

## **Resolution CM/ResCMN(2012)20**

### **on the implementation of the Framework Convention for the Protection of National Minorities by Poland**

*(Adopted by the Committee of Ministers on 28 November 2012*

*at the 1156th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;<sup>1</sup>

Having regard to the instrument of ratification submitted by Poland on 20 December 2000;

Recalling that the Government of Poland transmitted its State report in respect of the second monitoring cycle under the Framework Convention on 8 November 2007;

Having examined the Advisory Committee's second opinion on Poland, adopted on 20 March 2009, and the written comments of the Government of Poland, received on 7 December 2009;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Poland:

#### a) Positive developments

The adoption of the Act on National and Ethnic Minorities and on Regional Language, in January 2005, is to be welcomed. Other positive developments include the establishment, under the aforementioned Act, of the Joint Commission of Government and National and Ethnic Minorities with its wide range of consultative prerogatives, and the active role played by the Parliamentary National and Ethnic Minorities Committee in raising public awareness of national minorities' concerns, which have created a framework for discussion on national minority issues and making proposals for resolving the outstanding issues affecting national minorities.

As regards practice, relations between national minorities and the majority are characterised by a climate of mutual understanding and tolerance. The public institutions such as the Ombudsman and the Government Plenipotentiary for Equal Treatment have adopted an active approach and continued efforts to promote respect for human rights and cultural diversity in Poland.

In the last few years, Poland has developed a range of programmes and measures aimed at alleviating difficulties faced by the Roma community in housing, employment, and healthcare, providing solutions to the problems it faces in the field of education and, more generally, combating its social exclusion and marginalisation.

The authorities have already consulted national minorities about the preparation for a new population census scheduled for 2011. It has been noted that the questions on ethnic origin (nationality) and on native language or the language used at home will be optional.

#### b) Issues of concern

The financial support for cultural projects and institutions remains insufficient despite the recent increase in the funds allocated by the Minister of the Interior and Administration to protect, preserve and develop cultural identity of minorities in Poland. The funding procedures create significant obstacles for small national minority organisations applying for State support.

Although a general climate of tolerance and intercultural dialogue characterises Polish society, instances of intolerance, racism, anti-Semitism and xenophobia are still reported. Official figures

indicate that there has been an increase in the number of racially-motivated offences committed in the last few years in Poland. Adequate measures to combat racist acts committed prior to, during and after football matches are not applied.

There are concerns about reported instances of obstacles at the local level, which result in persons belonging to national minorities being unable to exercise their rights, as well as about provocative statements, conditioning respect for minority rights on reciprocity in neighbouring countries, or by the local authorities on the other side of the border.

Notwithstanding the measures taken by the authorities, the situation of Roma is still a cause for concern. A number of Roma, notably in the Małopolskie Region, continue to live in settlements in substandard conditions, without roads, running water or sewage facilities. Reported cases of discrimination, such as the segregation of Roma pupils in the Maszkowice Primary School and the lack of any reaction at the local level, point to a disturbing complacency and condoning of discrimination within some groups of society.

The representation of national minorities in the public radio and television programming councils, despite the existence of a legislative provision to that effect, is lacking. Also, the geographical radio and television coverage by media broadcasting in minority languages of the regions where the national minorities live, remains inadequate.

In the current school curricula, the teaching of the history, culture and traditions of national minorities and their contribution to Polish society is a non-compulsory subject introduced on an ad hoc basis in the framework of regional education. This approach does not guarantee that students in general will be provided with adequate information on the history, culture and traditions of national minorities.

In spite of the substantial number of persons declaring in the last census their Silesian nationality and speaking the Silesian language at home, the authorities, apart from the Parliamentary National and Ethnic Minorities Committee, have not considered the matter since the first monitoring cycle and have not entered into dialogue with the persons concerned.

As regards the issue of the possibility to receive education in or of a minority language, the number of the pupils receiving such instruction drops significantly in upper-secondary schools.

Although the law allows the use of the minority language as a "supporting language" in administration and the display in the minority language of traditional local names, street names and other topographical indications intended for the public in the municipalities inhabited by minorities, the actual number of municipalities which apply these provisions remains low. In addition, the right to use the "supporting language" in administration is restricted to the municipal self-government authorities and does not extend to the police, health care services, the post office or the State administration at the local level.

Legislative provisions as regards parliamentary elections, which exempt parties of national minorities from the 5% electoral threshold for allocation of seats, which at face value are favourable to the national minorities, have not in practice led to an adequate political representation of minorities.

2. Adopts the following recommendations in respect of Poland:

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- to take all necessary measures to prevent, investigate and prosecute all racially-motivated offences;
- in the preparation of the census of 2011, to consult the representatives of minorities about the questions on ethnic origin (nationality) and on native language or the language used at home;
- to include in this census persons belonging to national minorities, among the census officials and use bilingual forms in the municipalities where a minority language enjoys a "supporting language" status;
- to take all measures to prevent and combat incidents of intolerance and xenophobia, including

during sporting events; encourage more actively respect for cultural diversity among the public;

- to make further efforts, including by the allocation of sufficient financial resources, to support and promote the preservation and development of the culture of national minorities;

- to take enhanced measures to prevent and combat discrimination and the social exclusion of the Roma; make every effort, in consultation with those persons concerned, to improve the situation of the Roma in fields such as employment, housing and education, including eliminating segregation and increasing awareness of their culture and needs;

- to establish a dialogue with representatives of persons having expressed an interest in the protection provided by the Framework Convention;

- to ensure, in consultation with representatives of the various national minorities, access of persons belonging to national minorities to the radio and television programmes which concern them;

- to review the existing textbooks and the compulsory curriculum, in consultation with minority representatives, with a view to ensuring a more objective reflection of the history, culture and traditions of national minorities.

3. Invites the Government of Poland, in accordance with Resolution Res(97)10:

*a.* to continue the dialogue in progress with the Advisory Committee;

*b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.

<sup>1</sup> In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

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## Related Documents

### Meetings

- [1156th meeting of the Ministers' Deputies \(CM Room\)](#) / 28 November 2012

### Other documents

- [CM/Del/Dec\(2012\)1156/4.2cE](#) / 30 November 2012 