Uchwała zarządu Sieci Obywatelskiej Watchdog Polska
nr 8/OB/XI/2022
z dnia 15 listopada 2022 r.

§ 1.

Na podstawie §24 pkt 14 Statutu Stowarzyszenia zarząd podejmuje decyzję o podpisaniu listu o pełną misję wyborczą do Organizacji Bezpieczeństwa i Współpracy w Europie.

§ 2.

Treść listu, w języku angielskim, stanowi załącznik do niniejszej uchwały.

§ 3.

Uchwała wchodzi w życie z dniem podjęcia.

Uzasadnienie

Sieć Obywatelska Watchdog Polska szykuje się do monitorowania serii wyborów - parlamentarnych, samorządowych i europejskich. Wraz z innymi organizacjami dyskutuje nad kryzysem praworządności i jego wpływem na uczciwość wyborów. OBWE to instytucja stojąca na straży zasad wyborczych. W związku z tym apel o przysłanie do Polski pełnej misji wyborczej jest uzasadniony.

Oddane głosy 3/3
Za 3/3
Przeciw 0/3
Wstrzymujące się 0/3

Autenti ID: 344618cd-7ea6-4e27-98a5-87f865a64fb8 (1/5)

Matteo Mecacci
Director of the OSCE Office for
Democratic Institutions and Human Rights
(ODIHR)

Dear Mr Mecacci,

The undersigned non-governmental organisations are writing to you to urge ODIHR to send a Full Scale Election Observation Mission to Poland in autumn 2023 to observe our parliamentary elections.

We appreciate that the decision on the level of an election mission is a task for ODIHR's Needs Assessment Mission (NAM) but please treat this letter as input for the NAM's deliberations as to what extent Poland's parliamentary election next year should be observed in every aspect including events in polling stations on election day.

We are fully aware of ODIHR's record as a reliable and reputable election observation organisation whose reports on elections in the OSCE countries are widely respected as being accurate and fair-minded. Also, other international institutions regularly refer to them when they assess the probity of democratic processes in any given country.

The parliamentary contest in Poland next year will be the first in a series. It will be followed in 2024 by local government elections and the election to the European Parliament and after that a presidential election in 2025.

Clearly, the election to Parliament next year will set the tone for the whole process and it is of utmost importance that everything should be done to ensure a level playing field for all participants. A full election observation mission from ODIHR would be a crucial part of this effort.

The election promises to be highly polarised. In a sense, the campaign has already started with leaders of both the main ruling and opposition parties attending meetings across the country to put their case. Both sides have already raised the possibility of widespread election fraud by their opponents and have spoken of the need to enlist thousands of election observers to guard against this danger. On polling day these observers representing rival political camps will be attempting to assess the extent to which impersonation, double voting, ballot box stuffing and problems with counting and tabulation of the votes appear in the process. We think that the presence of ODIHR observers in the polling stations would greatly complement these efforts. It will also ideally complement the citizen monitoring activities planned independently of the operation of the aforementioned observers linked to both rival political camps. We hope that these independent civic groups will be able to cooperate with the experts of the ODIHR mission, which will eventually be able to include their observations in its own report.

Representatives of our ruling party continue to mull the possibility of changes in electoral procedures even though at this stage, according to advice from the Venice Commission writing in its 2020 Code of Good Practice in Electoral Matters, „changes to fundamental aspects of the election system should not take effect less than one year prior to an election".

The handbook identified Poland as one of those countries „where important electoral reforms were adopted only a few months prior to recent elections".

Charges that the Polish authorities are striving to politically control the judiciary lie at the root of the current dispute on the situation of the rule of law between Poland and the European Commission. Poland's Supreme Court is the institution which is tasked to validate the results of the election as presented by the National Election Commission (KBW). It should also be noted that the Chamber of Extraordinary Control and Public Affairs of the Supreme Court, which has the authority to determine the validity of parliamentary and presidential elections, referendums and adjudicates on election protests, is not a court established in accordance with the law according to the case law of the European courts (including the ECtHR judgment of November 8th, 2021). This all will be an area which will deserve special attention by election observers given the charges of possible fraud which have already surfaced between political opponents.

The same is true of the functioning of the electoral bodies themselves. The 2018 law changed the composition of the National Electoral Commission (NEC), the vast majority of whose members are now elected by a parliamentary majority. This body composition is also linked to the term of office of the Parliament. In addition, the appointment of the NEC's representatives in the regions, the electoral commissioners, was altered. The Minister of Internal Affairs now plays an important role in this process. As a result, the composition of the electoral bodies is highly dependent on the parliamentary majority. Moreover, the term of office of the present election commissioners will expire about six months before expected election date, when new commissioners will be elected. It is not only worth watching who the appointed persons will be, but also how the whole process will affect the smooth functioning of the electoral bodies.

Finally, Poland's public media continue to broadcast news on a daily basis which are heavily slanted in favour of the ruling party even though the election is a year away. This disregards the recommendations contained in ODIHR's final report on Poland's parliamentary election in 2019, which said that all political parties should be presented by the public broadcaster in „an impartial and objective manner," and that „favourable treatment of a political party by public media should be treated as an illegal use of public funds". The report also suggested that the Election Code be revised „to include legal requirements for equitable, balanced and impartial coverage of the campaign in public media". This has not been done.

Poland's forthcoming parliamentary election promises to be a bruising political experience. Rival candidates are already striving to polarise public opinion and the problems described above are only some which require that the contest be closely monitored by professional and impartial observers. Funding of election expenses by the state and state-controlled actors and the use of state resources to support the ruling party are two further areas of concern. Previous ODIHR election reports from Poland have drawn attention to such issues and relevant recommendations have not been implemented thus worsening the „electoral environment". Nevertheless, ODIHR opinions do, at times, count to name the report on the legality of holding the 2020 presidential election by postal vote. The plan was subsequently abandoned.

It seems clear to us that it is essential that ODIHR devote the maximum possible time and effort to observing the parliamentary election next year in Poland - including events taking

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place before the official start of the election campaign. Undertaking such an activity would also ideally support the many monitoring activities and reports related to the upcoming elections planned by national NGOs. These in turn are ready to support ODIHR with their own independent analyses and observations on the conduct of the election campaign.

Yours faithfully,

(signatories)

KARTA PODPISÓW

poświadczenie złożenia podpisów i pieczęci elektronicznych

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