

How Legal Think Tanks provide, or fail to provide, knowledge to governments in Central and Eastern Europe

FINDINGS, RECOMMENDATIONS, BEST PRACTICES

Good governance requires evidence based, thought-out decision making. Legal Think Tanks (LTTs) can play an important role in the area of law, policy, and public debate. Reports from six CEE countries prove that despite local differences, there are similar challenges pertaining to interactions between think tanks and governments. The Paper presents common conclusions offered by the legal think tanks, their best practices and recommendations. These recommendations have to be applied with consideration to the context which can vary to a large extent in particular countries (e.g. in “illiberal democracies” governments tend to systematically ignore/attack liberal think tanks).

Background

Legal Think Tanks (LTTs) can play a major role in bringing the knowledge to the government (throughout the Paper, by “government” we mean both the executive branch and legislature on local, national and international level). The degree and model of cooperation between think tanks and governments belongs to the realm of politics. Political decision makers choose their trusted sources of expertise.

This Paper offers perspectives from selected LTTs in six countries of the region. These organizations assign to liberal democratic values. Said countries vary as to the political options in power and as to the political culture in which our think tanks exist. Also, the last years have seen political shifts at the local scenes, and many of the LTTs experienced profound change in their relations with governments. For example, after the 2014 Maidan, Ukraine is going through significant transformation efforts and the government draws extensively from the knowledge of the variety of think tanks. In Czechia, Moldova and Slovakia liberal think tanks are also involved in policy making. Until recently it was the case of Hungary and Poland as well. We discuss these efforts in the Best Practises section below, in the Country Reports and in the Comparative Report (available on-line at inpris.pl).

Currently, in Hungary and Poland the governments challenge the liberal democratic model, and similar symptoms start to appear in Moldova and Slovakia. This results not only in some TTs landing outside the government’s list of sources of expertise, but – more importantly – the idea of cooperation with independent organizations is not in line with the governmental policy. The tension goes beyond the general scepticism about experts and extends to portraying organisations, or their staff, as public enemies. These governments argue that their democratic mandate allows not only for the transformation of substantive policies. They change the general model for participation of the civil society in the governance of the country.

This poses dilemmas for the liberal think tanks. They see that values, like democracy, equality, the rule of law and respect for human rights, which underlie their activity are under fire and that organizations and staff are under attack (e.g. in the government controlled media). The dilemma is whether to allow commitment to said values to affect the output of TTs’ work. Is it appropriate for analytical institutions to speak or take action to protect the values of liberal democracy, instead of limiting its activity to fact-finding and analysis? Does it go with the credibility of think tanks as objective sources of information to act as watchdogs, engage in advocacy, strategic litigation, protests and other political action? Some experts were surprised to find their roles evolving, by their own decisions, from analytical staff to “freedom fighters”. In spite of the extra challenges that such a watchdog role might pose for the analytical work of organisations, some LTTs find that the conflation of roles is inevitable. In fact, as pictured in Best Practises section below, LTTs are currently engaging in a variety of activities, complementing their analytical efforts. Therefore, though we were able to make a joint list of Findings and Recommendations, their interpretation and application will depend on the situation in the given country.

Legal Think Tanks (LTTs) can be described using two factors: either by interest (legal issues, such as legislation, judiciary etc.) or by the method of approach to solving public or social affairs (using legal instruments).

Findings

- There are historical and current examples in the region that LTTs have valuable contributions to public discussion, policymaking and lawmaking. Their input comprises independent, interdisciplinary analysis and feedback that enrich the public debate and make the governance process more participatory.
- Participation of think tanks in the public discourse requires openness and capacity building, both of LTTs and the governments. LTTs have to produce quality analysis and governments should recognize that not only in-house research but also external expertise is valuable.
- In the region, relations between LTTs and governments vary to great extent; we find examples of cooperation (see Best Practices below) as well as systemic disagreement.
- Sometimes governments are not interested to draw from the potential of think tanks.
- From time to time, legislation is proposed on the basis of intuitive, anecdotal evidence. Legislative process is rapid and excludes public consultations. Independent analysis and commentary by LTTs can create obstacles for the political process and are not welcome.
- Recently, some governments in the region and their allies (e.g. media) engage in political attacks against Civil Society Organizations including LTTs or their staff.
- As countries of the region we have not arrived to a common model for participation of LTTs in the public discussion.
- Vast share of LTTs in the region resort to other activities in addition to production of knowledge. Many organizations introduce other components: advocacy, strategic litigation, watchdog activity.
- When LTTs perceive the policies of the governments as a threat to fundamental values, like the rule of law and human rights, some of them step up with efforts to push for their causes. They combine traditional think tank work with activism (including political). For the think tanks, this poses the risk of losing impartiality or being labelled as biased or partisan.
- Even in the absence of influence on government decisions or in hostile environment, it still makes sense to record political and legal history: collect and analyse data, stories, other evidence.

- Considering the amount and sophistication of legislative and policy work, there is little public funding programs dedicated to institutional support and to independent policy research.
- Conflict with the government reduces the scope of public funding available to TTs and the scope of their activity. Political attacks extending to the donor, make the funding of the TT work more challenging.
- LTTs seek to diversify sources of funding. Existing strategies include crowdfunding, business activity, cooperation with the bar and law firms, legal publishing houses, employers' and labor unions.

CHALLENGES

How to solve the dilemma?

Expert v. Freedom Fighter

It is one thing for a legal think tank to research the optimal number of assistants per one judge, and it is quite another thing to discuss the government's proposal to fire overnight all the Supreme Court Justices. Both problems require competent, objective analysis. The latter issue is so important, and the solution is so controversial, that the staff of the think tank feels the professional and moral duty to go further than research – experts become “freedom fighters”.

Recommendations for Legal Think Tanks

- Co-operation with authorities may comprise not only research, analysis, production of reports and their dissemination, but also other forms of dialogue, in particular participation in councils, teams, advisory groups (depending on the local situation and tradition).
- In order to deliver quality work, and be credible, LTTs have to produce analysis that address the full spectrum of relevant viewpoints and arguments. The tension of maintaining the credibility as an objective source of information while expressing commitment to democratic values and human rights must be constantly addressed.
- LTTs strength should lie in the interdisciplinary approach, combining legal elements with economic, sociological, psychological, political and other reflection. TTs are fit to spread interdisciplinary approach.

- If TT decides about its independence, it needs to set up strict rules of possible cooperation with politicians (e.g. supporting political parties, speaking on behalf of a party, drafting the program of a political party).
- Social perception is important for political decision makers (e.g. in surveys). It is useful for the think tanks to identify the audience of their findings. If the organization cares about the impact of its policy work it might consider speaking directly to the public and the media, not only to the experts and political class. In such communication, the think tank needs to explain expert opinions to lay people. For this challenging task, information technology may come at hand with visual and social tools.
- TTs should cooperate with academia and act as transmission belt between academia and policymakers. For example, TTs can formulate policy recommendations on the basis of scientific work, or serve as point of contact. For this end, TTs should keep track of current scientific work at academia. It is also worthwhile to inspire academia to look at questions that have a practical dimension for policy work.
- LTTs may help in preserving institutional memory (something that public institutions often lack; changes of law are often made without consideration of already existing evidence). TTs can create on-line libraries, databases, focused on particular topics.
- LTTs have proved more effective when working in concert. Partnerships and coalitions of LTTs allow to enlarge resources, improve quality, increase visibility and impact. In case of attacks, organizations working together are stronger.
- LTTs can look for “anti-fragile” solutions. For example, political pressure on organizations by the government can induce outside experts to offer pro bono work if the think tank reaches out to volunteers.
- CSOs can benefit from membership fees. American Civil Liberties Union (ACLU) has over 1 million members. Large income from fees can allow for high degree of independence. It would be unusual in our opinion for an expert organization, like a LTT, to arrive at such high membership. We would rather expect fee membership in organizations that combine activist and analytical role.

Recommendations for Governments

- Governments should ensure public participation in policy and decision-making, engage in real dialogue with independent institutions (e.g. present frameworks for public policies in advance, offer draft legislation for consultation, include experts with diverse backgrounds in advisory teams, hold public hearings).
- It is useful for the government to develop internal think tanks. Such think tanks can serve as a channel of communication with external, independent think tanks. Government experts can serve as interpreters for politicians and government officials when communicating with outside experts.
- Internal think tanks are useful for the public debate only if their professional independence is ensured, and they are not pseudo-think tanks that serve only to support government policies, and if they do not reduce the accountability of the government, and operate under anti-corruption policies.
- Authorities should be open to independent evaluation and ex-post impact assessment of their actions and policies. They should provide funding for external analysis and research.
- Government should publish important public information and secure free access to it.
- Authorities should analyse and address products submitted by LTTs. Quality work of LTTs requires the government to formulate comments and arguments – a substantive reaction to analysis and recommendations offered by outside experts.
- Governments should consider their strategy of collaboration with LTTs. Regular (e.g. annual) meetings with CSOs, developing a program of collaboration with CSOs are good examples to follow.
- Governments should implement recommendations of international bodies and organizations regarding participation of civil society representatives in governance. For instance “Minimum Standards on Non-judicial Members in Judicial Governance” (2016), elaborated by the European Network of Councils for the Judiciary (encj.eu) provide for such participation in bodies responsible for appointment and promotion of judges, complaint and disciplinary procedures. LTTs experts may become natural candidates for such roles.
- There are areas of policy work where it’s hard for the government to acquire knowledge because of lack of direct interaction with some of the stakeholders (e.g. patients, victims of crimes, tenants). It can be useful for the government to work with LTTs who are specialized and may act as intermediaries.

Recommendations for Donors

- Grant programs specifically for think tanks, including LTTs, would ensure stability and quality of socially important work. It is advisable to formulate funding programs by identifying specific needs of the individual country (e.g. judiciary, human rights, lawmaking, access to information). A good example is the Think Tank Fund which was active for several years within the Open Society Foundations.
- In the interconnected world, policy and legal analysis requires that LTTs look at the international context, even when dealing with local issues. This stimulates exchange of ideas across borders and contributes to common values. Supporting LTTs that do such work locally can fall into the mission of some international bodies or programs: European Commission, EEA and Norway grant programs.
- In order to build research and advocacy programs, make strategic choices, but also respond to ad hoc needs, LTTs need long-term financing. For think-tanks, it is crucial to address the topic for a longer period (usually minimum 2 years) rather than conduct a single study or report.

CHALLENGES

How to solve the dilemma?

Grantosis v. Problem Oriented Funding

Many think tanks in the region find it difficult to raise funds for their preferred and socially relevant areas of research. In order to survive, some organizations undertake projects only to earn money which reduces focus on their core mission.

- As LTTs rely on experts, staff costs can be higher than in other CSOs.
- Donors should not require implementation of LTTs recommendations or solutions. Implementation depends on political conditions. Evaluation of the project should determine the quality of the work and products. Even if not implemented at once, quality analysis may prove useful in the future.
- Considering current challenges in some countries of the region, like black PR and politically motivated attacks on TTs and their staff, organisations should secure funding and build skills as regards conflict/crisis management (in particular, public communication); they may also need resources for legal fees and court costs.

Best Practices

Legal Think Tanks and Civil Society Organizations in CEE over the years have gained experience, also as regards interactions with governments. Below, we include some best practises based on recommendations of national experts. For more information please see the comparative report and country reports.

LTTs and Governments – Capacity Building

In Moldova, the NGO Council (consiliulong.md) organizes an **annual conference** in partnership with the Parliament **on the cooperation between authorities and civil society**. In 2016, it focused on the mechanisms for cooperation between the parliament, government and civil society; role of the civil society in the implementation of Association Agreement with the EU; and transparency in decision making (this led to the amendment of the Government Regulation on transparency).

In 2015, Polish ministries were obliged to draft a **program of collaboration with CSOs. LTTs took part in the process**. MoJ (Ministry of Justice) prepared such a program for the justice sector. The program envisaged collaboration, also in the form of donations or co-funding. Due to the change of the government, the process stopped. Polish TTs focused for years on the law making process, advocating for changes that would make it transparent, evidence based, and open for social consultation. **Citizens Legislative Forum**, affiliated with the SBF (Stefan Batory Foundation) is an example of cooperation of TTs and CSOs leaders, researchers and business representatives. Since 2009, the Forum has been monitoring and assessing the legislative process as well as advocating for its enhancement. INPRIS, with the National School for Judiciary and Prosecution, conducted research and organized a conference on **collaboration, communication and interactions of TTs with the judiciary**. A similar project, funded by the International Visegrad Fund, enabled to share such experience among LTTs from six countries (more at inpris.pl).

In the healthcare sector, Slovak Health Policy Institute (hpi.sk) offers a **regular legislative seminar** since 2011. The seminar, focused on legislative changes, brings together economists and professionals from insurance and pharmaceutical companies, authorities, banks, investors, providers, hospitals, doctors and other actors.

In Ukraine, TTs and CSOs played a crucial role in developing the **National Strategy on Human Rights**, signed by President in 2015 (for 5 years). CSOs prepared a draft of the strategy and the national action plan. Subsequently, the Cabinet of Ministers adopted a plan of action with a clear list of tasks.

Newsletters and Social Media

Newsletter is a traditional tool for informing the public about activities of TTs and essential developments in the field. E.g. Legal Resources Centre from Moldova (crjm.org) translates the newsletter to several languages, including English.

LTTs use **social media** in their outreach. Some organizations use social media as an educational tool – e.g. AMO (amo.cz) in Czechia focusing on international law and relations, or **lawyers' initiative Free Courts** (Wolne Sądy) in Poland where lawyers, journalists, artists, doctors and other professionals explain on social media in short videos the significance of independent courts.

Infographics, Digital Tools

Visual representation of information is a developing trend for TTs. In Poland, INPRIS was among the CSOs spearheading **cooperation between lawyers and visual artists**. INPRIS organized interdisciplinary workshops on infographics, designed infographics on the Constitutional Tribunal, EU Charter of Fundamental Rights, or the Internet “Notice and Takedown” procedure.

In Moldova, economic TT Expert-Group runs the **BudgetStories.md** website that hosts infographics and interactive apps intended to bring **clarity on public expenditure** in various sectors. It shows the analysis in a descriptive and accessible visual form; it helps citizens understand the functioning of public finances and their impact on everyday life.

In Ukraine, within the **Reforms Speedometer** of the Centre of Policy and Legal Reform (supported by the EU, eu.pravo.org.ua), experts use an algorithm to measure the progress in three reform areas: constitution, judiciary and prosecution. The arrow of the speedometer shows the score pertaining to Ukraine's implementation of European standards and recommendations for a given moment (in June 2017: 43 of 100).

Partnerships and Coalition building

Most of the best practices of Hungarian LTTs described in the Paper are undertaken by coalitions.

In Czechia, the ČOSIV (**Czech Expert Society for Inclusive Education**) was created as the umbrella organisation to support advocacy of individual TTs. Joint efforts resulted in the change of the law.

In Poland, coalition of several TTs including HFHR (Helsinki Foundation for Human Rights), ISP (Institute of Public Affairs), FUPP (Legal Clinics Foundation) and INPRIS conducted research and advocated for years for establishment of the **out of court legal advice system** (finally introduced in 2016). PTPA (Polish Society for Antidiscrimination Law, ptpa.org.pl) runs the **Coalition for Equal Chances** of over 70 TTs and CSOs devoted to participation in the legislative process and advocacy in the field of non-discrimination. **Foundation of University Law Clinics** (fupp.org.pl) is a network and umbrella organization that conducts research and advocates for the clinical movement in law schools.

In Moldova, a good example of common effort was the public **Appeal to the President** not to promulgate the law on the Ombudsperson adopted by the Parliament. As a result, the law was returned to the Parliament that made important amendments. Another coalition, **Life without violence** actively promoted the amendment of law on domestic violence. New regulations entered in force in 2017 and provide for additional protection mechanism for the victims.

In Ukraine, coalition building is common. Creation of a non-profit entity **The Ukrainian Think Tanks Liaison Office in Brussels** (ukraine-office.eu) emerged as a response of the expert community to the need of increasing its impact on both Ukraine's European integration policy and EU's policy towards Ukraine. In 2013, nine Ukrainian TTs supported the idea and made contributions as Office members. Currently, the Office represents and unites 21 TTs, issues the Ukraine Analytical Digest and since 2016 organizes the annual **Brussels UkraineLab. Human Rights Agenda** (humanrightsgenda.org.ua) is an informal coalition of organizations focusing on monitoring, analysis and development of legislation in accordance with human rights standards. **Reanimation Package of Reforms** (RPR) is a coalition of 80 CSOs and 22 expert groups that pooled their efforts to facilitate crucial reforms (they take part in drafting laws and monitor implementation).

Common Efforts in Times of Crisis

In some countries, the crisis of liberal democracy and rule of law as well as attacks on organizations induced them to **unite, defend and counteract**.

HHC (Hungarian Helsinki Committee), EKINT (Eötvös Károly Policy Institute) and HCLU (Hungarian Civil Liberties Union) created the **Rule of Law Defenders Platform** focusing on constitutional issues. The cooperation, also with other CSOs, played a crucial role in enabling organizations to comprehensively analyse the changes. The Platform reviewed and publicly discussed modifications of the constitutional system by the government, submitted criticism in joint opinions (including open letters to international bodies), as well as published fact sheets, for example on administration of courts, mandatory retirement of judges, rights of opposition, constitutional court, the independence of the Data Protection Authority.

In Poland, recent steps of the government towards curtailment of the rule of law led to establishment of **Citizens Observatory of Democracy** (citizensobservatory.pl), an initiative of several TTs that promote transparency and accountability of public administration, rule of law and protection of human rights. The Observatory keeps track and publishes opinions on laws that affect civil rights and liberties, rule of law and the political system (authored by TTs, CSOs, academia, lawyers and other professionals). In 2017, following the attacks on CSOs as well as announcement of the future change of law targeting the civil society, a much bigger **group of TTs and CSOs** (around 40) started to meet in order to build the strategy of positive outreach and self-defence. The **Legal Expert Team** was also established (by SBF) during the attack on the independence of the Constitutional Tribunal in 2015. The Team's mission is to evaluate legislation proposed by the government in the area of political system; the team assesses constitutionality and compliance with international standards and the rule of law.

In Moldova, number of TTs and CSOs express their concerns in **common declarations** (available at crjm.org): On worsening environment for civil society organizations and mass-media in the Republic of Moldova (March 2017) and The attack on civil society organizations because they oppose the amendment of the electoral system is inadmissible and erodes trust in state authorities (May 2017).

Slovak TTs and CSOs, led by STI (Slovak Transparency International) conducted in 2014–2015 the **Campaign for Preservation of Freedom of Information Act** and opposed an amendment that would weaken the FOIA.

LTTs analysed the amendment's impact, conducted a public survey, presented their opinion in the legislative process and led a public campaign.

Jingling for Change (Štrngám za zmenu) is the initiative of Slovak CSOs (VIA IURIS, SGI, Pontis Foundation and – till March 2016 – Foundation Let's Stop Corruption) established as a reaction to the phenomenon of "state capture", where the real power is held by a few powerful businessmen who influence decision-making of politicians, which results in corruption and weakening of the rule of law. The aim was adoption of concrete measures in relation to police, prosecution, courts, and the audit authority. Negotiations with political parties took place before the parliamentary elections in 2016. One of the current coalition parties promised at that time to enforce proposed measures. Changes pertaining to the judiciary were adopted in 2017.

International Arena: Standards, Organizations and Instruments

LTTs seek to inspire or initiate activities of international organizations and provide them with information, e.g. by **shadow reporting, complaints mechanisms** and **strategic litigation**. TTs incorporate outcomes of such work, like the judgements of international courts or recommendations of international organizations, into national strategies of the TTs.

In Czechia, the **inclusive education project** run by the League of Human Rights started as a reaction to the ECtHR (European Court of Human Rights) decision *D.H. and others vs. Czech Republic*. The judgement confirmed that Roma children are overrepresented in special schools. The case opened the door for the work on inclusive education; new Education Law was introduced.

Hungarian members of a think tank EKINT filed the complaint to the ECtHR (*Szabó and Vissy v. Hungary*). The Court held that the **regulation of secret surveillance** based on ministerial order violates the right to respect for private and family life. The regulation, still in force, allows for the Minister of Justice to order the secret surveillance of any individual by the Counter-Terrorism Centre without any judicial control.

In Moldova, TTs also engage in **proceedings before the Committee of Ministers of the Council of Europe**, which monitors execution of ECtHR judgments, by submitting comments on the implementation of both individual and general measures taken by the State.

Social Control: Transparency, Freedom of Information and Open Government

Red Flags (redflags.eu) is a project of K-Monitor, PetaByte and TIH (Transparency International Hungary), with the support of the EU, that aims to enhance the transparency of public procurement in Hungary and fight corruption. The project makes an example of using **innovative technical solutions** by LTTs. An interactive tool allows for the **monitoring of procurement process and its implementation in order to highlight risks of corruption**. The tool automatically checks documents from the Tenders Electronic Daily and with the use of algorithms flags risky procurements. Although risky does not mean corrupt, flagged documents are worth checking. Users can subscribe to receive alerts when risky procurements are published. **KiMitTud** (Who Knows What) is a **freedom of information request platform** run by Átlátszó.hu (kimittud.org). This is an online tool for obtaining information from government departments, agencies, and state owned companies. Citizens may use the generator in order to request information. Requests and replies are published at the web site. Since 2012, media, citizens and political parties filed more than 9500 freedom of information requests. Experts at KiMitTud are in contact with legal officers of the state institutions in charge of the administration of freedom of information requests. They use this informal network to promote professional dialogue via workshops and other events.

CHALLENGES

How to solve the dilemma?

Moot Comments v. Absence in the Debate

Fast-pace legislation often pushes think tanks into the spot where they have not enough time for analysis. It happens that important laws are enacted in a matter of days. The organization faces the choice between remaining silent or getting involved in frantic work where the quality is unsatisfying and the result may prove useless. Or even worse, the debate is held only for the record and is used to merely legitimize predetermined decisions.

Access to information and open government are the focus of Polish TTs, Citizens Network Watch-Dog (siecobywatelska.pl) and Foundation e-Państwo (epf.org.pl). The latter collects and publishes various types of data (documents from the legislative process, judgments, public registers etc.) with tools for data mining by citizens.

Funding

Crowdfunding campaigns are becoming popular. For the TTs that face attacks and cuts in public or international funding, this may be the only chance for surviving. Crowdfunding increases independence of TTs and involves civil society.

In Czechia, **successful campaigns** were run to secure funding for strategic litigation, advocacy activities or support for the organization (e.g. Evropske Hodnoty – European Values).

In Poland, Citizens Network Watch-Dog collects money for projects pertaining to access to information, HFHR collected money for the “Manual for Whistleblowers”, Court-Watch Polska raised money for the production of an educational board game on law “Prawopolis”.

It is debatable among think tanks (that in fact sometimes compete with each other) whether **building coalitions** helps to secure funding that organizations usually obtain on individual basis. But there are donors and programs that require or encourage coalitions; this may be an **additional funding opportunity**. E.g. the International Visegrad Fund promotes international cooperation that allows for exchange of ideas; the same can be said of some of the EU-funded projects.

Appointment of Candidates to Public Positions, Electoral Law

In Poland, some TTs (INPRIS, HFHR, ICJ) established the **Citizens Watch of Appointment to Important Positions** (inpris.pl/wazne/omx-monitoring/). Since 2006, the effort covered appointment of the Constitutional Court Justices, the Commissioner for Human Rights, the Inspector General for Protection of Personal Data and the Prosecutor General. Recently, other organizations (coordinated by SBF) covered appointments to the Monetary Policy Council, National Broadcasting Council, National Media Council and The Institute of National Remembrance. TTs argue that elections to key posts should not occur without civic scrutiny and the public should know qualifications of candidates. TTs undertake activities to advance an informed, fair and transparent election process: independent research, collection and publication of data on candidates, public debates (hearings) with candidates, monitoring of official proceedings.

Slovak LTTs focused on the **appointment procedures for common judges**. In 2011, VIA IURIS, Slovak Governance Institute and Partners for Democratic Change Slovakia launched the **Windows to Judiciary** project. Organizations monitored the judiciary in terms of legislation and practice: system and transparency of selection, composition and criteria for decision-making

of the selecting body, selection criteria, kinship ties of the candidates. In 2015, conclusions were discussed with a broader expert group, judges and MoJ at the conference **Access to Justice: Barriers and Solutions**. Many recommendations on transparency, objectivity, precision of appointment criteria, standardised assessment sheets, composition of selecting committees etc. were adopted over the years.

Ukrainian TTs had a unique opportunity for involvement as the judicial system recently went through major changes. One of the most important achievements of LTTs is a contribution to the **adoption of the Law on the Judiciary and Status of Judges**, which introduced the High Qualifications Commission of Judges of Ukraine and the Public Integrity Council.

In Hungary, LTTs have successfully persuaded the government to **nominate candidates to the ECtHR**

in a transparent way. The government selected and submitted to the Council of Europe three individuals in secret. Following the protest by several TTs, in September 2016, the government decided to withdraw its list and publish an open call for the post. Organizations addressed the candidates to publish their applications on a dedicated platform: <http://emberijogibiro.hu>.

LTTs activities refer also to electoral laws. In Hungary, in 2013, five TTs initiated an amendment to the electoral procedure law in order **to close loopholes** that remained open for election fraud. The government integrated most of the proposed changes. In Poland, TTs monitor elections law, conduct surveys, or run campaigns that encourage citizens to participate in the elections – **Your vote, your choice** (glosuj.org.pl).

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The project was carried out by legal think tanks from 6 countries. This Policy Paper is developed from country reports drafted by national experts, based on nonrepresentative samples and qualitative analysis of questionnaires, interviews, desk research and discussion during the joint seminar in Warsaw, in March 2017.

Project Partners

League of Human Rights, Czechia (llp.cz)

Eötvös Károly Public Policy Institute, Hungary (ekint.org)

Legal Resources Centre, Moldova (crjm.org)

INPRIS, Poland (inpris.pl)

VIA IURIS, Slovakia (viaiuris.sk)

Centre for political and legal reforms, Ukraine (pravo.org.ua)



INPRIS

INPRIS – Institute for Law and Society is a Polish, independent legal think tank, founded in 2009. The focus of INPRIS is the functioning of judiciary and courts, lawmaking, and education about law.

Selected, completed projects include:

- Research and recommendations on election of Constitutional Court Judges and on the public image of the Court
- Game on lawmaking for high school and university students
- Series of interdisciplinary seminars, workshops and pilot projects on Infographics and Law
- Monitoring of the vetting and election process in Poland for the Commissioner for Data Protection, for the Ombudsman, for the Attorney General
- In-depth research and recommendations project for the Polish government on pre-trial legal aid system
- Judiciary and the CSOs – research on collaboration, communication and interactions of TTs with the judiciary

Current projects include:

- Research and monitoring of the vetting and election process for the Constitutional Court Judges and other public posts
- Research and education for judges and lawyers on the Charter of Fundamental Rights of the EU
- Research and recommendation policy project on how legal think tanks in the region provide expertise to governments; countries of research: PL, CZ, SK, HU, MD, UKR
- Education for NGOs on legislation and regulatory impact assessment
- Monitoring of the public authorities’ actions regarding the independence of the judiciary

Members of INPRIS are involved in public discussions, analytical work, activist initiatives. INPRIS conducts projects usually in cooperation with other organizations.

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