



COMMISSIONER FOR HUMAN RIGHTS

Warsaw, 09-04-2020

Adam Bodnar

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**Mrs
Ingibjörg Sólrún Gísladóttir
Director
Office for Democratic
Institutions and Human Rights
Organization for Security and
Cooperation in Europe**

e-mail: pm@osce.org

Your Excellency,

In my official capacity, acting pursuant to the Act of 15 July 1987 on the Commissioner for Human Rights (Dz. U. [Journal of Laws]of 2020, item 627), recognizing your statement of April 7th, 2020, **I am respectfully requesting an urgent official opinion of the OSCE Office for Democratic Institutions and Human Rights on a law on the Presidential Election in the Republic of Poland 2020 (Senat's paper no 99)**, enacted by the lower house of the Polish parliament (Sejm), which established postal voting as an exclusive procedure for all eligible citizens and introduced the new power of the Speaker of the Sejm to change the date of the election (even a day before the voting). The introduced changes have raised my deep concerns since they could have wide-ranging consequences for Poland's democratic system.

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

I would like to draw your attention to following implications of the draft law, which i.a. are:

- Compliance with international standards of the new power of the Speaker of the Sejm to change the date of the election (even day before the voting);
- Compliance with international standards of a fundamental change in the voting procedure, by introducing only postal method of casting votes;
- The ability to conduct the election campaign in the current conditions, i.e. due to limitations on public gatherings, and its compliance with international standards, such as equal opportunities for candidates, transparency of and access to media;
- The ability to ensure the secrecy and equality of the introduced postal voting on a large scale so close to the election; its compliance with international standards in the light of potential procedural and organizational difficulties;
- The ability to secure an adequate level of election observation by the international actors and civil society in Poland;
- The ability to maintain the needed balance between the executive power and electoral management bodies, during the organization and administration of democratic elections, in the light of the new competencies of the Minister of State Assets.

I am aware that special procedures are needed due to the challenge of the global pandemic, which the world is facing. Nonetheless, I am convinced that even in this difficult time we cannot pay any less attention to the preservation of the rule of law and democratic standards.

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

Yours sincerely

Adam Bodnar

Commissioner for Human Rights

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