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Commissioner for Better Regulation,  
Interinstitutional Relations, the Rule of Law  
and the Charter of Fundamental Rights

High Representative of the Union for Foreign  
High Representative of the Union for Foreign  
Affairs and Security Policy

Commissioner for Climate Action & Energy

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## **COP24: Protect Civil Rights**

Dear Vice President of EU-Commission Mr Timmermans,  
Dear Vice President of EU-Commission Mrs Mogherini,  
Dear Commissioner Mr Carñete,

We, the signatories of this letter, are very concerned about the impact of the “Law on Special Solutions for the Organization of the Next Conference under the United Nations Framework Convention on Climate Change in the Republic of Poland” adopted by the Polish Parliament on 10 January 2018 (COP24 law). In particular, our concerns relate to Article 17 on the transfer of personal data and Article 22 on the freedom of assembly. We are particularly concerned about the protection of the rights of the participants and activists from European non-governmental organizations, and also participants from non-EU countries. Many of these participants are affected by state repression and personal restrictions in their home countries because they are committed to climate protection. For them, a law like the COP24 law could have harmful and a frightening effects.

We are addressing you now as various efforts made since the adoption of the law haven’t resulted in the Polish government revising the law, or at least make a clear statement committing to the protection of human rights.

Article 17 allows the Polish police to collect, process, use and pass on information on persons whose stay will relate to the Climate Change Conference in Poland, i.e. also as registered participants of COP24 - without the knowledge of the persons concerned. This is supposed to

ensure public safety and order during the COP24 conference, to prevent crime and misdemeanors, and to detect and prosecute the perpetrators.

We fail to comprehend why Article 17 places the participants of COP24 under general suspicion of jeopardizing public safety and order and we would like to highlight that the law may lead to violations of human rights, namely the right to informational self-protection protected by Article 8 of the European Convention on Human Rights (ECHR). The specialised research services of the German parliament stated in a report 11 April 2018 (file reference: WD 2-3000-020 / 18) that the human rights violations in this case could only be determined retrospectively and on a case-by-case basis. If it comes to that, the credibility of the United Nations to conduct transparent and inclusive negotiations will be permanently damaged. We are also concerned about the potentially disproportionate powers granted to the Polish police by the COP24 Act.

According to Article 22, it is prohibited to participate in spontaneous meetings in Katowice in the period from 26 November 2018 to 16 December 2018 provided by Article 3, paragraph 2 of the Assembly Act of 24 July 2015 [...]. Meetings must be scheduled up to 30 days in advance in order to not be defined as spontaneous.

Our criticism of Article 22 is that civil society is unnecessarily deprived of the opportunity to respond to short-term developments during the negotiations. COP24, which will end with the adoption of the work program of the Paris Agreement, represents the most important climate conference since 2015 and will shape future international climate policy. We consider a broad and unrestricted civic engagement, which (critically) accompanies and communicates what happens during the negotiations to the wider public, to be an important task for the civil society actors present. In addition, Article 22 has already triggered great uncertainty among international participants as to which actions, demonstrations or meetings will be legally allowed for in parallel to the negotiations.

Thus, the law, which was supposed to serve the protection of the participants in the climate change conference and the security during COP24, stands in contradiction to the principles of the UNFCCC to promote the diversity of observer organizations in the process, the diversity of participation opportunities, as well as the role and contributions of the observers (para. 171). The means of public participation are protected and supported by the Paris Convention and the Aarhus Convention.

We ask you, as representatives of the Government of XYZ state/European Commission to contact the Polish Presidency of the Climate Change Conference and the Polish Government, as members of the European Union, to draw their attention to the negative public impact of the law, and to demand the guaranteed protection of basic human rights. We recommend cooperation with the United Nations High Commissioner for Human Rights and the UNFCCC Secretariat. They have already called on the Polish government in several letters to promote the participation of civil society organizations and to protect the human rights of all.

As signatories, we would like to recall the peaceful gatherings during COP21 in Paris, COP22 in Marrakech and COP23 in Bonn, but also during other past COPs, which demonstrated the

importance of international cooperation for the protection of the climate to the public and which symbolized a peaceful and democratic global community. We do not believe that such meetings jeopardize the protection of security and public order, for which we as civil society equally advocate. Disproportionate measures, in particular within the European Union, must not be tolerated because they pose the danger of setting a precedent.

We therefore urge you, in the spirit of the Talanoa Dialogue and for an effective and inclusive Paris framework, to take a clear stand for a transparent process and a wide range of civil society participation options and ask you to oppose the limitation of this space.

On behalf of the signatories, sincerely,



Dr. Christiane Averbeck, Executive Director

### Climate Alliance Germany

With more than 120 members, Climate Alliance Germany shows that climate protection is a major concern of society and is supported by a broad societal alliance. The broad spectrum of members of the alliance includes churches, development organizations, environmental organizations, trade unions, organizations for consumer protection, youth alliances and other organizations.



