedure

The HNLAC’s lawyers provide free information and legal aid to foreigners in refugee procedure staying in the open centers for asylum seekers or in the guarded centers for foreigners (detention centers). The legal aid projects are implemented within the framework of the partnership agreement with the UNHCR (HNLAC is the executive partner

of UNHCR in Poland) as well as projects financed from the European Funds. The HNLAC also closely cooperates with the Office for Foreigners, mainly with regard to provision of information to asylum seekers, organization of social campaigns and trainings.

Special attention is paid to vulnerable asylum seekers: children, elderly people, disabled, single mothers, ill persons and victims of violence, including sexual and gender-based violence.

## **2. Legal interventions and advocacy**

The Centre is not limited to assisting with individual cases – it aims at making changes to the system. For this reason, the HNLAC responds to the identified loopholes, examples of bad law or bad practices, and formulates its recommendations in official speeches addressed to the authorities. The HNLAC also takes an active part in the process of public consultation, giving feedback on new and existing legislation, preparing its own proposals for changes to law and legal analysis and opinions, collaborating with other NGOs and international institutions. The Center also participates in the work of a number of advisory bodies and thematic working groups, undertaking a direct dialogue with the authorities.

## **3. Monitoring of human rights standards**

Conducting regular monitoring of compliance with human rights standards and implementing national and international legal obligations by the State is one of the priorities of the Center. Monitoring based on inspections, surveys, data collection and individual case analysis allows for regular evaluation of the State's abiding by human rights in specific areas and is an expression of social control over the activities of the State. The main HNLAC's monitoring operations:

- monitoring of access to RSD procedure and protection procedures in Poland (within the cooperation agreement with UNHCR),
- monitoring of security conditions and cases of SGVB in the open centers for asylum seekers,
- monitoring of the situation of vulnerable asylum seekers in detention centres,
- monitoring of return operations from Poland,
- monitoring of situation of stateless persons in Poland.

Every year the HNLAC publishes a series of reports on selected issues, which allow the formulation of demands for the necessary changes and developing better solutions in the future. The reports are available on the HNLAC's website (also in English).

In addition, within the framework of the project "Reducing the scope of detention of vulnerable foreigners seeking protection in Poland", the Center conducted in 2012 - 2013 analysis of judicial practice in foreigners' detention cases. The result is a report "Vulnerable foreigners in Poland: identification, detention and judicial practice. Analysis 2012 - 2013." The report is available also in English on the HNLAC's website.

## **4. Trainings**

The HNLAC organises a number of trainings, seminars, workshops and lectures on human rights, stateless and refugee protection for Border Guard officers, Police, employees of the Office for Foreigners, employees of the centers for asylum seekers and students.

### **5. Social campaigns**

HNLAC aims to build civil society by raising awareness and sensitising the various social groups to key issues in the field of human rights. The implemented campaigns discuss important social issues, and have educational value as well as promoting community involvement and respect for the rights of others. By social actions the Center tries to consistently build a sense of community in Poland.

### **BEST PRACTICES**

The HNLAC prepared an analysis of judicial practice in foreigners' detention cases within the project "Reducing the scope of detention of vulnerable foreigners seeking protection in Poland" conducted in 2012 – 2013. During the project the Center cooperated with the District Court for Kraków -Krowodrza in Krakow, District Court in Przemyśl, District Court for the Capital City of Warsaw in Warsaw. Moreover, the Center regularly joins the proceedings before the Regional Administrative Court in Warsaw in refugee and migrant issues, as well as before the criminal courts – in cases concerning detention of asylum seekers.

### **PROBLEMS AND BARRIERS**

The HNLAC's assistance encompass, among others, foreigners placed in detention. Access to information and legal aid in guarded centers is particularly difficult and still in Poland such assistance is provided by a small number of NGO's running projects financed mainly from European Funds. Although, according to the Law, vulnerable persons: children, disabled, ill, victims of violence should not be placed in detention, the HNLAC still observes inefficient identification of such groups. Therefore legal aid, including preparation of motions for release from detention, appeals against the decisions on placing in detention or prolongation of detention, is of crucial significance. The HNLAC also recognizes that personal court representation is more effective than submitting a written position to the court and the participation of an NGO in trials before courts can impact the ruling issued. Regrettably, the practice of the courts in the range of allowing NGOs to participate before the courts is differentiated.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

The HNLAC is the executive partner of the UNHCR in Poland. It has significant experience in particular in matters of refugee, migrant, detention and return procedures. Constant monitoring activities and cooperation with the Border Guard makes a team of HNLAC's lawyers knowledgeable about the current situation in the open centers for asylum seekers and in the guarded centers. The Center also conducts advocacy activities and participates in consultations acts, formulates positions and prepares various reports.

## INFORMATION ABOUT THE ORGANIZATION

### Europejskie Centrum Inicjatyw w Naukach Sądowych- European Forensic Initiatives Centre (EFIC) Foundation

ul. Aleja Wyzwolenia 3-5/29, 00-572, Warszawa, Polska,

tel/fax: +48 (22) 622 29 67, e-mail: [sekretariat@efic.pl](mailto:sekretariat@efic.pl)

EFIC vision is to improve the efficiency of justice and increase the security of citizens through the widest possible use of the possibilities offered by modern forensic sciences.

## ACTIVITIES AND PROJECTS

EFIC Foundation carries out its mission by initiating, supporting and enabling the realization of various research projects, implementation and coordination in the field of forensic science. EFIC Foundation employs individuals with extensive professional experience in the field of forensic science and also in the implementation of the project activities of different scale and nature. The Foundation also works with the major academic centres in the field of criminal law and forensic science and maintains extensive contacts with the European and world communities of experts in the field of forensic science and forensic technology specialists.

The EFIC Foundation also tries to popularize the knowledge about the benefits of the widest possible use of modern forensic science achievements among law enforcement and justice. The activities carried out by the Foundation in this area are mainly related to the organization of the conferences, symposia, seminars, workshops and lectures.

Apart from the research and popularization activities, EFIC Foundation as part of its mission also conducts activities aimed at widening access to education in the field of forensic science, as well as supporting the educational and training activities. EFIC Foundation has in its offer a wide range of training courses. The involved teachers are not only from Poland but also from abroad. They possess the best qualifications which are confirmed by many years of practical experience with a proven theoretical knowledge.

As part of its statutory activities, EFIC supports, both administratively and financially, the largest European platform for cooperation between institutes, centres and forensic laboratories performing research in the field of forensic science – the European Network of Forensic Science Institutes (ENFSI). Currently, ENFSI consists of 64 Forensic Laboratories and

Forensic Science Institutes located in 36 European countries, bringing together more than six thousand experts in various disciplines. From 1 January 2013, EFIC has been running the ENFSI Secretariat. EFIC Foundation took over this task from a foundation registered under the name of Stichting ENFSI Secretariat operating in the Netherlands. ENFSI Secretariat is mainly responsible for the coordination of current activities of the ENFSI network.

EFIC participates in the implementation of projects financed from the Monopoly ISEC Action Grants Programme of the European Commission. These projects are mostly devoted to the implementation of actions aimed at ensuring and improving the quality of forensic science through the creation of guides and manuals related to good laboratory practices, preparation of interlaboratory comparisons, development of research methods and standards for interpreting the forensic results.

In 2009, the European Commission decided to grant ENFSI the monopoly status concerning forensic science in Europe. The Commission tends to turn to ENFSI in situations when information or advice on forensic science is needed. Also, as a result of this decision the Commission has allocated some money for ENFSI to spend on various projects executed through specific action grants.

From 2011 ENFSI receives financial support from the European Commission on the implementation of activities which coincide with the priorities of the European Union. Actions performed under the Monopoly projects are carried out mainly by experts from ENFSI- Member institutes and laboratories. EFIC is responsible for the coordination and financial management of these actions. The Foundation annually coordinates over 20 different activities carried out by about 100 people from over 20 countries.

EFIC Foundation is eager to share its experience and expertise through a unique and innovative programme, called: "Forensic Watch", which unlike scientific projects for forensic practitioners, engages the citizens in the very specialised area of forensic science. The programme, carried out since September 2014, deals with the competences of forensic experts in the context of the forthcoming change into the Polish Penal Code, dated on 1st of July 2015. The novelization of the legal system in Poland foresees a shift from inquisitorial towards a more adversarial model of court proceedings, which itself shall be perceived as a revolutionary change. The new system will involve more use of forensic science evidence and, by doing so it will open the market for the private forensic services providers, whose competencies and knowledge without any market regulations can put at risk the fairness and smoothness of court proceedings. Undoubtedly, it will affect not only the judges, prosecutors, barristers and forensic experts but also it is going to have an impact on the citizens, who, when not fully aware of their rights, and if confronted with criminal justice system, can feel lost at certain point. The abovementioned triggered the "Forensic Watch"

programme, which is related to making the citizens aware of the possibilities and limitations related to forensic science examinations. Apart from that, the “Forensic Watch” invites citizens to participate in the process of monitoring and controlling the services by forensic experts, by assessing their competencies and ranking their performance. This approach makes the “Forensic Watch” programme unique and innovative.

#### FORENSIC WATCH I – Scrutinizing forensic competence

This is a nationwide project devoted to public scrutiny over court-appointed experts hired by courts, in the context of the revised criminal procedure, which gives parties extended rights to produce and present evidence in court. This project has developed a concept of an up-to-date tool for an unbiased assessment of experts' qualifications and for monitoring the quality of their services. This concept has been already presented at a conference on watchdog activities over the court appointed forensic experts. Finally, the project will publish a final report presenting the recommendations on implementing and the wide use of the new tool. The aim of the project is to inspire the watchdog activities performed in the area of forensics, but also to assist parties of criminal proceedings in their selection of forensic experts and court presidents in their effort to draw up lists of forensic experts to serve during court trials on a regular basis. Quality of the project's research will be assured by the partnership with the Centre for Forensic Science of the University of Warsaw.

#### FORENSIC WATCH II – Building civic awareness

This nationwide project covers two parts. The aim of the first part is to implement into practice the public scrutiny of the activities performed by expert witnesses during court trials, in the context of recent amendments in the code of criminal proceedings, giving equal evidence opportunities to both parties of criminal proceedings. The second part includes various activities to inform general public on the new rules of criminal proceedings and the significance of scientific evidence, as well as lobbying activities for implementing the parliamentary regulations over the forensic science market. As a result of the project, we plan to prepare a report describing the practice of using scientific evidence in adversarial court processes. In addition, we will create an Internet portal open for the active participation of citizens and concerning various issues related to expert witnesses. The project is implemented in partnership with the Court Watch Poland Foundation and the Centre for Forensic Science of the University of Warsaw.

#### FORENSIC WATCH III – Supporting wrongly convicted

It is a nationwide project covering the miscarriages of justice caused by wrong delivery of forensic science and invalid scientific evidence. As part of the project, we are going to enlist court cases in Poland, which over the last 25 years, resulted in a wrong sentence due to an improper forensic examinations and invalid scientific evidence. We truly believe that the analysis of such cases shall enable us to create a series of recommendations aiming at the prevention of miscarriages of justice based on invalid scientific evidence in Poland. In such a way our undertakings aim at increasing the confidence of the Polish citizens in the justice system. Within this project we are going to cooperate with the recognised foreign bodies whose vast experience in the abovementioned area can guarantee the success of our

action.

#### **BEST PRACTICES**

The Foundation has not yet an opportunity to direct cooperation with the Polish courts, but it plans to undertake such activities in the future.

#### **PROBLEMS AND BARRIERS**

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#### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

EFIC Foundation maintains extensive contacts with European and national communities of experts and specialists in the field of forensic science. The Foundation also works with major universities in areas of criminal law, criminology and forensic science. The Foundation also has a significant potential for training, specializing in all kinds of forms of teaching in the field of forensic sciences. EFIC currently employs eight people, in different forms of employment (contract of employment, civil law contracts). Foundation employees are people with extensive professional experience in forensic science and project activities at different scales. With experience in managing projects on a European scale, the Foundation now intends to grow through greater realization of its objectives in the domestic market.

## INFORMATION ABOUT THE ORGANIZATION

### Forum Obywatelskiego Rozwoju (FOR) - Civil Development Forum

ul. Ignacego Krasickiego 9A

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tel. +48 22 628 85 11

[www.for.org.pl](http://www.for.org.pl)

[www.facebook.com/FundacjaFOR](https://www.facebook.com/FundacjaFOR)

[www.twitter.com/FundacjaFOR](https://www.twitter.com/FundacjaFOR)

The main areas of FOR activities:

- Economic and legal (law and economics) research in various areas,
- Promotion of economic freedom and importance of rules of law,
- Public debt clock online and in the city centre of Warsaw,
- Special projects on taxation including tax calculator (SprawdzPodatki.pl) and drafting a new tax code (LepszePodatki.pl),
- Special projects on justice system and enforcement of law in Poland,
- Civic education – e.g. comic books about economics for children and student seminars.

FOR was founded in 2007 by Professor Leszek Balcerowicz, former Deputy Prime Minister, Minister of Finance, and Governor of the Polish National Bank.

Coordinator of the projects on justice system: Marek Tatała, Executive Board Member, [marek.tatala@for.org.pl](mailto:marek.tatala@for.org.pl), +48 22 628 85 11

## ACTIVITIES AND PROJECTS

Selected reports and analyzes concerning the justice system:

- “The next 25 years: what reforms do we need to implement to catch up with the West?” (including sections about justice system) (2015)
- “Mediation as an opportunity to improve efficiency of the Polish justice system” (2015)
- “Polish insolvency law may not be efficiently enforced despite necessary reform” (2015)
- “Analysis of the Polish judges’ payroll system” (2014)
- “Uneven fight of taxpayers with the fiscal apparatus in front of administrative courts” (2014)
- “Courts on the record. Transparency and performance of Polish courts” (2013)
- “Causes of unfair convictions in Poland” (2012)

- “The Polish courts. Ranking of Websites of district and appeal courts” (2008 - 2012)
- “Custodial preventive measures” - in cooperation with the Helsinki Foundation for Human Rights (HFHR) and the Polish Business Council (2011)
- “Interim evaluation of the work of judges” - in cooperation with HFHR (2011)
- “Public availability of judicial decisions” - in collaboration with HFHR (2010)
- “Professional responsibility of prosecutors” - in cooperation with HFHR (2010)
- “Civil monitoring of candidates for attorney general” - in cooperation with HFHR (2010)
- “Reformers and the brake. Overview of Ministers of Justice after 1989”. (2010)
- “Polish effectiveness of the judiciary in the light of international and domestic standards” - in cooperation with HFHR (2010)
- “Communication of courts with citizens - empirical studies, conclusions, recommendations of changes” - in cooperation with HFHR (2009)

### **BEST PRACTICES**

FOR is involved in many research projects and campaigns. The latest comprehensive report “The next 25 years: what reforms do we need to implement to catch up with the West?” identified problems with the justice system as one of the most significant obstacles to invest and develop business in Poland. We have experience in using economic tools to analyze various areas including the justice system.

FOR was invited for a meeting with non-governmental organizations organized by the National School of Judges and Prosecutors. The meeting reduces the distance between the organization and institution, it had a positive effect on the assessment of the transparency of the organization. It also confirmed the genuine desire for dialogue on changes that could positively affect the operation of justice exists.

FOR contacted the courts during preparation of websites rankings. FOR presented detailed solutions that would enable improvement in website functioning.

### **PROBLEMS AND BARIERS**

- insufficient amount of research on the Polish justice system from the perspective of its efficiency,
- reluctance to changes in the administration of justice system,
- reform proposals are frequently treated as an attack on the independence of judges,
- lack of readiness for dialogue on systemic solutions among some judges,
- frequent changes of ministers in the Ministry of Justice.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

- In-house and external experts,
- Research experience and credibility; recognition of FOR’s brand and of our founder Professor Leszek Balcerowicz,

- Developed methodology of creating annual ranking of district and appeal courts "Courts on the record. Transparency and efficiency".
- Possible areas of cooperation include research projects, monitoring of the courts, educational campaigns, civic awareness campaigns, conferences and civic mobilization

## **INFORMATION ABOUT THE ORGANIZATION**

### **Fundacja Court Watch Polska (Court Watch Poland Foundation)**

ul. Moniuszki 5/8, 87-100 Toruń

Court Watch Poland Foundation is a non-d profit organization supporting positive changes in the Polish system of justice through citizen court monitoring. The aim is to increase the public accountability of the Polish judicial system through involving citizens in monitoring the work of courts. By engaging lay people, we check how the courts are perceived and experienced by their users - the citizens. Observation of thousands of hearings are then used to promote good practices, as well as help eliminate negative practices, in Polish courts.

Citizen court monitoring, the principal form of the Foundation's activity, consists in citizens taking part in court hearing. They do not represent any of the parties, but observe the hearing, paying special attention to the performance of judges and court clerks, to the realization of rights bestowed upon the parties, especially the way the parties are treated, as well as to other relevant circumstances, in which they confront the court. The Foundation recruits and trains people who would like to take part in court monitoring in a systematic way. Participants of the program are equipped with forms, and are encouraged to submit their observations for analysis. Observations are used to prepare reports and analysis, which are made available to the courts and to the public.

Observers of the Foundation are people who – apart from being present at hearings as members of the public – decided to submit their observation to us (via a specially designed online system). At court hearings they are the anonymous representatives ('the ears' and 'the eyes') of the society – assisting at all types of hearings (civil, criminal, administrative etc.) – including those which normally do not attract media attention. They put life into the constitutional right to have a public trial.

## **ACTIVITIES AND PROJECTS**

- "Citizen court monitoring" - a flagship project of the Court Watch Poland Foundation, conducted on a continuous basis since May 2010. It is based on the right of ordinary citizens to participate in public hearings and observe the work of the court. So far, more than 26,000 observations of hearings and court infrastructure have been conducted. These observations are carried out throughout the country: so far the monitoring covered more than 160 (out of ca. 350) courts in Poland. Every year, a report summarizing the annual cycle of monitoring is presented during a national conference with the participation of the most important representatives of Polish judiciary. The

Foundation also launched an online service - <http://www.wokandaobywatelska.pl> - which allows citizens concerned about their court case to invite independent observers for a particular hearings throughout the country. In 2013, the Foundation was invited by the Ministry of Justice to co-create the "Strategy of Modernization of the Area of Justice for the years 2014-2020". In 2014, in cooperation with the OSCE, an English summary of our methodology and results was published (see "Court Monitoring Methodology", available [online](#)). Since then, we have been able to discuss our approach to court monitoring with NGOs, lawyers and others in several countries, including Croatia, FYROM, Georgia, and Montenegro.

- "Pilot implementation of the Community Court model in Poland" - the aim of the project is to develop and pilot innovative social services modeled on the American 'community court'. Community court is based on close cooperation of the court with a social organization, in order to more fully apply the principles of restorative justice. In 2015, we opened Restorative Justice Centers in two Polish cities - Bialystok and Torun. Collaborating closely with three public universities, as well as with the courts, probation service and mediators, we are working to transform the current, restrictive penal policy in Poland towards a more sustainable one, focusing on restorative and procedural justice.
- "Professional and Sustainable Watchdogs for the Public Interest" (2014-2016) - Court Watch Poland Foundation is one of 5 partner NGOs in a systemic project funded by Norwegian and EEA grants. The project is aimed at capacity and sustainability building of those organizations that focus on monitoring public institutions. In Poland, such initiatives still largely rely on external funding, rather than on grassroots support. Therefore, the project aims at increasing the public perception and understanding of the role of watchdogs for ensuring the quality of governance at all levels. As part of the project, representatives of the Foundation have been responsible for organizing workshops addressed at individuals and small initiatives trying to hold public authorities accountable. Topics of three trainings ('schools') included using social science methods in watchdogging, statistical analysis; crowdsourcing, using IT tools and communicating and cooperating with stakeholders.

## BEST PRACTICES

The most important recommendation that the Foundation was able to develop and promote in the area of justice aimed at ensuring equal access to justice for ordinary citizens through restricting privileged access for prosecutors and legal representatives. During the first phase of our monitoring we noted that lawyers (usually prosecutors) often stay in the courtroom with the judge before or after the hearing. While this practice could potentially be harmless, it clearly undermined citizens' trust in the impartiality of the court. We recommended to the judges and prosecutors alike to leave the door open during these meetings, as an effective and cost-free way to build a positive image of the judiciary in the eyes of citizens.

In 2015, for the first time we have established and awarded a prize for the Citizens' Judge of the Year, as a way to encourage the judicial community to put more focus on citizens' needs

in courts.

### **PROBLEMS AND BARIERS**

Various unjustified restrictions on public access to the courtroom can still be encountered throughout the Polish system of justice, and some citizens continue to receive an unsatisfactory treatment before the court. Inefficient communication strategy of the courts contributes to negative public assessment of the courts, which contribute to lack of trust and undermine authority of the court. More emphasis is needed on problem-solving and procedural justice: collaboration between prosecution, courts, probation and other institutions (especially the NGOs) needs to be significantly improved. Another challenge is promoting the understanding of watchdog organizations in Polish society: at the moment the relatively few existing initiatives and organizations are dependent on project funding, which does not ensure continuity.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

Since 2010, we have been able to build credibility as an NGO partner with the courts and the Ministry of Justice in many initiatives aimed at improving the Polish system of justice. We are especially proud to have been asked to discuss our approach and results with judges and future judges in Poland. One of the greatest assets of the Foundation is an original, automated online system developed for data collection and processing. Our website - [courtwatch.pl](http://courtwatch.pl) - also allows to manage a large group of volunteers (about 1,500 people). Another resource is a number of qualified coaching staff, able to conduct trainings on court monitoring for different groups of people. In 2014-2015, in cooperation with OSCE's ODIHR we were able to conduct trainings and seminars with various stakeholders (judges, attorneys, scholars, NGOs) in Croatia, FYROM, Georgia, and Montenegro. We also benefit from a close collaboration with the academia: we have been doing research in the area of justice with sociologists and legal scholars from universities in Poland and the USA. We are happy to share our experience with court monitoring by lay citizens, and learn from the experience of others. We are open to any form of international cooperation in the area of justice, with special focus on court monitoring, problem-solving, procedural and restorative justice.

## INFORMATION ABOUT THE ORGANIZATION

### Fundacja Dzieci Niczyje - The Nobody's Children Foundation – FDN

ul. Walecznych 59, 03-926 Warszawa

[www.fdn.pl](http://www.fdn.pl), [fdn@fdn.pl](mailto:fdn@fdn.pl)

The Nobody's Children Foundation is a non-governmental non-profit organization working toward the goals of protecting children from abuse and providing help for abused children, their families, and their caregivers. The facilities run by the Foundation offer psychological, medical, and legal help to victims of abuse and their caregivers. The Foundation works for the improvement of the situation of children participating in legal procedures as witnesses. We run preventive activities to reduce threats to children on the Internet. It organizes specialized training programs addressing the problem of child abuse for various groups of professionals and for interdisciplinary teams and conducts research and analyses to expand the knowledge about the problem of child abuse and to provide basis for our activities.

## ACTIVITIES AND PROJECTS

### 1. Participation of FDN in proceedings before courts in the context of:

- The "guardian of the child-victims of crime". Volunteer organizations are involved in criminal proceedings as a person indicated (Art. 361 § 1 of the Code of Criminal Procedure). Their tasks are to accompany the parent / legal guardian of the child at the hearing, observing the conduct of the hearing
- Authors of amicus curie. FDN directs the courts occurrence, which calls for ensuring adequate protection of the child in criminal proceedings, in particular during interrogation operations
- Act as a guardian of the process. Foundation's lawyers exercise the rights of minors victims in criminal proceedings in the case of exclusion from representation of their legal representatives
- Monitoring of court cases. The Foundation monitors the legal proceedings of people using legal aid organization
- Interventions. FDN initiates criminal proceedings in the event of any threat to the welfare of the child

### 2. Research and monitoring of justice:

Nobody's Children Foundation carries out monitoring of court cases involving children. In 2011 the FDN conducted a study of court records in terms of the practice of interviewing children in Poland and.

### 3. FDN conducts a very wide range of training:

- Training for judges, prosecutors and expert psychologists to interview minors in criminal proceedings. Training broaden the knowledge of participants on the psychological determinants of child witnesses and teach methods of interviewing children.
  - FDN runs for 9 years study for psychologists in the field of issuing opinions. As part of the study, participants gain knowledge on how to conduct psychological tests and the preparation of forensic-psychological characteristics with range of issues involving children.
4. Psychologists and lawyers of the Foundation runs a special number where anyone can call and get specialized information about child abuse and their involvement in legal proceedings.
  5. Nobody's Children Foundation in cooperation with the Ministry of Justice and Warsaw Municipality organizes since 2004 conferences "Helping children - victims of crime". The aim of the conference is to present by domestic and foreign experts model solutions to prevent crimes against children and share the latest findings, both empirical and theoretical, about the issue of child abuse.
  6. Lawyers and psychologists of FDN occur during seminars and conferences organized by the judiciary, during which they comment on the psychological and legal circumstances of a child engaged both in criminal and civil proceedings.
  7. FDN in cooperation with the Ministry of Justice conducts activities to promote the idea of interviewing children in friendly manner. In cooperation with the Ministry of Justice conducts the certification procedure rooms meet the standards of hearings friendly place. In addition, FDN provides help and support to those interested in creating a friendly interview room and, together with the Ministry of Justice is organizing expert seminars on friendly taking of the testimony of minors.
  8. Since 2004, NCF runs public awareness campaigns to make professionals more aware of to the nature of the child's participation in legal proceedings.
  9. Publications / e-learning / educational films
    - "How to interview a child?" – Guidelines
    - E-learning "Child - Witness with Special Needs"
    - Adaptation of the film by prof. Lyon "less questions more answers" (Children interrogation techniques)
    - Articles presented in the quarterly of FDN "Abused Child. Theory. Research. Practice."
  10. The Centre for Assistance Center for Children "Mazowiecki" is provided for the purposes of judicial friendly interview room
  11. Supporting victims of crimes:
    - a) the tasks carried out in the institution Assistance Center for Children "Mazowiecki":
      - Psychological, legal and psychiatric aid for abused children and their families and carers,
      - Preparation of minors for participation in the hearing (adapted to the age of the child)

- Preparation of parents / guardians of children to participate in legal proceedings through psychological support and legal consulting.

### **BEST PRACTICES**

FDN has very good experience in working with the courts to promote the idea of friendly interview rooms. The judges undertook actions aimed at changing the practice of taking of the testimony of minors in the courtroom.

### **PROBLEMS AND BARRIERS**

Judges often do not have adequate skills in interviewing minors. There is a need education and training in this area.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

FDN has years of experience in the field of protection of children from abuse and their participation in legal proceedings. The Foundation has psychologists and lawyers - experts with extensive knowledge and years of experience. The organization has tested and successfully used for many years training modules for judges, prosecutors and psychological experts in the field of child's participation in legal proceedings. NCF also runs a website [www.dzieckoswiadek.fdn.pl](http://www.dzieckoswiadek.fdn.pl), on which there are placed information for children, their representatives, professionals in the field of child's participation in legal proceedings.

## INFORMATION ABOUT THE ORGANIZATION

### Fundacja Instytut na rzecz Państwa Prawa (FIPP) - The Rule of Law Institute's Mission

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The Rule of Law Institute's Mission is to promote the development of the rule of law in Poland, and through Poland's example in other transitional countries. The rule of law is a cornerstone of the development of a society based on respect for individuals, protection of human rights and a free and democratic society.

The Foundation seeks to strengthen the rule of law through training; public awareness campaigns; provision of technical assistance; development and implementation of innovative programs and undertaking active partnership with legal professionals, non-governmental organizations, appropriate organs of government and international organizations with similar goals.

#### Foundation's goals

The Foundation's rule of law efforts focus on 10 key objectives:

1. Promoting legal standards based on the rule of law.
2. Increasing the public's legal knowledge.
3. Increasing the professional skills of lawyers.
4. Promoting the European Union and the idea of the European integration process.
5. Protecting civil and human rights.
6. Promoting the Polish experience in political system transition within post-communist countries.
7. Supporting the education system in the area of promoting the rule of law.
8. Reform of the system of legal education.
9. Eliminating corruption from public life.
10. Supporting initiatives for strengthening judicial independence.

## ACTIVITIES AND PROJECTS

### The Legal Aid Program

In the framework of this program, the Ewelina Milczanowska Legal Aid Center runs. Since 2006 indigent persons may take advantage of free legal aid provided by law students, law graduates and apprentices. Every year about 1500 beneficiaries take the advantage of the legal aid center.

### **The Migration Program**

The Migration Program is realized through four projects:

- The Integration of Foreigners in Lublin Region
- Regional Network of Immigrants Support in Lublin
- Migrant Rights: Nigerian-Polish Initiative
- Support of Voluntary Return in the Lublin Region

Within the program, lawyers provide individual and free legal aid (in Russian, English and Polish) to foreigners, who are staying at the territory of Poland or at the territory of country of origin but planning to come here. Moreover, they also grant the institutional support for the organizations providing the aid of this kind.

### **Refugee Program**

Institute's Lawyers provide legal aid to refugees within two projects:

- Lawyers for Refugees
- Legal aid for refugees in Center for Foreigners and Secure Facility and Arrest for Purpose of Expulsion in Biała Podlaska.

The basic purpose of these projects is to improve conditions of adopting refugees and to improve procedures of granting the refugee status by increasing the possibility of access to legal aid and information for people applying for refugee status in Poland.

### **Think Tank**

Within the program, the Institute runs the monitoring activity engaging itself in the researches and analysis concerning the public affairs.

Additionally, the Institute supports the reform of legal education system which aims to promoting ethics standards and professional responsibility of lawyers.

**Selected publications:**

- A. Kosinska, P. Wojtasik, "Voluntary return. Legislation in the field of return policy" (2014);
- T. Sieniow, "Use of detention against foreigners. Monitoring Report and Recommendations" (2013);
- D.R. Swenson, K. Stasiak, A. Szarek, report "Poland and the European Court of Human Rights: Selected Issues and Recommendations" (2011);
- T. Sieniow T. (ed.), "The rights and obligations of third country nationals in Poland" (2010);
- Marlena Gilewicz, Jacek Izydorczyk, Luke Lewandowski, Dariusz Raczkiewicz, Delaine R. Swenson, Margaret Wasylczuk, Paul Wiliński, "Use of pre-trial detention in Poland. Analysis and Recommendations" (2008).

**BEST PRACTICES**

- Cooperation of the Institute with the University's Legal Clinic at KUL in the provision of legal advice and clinical education of law students.
- A comprehensive legal counseling for foreigners (including both forced migrants, economic migrants and students).
- Running of the Lublin Regional Immigrant Support Network, which is a forum for cooperation of all stakeholders (including migrants) involved in foreign affairs.
- Publishing directories and guides on the rights of foreigners in multilingual versions (EN, ENG, UKR, RUS).

**PROBLEMS AND BARIERS**

- Lack of regulation of the access of poor people to free legal aid,
- Project based (rather than systemic) financing of legal advice addressed to foreigners.

**RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

- Experts,
- Ideas for changes in the law,
- Promotion of recommended solutions.

## INFORMATION ABOUT THE ORGANIZATION

### Fundacja Uniwersyteckich Poradni Prawnych - The Polish Legal Clinics Foundation

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The idea of the legal clinics program concerns establishment of the legal clinics at the Faculties of Law and Administration, where the students, under the supervision and substantial help of the faculty teachers and practitioners, provide free of charge legal advice for poor members of the community.

The Polish Legal Clinics Foundation has been operating since 2002. It supports and coordinates a network of 25 legal clinics and promotes pro bono engagement of lawyers. Every year there are over 1700 students, 200 academics involved in work in the clinics. All together they provide legal advice in almost 12 000 cases involving poor and socially excluded people.

## ACTIVITIES AND PROJECTS

Main activities of the Foundation focuses on supporting the legal clinics in their social and educational activities. Law clinics provide free of charge legal aid for poor people, develop modern methods of teaching law, including organized simulations of court hearings and provide legal information programs for different groups of citizens within the framework of the street law program.

In addition, the Legal Clinics Foundation:

- organizes regular training courses and conferences (so far organized 22 national and international conferences)
- issues half-yearly journal devoted to clinical teaching of law "Clinic"
- provided so far for legal clinics funds of approximately 590,000 PLN and tangible measures worth over 1,600,000 PLN
- released the first in Poland and the region manual "Student Legal Clinic. The idea, organization, methodology "(also translated into English and Chinese) and issued in cooperation with the publishing house CH Beck series of 14 textbooks and books addressed to students and tutors in student legal clinics,
- actively participates in building a strong clinical movement in Central and Eastern Europe and in transition countries: Ukraine, Belarus, Uzbekistan, China, Russia, Serbia and Georgia,
- for more than ten years organizes the prestigious Pro Bono Lawyer Contest,
- in January 2008 the Pro Bono Centre was launched. The program aims at combining legal

assistance offered pro bono by the law firms with need to NGOs.

### **BEST PRACTICES**

Student Legal Clinics in Poland have very good cooperation with the courts and employees of the courts. Students have practices in the courts, site visits are often organized and they are invited to interesting hearings. These all allow them to better understand the practical aspects of legal work. Judges are invited to the clinic to present the specifics of the profession of judge and in some cases conduct classes with students presenting practical aspects of the application of the law, including in particular court procedures.

An interesting example of institutionalized cooperation happens in Białystok, where the Student Legal Clinic at University of Białystok, in 2006 created the Judicial Practice Center. The purpose and main objective of Judicial Practice Center is to foster the practical science of law by organizing simulations and moot courts. All simulations hearings within the Center are recorded, and films of hearings are used for activities conducted at the Department. The objective of the Centre is to actively involve research and teaching staff of the Faculty of Law University of Białystok. Classes are conducted by judges of the District Court in Białystok and the Regional Administrative Court in collaboration with researchers. Cases evaluated in the Center are prepared and properly drawn up by judges, and in fact based on earlier decision in court. The highlight practices in the Center is organization of moot court where the roles of the parties and judiciary administration (judges, attorneys, defendants, witnesses, experts) are undertaken by students.

The Judicial Practice Center is a very effective and interesting way to teach law. During the course, students learn the internal organization of the court, the rules of functioning of the court, how the court secretariats work, familiarize themselves with the administration, participate in court hearings, discuss with the judge issuing specific decision.

### **PROBLEMS AND BARRIERS**

Law students providing advice often ask for a permission of courts in order to review the case file. The Foundation received signals that very often employees of the courts prohibit students to see the file of the case, even when they have proxy from the client. In this case, FUPP intervened both the Minister of Justice and the Ombudsman.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

- Training staff, experts - leaders of student legal clinics are the most experienced theorists and practitioners of law (employed at universities, with a PhD or Professor degree) knowledgeable on the judicial procedure and the methodology of teaching
- Series of books on teaching methodologies (including the teaching of legal ethics or conducting moot court).

- Working methods - active teaching methods, simulations of court hearings.

The Foundation is willing to cooperate in:

- moot courts - it has a lot of experience in organizing such simulations and organizing competitions in this field,
- improvement of teaching methods – it can provide experienced staff in conducting courses for judges, or courses for communication and modern teaching methods addressed to tutors
- supporting the work of the courts volunteers - students in legal clinics are the most experienced and extensively trained from all students studying at universities hence can provide very valuable assistance in the work of the justice system.

## INFORMATION ABOUT THE ORGANIZATION

### **Helsińska Fundacja Praw Człowieka (Helsinki Foundation of Human Rights)**

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The main areas of activity of the Helsinki Foundation for Human Rights :

1. Strategic litigation in cases involving systemic problems in the protection of human rights;
2. Interventions in individual cases of infringement of rights and freedoms;
3. Monitoring the legislative process and the monitoring of media freedom in Poland;
4. Conducting research for the Agency for Fundamental Rights;
5. Education in the field of international human rights standards;
6. Publishing activity.

Coordinator of program of monitoring of the legislative process in the area of justice :  
Barbara Grabowska - Moroz , e-mail: [barbaragrabowska@hfhr.org.pl](mailto:barbaragrabowska@hfhr.org.pl).

## ACTIVITIES AND PROJECTS

- Strategic Litigation Program
- Legal Intervention Program
- Observatory of Media Freedom in Poland
- International Festival Watchdocs - Human Rights in Film
- Monitoring of the legislative process in the area of justice

- Article 32

Information on other programs is available on the website: <http://www.hfhr.pl/programy/>.

Regularly organized seminars and conferences of experts associated with the judiciary in Poland.

Publications ( available on the website hfhr.pl and on the sides of the programs ).

### **BEST PRACTISES**

Monitoring of the frequent changes in the administration of justice in Poland is one of the core objectives of the Foundation. An essential part research in this area is work with practitioners (judges , prosecutors , court clerks and public prosecutors). Joint meeting of the wide number of people from both the judiciary and the non-governmental organizations offers opportunities for strengthening mutual trust and the need for further cooperation.

### **PROBLEMS AND BARIERS**

The main problems :

- The lack of the "road map " how to implement subsequent changes in the administration of justice,
- short-sightedness of legislation changes in the administration of justice,
- In the process of public consultation on the reforms of the justice system the voice of the groups directly involved in the administration of justice is insufficiently taken into account.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

Publications available on the website of the Foundation <http://www.hfhr.pl/>.

Developed network of experts, communities and institutions involved in the reforms of the justice system.

### **INFORMATION ABOUT THE ORGANIZATION**

#### **Instytut Allerhanda (The Allerhand Institute)**

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The Allerhand Institute is an independent research centre, which conducts interdisciplinary and comparative studies on the role of legal institutions in creating and working in economic markets, both in terms of the shape of the regulation and the institutional framework they create. The Institute specializes in private law, but other areas of research include commercial law, insolvency, civil, economic, financial and capital market law. These are areas of law, whose efficiency primarily affects the economic growth and prosperity of the country. The Institute is also interested in the following issues: transformation of the law, judicial system reform, alternative methods of dispute resolution, legal ethics, transplantation of legal solutions, europeanisation of law and competing legal and inter-judicial systems.

The core activities of the Institute are based on the notion of the economic analysis of law. Institute's aim is to transform its members expertise into measurable actions to improve the quality of the legal system in Poland. All members belong to Academic Society and they are operating within the Sections correlated with main branches and areas of law, i.e.: Bankruptcy, Dispute Resolution, Business Law and Capital Markets, Intellectual Property, Energy and Natural Resources and Sport Law.

Another project of the Institute is Allerhand Advocacy program, which focuses on issues of vital importance for the rule of law and transparency in public life. Through actions of interventions, strategic litigations or cooperation with the media, the Institute undertakes, supports, monitors judicial proceedings precedents with significant potential impact on the functioning of public institutions and respect for human rights in Poland. One of the part of the project "Allerhand Advocacy: right in the public interest" is a "Watchtower of the Constitution", which was founded to promote constitutionalism. Watchtower includes scientific activity, monitoring of compliance with constitutional standards by public authorities and activism pro bono.

The significant aim of the Institute is to spread knowledge and integration of practitioners and academics. This mission is carried out by organizing conferences, seminars and training - in particular a series of prestigious national thematic conferences Allerhand Summits, which create a platform for discussion among experts whose ambition is to develop solutions to improve the operation of the Polish legal system and the institutional environment.

## ACTIVITIES AND PROJECTS

On the [www.allerhand.pl](http://www.allerhand.pl) there are Annual Reports, comprehensively showing the activity of the Institute.

### Advocacy activities

- Referral to the Constitutional Court of two constitutional complaints:
  - (I) the examination of the constitutionality of the barrier clause in elections to the European Parliament;
  - (II) the examination of the constitutionality of legislation legitimacy to request for correction of inaccurate data and information as part of the referendum campaign.
- Participation of the Institute in judicial proceedings in terms of corrected information provided during the referendum campaign on the organization in Krakow Winter Olympics.
- The involvement of the Institute in the public discussion on the reform of the pension system in Poland

### Projects

- Szansa 2.0 – The Institutes' project that aims to assist people who are in excessive debt. The projects' objective is to promote information on the procedure of consumer insolvency. It gives access to online test indicating who may be eligible for insolvency procedure. Project provides a free advice on consumer insolvency matters.
- Legal assistance to Competition Council of the Republic of Moldova - The Institute has developed an advisory project for Competition Council of the Republic of Moldova in effective application of recently adopted acts: State Aid Law and Competition Law which were primary elaborated with the support of EU experts.

### The scientific research

- Participation of experts of the Institute of international and national research projects.
- The organization of meetings, training courses, seminars and lectures (including a series of lectures Allerhand Lectures and the Academy of Capital Companies).

### Allerhand Summits

- Organization of regular, prestigious congresses nationwide legal - economic, involving distinguished guests and experts, including representatives of the government.

### Allerhand Publishing

- Institute shares its expertise by publishing books, articles and journals. Publications are available on the website, in the library and store.

### Expert activity

- Involvement of the Allerhand Institute in the project ordered by the National School of Judiciary and Public Prosecution in the field of development and implementation of 15 best practices in the area of management in 60 pilot courts;
- Participation of the Institute in work on the amendment of the Act on Bankruptcy and Rehabilitation and preparation of the comment to this law.
  - Participation in the legislative group for Alternative Dispute Resolution Regulations.
  - Participation in the legislative group for Economic Law.
  - Participation in the European Commission work for Ukrainian corporate law reform.
  - Participation in the European Commission work for cloud computing agreements.

### INFORMATION ABOUT THE ORGANIZATION

#### Fundacja Instytut na rzecz Kultury Prawnej *Ordo Iuris* - The Ordo Iuris Institute for Legal Culture

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The Ordo Iuris Institute for Legal Culture is an independent legal organization established as a foundation in Poland. Ordo Iuris gathers academics and legal practitioners aiming at promotion of legal culture based on the respect for human dignity and rights. Ordo Iuris pursues its objectives by means of research and other academic activity as well as advocacy and litigation. An important topic within the framework of our activity is to provide public with a reliable information on the development of and changes within the European legal culture.

### ACTIVITIES AND PROJECTS

1. Running of Intervention Centre for Process;
2. Helping other organizations in the judicial enforcement of the right of access to public information;
3. Defending the rights of parents in legal proceedings;
4. Creating an amicus curiae letter, drawing attention to the importance of the courts of specific issues from the point of view of constitutional axiology;

## 5. Involvement in court proceedings.

Ordo Iuris is among organizations consulted by the Polish Government within the legislative process. Third parties interventions (including Amici curiae briefs) by the Ordo Iuris Institute were already accepted by Polish courts, including Supreme Court of the Republic of Poland. Our Institute was also allowed by the President of the European Committee of Social Rights to submit observations in a complaint considered by the Committee as well as allowed by the President of the European Court of Human Rights to deliver third party intervention.

### **BEST PRACTICES**

The Foundation actively participate in the elaboration of standards for participation of non-governmental organizations in judicial proceedings, by formulating positions within the judicial and administrative proceedings pursuant to the amicus curiae briefs.

### **PROBLEMS AND BARRIERS**

The Foundation sometimes notices a certain distrust of the judiciary to all NGOs. Ordo Iuris coordinates the activities of lawyers across the country who are acting on their own behalf as free assistance to those people who need legal assistance. The main problem in dealing with the judiciary is - as a rule – lack of possibility of joining the court proceedings due to the restrictions contained in the provisions of criminal procedure, civil or administrative. This means that the Institute cannot insist on getting the many relevant information directly from the court.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

Institute for Legal Culture Ordo Juris is willing to provide legal assistance to individuals or organizations whose activities include the statutory objectives of the foundation. It has a group of experts employed by the Foundation or cooperating with it.

## INFORMATION ABOUT THE ORGANIZATION

### **Polskie Towarzystwo Prawa Antydyskryminacyjnego (Polish Society of Anti-Discrimination Law - PTPA)**

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Polish Society of Anti-Discrimination Law is an expert non-governmental organization associating lawyers and specializing in anti-discrimination measures. It works in cooperation with a network of national and international organizations. The Society displays anti-discrimination legal standards at the level of the enactment and the application of the law, and is permanently present in the public debate concerning equality. It acts professionally and with commitment both in the country and abroad through: legal guidance and litigation, the monitoring of the performance of the state, and anti-discrimination education.

## ACTIVITIES AND PROJECTS

Polish Society of Anti-Discrimination Law since its beginning undertakes activity in the area of monitoring of the functioning of the judiciary and law enforcement agencies in the fight against discrimination and the relationship of these entities with NGOs through:

### **1) legal assistance and advices for those who face discrimination on the ground of gender, sexual orientation, age, disability, religion/belief, race and ethnic origin**

In the field of legal aid and strategic litigation the Society is involved in court proceedings by providing representation before the court by a lawyer / attorney team members or a lawyer / attorney working with the organization on a pro bono basis, to bring an action in favor of the plaintiff, join the proceedings, observe the hearings and provide an opinion friend of the court (*amicus curiae*). Its experience in this field applies to proceedings before the Polish courts (including the Supreme Court) and in terms of submission of the request for a preliminary ruling to the Court of Justice of the EU. It also has an experience in proceedings at the European Court of Human Rights and other international bodies. As a non-governmental organization the Society informs law enforcement agencies about crimes carried out in violation of the principle of equal treatment and non-discrimination.

### **2) monitoring of the application of anti-discrimination legislation by the judiciary**

PTPA constantly monitors the activities of the judiciary and law enforcement agencies in the fight against discrimination and the application of anti-discrimination legislation. Moreover, in the period from January 2012 until January 2013 the project "Monitoring the application by the Polish justice anti-discrimination law" was carried out.

Monitoring has to control the practical application by the Polish courts of law provisions to

ensure protection against unequal treatment and an evaluation of the relationship between non-governmental organizations, anti-discrimination and justice. The Society also released the report "Anti-discrimination law in the practice of Polish courts of general jurisdiction" which contains the results of monitoring the application of anti-discrimination provisions, the attitudes of judges to the phenomenon of discrimination, as well as the relationship between NGOs and the judiciary. Polish Society of Anti-Discrimination Law has completed an analysis of hundreds of decisions in criminal, civil and labor cases. Interviews with 54 judges were also conducted on the opinion concerning the phenomenon of discrimination and the role of NGOs in court proceedings. The Society asked also non-governmental organizations working in the field of anti-discrimination about their experience of observing the hearings, bringing proceedings and submission of opinion friend of the court (*amicus curiae*).

In the period from July 2012 to May 2013 PTPA in partnership with the Foundation for the Trans-Merger carried out the project "Monitoring of compliance by the judiciary of international standards of human rights protection in proceedings related to gender reassignment's register", which aim was to examine the practice of court proceedings in cases related to gender reassignment and to develop guidelines for a legislative act, which in a comprehensive manner regulates the issues of gender reassignment procedures. On the basis of court records and interviews with the judges the publication "The legal situation of transgender people" was prepared. The publication presents comprehensive legal situation of transgender people by providing international standards to protect the rights of transgender people, pointing to examples of rules that have to be applied to gender's register of transgender people and presenting the assumptions of legal changes concerning those persons under Polish law.

### **3) training of lawyers in the field of anti-discrimination and anti-discrimination law**

PTPA provides training for various professional groups, including judges and prosecutors. The result of the project "Monitoring the application by the Polish justice anti-discrimination legislation" was establishing cooperation with the National School of Judges and Prosecutors in area of vocational training of judges and prosecutors.

### **4) education in the field of anti-discrimination and anti-discrimination law**

PTPA provides training for various social and professional groups in the field of anti-discrimination and anti-discrimination law. The training topics include, among others, legal instruments of protection against discrimination, including the participation of NGOs in court proceedings.

### **5) participation in public debate on anti-discrimination law and the functioning of the judiciary and law enforcement in this area**

PTPA takes a position and intervenes in case of violation of the principle of equality and the prohibition of discrimination, including through informing the public through the media about the state of compliance with the principles of equality and anti-discrimination measures in individual cases. It also performs analysis of the situation of excluded groups vulnerable to discrimination and makes recommendations in this regard, both at the level

of social, political, and legal aspects.

### **BEST PRACTISES**

During projects on monitoring the application of anti-discrimination legislation and issues of excluded groups PTPA established partnerships with the courts in order to research court records and interview the judges. A good practice followed in the course of these projects was to inform the presidents of courts of a project before undertaking any concrete project activities. The result was the effective cooperation with the courts in order to obtain research material.

As a good practice it can be also named taking into account by the judiciary system recommendations presented by the PTPA. The Society also alliances with public institutions in order to carry out the organization of consultations on the education of judges and prosecutors in anti-discrimination and anti-discrimination law.

### **PROBLEMS AND BARIERS**

The main barrier in relations with the judiciary and law enforcement agencies is an ignorance of the rules on the participation of NGOs in the proceedings. This is manifested, among others, by not granting the association the rights of parties in a situation where PTPA entered the proceedings.

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

PTPA team is built of lawyers with experience in the occurrence before the courts, both as representative of the organization, which joined the proceedings, as well as representing the beneficiaries of the legal assistance provided by the association. Legal aid is granted in compliance with internal standards of providing legal assistance.

Providing legal assistance the Society coordinates a network of over 60 lawyers (barristers, solicitors, trainees, academics) who are members of the Pro Bono Program PTPA. They advise in matters of infringement of the principle of equal treatment. The cooperation is not only aiming in providing comprehensive legal assistance in matters that the Society does, but also indirectly educating this professional group about the possibility of the participation of NGOs in court proceedings, which affects the quality of work conducted by those persons and indirectly influences the whole system of justice in this regard.

## INFORMATION ABOUT THE ORGANIZATION

### Stowarzyszenie Interwencji Prawnej - Association for Legal Intervention (SIP)

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Association for Legal Intervention (SIP) was established in 2005 by a group of young activists and lawyers. Since then SIP evolved into a professional non-profit organization with the aim of combating social exclusion through provision of free legal advice to people whose rights and freedoms are threatened or violated and raising legal and civil awareness in the society.

## ACTIVITIES AND PROJECTS

The Association's activity focuses on:

- Support – it provides legal and social counselling in individual cases; represents clients in courts and before administrative agencies. Counselling is based on Association's standards and is free of charge.
- Information – association develops and conducts trainings for professionals and groups of diverse cultural backgrounds, concerning their rights and duties – it aims at spreading the civil and legal awareness in the society.
- Policy – the aim is to improve the situation of marginalized social groups – through conducting research, monitoring the application of the law and presenting opinions to bills, it influences the state policy and its institutions.

SIP sees the provision of legal advice as a beginning of support, not the aim. Legal assistance is just the first step: the goal is not only to support our clients but mostly to advocate for changes in legislation and policies as well as raising social awareness, in order to improve the situation of a given social group.

- Through counseling SIP is able to identify the most significant problems – both of the legal nature (imperfections in constructing legal acts, legal loopholes, incorrect implementation of the legislation) as well as of social nature (when legal institutions do not reach the goals set out by the lawmakers) and take action in order to find solutions thereto. The Association's experience is supported by different types of research and watchdog activities.
- Currently SIP supports 3 main groups threatened with social exclusion: migrants (

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

voluntary and asylum seekers) , foster families and prisoners. We hope to extent our focus on elderly people in the near future.

### **BEST PRACTICES**

Areas of the relationship between justice and non-governmental organizations:

- Participation in proceedings before the civil, criminal and administrative courts (including strategic litigation), to support SIP`s clients the proceedings (eg. the initiation of actions, joining the proceedings); Filing lawsuits and representing clients in court in employment and discrimination cases
- Conducting research and monitoring in criminal justice, including: observation of court procedures, preparation of amicus curiae briefs;
- Representing clients before courts, mainly foreigners and persons deprived of their liberty;
- Monitoring the activities of courts in cases of crimes motivated by prejudice and supporting the victims of such crimes;
- Conducting mediation.

### **PROBLEMS AND BARRIERS**

- Courts rarely use non-governmental organizations' expertise.
- Lack of confidence on the part of judges in the experience, intentions and expertise of NGOS
- Participation in court proceedings being additional activity of SIP`s legal counsellors, requires a lot of time with the court dates being constantly postponed in the last minute

### **RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION**

- Human resources: 10 lawyers, 3 certified legal counsellors (radca prawny)
- The organization can be asked to take legal action to support vulnerable or excluded parties, whether in criminal proceedings (assist victims, especially violent crime) and in civil (support for victims of discrimination or unable of functioning in society) or employment cases, as well as before administrative courts.
  - Encourage and increase participation of organizations in court proceedings as participants and guardians of "social interest". As a result, and through the organization, it is possible to reach the society with a positive message with regard to the work of the courts.
  - Development of cooperation between judges and local organizations, exchange of expertise on both sides and partnerships to conduct mediation or execution of the penalty of restriction of liberty or other penalties of community service.

## Part 3

### “Project cards”

**PROJECT TITLE:** Commercial courts in Poland – monitoring **NAZWA PROJEKTU:** Sądy gospodarcze w **TYPE OF THE PROJECT:** court monitoring

**NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT**

Helsińska Fundacja Praw Człowieka – Helsinki Foundation for Human Rights

e-mail: hfhr@hfhrpol.waw.pl

ul. Zgoda 11, 00-018 Warszawa

**PROJECT DESCRIPTION**

The aim of the program was to create a record of one day of work of a commercial court in Poland, including the study of both accessibility to the court understood as the ability to use the principle of openness of court proceedings, as well as in the more literal sense (physical accessibility). Between April and October 2008, observers visited all 104 commercial courts in Poland (district and regional), looking at judicial buildings, hearing rooms, the work of judges, attorneys and court personnel. Well trained students from law schools across the country, equipped with a comprehensive questionnaire were observers.

**REPORT**

The report is available at:

<http://www.hfhrpol.waw.pl/pliki/raportCourtwatch.pdf>

**PROJECT TITLE:** Public accessibility of courts' decisions

**TYPE OF THE PROJECT:** monitoring

**NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT**

Helsińska Fundacja Praw Człowieka – Helsinki Foundation for Human Rights  
([www.hfhr.org.pl](http://www.hfhr.org.pl))

Akademia Leona Koźmińskiego – Kozminski University ([www.kozminski.edu.pl](http://www.kozminski.edu.pl) – apl. Adw. Michał Jagielski)

Fundacja FOR – Forum Obywatelskiego Rozwoju – Civil Development Forum  
([www.for.org.pl](http://www.for.org.pl))

**PROJECT DESCRIPTION**

The report contains an analysis and assessment of the legal and factual realities of citizens' access to the content of judicial decisions.

The aim of the report was to present the state of availability of court decisions in Poland both from the perspective of binding law and the practice of judicial authorities and other public institutions. During report preparation, the authors tried to present the functions played by the wide availability of judgments in a democratic society and to demonstrate not only the rules governing making available judicial decisions, but also the existing practice of their application. Recommendations indicating the direction of development, which could lead to improved standards of transparency in public life, were presented.

## **REPORT**

The report was published in 2010. It is composed of four parts:

1. A detailed analysis of the availability of judicial decisions.
2. Standards of the availability of jurisprudence adopted by the European Court of Human Rights in Strasbourg, and a few selected countries.
3. Judgments of Polish courts in European case law databases
4. Recommendations of authors

**Project title:** "Anti-discrimination law in the practice of Polish courts of general jurisdiction" - monitoring of selected Polish courts of appeal, regional and district

**Type of project:** monitoring of implementation by Polish courts the antidiscrimination provisions

### **Name of the organization responsible for the project**

Polskie Towarzystwo Prawa Antydyskryminacyjnego - Polish Society of Anti-Discrimination Law

Warszawa, [www.ptpa.org.pl](http://www.ptpa.org.pl)

### **Project description**

The immediate reason to start the project was entering into force of the Act of 3 December 2010 that implemented certain provisions of the European Union on equal treatment. The Act increased standard of protection against discrimination on any ground such as sex, disability, age, sexual orientation, nationality, age, religion or belief.

The aim of the project was to monitor several aspects of the operation and application of anti-discrimination law in the daily practice of Polish courts - knowledge by judges of constitutional and European standards to protect against unjustified unequal treatment and skills to use them in adjudicated cases. One of the project was to investigate the attitudes of judges to the phenomenon of discrimination.

Following research questions were asked:

- What type of argument is used by the courts in the judgments,
- Which Polish and European legislation and case-law is invoked by the courts in the justifications to decisions,
- Whether while ruling, the courts shall take into account expert opinions or the opinions of NGOs, and if so, to what extent,
- How the courts interpret the exceptions to the principle of non-discrimination,
- How often compensation and redress are granted,
- Whether the standards set by the European Union anti-discrimination legislation are reflected in the decisions of the Polish courts?

Research was carried out on judicial records in 22 district courts (53%), 17 regional courts (40%) and 3 courts of appeal (7%). A total number of 172 cases from 2004-2011 was analyzed.

## **RAPORT**

The report, " Anti-discrimination law in the practice of Polish courts of general jurisdiction" was published in 2013, both published in hard copy and electronic format on the website: <http://www.ptpa.org.pl/publikacje>

The work consists of three parts divided into chapters:

- The first part of the report describes the appropriate anti-discrimination legislation in the practice of Polish courts of general jurisdiction in regards with labor law, civil law and criminal law.
- The second part focus on the attitude of judges to the phenomenon of discrimination and assessment of anti-discrimination legislation.
- The third part addresses the problem of the relationship between NGOs and the administration of justice in the application of anti-discrimination law. The participation of NGOs in court proceedings concerning discrimination was analyzed and the involvement of social organizations in the process of applying anti-discrimination law was described.

**PROJECT TITLE: Monitoring of free legal aid granted by the courts in civil proceedings**

**TYPE OF THE PROJECT: Monitoring of courts activity****Name of the organization responsible for the project**

Bona Fides

Katowice, bonafides.pl

Institute for Law and Society cooperates with Bona Fides in planning and running of the project.

**Project description**

The strategic objective of the monitoring project was to verify the functioning of the institutions of free legal aid using established for this purpose research tools. A pilot study was conducted in the district court Katowice West and was designed to test the possibilities offered by the new research tools and their in-depth analysis.

Objectives of the project:

1. Increasing the transparency of the procedure of granting free legal aid granted by the courts.
2. Improving the standard of work of judges and professional representing clients in civil matters.
3. Creating a model district court of effective control and evaluation of free legal aid, including exemption from the cost of litigation.

It should be noted that the research tools were described in detail by the author and subjected to a thorough analysis of the added four annexes to the report.

As part of the research tool the following tasks were carried out:

- Qualitative study involving interviewing judge
- s- Research method of "mystery shopper", which was carried out both by direct contact and electronic (e-mail or telephone)
- Observation
- Overview of websites and electronic mass media (analysis of the court's website for information posted on it devoted to free legal aid and exemption from costs of court proceedings in civil cases).

**RAPORT**

The report in e-format is available at:

[http://www.bonafides.pl/index.php?option=com\\_k2&view=item&layout=item&id=1006&Itemid=574](http://www.bonafides.pl/index.php?option=com_k2&view=item&layout=item&id=1006&Itemid=574).

**PROJECT TITLE: Citizen court monitoring 2010-2015****TYPE OF THE PROJECT : Court watch**

## NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

FUNDACJA COURT WATCH POLSKA, [www.courtwatch.pl](http://www.courtwatch.pl) ,

Ul. Szosa Chełmińska 54, lok. 2, 87-100 Toruń

Contact: Bartosz Pilitowski: [b.pilitowski@courtwatch.pl](mailto:b.pilitowski@courtwatch.pl) , Stanisław Burdziej: [s.burdziej@courtwatch.pl](mailto:s.burdziej@courtwatch.pl)

## PROJECT DESCRIPTION

Court Watch Poland Foundation was established and launched its first monitoring program in 2010. Our first project, Citizen Monitoring of District Courts in Poland 2010/2011, resulted in a report based on ca. 2,500 observations from over 150 volunteer observers. Since then, each year we were able to continue the monitoring, gather thousands of observations from hundreds of volunteers, publish an annual report, and discuss the results and recommendations with the judiciary. Our volunteers are asked to fill in two forms: one regarded the hearing (fairness of the judge, respecting rights of participants and following legal procedures), the other – the court building infrastructure (e.g. accessibility for the disabled, public toilets, etc). The methodology is fit for anybody who would like to visit their local courts and watch hearings – no special knowledge of law is expected or required. Actually, unlike some other programs, including those previously conducted in Poland, our project aims at putting regular citizens, not lawyers or even law students, into the courtrooms. This enables us to reconstruct the perspective of ordinary citizens, who make for the majority of court clients, not legal professionals, who are insiders and tend to accept existing dysfunctions as necessary evil or even something normal.

The most important findings concerning hearing observations conducted between July 2011 and July 2012 were:

- 51 per cent of sessions started with a delay and average delay was 15 minutes
- for the sessions delayed, 84 per cent of judges did not explain or apologize for the delay
- in 5 per cent of sessions observed the judge questioned the right of observers to stay in the court room and/or to take notes
- 39 per cent of parties appeared before the court without a professional legal representative
- in 11 per cent of sessions the attorney of at least one party was present in the court room before the session started, during the break and/or after it finished (it considered mostly prosecutors) with the doors to the courtroom shut
- in 1 per cent of sessions observers did not notice reasons for the sentence were given by the judge although it's the judge's duty to give them

- in 1 per cent of cases the judge did not inform the parties of the possibility to appeal although they had no attorneys or their attorneys were not present

More recent observations bring similar results. Probably the most significant problem observed are the various restrictions as to the right of our observers to stay in the courtroom as public. Although our monitors were instructed to present themselves as “members of the public, unrelated to the case”, a significant number of them was denied access to the courtroom; often, no reason for such a decision was given by the judge, or the decision was communicated in such a manner, that the observers had a feeling they were being “thrown away”.

## **REPORTS**

Five national, annual reports were published between 2011-2015 (in Polish, with English summaries). They attracted the attention of both judges and the media; in 2011 our report was analyzed and recommended by the Ministry of Justice in a letter sent to all the courts in the country. Each time, the publication was followed by a series of meetings with court presidents and judges; some of them received more detailed reports for their local courts. In 2014, an English-language summary of our methodology was published with support from the OSCE.

## **OTHER INFORMATION**

Citizen Court Monitoring is a permanent program of the Foundation.

## Part 4

### Country bibliography

Please provide the list of publications, reports written by NGOs as a result of projects regarding judiciary (please see *Basic style guide* attached).

Please list also separately any publications that go beyond particular project and are specifically dedicated to the matter of watchdog activities, interactions, collaboration and communication between NGOs and judiciary.

Please provide English translation in brackets.

Araszkiewicz M., *Nieodpłatna pomoc prawna - przegląd badań i materiałów z zakresu ekonomicznej analizy prawa*, INPRIS, Warszawa 2012

Araszkiewicz M., *Poradnictwo prawne a nowe technologie*, INPRIS, Warszawa 2012

*Badania pomocy prawnej. Organizacje społeczne a socjologowie prawa - perspektywy współpracy*, INPRIS, Warszawa 2010

Barendrecht M., Gramatikov M., Zeeland C., *Porady Prawne w Polsce: Sugestie wynikające z praktyki międzynarodowej*, INPRIS, Warszawa 2012

Bełdowski J., Sześciło D., *Reformatorzy i hamulcowi. Przegląd działań Ministrów Sprawiedliwości po 1989 r.*, FOR, Warszawa 2010

Bernatt M., *Opinia przyjaciela sądu (amicus curiae) jako pomocnicza instytucja prawna w orzecznictwie sądów polskich*, w: Bojarski Ł., (red.) *Sprawny sąd. Zbiór dobrych praktyk. Część druga*: C.H. Beck, Warszawa 2008, s. 184 i n.

Bodnar A., Ejchart M. (red.), *Raport z realizacji programu „Monitoring sądów gospodarczych – Courtwatch”*, Warszawa 2009

Bodnar A., Grabowska B., Osik P., *„Opinie przyjaciela sądu” (amicus curiae) w postępowaniu przed Trybunałem Konstytucyjnym w praktyce Helsińskiej Fundacji Praw Człowieka*, w: *Księga XXV-lecia Trybunału Konstytucyjnego. Ewolucja funkcji i zadań Trybunału Konstytucyjnego – założenia a ich praktyczna realizacja*, Trybunał Konstytucyjny, Warszawa 2010, s. 145 i n.

Bodnar A., *W poszukiwaniu precedensów – litygacja strategiczna w praktyce Helsińskiej Fundacji Praw Człowieka*, w: Śledzińska-Simon A., Wyrzykowski M., (red.), *Precedens w polskim systemie prawa*, Warszawa 2010

Bojarski Ł. *Symulacje rozpraw sądowych – dla sędziów i z pomocą sędziów*, w: Bojarski, Ł. (red.) *Sprawny sąd. Zbiór dobrych praktyk. Część druga*, pr. zbior. C.H. Beck, Warszawa 2008

Bojarski Ł., (red.), *Obywatelski Monitoring Kandydatów na Sędziów. Raport*, Warszawa 2007

Bojarski Ł., *Interwencja strony trzeciej. Fundacja Helsińska jako amicus curiae przed ETPCz*, w: Bojarski Ł., Krzyżanowska-Mierzewska M., (red.), *Europejska Konwencja Praw Człowieka. Poradnik praktyczny*, Krajowa Rada Radców Prawnych 2011, s. 266 i n.

Bojarski Ł., *Krajowa Rada Sądownictwa czyli więcej obywatela w sądownictwie*, w: *Na wokandzie*, 1(11) 2012

Bojarski Ł., Maranowski P., Witkowska A., *Wybrane krajowe i zagraniczne instytucje zajmujące się problematyką poradnictwa prawnego i obywatelskiego*, INPRIS, Warszawa 2012

- Bojarski Ł., *Monitoring wyborów sędziów – nowe zadanie dla organizacji pozarządowych* w: Bojarski, Ł. (red.) *Sprawny sąd. Zbiór dobrych praktyk. Część druga*, pr. zbior. C.H. Beck, Warszawa 2008
- Bojarski Ł., *Obserwacja procesów sądowych jako metoda działania organizacji pozarządowych – cele i rodzaje obserwacji*, w: Bojarski, Ł. (red.) *Sprawny sąd. Zbiór dobrych praktyk. Część druga*, pr. zbior. C.H. Beck, Warszawa 2008
- Bojarski Ł., *Obywatelski monitoring wyborów sędziów TK – nowa inicjatywa organizacji społecznych*, w: *Księga XXV-lecia Trybunału Konstytucyjnego. Ewolucja funkcji i zadań Trybunału Konstytucyjnego – założenia a ich praktyczna realizacja*, Trybunał Konstytucyjny, Warszawa 2010
- Bojarski Ł., *Organizacje społeczne a wymiar sprawiedliwości w procesie stosowania prawa antydyskryminacyjnego*, w: Wieczorek M., Bogatko K., (red.), *Prawo antydyskryminacyjne w praktyce polskich sądów powszechnych. Raport z monitoringu*, PTPA, Warszawa 2013
- Bojarski Ł., *Przegląd projektów ustaw dotyczących systemowych rozwiązań poradnictwa prawnego*, INPRIS, Warszawa 2012
- Bojarski Ł., *Razem czy osobno? Współpraca, interakcja, komunikacja wymiaru sprawiedliwości i organizacji pozarządowych*, Krajowa Rada Sądownictwa. Kwartalnik, nr 4 (25), grudzień 2014, s. 20 i n.
- Bojarski Ł., *Rola działań i dorobku organizacji pozarządowych w kształtowaniu programów szkoleń dla sędziów*, Krajowa Rada Sądownictwa. Kwartalnik, nr 3 (20), wrzesień 2013, s. 13 i n.
- Bojarski Ł., Wiaderek G., *Szkolenie sędziów: współpraca z organizacjami pozarządowymi*, w: *Sprawny Sąd. Zbiór dobrych praktyk*, wyd. 2 rozszerzone, Warszawa 2004
- Bojarski Ł., *Wybory sędziów do Trybunału Konstytucyjnego*, INPRIS, Warszawa 2010
- Bojarski Ł., Żurek W., *Komunikacja sądów ze społeczeństwem – stan obecny i propozycje zmian*, Krajowa Rada Sądownictwa. Kwartalnik, nr 3 (24), wrzesień 2014, s. 15 i n.
- Bojarski, Ł., Swaton, J., *Warunki pracy sądów rejonowych. Raport z monitoringu*, HFPR, Warszawa 1999
- Burdziej S., Pilichowski B. (red.), *Obywatelski Monitoring Sądów 2013/2014*, Raport z realizacji projektu, Toruń 2014, Fundacja Court Watch Polska
- Chojniak Ł., Wiśniewski Ł., *Przyczyny niesłusznych skazań w Polsce*, FOR, Warszawa 2012
- e-Sądy po polsku. Badanie i ranking stron internetowych sądów okręgowych i apelacyjnych oraz Sądu Najwyższego*. IV edycja, FOR, K2, Rzeczpospolita, Warszawa 2012 (wcześniej trzy edycje z HFPC)
- Efektywność polskiego sądownictwa w świetle badań międzynarodowych i krajowych*, FOR HFPC, Warszawa 2010
- Florczak W., *System poradnictwa prawnego i obywatelskiego: rozważania ekonomisty i próba operacjonalizacji*, INPRIS, Warszawa 2012
- Głowacka D., *Raport z obywatelskiego monitoringu kandydatów na prokuratora generalnego*, FOR, HFPC, Warszawa 2010
- Gmerek D., Wiśniewska K., *Nieizolacyjne środki zapobiegawcze*, Raport przygotowany w ramach

- programu: Lepszy Wymiar Sprawiedliwości, Helsińska Fundacja Praw Człowieka, FOR, Polska Rada Biznesu, Warszawa 2011
- Gonera K., *Udział organizacji społecznych w postępowaniu sądowym jako gwarancja prawa do rzetelnego procesu*, w: Bojarski Ł., (red.), *Sprawny sąd. Zbiór dobrych praktyk*, C.H. Beck, Warszawa 2008
- Grabowska B., *Prawa człowieka, proces legislacyjny, wymiar sprawiedliwości – uwagi na tle działalności HFPC*, HFPC, 2014
- Jagielski M., Niedużak M., *Publiczna dostępność orzeczeń sądowych*, FOR, HFPC i Akademia L. Koźmińskiego, Warszawa 2010
- Klaus W., *Standardy usług a poradnictwo prawne*, INPRIS, Warszawa 2012
- Klicki W., Pietryka A., *11 tez o funkcjonowaniu skargi na przewlekłość*, HFPC, Warszawa 2011
- Lora J., *Komunikacja sądów z obywatelami - badania empiryczne, wnioski, rekomendacje zmian*, FOR, HFPC, Warszawa 2009
- Monitoring pracy wybranych Rodzinnych Ośrodków Diagnostyczno-Konsultacyjnych*, Raport przygotowany przez Stowarzyszenie Centrum Praw Ojca i Dziecka, Warszawa 2009
- Niedużak M., *Pozwy grupowe po pierwszym roku funkcjonowania*, HFPC, Warszawa 2010
- Niedużak M., Szwaś M., *Pozwy grupowe – doświadczenia po czterech latach*, HFPC, Warszawa 2014
- Niełaczną M., *Nadzór penitencjarny w poznańskim okręgu sądowym*, Stowarzyszenie Interwencji Prawnej, Warszawa 2012
- Niełaczną M., *Postępowanie ze skazanymi przy przyjęciu w celu odbycia kary pozbawienia wolności. Raport z monitoringu*, Stowarzyszenie Interwencji Prawnej, Warszawa 2010
- Pawliczak J., *Elektroniczne postępowanie upominawcze – założone cele a praktyka funkcjonowania*, HFPC, Warszawa 2011
- Pietryka A., *Kondycja procesu legislacyjnego a gwarancje ochrony praw człowieka – perspektywa pozarządowa*, HFPC, Warszawa 2011
- Pietryka A., Kremens K., *Odpowiedzialność zawodowa prokuratorów*, FOR, HFPC Warszawa 2010
- Pietryka A., Szwaś M., *Asystenci sędziów i pracownicy sądów jako ważne ogniwo procesu orzeczniczego w sądach*, HFPC, Warszawa 2013
- Pietryka A., Wiśniewska K., *Dozór elektroniczny – stan obecny i wyzwania przyszłości*, HFPC, Warszawa 2012
- Poradnictwo prawne i obywatelskie - pojęcie, jakość, efektywność, Policy Paper, INPRIS, Warszawa 2010
- Powszechny dostęp do aktów prawnych i orzeczeń sądowych, Policy Paper, INPRIS, Warszawa 2010
- Przestępstwa nie stwierdzono*. Raport z monitoringu działania prokuratury w sprawach dotyczących publikacji antysemickich realizowanego w latach 2005-2006 przez Stowarzyszenie Otwarta Rzeczpospolita, 2007
- Przestępstwa z nienawiści w Polsce na podstawie badań akt sądowych lat 2011 – 2012*. Coroczny raport z monitoringu prowadzonego przez Stowarzyszenie Otwarta Rzeczpospolita, Warszawa 2013

- Radzewicz P., *Wykonywanie orzeczeń Trybunału Konstytucyjnego przez prawodawcę*, INPRIS, Warszawa 2010
- Reforma dostępu do nieodpłatnej pomocy prawnej, Policy Paper, INPRIS, Warszawa 2010
- Rekosz E., *Przygotowanie skazanych do zwolnienia. Wyniki badań na temat oddziaływań penitencjarnych w polskich zakładach karnych*, Stowarzyszenie Interwencji Prawnej, 2010
- Ruszewski J., (red.), *Ławnicy – społeczni sędziowie w teorii i praktyce – ocena funkcjonowania i procesu wyboru ławników sądowych na przykładzie Apelacji Białostockiej. Raport z monitoringu*, Centrum Aktywności Społecznej Pryzmat, 2012
- Spurek S., *Udział organizacji społecznej w postępowaniu karnym, cywilnym i administracyjnym w: Śmiszek K. (red.), Przeciwdziałanie dyskryminacji z powodu orientacji seksualnej w świetle prawa polskiego oraz standardów europejskich*, Warszawa 2006, s. 91 i n.
- Stosowanie detencji wobec cudzoziemców. Raport z monitoringu i rekomendacje*, Instytut na rzecz Państwa Prawa, 2013
- Sześciło D., *Delegowanie sędziów do Ministerstwa Sprawiedliwości. Problemy ustrojowe i praktyczne*, HFPC, Warszawa 2012
- Sześciło D., *Dwuwładza w sądach? Status, zadania i kompetencje dyrektorów sądów po reformie*”, HFPC, Warszawa 2012
- Sześciło D., *Krajowa Szkoła Sądownictwa i Prokuratury. Co docenić, co zmienić, co udoskonalić?*, HFPC, Warszawa 2014
- Sześciło D., *Ocena okresowa pracy sędziów*, FOR, HFPC, Warszawa 2011
- Sześciło D., *Trybunał Konstytucyjny - Informacja, komunikacja, wizerunek*, INPRIS, Warszawa 2010
- Uzasadnienia orzeczeń sądowych a efektywność wymiaru sprawiedliwości, Materiały konferencyjne, INPRIS, THEMIS, Warszawa 2013
- Wencel K., *Dowodzenie w sprawach o dyskryminację. Możliwości i ograniczenia udowodnienia nierównego traktowani*, Stowarzyszenie Interwencji Prawnej, 2011
- Wencel K., *Owoc zatrutego drzewa? Situation testing jako dowód w sprawach o dyskryminację, w: Sędzi czy intruzi. O dyskryminacji cudzoziemców w Polsce*, Stowarzyszenie Interwencji Prawnej, Warszawa 2010
- Wiaderek G., (red.), *Poradnictwo prawne i obywatelskie - system, koszty, innowacje*, INPRIS, Warszawa 2014
- Wieczorek M., Bogatko K., (red.), *Prawo antydyskryminacyjne w praktyce polskich sądów powszechnych. Raport z monitoringu*, Warszawa 2013
- Winczorek J., *Przegląd literatury na temat dostępności i korzystania z pomocy prawnej*, INPRIS, Warszawa 2012
- Wojciechowska-Nowak, A., *Założenia do ustawy o ochronie osób sygnalizujących nieprawidłowości w środowisku zawodowym. Jak polski ustawodawca może czerpać z doświadczeń państw obcych*, HFPC, Warszawa 2012
- Woźniakowska-Fajst D., *Edukacja prawna - możliwości, szanse, bariery*, INPRIS, Warszawa 2012
- Zapobieganie Handlowi Kobietami z Europy Środkowej i Wschodniej. Informacja-Prewencja-*

*Identyfikacja-Interwencja*, Raport końcowy z projektu realizowanego przez Fundację La Strada w latach 2008-2010

Zimecka-Kroll D., *Nadzór penitencjarny w Polsce*, Stowarzyszenie Interwencji Prawnej, 2010

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Polish expert on the European Network of Legal Experts in the Non-discrimination field.

Member of the Editorial Boards of the „Na wokandzie. Quarterly” (<http://nawokandzie.ms.gov.pl/>)

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Before: Member of the National Council of the Judiciary of Poland, appointed by the President of Poland (09.2010-09.2015). Employee of the Helsinki Foundation of Human Rights in the years 1998-2010. Member of the Experts Council of the „Citizen and the Law” (Obywatel i Prawo) program of the Polish-American Freedom Foundation (2005-2013), Member of the Committee on the Efficiency of Justice in Ministry of Justice.

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Author of the reform proposals on the access to legal aid and the legal profession. Author of numerous publications on access to justice and interactive innovative methods in legal education, see [list of main publications](#).

### **Natalia Mileszyk**

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Her academic research is focused on the phenomenon of human rights in the Internet environment. Her LL.M.-thesis examines the online protection of fundamental rights in the EU, particularly freedom of expression and privacy rights, and explores European legislation on secondary liability of Intermediary Service Providers.

Before undertaking studies at CEU, Natalia was involved in various NGO-initiatives, mainly on legal clinics aiming at facilitating the access to justice for individuals in need. She was a coordinator of the project "Empowering women in Thailand through human rights and language education" with the Polish Aid Program of the Polish Ministry of Foreign Affairs. The aim of the project was to prepare a group of Thai students to become trainers of street law program and to establish a network of trainers in Chiang Mai (Thailand). Natalia has experience in fundraising both for non-governmental and private sector. She also used to work as a journalist.