



THE RULE OF LAW INSTITUTE

Activity report

for the period of January 1st – December 31st, 2020

Lublin 2021

1) Information about the Foundation:

Foundation name: The Rule of Law Institute Foundation

city: Lublin

address: Chopina 14/70, 20-023 Lublin

date of entry in the National Court Register: 28.01.2002

KRS number: 0000085688

REGON number: 432322189

Composition of the Foundation's Management Board:

<i>Function</i>	<i>Surname</i>	<i>Name</i>
President	Sieniow	Tomasz
Vice president	Wojtasik	Paweł
Member	Rzeszót	Marzena
Member	Cetlicer	Daniel

The statutory goal of the Foundation (§5 of the Statute) is to take actions for the benefit of the rule of law, in particular:

- a. Promoting the standards of the rule of law,
- b. Raising the legal awareness of society,
- c. Improving the professional qualifications of lawyers,
- d. Promotion of European law and the idea of European integration,
- e. Action for the protection of human rights,
- f. Promoting Polish experience in transformation of the state system in post-communist countries,
- g. Supporting the educational system in promoting the rule of law,
- h. Reform of the legal education system,
- i. Eliminating corruption in public life,
- j. Supporting initiatives to deepen the idea of judicial independence,
- k. Legal assistance in pursuing the rights of individuals before the court and public administration bodies,
- l. Counteracting the marginalization and social exclusion of persons who are present in a difficult situation, in particular due to poverty, lack of parents, homelessness, unemployment, disability, domestic violence, alcoholism, drug addiction, release from prison, migration or refugee status.
- m. Protection of consumer rights.

The Foundation pursues its goals with the following activities:

- a. promoting the goals of the foundation in the mass media,
- b. substantive and financial support for initiatives consistent with the goals of the foundation,
- c. cooperation with institutions, organizations and persons operating in the scope covered by the foundation's goal,
- d. organizing and supporting publishing activities promoting the goals of the foundation,
- e. financing and assistance in organizing meetings, conferences, lectures on the goals of the foundation,
- f. organizing training courses promoting the goals of the foundation in the legal community,
- g. achieving goals independently

2) The rules, forms and scope of statutory activities, including the implementation of statutory objectives, as well as a description of the main legal events in its activities with financial consequences:

The above-mentioned statutory objectives were implemented through the following programs and projects:

A. Refugee Program

In 2020 the Refugee Program continued without external financing. Despite the lack of funds, the Foundation's lawyers continued to provide support due to high demand for this type of legal assistance. From the middle of the year, thanks to a grant from the Solidarity Fund "Continue to act" from the Batory Foundation, funds were obtained to support a lawyer. Legal assistance for refugees was provided to foreigners in over 100 cases in the second half of 2020. However, the number of people who received assistance is about twice as large, as many cases involve entire families. It was particularly important to get involved in cases of foreigners placed in guarded centers for foreigners. In several cases, it was possible to get them out of these guarded centers. Thanks to the project support, Foundation's lawyers also agreed to represent 7 unaccompanied children who had illegally arrived in Poland and were subject to return proceedings. Most of them submitted applications for international protection and gave testimony before the Head of the Office for Foreigners.

Throughout 2020, free legal assistance based on the Act of June 13, 2003 on granting protection to foreigners within the territory of the Republic of Poland was continued. This assistance is covered from the state budget and includes preparing an appeal on the decision of the Head of the Office for Foreigners and representation in proceedings before the second instance authority – before the Council for Refugees. In 2020, the Foundation's lawyers represented foreigners as part of free legal assistance in 139 proceedings before the Council for Refugees.

A.1. Project: "Migrants have right to have rights!"

This 2-year project started in November 2020. Legal assistance within that project is provided to refugees and migrants who are in proceedings for the obligation to return, placed in detention (guarded centers for foreigners), as well as migrants intending to submit an application for

international protection in Poland, who, prior to its submission, due to the seriousness of the persecution, will require legal intervention.

As part of the project, there is a legal advice point for refugees and migrants in return procedures at the Foundation's office in Lublin. The lawyers working in the project prepare, *inter alia*, legal opinions in so called "border cases" (when a foreigner intends to apply for international protection in Poland) and interventions in detention cases. Additionally, 3 reports on asylum procedures, detention of migrants and the implementation of the return policy by Poland are to be prepared during the course of the project.

B. Migration Program

B.1. Project: "Lublin Coalition for Integration"

On June 30, 2020, the Foundation completed the 2-year project "Lublin Coalition for Integration" financed by the National Branch of Asylum, Migration and Integration Fund and the state budget. The project was carried out in partnership with the Lublin Voivode and the John Paul II Catholic University of Lublin.

The project included, *inter alia*, Information Center for Foreigners, where 752 legal, legalization and integration consultations were provided. Lawyers and advisers also organized a mobile consultation and advisory point during seminars for foreigners held in the city of Lublin and Chełm. Among foreigners, who received consultation within that project there were citizens from over 26 countries, including Ukraine, Belarus, Zimbabwe, Kenya, Ghana, India, Bangladesh, Georgia, Armenia, Morocco, Thailand, Syria, Afghanistan, Honduras, Turkey, and Taiwan.

In 2020, the "Login: Lublin" Partner Program was distributed among new partners and foreigners. The acquisition of new partners for the program and the distribution of "Login: Lublin" cards continued, mainly among students of Lublin universities. In the last six months of the project, two meetings of the Lublin Regional Immigrant Support Network were organized with the participation of representatives of offices, institutions, universities and non-governmental organizations functioning in the area of supporting foreigners in the Lublin region. As part of the project, in 2020, 8 seminars (4 seminars at Lublin universities and 4 webinars on Facebook due to the COVID-19 restrictions) for foreigners on undertaking legal work in Poland, legalization of stay during COVID-19 and issues related to Anti-crisis Shield were also organized.

Another activity within this project – internet information service "Login: Lublin". So-called "Did you know that" tab was developed, a new article appeared every week on the Login Lublin blog with every-day update on Facebook and Vkontakte. The number of recipients of the website's content in 2020 was over 90 000. During 2020, 6 Newsletters were prepared and sent to 117 new addressees of the mailing list (a total of almost 1,000 addressees). Newsletters contained useful information and interesting facts about Lublin and its daily life, information about legal regulations and their amendments (especially related to the COVID-19 pandemic), information about partners of "Login: Lublin" and the availability of the Migration Library.

New items were purchased for the Migration Library in the first half of 2020 - our book collection already has over 2,000 publication. We continued the distribution of leaflets promoting integration and legalization counselling in three language versions (Polish, English and Ukrainian) as part of the project's information campaign. The promotion of the project in social networks also continued.

B.2. Project: "Lublin MigraTeam"

From 1 July 2020, the Foundation has started new project "Lublin MigraTeam" co-financed by the National Program of Asylum, Migration and Integration Fund and the state budget. The project includes: the Information Center for Foreigners, whose employees in the first half of the project period provided a total of 824 advice and legalization and integration consultations, as well as numerous remote (e-mail and telephone) advice for 506 foreigners belonging to the project's target group. Additionally, the so-called "integration paths" for 7 families were elaborated and 20 student were assisted. The project team organized 4 mobile consultation and advisory points during the workshops for foreigners. Among foreigners, who received consultation within that project, there were citizens of Armenia, Bangladesh, Belarus, Ghana, Georgia, Nepal, Nigeria, India, WPA, Russia, Rwanda, Uganda, Ukraine, USA, Canada, Kazakhstan, Pakistan, Kyrgyzstan, Turkey, Zimbabwe.

The project continued the development of Login:Lublin by works on acquiring new program partners, and distribution of Login:Lublin among foreigners living in our region. As part of the project, two meetings of the Lublin Regional Immigrant Support Network had been organized with the participation of representatives of Lublin offices, institutions, universities and non-governmental organizations operating in the foreigner's field. There were also 7 workshops for foreigners belonging to the target group. The workshops were conducted in 3 thematic blocks and were dedicated to the rights and obligations of an employee in Poland, taking up their first job and legalizing their stay in Poland.

The project also includes the website www.loginlublin.pl, which has been given a new layout and functionality. There are posted news on "Did You know?" tab, new entries on the Login:Lublin blog appear regularly. The number of views of the content of the website in the first six months of the project amounted to over 125 thousand. Moreover, 3 newsletters were sent to over 1100 recipients. The project also includes the Migration Library, which can be used by anyone interested. During the first six months of the project, the library resources were expanded with new books.

In the first six months of the project, Polish language classes with elements of culture were also organized for two groups of foreigners. The course includes 60 hours of classes for each group (1 group has already finished classes in December 2020, classes for the next group are held in 2021).

During the first six months of the project, it was possible to obtain funding for the Foundation from the Lublin Commune to cover a part of its own contribution required in the project. We received the amount of PLN 13 600, which allowed to cover approx. 4% of our own contribution needed in the project.

B.3. Project: "Forced-Return Monitoring III"

Since December 2018, the Foundation has actively participated in the international project Forced-Return Monitoring III (FReM III). The project lasts until May 31, 2021 and involves: Austria, Bulgaria, the Czech Republic, Finland, Germany, Greece, Hungary, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Sweden and Switzerland. The project is co-financed by the EU Asylum, Migration and Integration Fund. Due to the pandemic, it was not possible to implement the project activities as planned. On November 24, 2020, Tomasz Sieniow took part in a working meeting of the project steering group. During the meeting, the preparations for the appointment of observers to monitor the implementation of decisions on the obligation to return in the EU were

discussed. The meeting of the steering group was attended by representatives of 24 countries and representatives of the European Commission, FRONTEX, ICMPD and FRA.

B.4. Project: "Migra Line"

The project lasted from June 1, 2020 to November 31, 2020. It provided support for foreigners residing in the Lublin region and employers employing these people. The purpose was to offer support to counteract the effects of COVID-19. The action was financed from the funds received from the NIW-CRSO as part of the Emergency Support Program of NGOs in the field of counteracting the effects of COVID-19. The essence of the project was to run an advisory "hotline" for foreigners. The vast majority of the advice provided focused on explaining regulations of the broadly understood Anti-Crisis Shield. During the project the Foundation's employees provided 1,103 telephone consultations for people belonging to the target group.

B.5. "Webinars, new normality"

In mid-2020 the Foundation received funding for the project "Webinars - new normality" from the Program for the Development of Civic Organizations by *ad hoc* financial support (PROO 5) for the purchase of professional webinar equipment. Thanks to these funds, despite difficult times of pandemic and social isolation, seminars and workshops for foreigners, a Polish language course and working meetings of the Lublin Regional Immigrant Support Network were organized.

C. Legal Counseling Program - Lublin Center of Free Legal Advice of Ewelina Milczanowska

In 2020, until the epidemic state was introduced in Poland, the Foundation continued the activities of the Lublin Center for Free Legal Advice of Ewelina Milczanowska. Due to the restrictions, a decision was made to suspend the Center's duties and not to accept new cases by volunteers. The free legal counselling program was continued and maintained only from limited own sources and donations made for the Institute.

Despite the functioning of offices, where free legal assistance is provided, organized in accordance with the Act of 5 August 2015 on free legal assistance, the Center still has had great attention and requests for legal help. Legal assistance to people who cannot afford paid legal advice was possible thanks to the involvement of 4 volunteers (2 legal trainees, 1 lawyer and 1 law student). Counselling mainly included cases in the field of civil law, family law, labor law and administrative law. Legal assistance included both consultations and assistance in drawing up pleadings and legal motions. At the same time, despite the suspension of office hours, we tried to provide assistance to clients (remotely) in cases requiring urgent intervention.

D. Fundamental Rights Program

In 2020, while implementing its statutory objectives, the Institute continued its activities as part of the Fundamental Rights Protection Program.

On February 18, 2020, Tomasz Sieniow took part in an expert meeting organized in the European Parliament ("Strengthening borders, weakening the rule of law? The impact of efforts to restrict entry to the EU for migrants and refugees") dedicated to the protection of migrants' rights on external borders of the European Union. During the meeting, he presented the violations of fundamental rights at the border crossing in Terespol [<http://ennhri.org/news-and-blog/ennhri->

contributes-to-discussion-at-the-european-parliament-on-violations-of- human-rights -of-migrants-at-the-borders /].

On September 8, 2020 at Radboud University in Nijmegen (Center for Migration Law) Tomasz Sieniow gave a lecture entitled "Should Dublin transfers to Poland be continued? Existence of systemic flaws in Polish asylum system and return procedures ", presenting the results of research on the Polish reception system for applicants for international protection (<https://www.ru.nl/law/cmr/koppeling/2020/8-9-tomasz-sieniow/>).

In November 2020, the Foundation launched the project "Migrants have right to have rights!", the activities of which are in accordance with the objectives of the fundamental rights protection program. As part of this project, Foundation's lawyers began taking action in the area of guaranteeing fundamental rights to foreigners who are denied access to international protection by Poland, whose rights are abused in terms of detention measures against them or whose procedural guarantees in return proceedings are being ignored.

One of the basic activities within the framework of the protection of fundamental rights were interventions related to the attempt to clarify the legal situation of 101 foreigners detained in the period of September-November 2020 on the Polish-Belarusian border. In the above cases, the Border Guard authorities, contrary to the declared intentions of foreigners, did not accept their applications for international protection and additionally initiated proceedings on the obligation to return and criminal proceedings (Article 264 § 2 of the Penal Code). The Rule of Law Institute, meeting many foreigners whose rights under Art. 31.1 of the Geneva Convention (decriminalization of illegal border crossing by refugees) were violated, in addition to attempts to help in individual cases applied in December 2020 to the Commander-in-Chief of the Border Guard to clarify the illegal practices that have been noticed by Foundation's lawyers.

In 2020, the Foundation continued the implementation of the project "Strengthening the watchdog potential of the Rule of Law Institute" financed by the National Institute of Freedom (Center for Civil Society Development) under the Program for the Development of Civic Organizations for 2018-2030 PROO. In 2020, the grant financed the preparation of 13 legal opinions / amicus curiae letters. The effectiveness of watchdog activities undertaken by Foundation's lawyers in 2020 is evidenced by the fact that several of them brought positive results: acceptance of the application for international protection, allowing the Institute to become a party to the proceedings, consideration of the complaint by the Provincial Administrative Court in Warsaw, adoption of the opinion on the amendment acts by the Ministry of Interior and Administration; suspension of deportation; release of a foreigner from detention due to experience of torture; release of a foreigner from detention due to high probability of obtaining international protection. The remaining proceedings have either been unsuccessful or are still pending. This means, however, that in half of the matters in which the Foundation was involved, we changed the practice in individual matters or brought about the tendency of systemic changes.

Thanks to the funds from PROO, in 2020, despite the pandemic, we also managed to complete 30 domestic trips (including, among others, trips to centers for foreigners, or to the Border Guard facilities in Terespol and PSG Warszawa-Okęcie) and take part in three meetings with foreign partners (in a remote form) to implement watchdog activities. As part of these activities, monitoring of the forced return of a foreigner was carried out, in which a previously trained employee of the Foundation participated as an NGO representative. In December 2020, we completed the preparation of a report summarizing the monitoring of deportations carried out in 2019-2020, which takes into account good practices and recommendations for Border Guards. The report was published on the Foundation's website and sent to the Commander-in-Chief of the Border Guard.

Thanks to the funds from PROO, it was possible to significantly expand the catalogue of the Migration Library with many valuable books (also in foreign languages). In 2020, we managed to conduct a remote meeting of the members of the Foundation's Program Council, which was also attended by foreign members of the Council. During the meeting, there was a discussion on the Institute's business medium and long term strategy. As a result of training for the Foundation's associates and meetings with members of the Program Council in 2019 and 2020, it was possible to develop an organization strategy that will contribute to the development of the Institute. The document refers to the key problems and needs of the organization with proposed options for solving them. As part of the project co-financed by PROO, it was also possible to develop the Foundation's channel on YouTube, where we prepared and published short videos relating to the most current legal and legalization issues concerning foreigners.

In 2020, prof. Delaine Swenson continued his expert involvement in law reform programs in Ukraine (including in Lviv) financed by the United States Agency for International Development under the New Justice Program.

E. Legal Education Program

E.1. Increasing law students opportunities for a career in Public Interest Law and enhancing the capacity of Universities, NGO's and legal professionals in the Lublin/Lviv region in the area of Public Interest Law

In September 2020, the Foundation began the project co-financed by a grant received from the US Embassy in Warsaw. The aim of the project is to increase the career opportunities of law students in the field of Law in the Public Interest and to strengthen the potential of universities, NGOs and lawyers in the Lublin and Lviv regions in the field of Law in the Public Interest. In 2020, an international conference on legal cooperation in the public interest was organized. The conference was attended by a total of over 40 representatives from Poland, Ukraine and the United States.

The project will be continued in 2021. The project will include, among others, training and internships for law students, along with a small grants program for law students and graduates, days of law career in the Public Interest, and an international conference summarizing the project.

E.2. ERASMUS +

On December 1, 2020, we started the project "Strengthening staff competences through the development of international experience" financed by a grant from the European Commission under the Erasmus+ Program. The main goal of the project is to increase the competences of the Foundation's staff and management needed to organize and support adult learning, which is to lead to the development of the educational offer and improvement of cooperation at the international level. It will also be an opportunity to exchange experiences and establish contacts, get to know other cultures and approach to teaching. Mobility under the project will be implemented in the years 2021-2022.

In 2020, the Foundation, in partnership with 5 European organizations (from France, Italy, Romania and Germany) working with migrants, started the project "COCAGNE: Exchanges and analysis of good practices of professionals fighting against the exclusion of poorly housed people and migrants", financed under the ERASMUS+ Program. The project leader is Habitat-Cite, a Paris-based non-governmental organization. The aim of the project is to develop partners' skills in terms of the

quality of services offered to people at risk of exclusion. The main project activities will be carried out in 2021-2022.

E.3. KINGA STASIAK FUND

On February 12, 2020, a meeting was held dedicated to the ways of commemorating Kinga Stasiak. During the meeting, a decision was made to establish the Kinga Stasiak Fund (Kinga Stasiak Fund for Excellence In Legal Education), and the Board of the Fund was established. The administration of the Fund was entrusted to the Institute, which provided the Kinga Stasiak Fund with the first payment of PLN 10 000. The goals of the Fund are: promoting practical forms of teaching law (including teaching using the clinical method and simulating court proceedings); supporting the participation of students in practical competitions (moot courts, mock trials, etc.); supporting the reform of legal education and promoting the best practices of legal education in Poland; supporting research on the application of international law and funding scholarships and awards for students developing practical legal skills and studying international law.

E.4. TERESA ROMER FUND

In order to support both institutions and democracy in Poland, the Foundation decided in 2020 to establish the Teresa Romer Fund. The fund was established to honor the work of Justice Romer and to provide a fundraising mechanism for projects supporting the rule of law and judicial independence in Poland. The Fund will be also focused on, inter alia, training of judicial staff, granting scholarships in the field of public law, public education and legal assistance for vulnerable persons. The objectives of the Fund are: promoting and supporting activities contributing to the protection of the rule of law; supporting the independence of the judiciary and upgrading the qualifications of judges and employees of the judiciary; awarding prizes to individuals or institutions operating in the field of the rule of law; supporting research and promoting the use of innovative solutions in the Polish legal system as well as promoting public interest law activities by lawyers as an important element of professional career development and the development of civil society.

3) Information on business activity as entered in the register of entrepreneurs of the National Court Register:

The Foundation does not conduct business activity and is not registered in the register of entrepreneurs.

4) Copies of the resolutions of the Foundation Board:

- Resolution No. 1/1/2020 of January 14, 2020 on the commemoration of Kinga Stasiak.
- Resolution No. 1/03/2020 of March 11, 2020 to suspend the admissions of applicants due to COVID 19.
- Resolution No. 2/03/2020 of March 11, 2020 on the mode of work during pandemic in the "Lublin Coalition for Integration" project.
- Resolution No. 1/6/2020 of June 16, 2020 on approving the report on the Foundation's activities for the period from January 1 to December 31, 2019.
- Resolution No. 2/6/2020 of June 16, 2020 on the approval of the financial statements for 2019.

- Resolution No. 1/9/2020 of September 9, 2020 on the adoption of the regulations for the use of a firm car.
- Resolution No. 1/12/2020 of December 1, 2020 on the details of storing documentation of free legal assistance for foreigners.
- Resolution No. 2/12/2020 of December 1, 2020 on the professional disposal of project documentation, for which the necessary archiving period will end in 2020 (in accordance with grant agreements).

5) Information on the amount of obtained revenues: PLN 1,216,639.23

6) Information on the costs incurred on:

A) implementation of statutory objectives: PLN 1,053,649.15

B) business activity: PLN 0

C) other costs: PLN 116,793.49

7) Data about:

a) the number of people employed in the foundation, according to the position and with the identification of people employed exclusively in business activity.

In 2020, the Foundation employed:

- 6 lawyers (4 under an employment contract and 2 under a mandate contract),
- 9 other employees (5 on an employment contract, 4 on a mandate contract),
- 2 legal advisers (under a cooperation agreement)

In its activities, the Foundation also relied on the work of 5 volunteers.

b) the total amount of remuneration paid by the Foundation, taking into account remuneration, awards, bonuses and other benefits, with the total amount of remuneration paid to persons employed exclusively in business activities.

Total amount of remuneration: PLN 674,484.30

- Employment contracts: PLN 488,867.76
- Contracts of mandate: PLN 153,116.54
- Contracts for specific work: PLN 32,500

c) the amount of the annual or average monthly remuneration paid jointly to members of the management board and other bodies of the foundation as well as persons managing only business

activities: PLN 0.00 (members of the management board did not receive remuneration for managing the Foundation).

8) Data on the activities of the Foundation commissioned by state and local government entities and about the financial result of this activity.

In the period from January 1, 2020 to December 31, 2020, the Foundation implemented the project "Strengthening the watchdog potential of the Institute for the Rule of Law" financed by the National Institute of Freedom (Center for Civil Society Development) under the Civic Organizations Development Program. The costs of the task performed equalled its revenues.

In the period from June 1, 2020 to December 31, 2020, the Foundation implemented the project "Webinars - new normality" financed by the National Institute of Freedom (Center for the Development of Civil Society) as part of the Civic Organizations Development Program. The costs of the task performed equalled its revenues.

In the period from June 1, 2020 to November 30, 2020, the Foundation implemented the "Migraine" project financed by the National Institute of Freedom (Center for Civil Society Development) under the Program of Ad hoc Support to Non-Governmental Organizations in the Field of Counteracting the Effects of COVID-19. The costs of the task performed equalled its revenues.

In the period from September 7, 2020 to December 31, 2020, the Foundation carried out the public task "Lublin Migrateam" financed by the Lublin Commune. The costs of the task performed equalled its revenues.

9) Information on the Foundation's settlements due to the tax obligations, as well as information on the submitted tax declarations.

The Foundation has no arrears in paying taxes, submits annual PIT and CIT tax declarations.

10) Controls

There were no controls in the reporting period.

SUMMARY

In 2020, the Rule of Law Institute carried out activities in the following strategic areas: legal and civic counselling for people with low-income, legal assistance for refugees and migrants and protection of fundamental rights. Due to restrictions on movement and personal contact with clients, our activity has been largely transformed into on-line work. It was a relatively important challenge and required particular operational changes. Despite of all restrictions, the Rule of Law Institute (also thanks to the support received from external funds from the NIW and the Batory Foundation) did not stop its counselling, research and training activities.

The year 2020 continued to be the time of political disputes over the understanding of the constitutional principle of the rule of law. The Institute's Board in its statements have repeatedly emphasized that rapidly introduced statutory changes infringe the constitutional principle of the independence of the judiciary. The necessary reform of the courts in Poland should be carried out in accordance with the Polish Constitution and without resorting to revolutionary methods. We trust that thanks to the evaluation of the Court of Justice of the European Union, the period of uncertainty as to the legality of the reforms carried out by the National Council of the Judiciary and the Supreme Court will end.

A particularly significant success of the Institute in 2020 was winning of two grant competitions financed from EEA funds, the results of which were confirmed in the end of the year. Thanks to the National Program "Active Citizens", the Rule of Law Institute found a way to increase the scope of legal assistance offered to refugees in the area of access to asylum protection, detention and return procedures. In addition, we are pleased that, together with the UNHCR Representation in Warsaw, the Institute will monitor access to free legal aid guaranteed in EU law to refugees and migrants who have been issued a decision obliging to return. The experience gathered in recent years confirms that it is necessary to analyze Polish regulations in the area of ensuring access to an effective legal remedy and an independent court (Article 47 of the Charter of Fundamental Rights). Our concern about the practical limitations of the access to an effective remedy was reflected in the title of the project "Migrants have right to have rights!". The Rule of Law Institute, in carrying out its mission, will continue to defend those who are deprived of the right to have rights.

Tomasz Sieniow

President of the Board