

Joint Statement by ENNHRI and GANHRI in Support of Adam Bodnar, the Polish Commissioner for Human Rights

The European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI) are alarmed and deeply worried by reports¹ that the Polish Commissioner for Human Rights, Dr Adam Bodnar, is facing a civil action brought by a public TV station against him in his personal capacity for a statement made in his professional capacity as the Head of a National Human Rights Institution (NHRI).

Such civil action is incompatible with the international commitments of the Republic of Poland. In this respect, ENNHRI and GANHRI underline that:

- Under the UN Paris Principles², adopted by the UN General Assembly, the decision-making body and staff of an NHRI must have functional immunity. This helps ensure institutional independence and guarantee that the NHRI can carry out its human rights mandate in a broad and effective manner.
- In November 2017, the Polish Commissioner for Human Rights was re-accredited with A-status, as being in full compliance with the Paris Principles. On that occasion, the GANHRI Sub-Committee on Accreditation reiterated the importance of the protection from legal liability for actions undertaken in good faith in the official capacity of members of the decision-making body and staff of the Polish NHRI, including the Polish Commissioner for Human Rights.³
- According to the Paris Principles⁴, NHRIs must be mandated to promote and protect human rights. It is within the Commissioner's mandate, in line with the promotional functions of NHRIs, to take a position on current events related to human rights, including through awareness raising activities, human rights education and through public speeches.
- The UN General Assembly and the UN Human Rights Council have consistently emphasised that "national human rights institutions and their respective members and

¹ Polish Commissioner for Human Rights, Information about the lawsuit filed by TVP SA and notified to the CHR Office, available [here](#).

² Principles relating to the Status of National Institutions (Paris Principles), adopted by the UN General Assembly Resolution 48/134 of 20 December 1993, available [here](#). See also: GANHRI Sub-Committee on Accreditation, General Observation 2.3 "Protection from criminal and civil liability for official actions and decisions undertaken in good faith", available [here](#).

³ GANHRI Sub-Committee on Accreditation, Report – Accreditation Session November 2017, available [here](#).

⁴ GANHRI Sub-Committee on Accreditation, General Observation 1.2 "Human rights mandate", available [here](#).

staff should not face any form of reprisal or intimidation, (...) as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries.”⁵

- During its Universal Periodic Review in 2017, the Republic of Poland accepted the recommendation to implement the proposals of the International Ombudsman Institute, including that “(t)he independence [of the Polish Commissioner for Human Rights] must not be compromised by legislative, administrative or political measures”.⁶

Therefore, ENNHRI and GANHRI call upon all organs of the Republic of Poland to act in line with their State’s long-standing international commitments by applying their powers to protect the Polish Human Rights Commissioner, Adam Bodnar.

ENNHRI and GANHRI also reiterate the [Joint Statement](#) of the Council of Europe, ENNHRI, ODIHR and UN OHCHR in support of the Polish Human Rights Commissioner, released in March 2016. On that occasion, the parties expressed that “there is a broad consensus which recognises the benefits of Poland having an institution of this standing, which enjoys independence and functional immunity and which is therefore able to act impartially to safeguard the rights of individuals”.

We stand in solidarity with the Polish Commissioner for Human Rights. A strong, effective and independent NHRI, in compliance with the Paris Principles, is a key element for the promotion and protection of human rights in Poland and in Europe.

ENNHRI and GANHRI remain available for any support and cooperation on this matter.

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***ENNHRI**, the European Network of National Human Rights Institutions, works to enhance the promotion and protection of human rights in Europe by strengthening, supporting and connecting European NHRIs. It is made up of all 44 NHRIs in Europe.*

***GANHRI**, the Global Alliance of National Human Rights Institutions, provides leadership in protecting and advancing human rights worldwide through NHRIs. It is made up of regional networks of NHRIs from Africa, Americas, Asia-Pacific and Europe (ENNHRI), representing 112 NHRIs.*

⁵ UN General Assembly Resolution 72/181 of 19 December 2017, para. 11 (co-sponsored by the Republic of Poland); UN Human Rights Council Resolution 39/17 of 8 October 2018, para. 4.

⁶ UN General Assembly, Report of the Working Group on the Universal Periodic Review: Poland, A/HRC/36/14, 120.32; UN General Assembly, Poland’s position on recommendations received at 27th session of the UN Human Rights Council Working Group on the Universal Periodic Review, A/HRC/36/14/Add.1, 120.32.