

Hearing, December 2, 2021

House of Representatives, Subcommittee on Europe, Energy, the Environment and Cyber

Chairman Keating, Ranking Member Fitzpatrick, Distinguished Members of The Subcommittee,

Thirty two years ago, on November 1989, Lech Wałęsa, leader of "Solidarity" and Peace Noble Prize winner, addressed the joint session of the United States Congress with his famous "We the people" speech.

Today the PIS government is trying to write its own version of history and wipe out Lech Wałęsa from history books. It is only because of the courage of our teachers that Polish children even learn about him.

I mention the times of "Solidarity", as it reminds us that the quality and the strength of democracy depends on the strength of the independent institutions and the rule of law, but also on the readiness of the ordinary citizens to fight for human rights and democratic values.

Poland has not been yet turned into an undemocratic regime – but not for the lack of trying on the part of the conservative government, but thanks to the resilience of its people, the strength of the parties of the parliamentary opposition and the courage and dynamism of our civil society.

Poland still is and remains to be a democracy, because the overwhelming majority of the Polish nation has not given up on democratic principles.

Over the past years, we have seen hundreds of thousands of men and women gathering on the streets of Poland to protest against violation of the Polish constitution, support for the independence of the Polish judges, defence of women's rights or protection of minorities. All the opinion polls clearly demonstrate that if the opposition were to be united it would win the next parliamentary election. This is a sound proof of the resilience of the Polish civil society, which provides a backbone for the democratic state.

Honorable Members of Congress,

I accepted your invitation for this hearing not to complain, but to share with you the problems we encounter and the possible ways, in which we are going to deal with them.

Today Poland is a battlefield between freedom and authoritarianism, between the citizens and the governmental political oligarchy, between democratic institutions and the populist government, which questions and undermines the division of power and tries to paralyse or politicize the independent institutions meant to control the excesses of unbridled governmental power.

In times when the international context in Poland's neighbourhood is so volatile, the Russians are amassing troops on the Ukrainian border, the Kremlin is weaponizing energy policy and Lukashenka has his hand in provoking the migratory crisis on our Eastern border we need a measure of bipartisan approach. The PIS government instead is cynically using the crisis to boost its approval ratings and continues to undermine the rule of law in our country.

Let me share with you a few examples what they have been doing:

It began in the Parliament where all the rules and procedures have been constantly violated by the majority. The bills are passed without proper hearings, time for debate and the procedures are bent in such a way as to deny the opposition its parliamentary rights. When the majority loses a vote, the speaker calls for a reassumption and the vote is repeated.

The most egregious example of an attack on the rule of law consists of an attack on the judicial branch of our legal system. Some members of the Polish Constitutional Tribunal were elected in violation of the Polish Constitution (after just five years all of the members were elected by the ruling party, and some of them have never even been judges, but political apparatchiks). As a result, the Tribunal turned into a partisan, political body and a tool used to restrict judiciary independence, women's rights and the right to a fair trial for the citizens.

The Tribunal has recently issued a number of very controversial rulings - questioning the primacy of the European Union Law, hence undermining our membership in the Community, as well as a judgement under which it denied the European Court of Human Rights a right to treat the Polish Constitutional Tribunal as a Court and pass judgments on the legality of the election of the judges, hence questioning the European Convention on Human Rights.

The Tribunal also passed a draconian anti-abortion law, which orders women to give birth to a child even with lethal defects.

During the pandemic the government tried to call the presidential elections through a postal ballot without a proper legal basis (the Prime Minister issued an executive order) and then tried to force the central post office to organize them by printing ballots outside the control of the State Electoral Commission. The illegal elections did not take place only because the local governments refused to share the personal data of the voters without the proper legal basis.

The government also politicized all the independent institutions – the Prosecutor's office (the DEA's office), the anticorruption office, the hitherto independent boards responsible for the independence of the media to name just a few. The independent system for choosing the judges was subverted – and the National Council of Judiciary has been filled with political appointees. As a result, a new disciplinary chamber, has been created within the Supreme Court, which intimidates and even tries to sack judges who pass judgments, which are not supported by the government.

The Polish public media, the biggest media outlet in our country, funded with taxpayers' money, ceased to be an objective source of information, but forms instead a part of the ruling party's propaganda machinery, aimed at fighting the opposition. I experienced that during the presidential election in 2020, when all public news programs openly turned against my candidacy, spreading crude propaganda and misinformation, at the same time openly supporting my opponent. The OSCE report described the election as "free but not fair."¹

The government has also been trying to limit the freedom of the media, among others, taking an aim at the TVN - the most popular independent TV channel. The PIS majority passed a new foreign media ownership bill in the Parliament, on the basis of which undue pressure was applied on the Discovery Group to sell its share in TVN. It also asked the state oil company to buy the shares of most regional and local newspapers to spread propaganda through the new founded network.

¹ Poland presidential election 2020: ODIHR Special Election Assessment Mission Final Report
<https://www.osce.org/odihr/464595>

The government also unleashed a vicious media campaign against the LGBT+ community, engaging in hate speech, calling LGBT+ community – “ideology, not people”, thus encouraging hate and discrimination (some local governments even created LGBT+ free zones).

Local governments which I have the honour to represent, regions, cities and villages, are currently subject to the decisions of the government which restrict local democracy and aim at undue centralization of power in the hands of the government. We are being deprived of financial resources (the changes in the tax code take away the revenue from our budget, without proper and commensurate compensation), at the same time the government is shifting new responsibilities to us (especially in education) and is contemplating taking our property away (for example hospitals).

Honorable Members of Congress,

As Mayor of Warsaw and one of the leaders of democratic opposition, I know that renewing democracy begins by looking honestly at ourselves, and by working diligently and transparently to strengthen the democratic foundations in Poland. This requires an immense effort which must be taken by Poles themselves. Nobody will do that for us.

Therefore, we work hard to sow the seeds of new democratic politics. Whether it is in our cities or nationwide we support local initiatives, we build networks and bridges between generations, we create links among local associations and movements irrespectively of their political attitudes.

The campus “Poland of the Future”, we organized last summer, gathered around 1000 young people, who for six days were debating with experts and policymakers on how to fortify democracy, tolerance and a just economic model for Poland and Europe.

To prove our commitment to democratic values we established the Pact of Free Cities. Two years ago, the Pact was just an idea. Today, we the mayors of Bratislava, Budapest, Prague and Warsaw are addressing this Congress with a pledge to defend our democracies and our nations against the growing authoritarian tendencies and corrupt politics. The Pact was recently joined by 20 new cities, such as Paris, London or Florence.

Honorable Members of Congress,

I would like to appeal to you, to the Congress, and everyone in the US government:

- Keep on promoting the values of democracy and human rights,
- Sustain your commitment to Poland, countries of the region and Europe as a whole
- Support civil society, NGO’s and local government’s initiatives.

This is how we can together strengthen democratic resilience in Europe, establish and protect modern democratic institutions and the rights and freedoms of all citizens, notwithstanding their ethnic background, religion, sexual orientation or social status.

I see the Summit for Democracy, which is due to take place on December 9-10, the beginning of a true democratic offensive which has been missing in recent years.

I am particularly honoured to be invited to the meeting of 12 Mayors, on December 6, which is one of accompanying events of the Summit for Democracy. I take the invitation as a proof that Warsaw is among those cities around the world which are committed to defending democratic principles and the strong civil society.

Honorable Members of Congress,

Illiberal democracy is an oxymoron. You either stay true to the common values of democracy or you slide into authoritarianism.

We must protect the common values of democracy together. The presence of America in our hearts and minds, but also on our soil, guarantees our peace, freedom and democracy. Even though the democratic tradition is strong in Poland, and at the end of the day the democratic forces will win, your engagement is crucial for the stability of the continent. If vacuum is created it will be filled by authoritarian influence from Russia and China. We all need a strong pro-European, pro-American, Eastern flank of the North-Atlantic Alliance, democratic and resilient, and most importantly inoculated against totalitarian tendencies and propaganda.

We see our membership in the European Union and NATO, as well as strong relations with the United States of America as a guarantee of the independence of our country. That is why treat our commitments to overall security of the continent and the world so seriously, but we also are of the opinion that solidarity of all partners is required in the face of clear and present danger – also of a hybrid type, for instance when Russia is using Nordstream2 as an instrument of its aggressive security policy.

But I remain confident that if we have managed to defeat communism in 1989 and build strong foundations of free and united Europe we will meet all the challenges head on and persevere yet again.

This is what our free and proud citizens expect from us.

Thank you.