

## **HFHR standpoint on the media's interpretation of the position of the State Election Commission (PKW) regarding the possibility of holding elections without a statutory specimen for the lustration declaration**

In the presence of a series of press articles and commentaries issued today on the position of the State Election Commission (PKW) regarding the possibility of holding elections without a statutory specimen for the lustration declaration, we wish to clarify the misunderstanding resulting from certain journalistic simplifications.

Namely – we would like to remind that the State Election Commission, in its response to the public statements of the Commissioner for Civil Rights Protection (Ombudsman) and the Helsinki Foundation for Human Rights, took the standpoint that it is impossible for the PKW to directly determine a specimen for the lustration declaration. However, and this is even more essential, it also stated that “the lack of a statutory declaration template cannot lead to a situation where local government elections are not held”.

In the further part of the statement, the PKW informs that such a position can also be applied towards parliamentary elections. Meanwhile, this is contrary to the position taken by the Commissioner for Civil Rights Protection, according to which holding parliamentary elections without specifying a statutory template for the lustration declaration is absolutely impossible.

The PKW precisely described what must be included in such a lustration declaration (despite the lack of a statutory template) submitted in connection with running in elections. This shows that the PKW believes that anyone can prepare a lustration declaration (without a statutory template) as long as it includes the elements listed in the act (and in the PKW's written position). Therefore, also in this extent the PKW has taken a distinct position from the Ombudsman.

Link to the full text of the PKW statement:

[http://www.pkw.gov.pl/pkw2/index.jsp?place=Lead07&news\\_cat\\_id=30&news\\_id=303](http://www.pkw.gov.pl/pkw2/index.jsp?place=Lead07&news_cat_id=30&news_id=303)

In case of any possible questions or doubts, please contact the Coordinator of the “Human rights and settling with the past” program, attorney Mikołaj Pietrzak: 0 502 05 70 70.