

## **Urgent appeal for support to civil society and municipalities aiding Ukrainian Refugees in Poland**

Polish civil society is currently overwhelmed by a massive influx of refugees from Ukraine.

The entire effort to protect the refugees, a gigantic challenge involving the provision of shelter, food, clothing, childcare, health care, psychological support, legal aid, and other essential services, is organized by NGOs and thousands of citizens opening their homes and sharing what they have.

There is [hardly any organized effort from the Polish government](#) to handle this crisis, which in numbers is much larger than the crisis handled by Germany in 2015, and the available resources in Polish society only a small fraction of those available in Germany. Assistance from EU and EEA neighbors is vital and critically urgent, to avoid a fast developing humanitarian disaster, a collapse of the Polish civil society effort, and numerous dangerous side effects reaching beyond the refugee situation.

However, this assistance must not be provided for management by the central government in Poland, [41 Polish civil society organizations warns](#). We share their concerns.

The central government in Poland has not merely failed its humanitarian duty to provide resources for the refugees and the local relief effort. It is under suspicion of gross mismanagement of both EU and Polish funds designated to support vulnerable groups of little political value to the regime.

The Polish government has systematically sabotaged efforts to secure a proper audit regime for EU funds, by [refusing to respond to the European Anti-Fraud Office \(OLAF\)](#), and also [refusing to cooperate with the European Public Prosecutor's Office \(EPPO\)](#).

The until now independently operating [Supreme Audit Office \(NIK\) in Poland has leveled very serious charges against the management of the Justice Fund by the Polish Ministry of Justice](#), without any response from the Ministry.

Furthermore, the incumbent party has responded to the refugee crisis with a legislative proposal narrowly defeated in Parliament by only one vote suggesting that government officials [should not be held accountable for their disposition of emergency funds](#).

According to several rulings of the European Court of Justice and the European court of Human Rights, the Minister of Justice Zbigniew Ziobro has undue influence on the selection of judges who would eventually handle a case of mismanagement, if one should arise. As Prosecutor General, he is also in a position to hamper or block investigations of ministerial mismanagement.

On 10 March 2022 the Constitutional Tribunal of Poland, manned with appointees of the current government, decided that Article 6(1) of the European Convention of Human Rights stating the right to a fair and public hearing in reasonable time by an independent and impartial tribunal established

by law conflicts with the Polish constitution, [highly contested by experienced and independent judges](#).

Under the current United Right government, spearheaded by Minister of Justice and General Prosecutor Zbigniew Ziobro, the ability to hold government accountable for mismanagement in ordinary courts is severely deficient. The Polish government has violated its fundamental obligations as Member State of the EU to follow the European Court's decisions, continuing instead to use illegal laws to select, suspend, replace, and punish judges who carry out their duties in accordance with European law, including EEA law. [10 independent organizations for Polish judges, prosecutors, lawyers, and human rights defenders point out how the Polish government still works systematically to increase its control over the judiciary in direct violation of these court decisions](#), insist that European court rulings must be complied with in full, and warn explicitly against allowing the current crisis in Ukraine to [derail the protection of rule of law in Poland](#).

The EU is currently holding back funds, including the NextGenEU Corona recovery funds, budget contributions under the Multiannual Financial Framework (MFF), to secure that Poland fulfils its basic EU treaty obligations. [The Norwegian government has indicated that the standards set for observance of rule of law by the EU should also guide contributions from EEA and Norway grants](#). The Rule of Law Conditionality Regulation intended to secure lawful management of such funds was adopted 14 December 2020, and the legal challenge posed by Poland and Hungary to its validity was dismissed by the European Court of Justice on 16 February 2022. Polish compliance with rulings by the Court of Justice of the European Union should be satisfied before any of these funds are released to the central government. Funding meant for other purposes should not in any way be allowed to make up for the shortfall.

There is undoubtedly a serious risk that making emergency means available to the central government will affect the management of EU funds contrary to their purpose and in violation of generally accepted standards of responsible management. There is also a serious risk that if allowed to pass through the central government, such emergency means may be abused for political ends, and inefficiently spent for its purpose. Emergency funding for refugees should therefore be channeled as directly as possible to the organizations actually providing the aid.

Beside the many NGOs and ordinary citizens now working day and night to handle the crisis, local municipalities such as Warsaw, Wroclaw, Przemysl, Rzeszow, Lodz are shouldering large expenses outside their regular budgets to care for the refugees. Their funds will be depleted soon. These are municipalities held by the opposition. There is reason to be concerned that a budgetary shortfall in these cities will not be covered with state funds, or with EU or with EEA funds if they pass through central government.

We therefore urge EU and EEA authorities to ensure that emergency funding is provided directly to the relevant municipalities as the main coordinating actors, or through international organizations working with the local NGOs providing the services. The most suitable coordinator for emergency relief offered would be [Związek Miast Polskich/The Polish Union of Cities](#).

Yours sincerely,



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