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**SECOND REPORT SUBMITTED BY POLAND
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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INTRODUCTION

This document, prepared by the Republic of Poland for the Secretary General of the Council of Europe, is the second Report on implementation of the *Framework Convention for the Protection of National Minorities*. The previous Report was submitted on 10 July 2002, whereas this document covers the years 2002-2006. The information presented herein only in some cases includes data from before 1 January 2002 or concern the circumstances after 31 December 2006. The intention was not to repeat the information already submitted to the Secretary General in July 2002. However, in particular parts and chapters attention was paid to see if this information was valid and to what extent.

The 2nd Report focuses on new elements and solutions. Its authors have strived to make the changes that had taken place in Poland during the reporting period its fundamental subject. The sixth part, in which the legal state is described, is an exception. Because of the frequent amendments made in respect of the earlier regulations it was considered purposeful to provide the Secretary General with an updated list of all binding Polish regulations on the rights of national and ethnic minorities.

During the work on the 2nd Report particular attention was paid to the recommendations contained in the Resolution ResCMN(2004)10 *on the implementation of the Framework Convention for the Protection of National Minorities by Poland*, adopted on 30 September 2004 at the 898th meeting of the Ministers' Deputies. Efforts were made to formulate the document so as to clearly present what actions had been taken in relation to these recommendations. Also the comments contained in the *Opinion on Poland of Advisory Committee on the Framework Convention for the Protection of National Minorities*, adopted on 27 November 2003, were taken into account in the 2nd Report.

As compared with the situation described in the previous Report, the *Act on National and Ethnic Minorities and Regional Language* (Journal of Laws No 17, item 141, as amended) adopted on 6 January 2005 is a significant novelty. The present Report will refer several times to this Act, mentioned here in order to explain some terminological issues. According to the provisions of the abovementioned Act, in relation to Poland the term "national minorities" used in the Convention should be understood as "national and ethnic minorities". After the Act came into effect, the terminology used in other regulations was adjusted accordingly.

During work on the Report consultations were carried out, in particular with organizations of national and ethnic minorities, as well as the community which uses regional language. It was not possible to take into account all the comments, since some of them were too detailed or did not fall within the scope of the Report, or were a commentary rather than information. The comments, which could not be included in the body text, are compiled in the Annex.

PART I: GENERAL PART

1. Characteristics of the political system, administrative division, geographical location of national and ethnic minorities

1.1 Characteristics of the political system, administrative division

The Republic of Poland covers the area of 312 683 km² and its population amounts to 38 157 055 (data published by the Central Statistical Office as of 2006). It borders with the Federal Republic of Germany, the Czech Republic, the Slovak Republic, Ukraine, the Republic of Belarus, the Lithuanian Republic and the Russian Federation. The Republic of Poland is a unitary state with parliamentary and cabinet government system. The Parliament consists of two houses: the lower house – the Sejm (consisting of 460 deputies) and the upper house – the Senate (consisting of 100 senators). The Parliament is elected for 4 years' term of office in universal, direct election in secret ballot, and in the case of the Sejm also in equal and proportional election. The deputies and senators elected for the present term of office include, inter alia, representatives of national minorities and representatives of the community using the regional language. The present term of office of the Parliament expires in 2009.

The President of the Republic of Poland is elected in universal election for 5 years' term of office. The term of office of the present President expires in 2010.

Poland is divided into 16 voivodeships (regions), divided into 314 poviats and 2478 gminas (communes), out of which 65 enjoy the status of a town with the rights of a poviat. The new administrative division of 1 January 1999 took account of, among other things, the national structure.

1.2 Geographical distribution of national and ethnic minorities

As already mentioned, the term “national and ethnic minorities” in the Polish law is equivalent to the term “national minorities” as used in the *Framework Convention for the Protection of National Minorities*. Therefore, the provisions of the *Framework Convention* concern both national and ethnic minorities to the same extent. Differences between definitions

of national and ethnic minorities were described in the Act of 6 January 2005 *on Act on National and Ethnic Minorities and Regional Language* (Journal of Laws No 17, item 141, as amended). According to the Act, the following minorities are recognized as national minorities: Belarusians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians and Jews, and the following as ethnic minorities: the Karaim, the Lemko, the Roma and the Tartars. The largest populations of national and ethnic minorities live in the following voivodeships: Opolskie - 105 509¹ Polish citizens (9.91% of the voivodeship's inhabitants), Podlaskie – 53 807 (4.45% of the voivodeship's inhabitants), Śląskie – 32 679 (0.69% of the voivodeship's inhabitants), Warmińsko-Mazurskie - 17 096 (1.20% of the voivodeship's inhabitants), Dolnośląskie – 8 429 (0.29% of the voivodeship's inhabitants), Zachodnio-Pomorskie – 5 956 (0.35% of the voivodeship's inhabitants), Małopolskie – 5 734 (0.18% of the voivodeship's inhabitants) and Pomorskie – 5 560 (0.26% of the voivodeship's inhabitants).

Furthermore, in Pomorskie Voivodeship there is a community using a regional language (Kashubian). During the 2002 National Population and Housing Census, 52 665 persons declared to use the Kashubian language at home. In Pomorskie Voivodeship there are 52 588 such persons, constituting 2.41% of its population. With respect to this group the *Convention* provisions are implemented regarding language rights .

2. Status of the international law in the national legislation.

Pursuant to Article 87 of the *Constitution of the Republic of Poland* dated 2 April 1997 (Journal of Laws No 78, item 483, as amended), the sources of generally binding law of the Republic of Poland are as follows: the Constitution, statutes, ratified international agreements, regulations, and enactments of local laws issued by the local administrative bodies.

Poland respects basic principles of international law, in the spirit of the Charter of the United Nations and Final Act of the Conference for Safety and Co-operation in Europe, and at the same time, is a party to international agreements, e.g. Vienna Convention on the Law of Treaties of 1963.

The provision of Article 91 of the *Constitution* stipulates that a ratified international agreement, after its promulgation in the Official Journal of Laws of the Republic of Poland

¹ Unless otherwise stated, all data come from the 2002 *National Population and Housing Census*.

(*Dziennik Ustaw*), constitutes a part of the domestic legal order and applies directly, unless its application depends on the enactment of a statute. An international agreement ratified upon prior consent granted by statute, takes precedence over statutes, if such an agreement cannot be reconciled with the provisions of such statutes. If, however, an agreement establishing an international organization, ratified by the Republic of Poland, so provides, the laws enacted by this organisation shall apply directly and have precedence in the event of a conflict with the statutes.

3. Population of national and ethnic minorities.

Poland is now inhabited by the representatives of 13 national and ethnic minorities, whose population, according to the 2002 census, is 253 273 persons, i.e. about 0.7% of all Polish citizens. The population of individual minorities as well as persons using the regional language at home is as follows:

National and ethnic minorities	Declared affiliation with a national or ethnic minority	Declared use of language of a national or ethnic minority or regional language at home	<u>Voivodeships with the highest concentration of minorities or the community using the regional language</u>
Belarusians	47 640	40 226	Podlaskie (46 041)
Czechs	386	1 226	Łódzkie (111), Śląskie (61)
Karaims	43	-	Mazowieckie (21), Dolnośląskie (11)
Lithuanians	5 639	5 696	Podlaskie (5 097)
Lemkos	5 850	5 605	Dolnośląskie (3 082), Małopolskie (1 580), Lubuskie (784)
Germans	147 094	196 841	Opolskie (104 399), Śląskie (30 531), Warmińsko-Mazurskie (4 311)
Armenians	262	321	Mazowieckie (73), Wielkopolskie (26), Śląskie (23)
the Roma	12 731	15 657	Małopolskie (1 678), Mazowieckie (1 291), Łódzkie (1 018),
Russians	3 244	12 125	Mazowieckie (614), Podlaskie (511)
Slovaks	1 710	794	Małopolskie (1 572)
Tartars	447	9	Podlaskie (319)
Ukrainians	27 172	21 055	Warmińsko-Mazurskie (11 881), Zachodniopomorskie (3 703), Podkarpackie (2 984), Pomorskie (2 831)
Jews	1 055	243 (languages: Yiddish and/or Hebrew)	Mazowieckie (397), Dolnośląskie (204)
Persons who at home use regional language		52 665	Pomorskie (52 588)

Source: Central Statistical Office (CSO). 2002 National Population and Housing Census.

In 5 communes the representatives of national minorities constitute the majority of inhabitants. These communes are located in the Podlaskie Voivodeship and include the following: Orla (Bielsk Poviát – 68.47% of the inhabitants), Czyże (Hajnówka Poviát – 81.59% of the inhabitants), Dubicze Cerkiewne (Hajnówka Poviát – 81.23% of the inhabitants), Hajnówka (Hajnówka Poviát – 64.22% of the inhabitants), which are populated by the Belarusians, as well as Puńsk (Sejny Poviát – 74.36% of the inhabitants) which is populated by the Lithuanians.

4. Characteristics of national and ethnic minorities as well as the community using the regional language in Poland

4.1 General characteristics

The minorities living in Poland are mainly ageing communities. The percentage share of persons beyond retirement age (60 years and over in case of women / 65 years and more in case of men), which amounts to 15% for the whole of Polish population, in the case of the majority of national and ethnic minorities is higher than the average. For example, 44.05% of the Russians, 37.84% of the Slovaks, 37.05% of the Czechs and 33.98% of the Belarusians are beyond retirement age. Only among the Armenians (11.07%) and the Roma (4.50%) this rate is lower than the national average.

Among the representatives of 6 minorities (the Russians, the Jews, the Czechs, the Slovaks, the Belarusians, the Germans) the share of persons in pre-working age (0-17 years) is less than 15% of the population. For comparison, the average share in the whole Polish population is 23.2%. The youngest minorities include the Roma minority (persons in pre-working age constitute 36.31% of the population), the Armenians (25.95%) and the Karaims (23.26%).

Among the persons who use the regional language at home there is also a slight tendency for population ageing. According to the results of the 2002 National Population and Housing Census, 21.59% of persons who use a regional language at home are those beyond retirement age, while the persons in pre-working age represent 13% of this population.

Among the representatives of national and ethnic minorities the number of women and men is relatively balanced, except for the Russians, where women account for 78%. The proportion of women among minorities is the smallest in case of the Jews (43.79%), the

Armenians (45.80%) and the Karaims (46.51%). However, it does not differ considerably from the national average, i.e. 51.57% of the population.

Marital status (for persons aged 15 and over), i.e. the percentage of married persons, is oscillating around 60% and for the surveyed minorities does not differ from the national average of 57.6%. The highest proportion of married persons was recorded among the following minorities: the Slovaks (63.06%), the Karaims (62.86%) and the Armenians (62.56%). The percentage of the unmarried Roma population is specific and considerably differs from the national average (28.6% of the population). During the 2002 National Population and Housing Census as much as 52.16% of members of this ethnic minority declared to be unmarried.

During the national census the highest proportion of married persons was recorded among persons who use the regional language at home - as much as 65.26% of the population.

In terms of the place of residence, the national and ethnic minorities may be divided into two groups. The first consists of the minorities with the majority of their members living in towns and cities. Members of these minorities are descendants of the communities which for centuries have migrated to the territory of Poland. Over 90% of the Karaims, the Jews, the Tartars and the Roma live in towns and cities. Among the Czechs, the Armenians and the Russians the proportion of persons who live in the cities is much higher than the national average, which amounts to 61.8%. The second group consists of the minorities who live traditionally off farming. The proportion of their members who live in the rural areas is higher than the average for the population of Poland (38.2%) and in the case of the Slovaks (92.05%), the Lithuanians (76.77%) and the Germans (70.51%) reaches record-breaking results.

The level of education is closely associated with the place of residence; it is, therefore, not surprising that the largest proportion of persons with higher education is found among the following minorities' representatives who live in the towns or cities: the Karaims (58.33%), the Jews (42.48%), the Armenians (40.29%), the Russians (37.77%) and the Tartar (18.75%). It should be noted, however, that the proportion of persons with higher education among members of national and ethnic minorities is generally higher than the national average, which amounts to 9.9%. This also concerns the Ukrainians, the Czechs, and the Lithuanians. In case of the Lemkos this proportion is practically equal to the national average and amounts to 9.88%. Data on the higher education level among the Belarusians (9.24%) do not differ much from the national average, but it should be noted that it is still higher than the average for the Podlaskie

Voivodeship (9.1%), where over 96% of the minority members live. In the case of the following minorities the results considerably differ from the national average: the Roma (0.14%), the Germans (3.12%) and the Slovaks (4.46%).

The Roma minority, as a specific case, will be discussed in more detail further in this section. The situation of Slovak minority differs much to its disadvantage from the Małopolskie Voivodeship average (10.1%). It should be noted, however, that the status of this Voivodeship is influenced by an important urban and academic centre, namely Cracow. The result will not be surprising (both proportions are similar), if we compare the situation of the Slovak minority (92% live in the rural areas) with the proportion of persons with higher education among the rural population in the Małopolskie Voivodeship (4.2%) (both values are similar). Data concerning the German minority (3.12%) also differ much to the minority disadvantage from the average values in the Opolskie (8.0%) and Śląskie Voivodeships (8.9%), where over 91% of this minority live. It should be noted, however, that as in the case of the Slovak minority, the status of both abovementioned voivodeships is influenced by numerous academic centres located in their area (among others Opole, Katowice, Gliwice, Częstochowa). The situation of German minority (with over 70% living in rural areas) is similar to the national average for the rural areas inhabitants (4.2% of the population) and it does not differ much from the average of persons with higher education among the rural population of the Opolskie (3.8%) and Śląskie (5.1%) Voivodeships.

The education level analysis also shows the impact of the place of living on the education path choice among the Slovak and the German minority representatives. Among these minorities the percentage of persons who completed primary and basic vocational education is the highest among all minorities, and it is 77% and 74% for the Slovak and the German minority, respectively (among other minorities this proportion does not exceed 54%). For the whole of population of Poland this proportion is 53%. Primary or basic vocational education is a distinctive feature of the inhabitants of Polish rural areas. According to the national census data, 67.7% of the rural population end their education at this level.

Another important indicator which shows the education level of minority members is the number of persons who did not complete their primary education. For the whole population of Poland this proportion amounts to 3.64% of inhabitants. For the majority of national and ethnic minorities this proportion is lower than the all-Polish average, and in the case of the Tartar, the Jewish and German minorities it is 1.50%, 1.54% and 2.24%, respectively. The highest

proportions are observed among the Lithuanian, the Belarusian and the Roma minorities - 10.65%, 18.01% and 50.76%, respectively. In case of the two first minorities the impact of the place of residence (rural area) is noticeable.

The case of the Roma minority must be analysed separately. This minority is undoubtedly the only one with so blatant and urgent educational problems. The government institutions together with self-government authorities and organizations of the Roma community discern the problem and take numerous actions to improve the education level. It should be noted that in the *Programme for the Roma Community in Poland*, implemented since 2004, education matters are a priority.

Generally, apart from the Roma minority, the education level among the minority members is higher than the national average and it is associated with the place of residence.

As for the education level of the members of community who use the regional language, it is strongly affected by the place of residence, like in the case of Slovak and German minorities. The vast majority of persons who speak the regional language at home live in the rural areas - 83.44% of the population. Out of the minorities concerned, only among the Slovak minority there are more persons who live in rural areas. As in the case of the Slovaks and the Germans, it definitely affects the education level. Only 2.16% of persons using the regional language at home has university education, while persons with completed primary or basic vocational education definitely prevail similarly as in the case of the Slovaks and the Germans. In the case of persons using the Kashubian language at home this group of persons accounts for as much as 82.40% of the surveyed population.

The education level is an excellent point of departure to describe economic activity of individual minorities. The largest number of working persons above 15 years of age is found among the following minorities: the Armenians - 52.22%, the Jews - 46.69%, the Belarusians - 46.67%, Lithuanians - 46.53% and the Karaims - 45.71%. For other minorities this proportion is lower than the national average, which amounts to 42.25%. However, this is rather caused by the abovementioned proportion of persons beyond retirement age, which is higher in case of minorities, than by employment problems faced by the members of national and ethnic minorities.

For all minorities, except for the Roma minority, the unemployment rate is lower than the national average. During the National Population and Housing Census, 11.37% of the inhabitants

of Poland declared to be unemployed. For comparison, among the described communities the rate ranged between 2.86% for the Karaims and 11.34% for the Tartars. In other minorities the unemployment generally did not exceed 8% of the population.

Only the Roma minority situation is unfavourable, since the unemployed rate is 30.98% among the surveyed population. Actually, situation of this community is even more difficult because the analysis of the status of national and ethnic minorities on the labour market shows that only 8.29% of the respondents declared to be working professionally in the case of the Roma minority (3.64% as hired workers, 4.41% as employers, self-employed and members of their families). The case of the Roma minority is the only one, which differs so distinctly from the average value represented by the rest of Polish citizens - both those who are minority members and those who are not.

The professional activity of persons who speak the regional language at home does not differ from the average values calculated for national and ethnic minorities. The employed amount to 44.89 % of the population in this community, while the proportion of the unemployed amounts to 7.82%.

Generally, it should be noted that the situation of particular national and ethnic minorities, as well as of the community using the regional language does not differ much from the national average, except for the Roma minority. The National Population and Housing Census does not show whether the membership in a minority determines the social and economic situation of the citizens or not, except for the Roma minority. The situation is rather affected by other variables such as the place of residence (country-town, region) as well as the age of the respondents.

4.2 Characteristics of particular national and ethnic minorities in Poland.

The **Belarusians** are a national minority members who traditionally live in the south-eastern areas of the Podlaskie Voivodeship. During the 2002 National Population and Housing Census, 47 640 Polish citizens declared to be of Belarusian nationality in the following voivodeships: Podlaskie - 46 041, Mazowieckie - 541, Warmińsko-Mazurskie - 226, Lubelskie - 137, Pomorskie - 117, Zachodnio-Pomorskie - 117. The largest numbers of Polish citizens of Belarusian origin dwell in the south-eastern poviats of the Podlaskie Voivodeship: Hajnowski (39.1% of the Poviats inhabitants), Bielski (19.80%), Siemiatycki (3.46%), Białostocki (3.2%)

Poviats and in Białystok² (2.53%). In 12 communes of the Podlaskie Voivodeship the representatives of the Belarusian minority amount to over 20% of the commune population, and in 4 of them – to over 50%.

One representative of the Belarusian minority was elected to the Parliament from the list of the Democratic Left Alliance (SLD). During the self-government elections in 2006, the Belarusian minority had its own candidates in the Podlaskie Voivodeship. Some groups of the Belarusian minority set up an individual electoral committee – the Belarusian Electoral Committee (Białoruski Komitet Wyborczy). In the territory of the Hajnowski Powiat this committee acted as the Popular Belarusian Electoral Committee (Komitet Wyborczy Białorusko-Ludowy) and in the Bielski Powiat it acted as the Bielsk Coalition (Koalicja Bielska). Furthermore, the candidates who represented the Belarusian minority ran for seats from the lists of candidates of other electoral committees. Finally, three Belarusian minority representatives, who ran for seats from the lists of the Left and Democrats (LiD) and the Polish Popular Party (PSL), were elected to the Sejmik of the Podlaskie Voivodeship. The representatives of the Belarusian minority have also seats in the councils of the Hajnowski and Bielski Poviats. A number of Belarusian minority representatives were elected Voits and Mayors of communes and towns in the Voivodeship. Over 30 members of the Belarusian minority represent the committees of Belarusian minority and other electoral committees in the councils of communes of the Podlaskie Voivodeship. In some councils the Belarusians are members of the ruling parties.

In the school year 2005-2006, 3 535 children of the Belarusian minority learned Belarusian at 40 educational institutions.³

A vast majority of Belarusians belong to the Polish Autocephalous Orthodox Church.

Main organisations:

- Belarusian Social and Cultural Society,
- Belarusian Association in the Republic of Poland, comprising the following autonomic organisations: Belarusian Literary Association “Białowieża”, Belarusian Historic Association, Association of Belarusian Journalists, Programme Council of “Niwa” weekly magazine, Belarusian Students’

² A city with the rights of a powiat.

³ All data on the education level of national and ethnic minorities as well as the community using the regional language come from the Ministry of National Education.

Association, Belarusian Association “Chatka” in Gdańsk and a political party
Belarusian Democratic Union,

- Belarusian Self-Government Forum in the Republic of Poland,
- Belarusian Youth Union,
- Association “Museum and Centre of Belarusian Culture” in Hajnówka,
- Belarusian Cultural Association,
- Association for Children and Youth learning Belarusian “AB-BA”.

Major press titles:

- “Niwa” – weekly magazine,
- “Czasopis” – monthly magazine,
- „Bielski Hostineć” – quarterly magazine,
- "Białoruskie Zeszyty Historyczne" [Belarusian Historic Notebooks] – semi-annual magazine,
- „Termapily” – annual magazine,
- „Annus Albaruthenicus” – annual magazine.

Non-public media:

- *Belarus Radio “Racja”* - broadcasting programmes in Belarusian.

Major cultural events:

- Belarusian Youth Music Festival “Basowiszczka”,
- Festival “Belarusian Song” in Białystok,
- The Poets’ and Bards’ Festival “Jesień Bardów”,
- International Cultural Festival “Siabrouskaja Biasieda”,
- Belarusian Culture Festival in Białystok,
- “Kupalle” Holiday in Białowieża,
- Polish and Belarusian Literary Workshops “Biazmieżza”,
- Poetry and Prose Competition “Debiut”.

The **Czechs** are a national minority of 386 Polish citizens, who declared to be of Czech nationality during the 2002 National Population and Housing Census in the following voivodeships: Łódzkie -111 persons, Śląskie – 61, Dolnośląskie – 47, Mazowieckie - 37. The first Czech migration to Poland occurred in the middle of the 16th century as a result of religious persecutions of the Unity of the Brethren. The waves of migration followed in the first half of the 17th c., second half of the 18th c. and at the beginning of the 19th c. - the latter was associated with development of the textile industry in Łódź. At present, the largest number of Czechs live in Zelów (Bełchatowski Powiat, Łódzkie Voivodeship).

The Czech minority is not represented in the Parliament. The minority did not have any candidate for the 2006 local government election.

The Czechs who live in Poland are traditionally members of the Evangelical Church.

Main organisation:

- Social and cultural activity of members of the Czech minority is concentrated in the Reformed Evangelical Congregation in Zelów.

Major press title:

- issues concerning the Czech minority are addressed in the magazine “Kalendarz Zelowski - social-cultural yearbook of the Reformed Evangelical Congregation of Czech Brethren in Zelów.

Major cultural event:

- Annual competition of kindergarten theatre groups.

The **Karaims** are the least numerous ethnic minority in Poland. During the 2002 National Population and Housing Census 43 Polish citizens declared to be of Karaim nationality. The Karaims live mostly in Warsaw and its surroundings, Wrocław and in Trójmiasto (Gdańsk, Gdynia, Sopot). The first groups of Karaims arrived from Crimea in the 13th century and settled on the lands of Duchy of Halych-Volhynia (Lutsk, Halicz, Lviv). At the turn of the 13th century, a large group of Karaims settled in Troki near Vilnius. The Karaims migrated to the present

territory of Poland past World War II, after being repatriated from the eastern borderlands of the Republic of Poland.

The Karaim minority is not represented in the Parliament. The minority did not have any candidate for the 2006 local government election.

The Karaims have lost knowledge of their mother tongue; but it is Karaism, originating from Judaism, which is characteristic. The activity of the Karaim Religious Association in the Republic of Poland is of essential meaning in the life of the Karaim minority.

Main organisation:

- Association of Polish Karaims

Major press title:

- Awazymyz – published 3 times a year.

The Lithuanians form a national minority traditionally dwelling in the northern areas of the Podlaskie Voivodeship. During the 2002 National Population and Housing Census 5 636 citizens of Poland declared to be of Lithuanian nationality, including 5 097 residents of the Podlaskie Voivodeship, 99 residents of the Mazowieckie Voivodeship, 83 residents of Warmińsko-Mazurskie Voivodeship, 75 residents of Pomorskie Voivodeship, 67 residents of Zachodniopomorskie and 53 residents of Dolnośląskie Voivodeships. The largest Lithuanian population lives in the Sejneński Powiat, Podlaskie Voivodeship, where 21.20% of Polish citizens declared to be of Lithuanian nationality. The Lithuanians live mainly in the commune of Puńsk (74.36 % of residents), the rural commune of Sejny (18.52%), the municipal commune of Sejny (7.80%), and the commune of Szypiliszki, Suwalski Powiat (2.66 % residents).

The Lithuanian minority is not represented in the Parliament. The minority did not set up electoral committees for the 2006 local government election. Candidates representing the minority were on the lists of other local electoral committees. Three members of the Lithuanian minority were elected to the Sejneński Powiat Council. Furthermore, representatives of the Lithuanian minority hold 14 seats (out of the total number of 15) in the Puńsk Commune Council, and the minority is represented in the Town and Commune Councils of Sejny. A representative of the Lithuanian minority also holds the office of Voigt of the Puńsk Commune.

In the school year of 2005/2006 the Lithuanian language was taught as mother tongue to 686 students in 17 schools. The majority of abovementioned schools teach in Lithuanian, the Lithuanian minority being the only one in Poland to choose such a model of teaching. Teaching the Lithuanian language and in this language is ensured at all levels of education.

The overwhelming majority of Polish Lithuanians belong to the Roman Catholic Church.

Major organisations:

- Lithuanian Community in Poland,
- Association of Lithuanians in Poland,
- St. Casmir Lithuanian Society,
- Bishop Antanas Baranauskas Foundation „Lithuanian House” in Sejny.

Major press titles:

- „Aušra" - bi-weekly magazine,
- „Aušrelė" – monthly magazine for children,
- „Šaltinis” – quarterly magazine.

Major cultural events:

- Folklore Fair "Zolines",
- Festival of Barn Theatres,
- Festival of Children Theatres,
- „Sąskrydis” – rally of Lithuanian music bands,
- „Velines” All Souls’ Day Concert.

The Lemkos form an ethnic minority of around 5 850 Polish citizens who declared to be Lemkos during the 2002 National Population and Housing Census, including 3 082 residents of the Dolnośląskie Voivodeship, 1 580 residents of the Małopolskie Voivodeship, 784 residents of the Lubuskie Voivodeship, 147 residents of the Podkarpackie Voivodeship, and 66 residents of the Zachodniopomorskie Voivodeship. Traditionally, members of the minority inhabited the so-called Łemkowszczyzna (Land of Lemkos), namely the Lower Beskid Mountains and part of the Sądecki Beskid Mountains. In 1947, the Lemkos were relocated to their present place of living

(western regions of Poland) following the Operation “Wisła”, which was condemned by the Upper House of the Polish Parliament in 1990. At present, only some Lemkos live within the territory of the historical Łemkowszczyzna (Małopolskie Voivodeship).

Some Lemkos emphasise their affiliation with the Ukrainian nation while the others declare that they have no relationship with this nation.

The Lemkos minority is not represented in the Parliament. The minority did not have any electoral committees for the 2006 local government election; however candidates representing the minority were on the lists of other local electoral committees. Members of the minority ran for election in the Lubuskie, Małopolskie and Dolnośląskie Voivodeships.

Six members of the Lemko minority were elected to the councils of four communes in the Małopolskie Voivodeship, and five other persons to the councils of four communes in the Dolnośląskie Voivodeship. Moreover, a representative of the Lemko minority holds the office of Voit in one of communes of the Małopolskie Voivodeship.

In the school year of 2005/2006 the Lemko language was taught in 37 schools to a total of 295 children belonging to the minority.

The vast majority of Lemkos belong to two churches: the Ukrainian Greek Catholic Church and the Polish Orthodox Church.

Main organisations:

- Association of Lemkos,
- Union of Lemkos (supporting member of the Association of Ukrainians in Poland),
- Lemko Minorities Support Foundation „Rutenika”,
- Association „Ruska Bursa” in Gorlice,
- Society for the Development of the Museum of Lemko Culture in Zyndranowa.

Major press titles:

- “Besida” – quarterly magazine,
- “Zahoroda” – quarterly magazine,
- “Watra” – quarterly magazine,

- „Rocznik Ruskiej Bursy” - annual magazine,
- “Łemkiwska Storinka” – supplement to the Ukrainian weekly “Nasze Słowo” [Our Word].

Major cultural events:

- Lemko "Watra" in Zdynia,
- "Watra na Obczyźnie" in Michałów,
- „Od Rusal do Jana” - Festival of Lemko Tradition in Zydranowa near Dukla,
- “Pod Kyczerą” - European Festival of National and Ethnic Minorities,
- Lemko Creative Autumn in Gorlice and Krynica,
- International Biennale of Lemko Culture in Krynica,
- Meetings with Lemko Culture in Gorzów Wielkopolski.

The Germans are the most numerous national minority in Poland. During the 2002 National Population and Housing Census 147 094 citizens of Poland declared to be of German nationality, including 104 399 residents of the Opolskie Voivodeship, 30 531 residents of the Śląskie Voivodeship, 1 792 residents of the Dolnośląskie Voivodeship, 4 311 residents of the Warmińsko-Mazurskie Voivodeship, 2 016 residents of the Pomorskie Voivodeship, 1 014 residents of the Zachodniopomorskie Voivodeship, 820 residents of the Wielkopolskie Voivodeship, 636 residents of the Kujawsko-Pomorskie Voivodeship, 513 residents of the Lubuskie Voivodeship, 351 residents of the Mazowieckie Voivodeship, and 263 residents of the Łódzkie Voivodeship. The largest populations of Polish citizens of German nationality are found in the central and eastern part of the Opolskie Voivodeship in the following poviats: Strzelecki (20.62% of residents), Opolski (19.82%), Krapkowicki (18.38%), Oleski (16.82%), Prudnicki (14.93%), Kędzierzyńsko-Kozielski (13.15%), Kluczborski (9.75%) and in the Municipal Poviat of Opole (2.46%), as well as in the western part of the Śląskie Voivodeship, including Raciborski (7.24%), Gliwicki (4.25%) and Lubliniecki (3.10%) Poviats. In 27 communes of the Opolskie Voivodeship and in one commune of the Śląskie Voivodeship over 20% of the communes' population are members of the German minority.

Two representatives, who were on the list of the German minority electoral committee, were elected to Parliament. For the local government election of 2006, the German minority had

their candidates in the communes inhabited by the Germans in the Opolskie, Śląskie and Warmińsko-Mazurskie Voivodeships. In the Opolskie region, the German minority groups set up the “Mniejszość Niemiecka” (German Minority) election committee. Local election committees were also established in the territory of Śląskie Voivodeship. Candidates of the minority were on the lists of other electoral committees as well. Seven representatives of German minority were elected to the Sejmik of the Opolskie Voivodeship, and one of them holds the office of Deputy Marshal of the Voivodeship). In the Opolskie Voivodeship, the minority is represented in the ruling coalition. Furthermore, in the Sejmik of the Warmińsko-Mazurskie Voivodeship a seat is held by a representative of the German minority, who was elected from the list of Polish Popular Party (PSL) and additionally holds the office of Deputy Marshal of the Voivodeship. Forty-seven representatives of the German minority were elected to the Powiat Councils of the Strzelecki, Kędzierzyńsko-Kozielski, Krapkowicki, Opolski, Oleski, Kluczborski and Prudnicki Poviats in the Opolskie Voivodeship, and five representatives sit in the Raciborski Powiat Council in the Śląskie Voivodeship. In the Strzelecki and Opolski Poviats, German minority won the greatest number of seats. Twenty-six representatives of the German minority were elected Voits and Mayors in communes and towns of the Opolskie Voivodeship, a German minority representative holds the office of Voit of a commune in the territory of Śląskie Voivodeship. 304 councillors representing German minority sit in the councils of towns and communes in the Opolskie Voivodeship. In the Śląskie Voivodeship, the minority is represented by 22 councillors, and in the Warmińsko-Mazurskie Voivodeship by two councillors. The German minority representatives play a major role in the local government bodies of the communes and poviats where they inhabit: they manage some local-government units themselves or in coalition with other committees.

In the school year of 2005/2006, the German language was taught at 350 schools to a total of 35 456 students belonging to the minority.

The German minority representatives are mostly Catholics, and only a few (mainly those living in the northern regions of Poland) declare to belong to the Evangelical-Augsburg Church.

Main organisations:

- Association of German Social-Cultural Societies in Poland – the Association represents 10 social and cultural associations active in 10 voivodeships and around

600 local groups. The Association has 10 standing and 8 associate members (organisations). The standing members include: The Social and Cultural Society of the Germans in the Opole District, The Social and Cultural Society of the Germans in the Śląskie Voivodeship, German Minority Social and Cultural Society in the Zachodnio-Pomorskie Voivodeship, German Minority Social and Cultural Society in the Wielkopolskie Voivodeship, German Minority Social and Cultural Society in the Łódzkie Voivodeship, German Minority Social and Cultural Society in the Lubuskie Voivodeship, German Minority Social and Cultural Society in the Dolnośląskie Voivodeship, Union of German Associations in the former West Prussia, German Minority Association in the Pomorskie Voivodeship, Association of German Origin Population in the Kujawsko-Pomorskie Voivodeship. The associate organisations include: Union of German Minority Youth in the Republic of Poland, Union of Silesian Farmers, Union of Silesian Rural Women, Silesian Medical Society, Upper Silesian Singers' Society, German Charitable Society in Silesia, Joseph von Eichendorff Institute, and German Educational Society,

- German Community "Reconciliation and Future" ,
- Association of the Mazury Region
- Silesian Self-government Association.

Major press titles:

- „Schlesisches Wochenblatt" – weekly magazine,
- “Mitteilungsblatt" – monthly magazine,
- “Masurische Storchenpost" – monthly magazine,
- Cultural Education Notebooks “Heft für Kultur und Bildung"- quarterly magazine.

Major cultural events:

- Festival of the German Minority Culture in Poland,
- Days of German Culture in the Opole Voivodeship,
- Declamatory Contest in German “Youth Recite Poetry”,
- “Sommerfest” in Olsztynek,

- Review of Folk Bands and Orchestras of the German Minority in Leśnica,
- Review of Children and Youth Bands of the German Minority in Leśnica,
- Festival of German Minority Choirs and Vocal Groups in Walce.

The Armenians form a national minority of 262 Polish citizens who have declared to be of Armenian nationality during the 2002 National Population and Housing Census with 73 residents in the Mazowieckie Voivodeship, 26 residents in the Wielkopolskie Voivodeship, 23 residents in the Śląskie Voivodeship, 22 residents in the Małopolskie Voivodeship, and 20 residents in the Lubuskie Voivodeship. Armenian colonies established around the 11th century in the territory of Kievan Rus (Lviv, Lutsk, Kamianets-Podilskyi) became part of the Polish territory during the reign of Casimir III of Poland. In 1356, the colonies in Kamianets-Podilskyi and Lviv were confirmed to be autonomous, and Lviv became the seat of Armenian Bishops. Following the World War II, most of the Polish Armenians living in the South-Eastern Borderlands repatriated to the present-day territory of the Republic of Poland. The largest population of Polish Armenians may be found in Warsaw, Poznań and Cracow. The city of Gliwice is another important cultural centre of the Armenian minority in Poland.

The Armenian minority is not represented in the Parliament. The minority did not have any candidates for the 2006 local government election.

In the school year of 2005/2006 the Armenian language was taught in 2 schools (in Warsaw and Cracow) to 40 students belonging to the minority.

The Polish Armenians are mainly Armenian or Latin Catholics.

Main organisations:

- Armenian Cultural Society in Cracow,
- Archbishop J. Teodorowicz Association of Armenians in Poland seated in Gliwice,
- Foundation of Culture and Heritage of Polish Armenians in Warsaw.

Major press title:

- „Biuletyn Ormiańskiego Towarzystwa Kulturalnego" [Bulletin of the Armenian Cultural Society] – quarterly magazine.

Major cultural events:

- Commemoration of the 1915 Armenian Genocide,
- Polish National Meetings of the Armenian Communities in Cracow,
- Armenian Days in Cracow.

The Roma minority is an ethnic minority of 12 731 Polish citizens who declared to belong to the Roma minority during the 2002 National Population and Housing Census. This figure includes 1 678 residents of the Małopolskie Voivodeship, 1 319 residents of the Dolnośląskie Voivodeship, 1 291 of residents the Mazowieckie Voivodeship, 1 189 residents of the Śląskie Voivodeship, 1 086 residents of the Wielkopolskie Voivodeship, 1 018 residents of the Łódzkie Voivodeship, 847 residents of the Opolskie Voivodeship, 712 residents of the Podkarpackie Voivodeship, 699 residents of the Zachodniopomorskie Voivodeship, 670 residents of the Lubelskie Voivodeship, 634 residents of the Kujawsko-Pomorskie Voivodeship, 426 residents of the Warmińsko-Mazurskie Voivodeship, 365 residents of the Podlaskie Voivodeship, 338 residents of the Świętokrzyskie Voivodeship, 272 residents of the Lubuskie Voivodeship, and 187 residents of the Pomorskie Voivodeship. The Polish Roma community belong to four ethnic groups, i.e. Polish Roma, Carpathian Roma (Bergitka Roma), Kelderari and Lovari.

The first document to confirm the presence of Roma minority in the territory of Poland is dated to 1401 and originates from Cracow. Since the 15th century, groups of Roma community were coming along the Carpathian range and from the Carpathian Basin and settling in Poland. Carpathian Roma minority members are their descendants. In the 16th century, the Roma started to arrive to Poland from Germany and were then called the Polish Roma. The second half of the 19th century witnessed a migration of Kelderari (boilermakers) and Lovari (horse traders) from the areas of Transylvania and Wallachia.

The Carpathian Roma, who have been leading a settled life for several hundreds of years, now live in the mountainous areas of the Małopolskie Voivodeship. The largest number of Roma live in the rural commune of Bukowina Tatrzańska, Tatrzański Powiat, where 1.10 % of the residents declared to be of the Roma nationality during the National Census. Relatively large populations of the Bergitka Roma live in the urban areas of Upper and Lower Silesia and in the city of Nowa Huta, where in the fifties the Roma community members found jobs within the framework of the so called “policy of productivity”. Most of the Roma who belong to the three

remaining groups used to lead nomadic life. Nowadays, members of these groups live mainly in the cities of Warsaw, Poznań, Wrocław, Łódź, Cracow, Mielec and Puławy, and in a number of smaller towns, following the forced settlement policy of the People's Republic of Poland authorities.

The Roma minority is not represented in the Parliament. In the 2006 local government election, the minority representatives were on the lists of various election committees and ran for offices in several communes of the Mazowieckie, Małopolskie, Opolskie and Dolnośląskie Voivodeships. None of the candidates connected with the minority won a seat, though.

The majority of the Roma community in Poland are Roman Catholics, however, some of them are members of the Orthodox Church, Church of the Holy Spirit and Jehovah's Witnesses Group.

Main organisations:

- Central Council of the Roma community,
- Association of the Roma in Poland,
- Cultural Centre of the Roma community – Social and Cultural Society based in Tarnów,
- Association of the Roma National Minority “Roma Union” in Włocławek,
- Association “Romani Bacht” in Wrocław,
- Association of the Roma community in Limanowa,
- Social and Cultural Centre of Roma community in the Republic of Poland in Kędzierzyn-Koźle,
- Association of the Polish Roma community in Szczecinek,
- Advisory and Information Centre of Roma community in Łódź,
- Radom Roma Association “Romano Waś”,
- Romani Educational Association HARANGOS in Cracow,
- Association of Roma Women in Cracow,
- Association of the Roma culture and tradition promotion "Kale Jakha" in Cracow,
- Association of the Roma community in Cracow,
- “Familia” Roma Community Association in Tarnów,
- “Gitano” Roma Culture Association in Olsztyn,

- Association of Creators and Friends of the Gypsy Culture in Gorzów Wielkopolski.

Major press titles:

- „Dialog – Pheniben” – monthly magazine,
- „Rrom po Drom” – bi-monthly magazine,
- „Romano Atmo” – bi-monthly magazine.

Major cultural events:

- The “Romane Dyvesa” International Meetings of Gypsy Music Bands in Gorzów Wielkopolski,
- International Festival of the Roma Songs and Culture in Ciechocinek,
- Commemoration of the anniversary of Roma and Sinti holocaust in the former Auschwitz concentration camp,
- Commemoration of the anniversary of extermination of the Zigeunerlager-Litzmannstadt Getto in Łódź in 1942,
- Tarnów-Żabno-Szczurowa International Roma Caravan of Memory.

The Russians form a national minority of 3 244 Polish citizens who declared to be of Russian nationality during the 2002 National Population and Housing Census, - this figure includes 614 residents of the Mazowieckie Voivodeship, 511 residents of the Podlaskie Voivodeship, 362 residents of the Dolnośląskie Voivodeship, 275 residents of the Śląskie Voivodeship, 221 residents of the Zachodniopomorskie Voivodeship, 199 residents of the Pomorskie Voivodeship, 179 residents of the Łódzkie Voivodeship, 160 residents of the Wielkopolskie Voivodeship, 124 residents of the Lubuskie Voivodeship, 112 residents of the Warmińsko-Mazurskie Voivodeship, and 106 residents of the Małopolskie Voivodeship. The population of Russians who live in Poland originate mainly from a series of migrations during the period of Partitions of Poland, following the Bolshevik Revolution, in the decades following World War II and after the fall of the USSR. Most of the representatives of Russian community are members of the Polish Autocephalous Orthodox Church. Furthermore, there are Old Believers who live in the Podlaskie and Warmińsko-Mazurskie Voivodeships. This religious group separated from the hierarchy of

the Russian Orthodox Church in the second half of the 17th century. At the end of the 18th century, the Old Believers settled in the areas of present-day territory of Poland (Suwalszczyzna and Mazury) to escape religious persecution. The group members identify themselves mainly with their religion (Russian Orthodox Old-Rite Church), national awareness being of secondary importance.

The Russian minority is not represented in the Parliament. In the 2006 local government election, representatives of the minority were on the lists of various election committees. None of the candidates connected with the minority won a seat, though.

Main organisations:

- Russian Cultural and Educational Association in Białystok,
- Association “Russian Community” in Warsaw;
- Association “Russian Home” in Warsaw,
- Association of Old Believers’ in Poland with its seat in Bór near Augustów.

Major cultural events:

- Days of Russian Culture in Białystok,
- Russian Soirees in Warsaw,
- Russian Meetings and Soirees in Białystok,
- Russian Poetry Declamatory Contest,
- Old Believers’ picnics in Gabowe Grądy.

The Slovaks are a national minority, which, according to the declarations made during the 2002 National Population and Housing Census, includes 1 710 Polish citizens, out of whom 1 572 live in the Małopolskie Voivodeship, 40 in the Śląskie Voivodeship and 20 in the Mazowieckie Voivodeship.

Slovaks have traditionally lived in the area of Spisz and Orawa. The majority of Slovaks live in the following communes: rural commune of Nowy Targ (3.25% of the population), Łapsze Niżne (2.64%) and Jabłonka (1.25%) - Nowy Targ Powiat and Bukowina Tatrzańska (2.84%) - Tatrzański Powiat.

The Slovak minority has no representation in the Parliament. In some communes of the Małopolskie Voivodeship the minority representatives were on the lists of various electoral committees in the local government elections in 2006.

One candidate representing the Slovak minority won a seat in local government.

In the school year of 2005/2006 the Slovak language was taught at 11 schools to a total of 279 students belonging to the minority.

The majority of Slovaks are Roman Catholics.

Main organisation:

- Association of Slovaks in Poland.

Major press title:

- "Život" monthly

Major cultural events:

- Days of Slovak Culture in Małopolska region,
- Review of Countrymen Wind Bands,
- Review of Folk Bands in Krempachy.

The Tartars are an ethnic minority which, according to the declarations made during the 2002 National Population and Housing Census, includes 447 Polish citizens, out of whom 319 persons live in the Podlaskie Voivodeship, 28 in the Pomorskie Voivodeship, 22 in the Mazowieckie Voivodeship and 20 in the Wielkopolskie Voivodeship. Tartars live in the traditional Tartar communities in the Białystok region (Bohoniki and Kruszyniany) and in the cities of Białystok, Sokółka, Dąbrowa Białostocka and Gdańsk.

Polish Tartars have lived on the territory of the Grand Duchy of Lithuania since the late 14th century. Their ancestors were emigrants or refugees from the Golden Horde and the Crimea regions. In Poland the Tartars ceased to use their language but remained faithful to their Muslim religion. The activities of the Muslim Religious Association in the Republic of Poland play an important role in the life of the Tartar minority.

The Tartar minority has no representation in the Parliament. The representatives of the minority did not run for posts in the local government elections in 2006.

Main organisation:

- Association of Tartars in the Republic of Poland

Major press title:

- „Rocznik Tatarów Polskich" [Yearly Magazine of Polish Tartars] - yearly

Major cultural event:

- Summer Academy of the Knowledge about the Polish Tartars.

The Ukrainians are a national minority which, according to the declarations made during the 2002 National Population and Housing Census, includes 27 172 Polish citizens, out of whom 11 881 live in the Warmińsko-Mazurskie Voivodeship, 3 703 in the Zachodniopomorskie Voivodeship, 2 984 in the Podkarpackie Voivodeship, 2 831 in the Pomorskie Voivodeship, 1 422 in the Dolnośląskie Voivodeship, 1 366 in the Podlaskie Voivodeship, 615 in the Lubuskie Voivodeship, 579 in the Mazowieckie Voivodeship, 472 in the Małopolskie Voivodeship, 389 in the Lubelskie Voivodeship and 309 in the Śląskie Voivodeship.

Following the Operation "Wisła", carried out in 1947 by the communist authorities, almost all the Ukrainian population living in southern-eastern Poland was resettled to the northern and western Poland. Therefore, the largest groups of Ukrainians live within the Warmińsko-Mazurskie Voivodeship, the Dolnośląskie Voivodeship and the Zachodniopomorskie Voivodeship. Some of the Ukrainians managed to avoid the resettlement and some were allowed to come back after 1956. Therefore, Ukrainian communities can be found in the Podkarpackie and Małopolskie Voivodeships. The largest communities of Polish citizens of Ukrainian nationality, however, may be found in the Warmińsko-Mazurskie Voivodeship, including Węgorzewski (6.03% of the inhabitants of the Poviats), Gołdapski (2.34%), Giżycki (2.42%), Kętrzyński (1.53%), Bartoszycki (3.30%), Elbląski (2.07%) and Braniewski (3.59%) Poviats; in the Podkarpackie Voivodeship, including the Sanocki Poviats (1.04% of the inhabitants) and Przemyśl⁴ (1.20%); in the

⁴ City with the poviat rights.

Człuchowski Powiat (1.19%) of the Pomorskie Voivodeship and the Szczecinecki Powiat (1.12%) of the Zachodniopomorskie Voivodeship. In nine communes of the Warmińsko-Mazurskie, Zachodniopomorskie and Podkarpackie Voivodeships the representatives of the Ukrainian minority constitute over 10% of the inhabitants.

The Ukrainian minority has no representation in the Parliament. The minority did not have any electoral committees for the 2006 local government election. The candidates representing the minority were on the lists of various electoral committees and some of them were supported by the Association of Ukrainians in Poland. The minority representatives stood as candidates in the election mainly within the Warmińsko-Mazurskie Voivodeship. Individual candidates were also on the election lists in the Zachodniopomorskie, Lubuskie, Podlaskie and Dolnośląskie Voivodeships. Following the elections, a representative of the Ukrainian minority became a member of the council of the Warmińsko-Mazurskie Voivodeship (he is the head of the Voivodeship *Sejmik*), eight Ukrainians are members of powiat authorities (Ostródzki, Kętrzyński, Gołdapski and Bartoszycki Poviats in the Warmińsko-Mazurskie Voivodeship, Koszaliński and Szczecinecki Poviats in the Zachodniopomorskie Voivodeship), two representatives are Mayors of rural communes (Dolnośląskie and Warmińsko-Mazurskie Voivodeships), eight persons are the commune council members in the Warmińsko-Mazurskie Voivodeship and one is a member of the Przemyśl town council (Podkarpackie Voivodeship).

In the school year of 2005/2006 the Ukrainian language was taught in 162 schools to a total of 2740 students belonging to the minority.

The majority of Ukrainians in Poland belong to two churches: the Ukrainian Greek Catholic Church and the Polish Autocephalous Orthodox Church.

Main organisations:

- Association of Ukrainians in Poland.
- Association of the Ukrainians of the Podlasie region,
- Ukrainian Association in Lublin,
- Foundation of St. Włodimir the Baptist of the Kievan Rus',
- Association of Ukrainian Women,
- Ukrainian Teachers' Society in Poland,
- Ukrainian Doctors' Society,

- Association of Ukrainians - Political Prisoners of the Stalin Regime
- “PLAST” - Ukrainian Youth Organisation,
- Ukrainian Historical Society,
- Ukrainian Independent Youth Association.

Major press titles:

- “Nasze Słowo” [Our word] weekly,
- “Nad Buhom i Narwoju” bi-monthly.

Major cultural events:

- Festival of the Ukrainian Culture in Sopot,
- “Youth Fair” in Gdańsk,
- “Podlasie Autumn” Ukrainian Culture Festival in the Podlasie region,
- “Bytowska Watra”,
- Border region meetings in Głębock,
- Days of Ukrainian Culture in Szczecin and Giżycko,
- Children Cultural Festival in Elbląg,
- “Na Iwana, na Kupała” in Dubicze Cerkiewne,
- Festival of Ukrainian Children Bands in Koszalin,
- “Iwana Kupała Night” in Kruklanki,
- Folk Fair “From a painted box” in Kętrzyn,
- “Under the common sky” in Olsztyn,
- Days of Ukrainian theatre in Olsztyn.

The Jews are a national minority which, according to the declarations made during the 2002 National Population and Housing Census, includes 1 055 Polish citizens, out of whom 397 live in the Mazowieckie Voivodeship, 204 in the Dolnośląskie Voivodeship, 92 in the Śląskie Voivodeship, 65 in the Łódzkie Voivodeship and 50 in the Małopolskie Voivodeship. The Jewish population is dispersed and the Jews live mainly in large cities. The first mentions about Jews on the Polish territory date back to the 10th century and the first official Polish document granting

some privileges and autonomy to the Jews was the Kalisz Statute from the 13th century. The Jews were coming to Poland because of relatively best conditions (as compared to the pogroms of Jews in the western Europe) for life in safety and for development of their culture, and because of the autonomy of religious communities guaranteed by royal privileges. Traditionally the number of Jews in Poland amounted to around 10% of the population (the largest proportion in Europe). The development of Jewish life in Poland was brutally halted by World War II and Hitler's *Endlösung* policy. Out of the 3.5 million Polish Jews only around 300 000 survived the War. During the communist era, the majority of Polish Jews left the country. The Jewish life in Poland revived after 1989. Many people came back to their Jewish roots. New organisations were founded in order to foster the life of the Jewish community in Poland.

The Jewish minority has no representation in the Parliament. The representatives of the minority did not run for posts in the local government elections in 2006.

In the school year of 2005/2006 the Hebrew language was taught at 2 schools (in Warsaw and Wrocław) to a total of 66 students belonging to the minority. The Yiddish language (traditional language of Polish Jews) is taught at the courses organised by Jewish organisations.

Jews are the believers of Judaism. The activities of the Association of Jewish Religious Communities in the Republic of Poland play an important role in the life of the Jewish minority.

Main organisations:

- Social and Cultural Society of Jews in Poland,
- Jewish Historical Institute Association,
- Association of Jewish Veterans and Victims of World War II,
- Shalom Foundation,
- Foundation of Jewish Heritage Protection.

Major press titles:

- „Dos Jidisze Wort" – Słowo Żydowskie bi-weekly,
- "Midrasz" (Midrash) - monthly

Major cultural events:

- "Singer's Warsaw" - Festival of Jewish Culture,

- Days of Jewish Book in Warsaw,
- Anniversary of the Warsaw Ghetto Uprising,
- Meetings with Jewish Culture *Simha* in Wrocław,
- Havdalah concerts in Wrocław.

4.3 Characteristics of the community using the regional language.

According to the data of the 2002 National Population and Housing Census, **Kashubian language** as the language most often spoken at home, is used by 52 665 persons, out of whom 52 588 persons in the Pomorskie Voivodeship. The largest communities of persons using the regional language at home live in the following poviats of the Pomorskie Voivodeship: Kartuski (27.57% of the Poviat inhabitants), Pucki (15.43%), Wejherowski (5.13%) and Bytowski (2.50%). In 10 communes of the Pomorskie Voivodeship persons using the regional language at home account for over 20% of commune inhabitants.

The Kashubian community is represented in the Parliament by 10 Deputies and one Senator, who were elected to the Sejm and the Senate from the lists of the Civic Platform (PO) from and the Law and Justice (PiS). The community using the regional language did not have any electoral committees for the 2006 local government election. The candidates representing this community run for posts in the local governments from the lists of various electoral committees. Following the election, 11 persons from the Kashubian community won the seats in the council (*Sejmik*) of the Pomorskie Voivodeship (the representative of the Kashubian community is the head of the *Sejmik*). The Kashubian community representatives are also members of the Poviat Council in the Człuchowski, Kartuski, Malborski, Pucki, Wejherowski and Bytowski Poviats. More than 28 persons from the Kashubian community were appointed for the position of village Voits and Mayors of towns and cities in the Pomorskie Voivodeship. The Kashubian community representatives are also members of numerous commune councils in the Voivodeship, representing various political parties and electoral committees and they head some local government units.

In the school year of 2005/2006 the Kashubian language was taught at 104 schools to a total of 4478 students belonging to the minority.

People using the regional language at home usually belong to the Roman Catholic Church.

Main organisations:

- Kashubian-Pomeranian Association
- Kashubian Institute
- Kashubian People's University Foundation,
- Association "Land of Puck"

Major press title:

- "Pomerania" monthly

Non-public media:

- *Kaszëbë Radio* broadcasting in Kashubian language

Major cultural events:

- Conventions of Kashubians held each year in the Pomorskie Voivodeship,
- "Rodnô Mòwa" - Voivodeship Kashubian Literature Contest,
- Meetings of Kashubian language writers,
- "Remusowa kara" - regional workshop,
- "Piszã pò kaszëbskù" - królewionka w pałacu" - Kashubian spelling test,
- Tournament of Folk Storytellers of Kashubia and Kociewie,
- Jan Drzeżdżon Contest of Kashubian Language "Not to forget our fathers' language".

5. Description of the situation on the territories inhabited by particular minorities

The largest communities of national minorities are found in the voivodeships of northern and southern Poland (i.e. Podlaskie – 53 800, Warmińsko-Mazurskie – 17 100, Pomorskie – 5 600

(excluding persons using the regional language at home), Zachodniopomorskie – 6 000, Dolnośląskie – 8 400, Opolskie – 105 500, Śląskie – 32 700 and Małopolskie - 5 700).

According to the Central Statistical Office data as of the end of July 2006, the average unemployment rate in Poland is 15.7%. The unemployment rate is higher than the average in the following voivodeships with large minority communities: Warmińsko-Mazurskie (24.5%), Zachodniopomorskie (21.9%), Dolnośląskie (18.1%), Opolskie (17.1%) and Pomorskie (16.7%). The unemployment rate lower than the national average was recorded in Śląskie (14.0%), Podlaskie (13.7%) and Małopolskie Voivodeships (12.0%). It should be emphasized that the unemployment rate has increased slightly in all voivodeships, except for Podlaskie, Dolnośląskie and Warmińsko-Mazurskie, as compared to the Central Statistical Office data from the end of December 2000. However, the unemployment rate has decreased recently.

According to the Central Statistical Office data for 2004, the GDP per capita in Poland amounts to PLN 24 181. It is higher than the national average in the Śląskie (PLN 27 177) and Dolnośląskie (PLN 24 632) Voivodeships. But it is lower in Pomorskie (PLN 23 616), Zachodniopomorskie (PLN 22 494), Opolskie (PLN 20 785), Małopolskie (PLN 20 671), Warmińsko-Mazurskie (PLN 18 778) and Podlaskie (PLN 18 056)⁵. At the same time four of those voivodeships (Śląskie, Dolnośląskie, Pomorskie and Zachodniopomorskie) are among six voivodeships with the highest GDP per head.

⁵ Data for 2004. Data for the following years are not available yet.

6. Basic data

	Area in km ² (2006)	Population (2006)	GdP per capita in PLN (2004) ⁶	Registered unemployed in thousands (as at the end of July 2006)	Unemployment rate in % (as at the end of July 2006)
POLAND	312 683	38 157 055	24 181	2 443.4	15.7
Dolnośląskie	19 948	2 888 232	24 632	202.1	18.1
Kujawsko-Pomorskie	17 970	2 068 253	21 633	165.7	20.0
Lubelskie	25 114	2 179 611	16 777	145.5	15.8
Lubuskie	13 984	1 009 198	21 641	78.2	20.8
Łódzkie	18 219	2 577 465	22 274	174.4	15.9
Małopolskie	15 144	3 266 187	20 671	154.3	12.0
Mazowieckie	35 579	5 157 729	36 636	302.9	12.6
Opolskie	9 412	1 047 407	20 785	63.5	17.1
Podkarpackie	17 926	2 098 263	16 886	146.6	16.6
Podlaskie	20 180	1 199 689	18 056	64.1	13.7
Pomorskie	18 293	2 199 043	23 616	136	16.7
Śląskie	12 294	4 685 775	27 177	253.8	14.0
Świętokrzyskie	11 691	1 285 007	18 714	103.3	18.4
Warmińsko-Mazurskie	24 203	1 428 601	18 778	131	24.5
Wielkopolskie	29 826	3 372 417	26 001	182.6	12.7
Zachodnio-Pomorskie	22 902	1 694 178	22 494	139.1	21.9

Source: Central Statistical Office (GUS).

⁶ Data for the following years are not available yet.

PART II: REALISATION OF THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF NATIONAL MINORITIES

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Information concerning the status of international law in the domestic legislation has been discussed in the first part (Chapter 2).

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and cooperation between States.

Ratification of the *Convention* by Poland translated into the necessity to adjust its internal legislation to the principles listed in the *Convention*. The authors of the draft *Act on National and Ethnic Minorities and Regional Language* had kept that in mind. The principles included in the *Convention* lay behind the provisions of the Act. In certain instances, provisions of the *Convention* were quoted directly. With the adoption of the *Act on National and Ethnic Minorities and Regional Language*, all principles included in the *Convention* were implemented into the Polish legislation

The commentary on the discussed Article included in the first Report remains valid. It should be reminded that Poland declared in the Report that the objectives listed in the preamble to the *Convention* are the objectives of the Polish State. This means that Poland has recognised that the protection of national and ethnic minorities is essential for the stability, security and

peace in Europe and that ethnic, linguistic, religious and cultural diversity should be respected. This also may be regarded as deep conviction that diversity enriches the country and its citizens. Poland – as a signatory to the *Convention* – contributes the richness of cultures of its national minorities to the common cultural heritage of Europe.

Poland is also bound by its tradition. The Republic of Poland has been a stronghold of religious and national tolerance in Europe for centuries. Thus, Poland has hosted such minorities as the Tartar minority, the Jewish minority, the Armenian minority, the Karaim minority or the Roma minority which fled from persecutions in other countries to find their home in Poland for many centuries.

In the democratic countries, the presence of national minorities is an important social and cultural fact. Following the changes that took place in Poland after 1989, national and ethnic minorities enjoy full rights under the domestic and international law. The Polish Government listens attentively to the voice of minorities, trying to create the conditions which would ensure stable development of their culture and identity, as well as promotion of openness and tolerance in Polish society, especially among the youth. Taking appropriate measures to support activities aimed at the protection, preservation and development of cultural identity of ethnic and national minorities is a statutory responsibility of Polish authorities.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

The commentary on Article 3 (1) included in the first Report remains fully valid. Article 4 (1) of the *Act on National and Ethnic Minorities and Regional Language* reads: “Every person belonging to a minority shall have the right to decide freely about being treated as belonging or not belonging to a minority, and the relevant choice or the enjoyment or non-enjoyment of the related rights shall not entail any adverse effects.” The paragraph is a direct quote from Article 3(1) of the *Convention*. Moreover, Article 4(2) of the Act stipulates that “no-one shall be obliged, unless by virtue of law, to reveal information on his/her belonging to

a minority, on his/her origin, minority language or religion.” Under Article 4 (3), “no-one shall be obliged to prove his/her belonging to a given minority.”

The *Act on National and Ethnic Minorities and Regional Language* introduces another novelty which is worth mentioning here. Article 2 lays down the definition of a national minority and an ethnic minority, and it also enumerates national and ethnic minorities in Poland. For a community to be recognised as a national or ethnic minority, its members have to hold Polish citizenship and the community itself has to meet a total of six conditions. Five of these conditions are common for the national and ethnic minorities and one determines the difference between them. According to the definition, a national or ethnic minority is a group of Polish citizens which meets the following criteria:

- 1) number of its members is smaller than the rest of the population of the Republic of Poland,
- 2) it significantly differs from the remaining citizens by its language, culture or tradition,
- 3) it strives to preserve its language, culture or tradition,
- 4) it is aware of its own historical, national community, and is oriented towards its expression and protection,
- 5) its ancestors have been living on the present territory of the Republic of Poland for at least one hundred years.

A national minority is a group of people that identify themselves with the nation having its own state, while an ethnic minority is a group of people who do not identify themselves with a nation having its own state. In line with the above-mentioned criteria, the Act enumerates national minorities (Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish) and ethnic minorities (Karaims, Lemkos, Roma and Tartars). Besides, the Act provides a definition of a regional language⁷. Within the meaning of the Act, Kashubian is such a language. All provisions of the Act pertain to both national and ethnic minorities to the same extent.

⁷ Article 19.1. A regional language, within the meaning of the Act, according to the European Charter for Regional or Minority Language is a language:

- 1) traditionally used within a given territory of a State by the nationals of that State who form a group numerically smaller than the rest of the State's population; and
- 2) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants.

2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

The commentary on Article 3(2) included in the first Report remains fully valid. Moreover, according to Article 4 (4) of the Act *on National and Ethnic Minorities and Regional Language* “persons belonging to a minority may enjoy the rights and freedoms stemming from the principles set forth in this Act, both individually as well as together with other members of the minority.” The paragraph is a direct quote from Article 3 (2) of the *Convention*.

Article 4

1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*

The commentary on Article 4 (1) included in the first Report remains fully valid. Besides, provision of Article 6 of the Act *on National and Ethnic Minorities and Regional Language* prohibits discrimination on account of one's belonging to a national or ethnic minority. EU accession of Poland provided a new quality and led to the enforcement of Directives 2000/43/EC and 2000/78/EC. Provisions banning discrimination on the labour market were extended in comparison with those described in the first Report.

Article 18^{3a} (1) of the Labour Code stipulates that employees shall be treated equally as regards the establishment and termination of employment relationships, conditions of employment, promotion and access to training in order to raise occupational qualifications, particularly regardless of sex, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religious convictions, sexual orientation or due to employment for a definite or an indefinite period or on full-time or part-time basis. Thus, the non-discrimination principle in employment has been formulated so as to guarantee that its application is the basic duty of all employers. It was formulated in a general manner and it prohibits groundless differentiation between employees. The discrimination prohibition covers all stages of employment: selection of the employees to be hired, establishment of the content of

employment relationship and its implementation, and termination of the employment relationship.

Article 18^{3b} (1) of the Labour Code stipulates that it is the employer's duty to prove that an employee has not been discriminated. However, according to Article 18^{3b} (4), differentiating employees due to religion or religious convictions shall not be considered as breach of the principle of equal treatment in employment if in relation to the type and character of activities conducted within the scope of churches or other religious societies as well as organizations the objective of which is directly related to religion or denomination, the employee's religion or denomination constitutes a material, reasonable and justified professional qualification.

Guarantees of the compliance with the non-discrimination principle in the contracts of employment were included in Article 18^{3d} of the Labour Code, which stipulates that a person in relation to whom the employer has infringed the principle of equal treatment in employment shall have the right to indemnity in an amount not lower than the minimum remuneration for work determined under separate provisions. Since 1 January 2002, cases related to indemnity due to discrimination in the workplace have been adjudicated upon as a separate category. Besides, in line with the provisions of Article 18^{3e}, employee's exercise of the rights resulting from infringement of the principle of equal treatment in employment may not constitute the grounds for the employer's submitting of a notice of termination of the employment relationship or terminating such a relationship without notice.

Apart from the Labour Code, the ban on discrimination on grounds of, *inter alia*, ethnic origin was included in the *Act on the Promotion of Employment and Labour Market Institutions* of 1 June 2004. Article 18a (4) of the Act prohibits the employment agencies to discriminate persons, for whom the agency seeks employment, on grounds of sex, age, disability, race, ethnic origin, nationality, sexual orientation, political views, faith and union membership. Article 36 on employment intermediaries stipulates (paragraph 4) that the employment agencies shall conduct their activity free of charge and, *inter alia*, observe the equality principle, which means that Poviats Labour Offices are obliged to provide support to all job seekers, regardless of their sex, age, disability, race, ethnic origin, nationality, sexual orientation, political views, faith and union membership. Paragraph 5 of the Article states that all employers shall inform Poviats Labour Offices of available jobs or vocational training posts and prohibits them to formulate

requirements that discriminate candidates on grounds of sex, age, disability, race, ethnic origin, nationality, sexual orientation, political views, faith and union membership. Article 38 on vocational counselling (paragraph 2 (3) states that vocational counselling shall be conducted by the Poviats Labour Offices according to the principles of, *inter alia*, equality of access to vocational counselling, regardless of the person's sex, age, disability, race, ethnic origin, nationality, sexual orientation, political views, faith and union membership. Article 123 of the Act provides for a standard according to which whoever refuses to employ a candidate to fill a job vacancy or a vocational vacancy on the grounds of sex, age, disability, race, ethnic origin, nationality, sexual orientation, political views, faith and union membership shall be liable to a fine of at least PLN 3 000.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

The commentary on Article 4(2) included in the first Report, in its part on constitutional provisions, remains fully valid. Moreover, Article 6 (2) of the *Act on National and Ethnic Minorities and Regional Language* obligates public authorities to take appropriate measures to promote full and real equality in the sphere of economic, social, political and cultural life between persons belonging to a national or ethnic minority and persons belonging to the majority, to protect persons subjected to discrimination, hostility or violence because of their belonging to a national or ethnic minority, as well as to build up inter-cultural dialogues. Article 21(2) of the Act imposes on the competent minister in charge of religious denominations and national and ethnic minorities some duties connected with, *inter alia*, implementing the principle of equal treatment regardless of ethnic origin.

The Roma minority is most exposed to discrimination and hostility or violence on ethnic grounds. As the social and material situation of a large part of this community is exceptionally difficult and the outcome of activities carried out under the *Pilot Governmental Programme for the Roma Community in the Malopolskie Voivodeship for the Years 2001 – 2003* has proved

positive, the activities conducted on the territory of Małopolska region are implemented across the whole territory of Poland. The activities are carried out within the framework established by the *Programme for the Roma Community in Poland* adopted on 19 August 2003. The *Programme* will be implemented in the years 2004-2013 with a possibility of continuation.

The *Programme* is coordinated by the competent minister in charge of denominations and national and ethnic minorities (Minister of Interior and Administration). The *Programme* tasks implementation shall be supervised by the Voivodes (for tasks executed at Voivodeship level), the Minister of Interior and Administration and the Minister of National Education (for tasks connected with education).

Under the *Programme*, the government administration, local self-government units and NGOs perform a wide range of activities associated with improvement of social and living conditions of the Roma community and prevention of unemployment, with healthcare, safety, culture, maintaining Roma identity, disseminating knowledge on the Roma community and popularising civic knowledge among the Roma minority. As under the previous *Pilot Programme*, priority was given to the educational tasks (issues connected with educating Roma students were discussed in the commentary on Article 12 (3)).

The second most important objective of the *Programme* is to improve the living conditions of the Roma minority. Here the priority includes the investment tasks aimed at improving housing and sanitary conditions: refurbishments, support for housing construction, providing water and sewage systems connections, supplying water and electricity.

Appropriate measures to support actual equality in all areas of economic, social, political and cultural life of persons belonging to national and ethnic minorities and persons belonging to the majority has also been taken under programmes co-financed with the European Union funds. Examples of such activities includes projects conducted under *Community Initiative Programme EQUAL for Poland 2004-2006* (CIP EQUAL), under which innovative solutions aimed to counteract and combat discrimination and inequality on the labour market are tested. The projects conducted under CIP EQUAL are intended to devise new model solutions that would be later promoted as the so-called good practice and/or recommended as model solutions at the national, regional and sectoral levels. Actions taken under CIP EQUAL are targeted at the social groups in unfavourable situation on the labour market, including *inter alia* national and ethnic minorities.

The following model solutions in respect of counteracting and preventing discrimination and inequality on the labour market experienced by national and ethnic minorities are currently tested under CIP EQUAL projects:

- Model system for the improvement of the professional situation of the Roma community (under the “Roma on the Labour Market” project);
- Model of professional stimulation of the Roma through the creation of integrating social cooperatives (under the “Partnership for the Professional Stimulation of the Roma through Social Economy Tools” project);
- Model of institutional support for professional activity and entrepreneurship of the Roma. The idea of the Centre for Professional Stimulation of the Roma (under the project “Initiative for the Development of the Roma Entrepreneurship – KXETANES – RAZEM”).

The difficult living conditions of the Roma trigger health problems. Prophylaxis measures consist, *inter alia*, in employing and co-financing the work of visiting nurses who provide direct medical aid, medical counselling and distribute medicines and personal hygiene articles purchased with subsidies. Apart from the above-mentioned measures, there are also: screening tests, vaccinations and the so-called ‘white days’ when doctors of different specialities provide consultations free of charge.

It is the unemployment that underlies the difficult living conditions and triggers other problems; most members of the Roma community in Poland are in such situation. Apart from educational activities aimed at helping the Roma to find jobs in the future, the *Programme* also includes direct actions to enable them to enter the labour market. In order to stimulate occupational development of the Roma community, a number of activities aimed at creating new jobs and employing persons of Roma origin have been carried out in cooperation with Poviats Labour Offices, thanks to subsidising the jobs. Trainings intended to improve and change professional qualifications as well as vocational counselling were important additions to measures in that respect.

One of the factors that hinder the integration of the Roma and prevent them from entering the labour market is their stereotypical and usually negative image among the non-Roma majority. Therefore, some measures are necessary that would disseminate reliable knowledge about the Roma and help to sustain their ethnic identity at the same time. The activities taken under the

Programme present the achievements of Roma culture in a variety of forms (days of Roma culture, concerts, exhibitions, workshops, plein-air workshops, etc.). It should be emphasised that Roma associations participate in the organisation of such events and often actually take part in them directly. It is important, as such artistic and cultural initiatives are also addressed to people who rarely have contact with the Roma community. Another group of tasks involve support for the existing bands operating at cultural centres, schools and community day-care rooms, as well as help in establishing new ones. Moreover, publications and educational materials addressed to both Roma and non-Roma are issued. The Cracow division of TVP S.A. (Polish national TV) continues the production of “Romski informator” (The Roma Guide) programme. It is presented in Roma language with Polish subtitles.

Social integration is also enhanced by the tasks intended to increase the participation of the Roma community in the civic society activities. Increased civic activity is closely related to effective solving of the most pressing problems of the Roma community. Citizen Advice Bureaux operating in a number voivodeships receive regular support; and new Bureaux are being established. Consultation meetings of local authorities, NGOs, local guards and police with the Roma community are also very important. Activities of the Voivodeship Police Headquarters in Cracow, where a post of the Coordinator for issues connected with the implementation of the *Programme* was established, deserve special attention. Commanders of Poviats and Municipal Police Headquarters from the areas populated by the Roma community undertook similar activities.

The total funding of PLN 22 000 000 (ca. EUR 5 500 000), allocated from the state budget in the years 2002 - 2006 for activities carried out under both *Programmes*, was spent on numerous undertakings conducted mainly by local self-government units and NGOs (including Roma organisations). Apart from the above-mentioned funds, some resources were allocated from the budgets of local self-government units for financing of the *Programme* tasks (ca. 20% of the budgetary means). The following voivodeships received the most extensive financial aid: Małopolskie, Dolnośląskie, Śląskie and Podkarpackie. The Małopolskie Voivodeship received almost 30% of the funds.

On the basis of educational provisions, the local self-government units which carry out additional tasks for the benefit of students of Roma origin at schools, including the employment

of Roma education assistants and support teachers, receive educational subsidies increased by 150% per student.

3. *The measures adopted in accordance with paragraph 2 shall not be considered as an act of discrimination.*

Article 5

1. *The Parties undertake to promote conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

The commentary on Article 5 (1) included in the first Report in its part on the Constitution and educational system remains fully valid. The positive changes which have taken place in Polish educational system after the Secretary General received the first Report will be discussed in the commentary on Article 14. Certain new elements should be pointed out, namely the supportive measures introduced by state authorities in the *Act on National and Ethnic Minorities and Regional Language*, with the view to protect, preserve and develop cultural identity of ethnic and national minorities. The very first sentence of Article 1(1) of the Act states that the “Act shall regulate the issues connected with the maintenance and development of respective cultural identity of national and ethnic minorities, the preservation and development of the regional language.”. It is Article 18 of the Act, however, that is essential to implementation of Article 5(1) of the *Convention*. Article 18 of the Act imposes on Polish public authorities an obligation to take appropriate measures in order to support the activity aimed at protection, preservation and development of cultural identity of ethnic and national minorities. As compared to legal solutions in force earlier, the possibility to grant both special-purpose subsidies and earmarked subsidies for the tasks performed by minority organisations or cultural institutions and important for a minority constitutes a novelty. The possibility to grant earmarked subsidies is a response to the requests that have been filed by national and ethnic minorities for years now.

The Act enumerates ten groups of tasks for which subsidies can be granted, namely:

- 1) activities of cultural institutions, artistic movement and folk art of minorities, and artistic events of significance for minority culture,

- 2) investments contributing to preservation of minority cultural identity,
- 3) publication of books, journals, periodicals and leaflets in minority languages or in the Polish language in the printed form or using video and sound recording techniques,
- 4) support for TV and radio programmes made by the minorities,
- 5) protection of places associated with minority culture,
- 6) activities of the youth clubs,
- 7) the running of libraries and documentation of minority cultural and artistic life,
- 8) education of children and youth, effected in various forms,
- 9) dissemination of knowledge about minorities,
- 10) other programmes accomplishing the purposes referred to in paragraph 1, and promoting civic integration of minorities.

Among the above-mentioned tasks, the possibility to grant subsidies for investments should receive particular attention as minorities have postulated adoption of such regulations for years. It should also be pointed out that the minority organisations and cultural institutions supporting culture of a minority may now receive earmarked subsidies for implementation of the above-mentioned tasks.

The Act also accounts for specific character of minorities and the possibility for subsidies from the part of the state budget administered by the competent minister in charge of denominations and national and ethnic minorities to be granted without open tender. Each year the competent minister in charge of denominations and national and ethnic minorities, currently the Minister of Interior and Administration, determines the procedure for granting subsidies. It should be emphasized that the representatives of minorities have participated in devising those principles (firstly via the Group for National and Ethnic Minorities and currently through the Joint Commission of the Government and National and Ethnic Minorities).

In 2005, funds granted by the Minister of Interior and Administration for the above-mentioned subsidies amounted to PLN 5 900 000 (ca. EUR 1 490 000⁸). In 2006, for the first time the state budget was determined following the provisions of the Act. Therefore, the 2006 budgetary law included the amount of PLN 10 944 000 (ca. EUR 2 764 000) for subsidies for the protection, preservation and development of cultural identity of ethnic and national minorities as

⁸ The EURO exchange rate (PLN 3.96 for 1 EURO) on the basis of the exchange rates table No. 46/C/NBP/2007 of 5 March 2007.

well as the preservation and development of the regional language. Total amounts granted to the particular minorities from the state budget are listed in the table below. The table does not show funds granted to the members of minorities on general conditions; only the amounts additionally granted for the preservation of cultural identity or the preservation of a minority language are included.

**SUBSIDISING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING A REGIONAL LANGUAGE, IN 2006**

National or ethnic minority or a community using a regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language			<i>Programme for the Roma Community in Poland</i>	TOTAL	in EURO - approximation
	Textbooks	Educational subsidy	Other educational expenditure	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies			
Belarusians	0	6 130 815	0	1 769 410.60 ⁹	0	72 316	-	7 972 541.60	2 013 268
Czechs	0	0	0	27 100	0	0	-	27 100	6 843
Karaims	0	0	0	8 100	20 000	3 388	-	31 488	7 952
Lithuanians	397 000	1 262 593	0	579 131	743 000	22 781	-	3 004 505	758 713
Lemkos	220 850	1 331 927	15 000	822 453 ¹⁰	195 448	22 573	-	2 608 251	658 649
Germans	0	53 239 359	0	890 840	20 200	95 099	-	54 245 498	13 698 358
Armenians	0	0	0	85 980	0	10 899	-	96 879	24 464
Roma	0	8 780 681	0	830 610	24 328	33 711	5 992 669 ¹¹	15 661 999	3 955 050
Russians	0	0	0	0	0	0	-	0	0
Slovaks	46 656	1 272 629	5 000	370 000	300 000	55 902	-	2 050 187	517 724
Tartars	0	0	0	216 500	293 237	25 410	-	535 147	135 138
Ukrainians	364 105	9 985 497	0	1 422 400 ¹²	329 897	77 246	-	12 179 145	3 075 542
Jews	0	296 491	0	1 868 700 ¹³	466 000	12 659	-	2 643 850	667 639
Kashubian language	0	13 417 793	0	419 350 ¹⁴	0	68 016	-	13 905 159	3 511 404
TOTAL	1 028 611	95 717 785	20 000	9 310 574.60	2 392 110	500 000	5 992 669	114 961 749.60	-
<i>in EURO - approximation¹⁵</i>	259 750	24 171 158	5 050	2 351 155	604 068	126 263	1 513 300	-	29 030 745

⁹ Including PLN 350 000 granted for the production of radio broadcasts “Radio Racja” (Radio Right) in Belarusian for the Belarusian minority in Poland.

¹⁰ Including PLN 25 000 granted from the budget of the Minister of Culture and National Heritage.

¹¹ Including PLN 5 000 000 from the earmarked reserve in the state budget *Aid to the Roma Community*, PLN 283 000 granted from the budget of the Minister of Interior and Administration and PLN 709 669 granted from the budget of the Ministry of National Education.

¹² Including PLN 25 000 granted from the budget of the Minister of Culture and National Heritage.

¹³ Including PLN 925 700 granted from the budget of the Minister of Culture and National Heritage.

¹⁴ Including PLN 220 000 granted for the operation of a radio station “Radio Kaszëbë” (earmarked subsidy – media).

¹⁵ The EURO exchange rate (PLN 3.96 for 1 EURO) on the basis of the exchange rates table No. 46/C/NBP/2007 of 5 March 2007.

National and ethnic minorities as well as the Kashubian community receive higher educational subsidies as compared to the majority of schools. The subsidy amounted to the total of PLN 95 717 785 (ca. EUR 24 171 000) in 2006.

Besides, organisations of the national and ethnic minorities and the community using the regional language may use subsidies granted to NGOs under the Government Programme Citizen Initiatives Fund (CIF). The Fund has been established in order to stimulate and reinforce citizen initiatives conducted with the participation of NGOs. Tasks for national and ethnic minorities received PLN 184 468.92 from the CIF in 2006. Organisations for national and ethnic minorities have also been beneficiaries of Community Initiative Programme EQUAL and Measure 1.5 Sectoral Operational Programme Human Resources Development (social exclusion counteracting).

The above-mentioned data refer only to the funds granted from the state budget with exclusion of funds spent by the self-government units.

It should be mentioned that a separate regulation stipulates that the funds for activities aimed at the protection, preservation and development of cultural identity of ethnic and national minorities may also be granted from the budgets of self-government units.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

The commentary on Article 5(2) included in the first Report remains fully valid. Moreover, according to Article 5 (1) of the Act *on National and Ethnic Minorities and Regional Language* “the use of measures aimed at assimilation of people belonging to a minority against their will shall be prohibited.” It is worth noting that this provision is very similar to Article 3(2) of the *Convention*.

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*

The commentary on Article 6(1) included in the first Report remains fully valid. Article 6 (2) (3) of the *Act on National and Ethnic Minorities and Regional Language* stipulates that public authorities are obliged to take appropriate measures to build up inter-cultural dialogue.

Many actions aimed at promoting tolerance and inter-cultural dialogue were taken during the reporting period, connected with, *inter alia*, the World Conference against Racism. In order to fulfil the obligations stemming from the Action Plan adopted during the Conference, the Council of Ministers adopted the *National Programme to Counteract Racial Discrimination, Xenophobia and Related Intolerance* on 18 May 2004. The *Programme* will be implemented in years 2004 – 2009 with the possibility of its extension by competent ministers, central bodies of government administration, central public institutions, the Commissioner for Civil Rights Protection, public media and government administration in voivodeships, in close cooperation with NGOs. The objective of the *National Programme* is to carry out the tasks aimed at combating xenophobia and racism, including anti-Semitism, and developing a culture of tolerance in a wide sense in Polish society. The tasks are carried out in the areas of research, statistics, education, culture, healthcare, media, employment, social situation of refugees, members of national and ethnic minorities, migrants and other persons who may suffer discrimination on grounds of their ethnic or racial origin.

Between August 2003 and November 2004 Poland also implemented the Project PHARE PL 2002/000-605-01-02 *Strengthening Anti-Discrimination Policies* developed in the framework of a twinning agreement between Government Plenipotentiary for Equal Status of Women and Men and the Austrian partner – Ludwig Boltzmann Institute of Human Rights.

Under the *Community Action Programme to Combat Discrimination 2001 – 2006* three projects have been conducted:

- *Implementation of the Community Anti-Discrimination Legislation in Poland*, which comprised training of judges, lawyers and representatives of NGOs; two handbooks have also been published: *Counteracting Discrimination in Poland – How to Defend your Rights* and *Counteracting Discrimination in Poland – Legal and Institutional Aspects*.

- *Developing the Attitude of Tolerance Towards Diversity*, which included among others a competition for art students to design an anti-discrimination poster, post-competition exhibition, printing of the rewarded posters, devising and distributing of the so-called first contact leaflets for employees and employers as well as conducting five anti-discrimination workshops.

- *Euroequality – Promotion of Anti-Discrimination Institutions 2004-2006*, conducted in cooperation with Spain (coordinator), Belgium, Finland, Ireland and Bulgaria. The project was intended to strengthen the structure and organisation of the government and non-government institutions which dealt with counteracting discrimination on grounds of race and ethnic origin. This was achieved through better cooperation among the above-mentioned countries in respect of, *inter alia*, devising an institutional model of counteracting discrimination and mechanisms of cooperation between institutions counteracting discrimination and their social partners.

During the reporting period Poland also participated in the social campaign *For Diversity. Against Discrimination* aimed at increasing awareness and knowledge of the Polish society on different forms of discrimination. Commissioner for Civil Rights Protection was the coordinator of the campaign.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

The commentary on Article 6 (2) included in the first Report remains fully valid. Numerous training courses have been organised to increase the awareness of public officials in respect of combating ethnic discrimination. Such training included, for example, activities undertaken by the Central Board of Prison Service to make prison officials and employees sensitive to the issues associated with any form of intolerance. In 2004 the general and specific curricula of preparatory course and all types of Prison Service schools included such issues as trafficking in human

beings, counteracting racial and ethnic discrimination, counteracting and combating anti-Semitism, xenophobia and intolerance. These issues were also addressed in the annual training programmes for prison officers and employees responsible for complaints, requests and applications from inmates.

In 2004, methodological standards as well as didactic materials were prepared for the Police. In 2005, over 60 000 officers of the Police field units were trained on this basis. The training was intended to make policemen sensitive to diversity and aware of the existence of such a phenomenon as discrimination and the possibility/necessity to prevent it, counteract it and react to it, and to improve their legal background in respect of discrimination.

In 2004, the Ministry of Justice prepared the *Study on Combating Racial Discrimination* which included a summary of international regulations and judicature of international institutions in that regard as well as a description of practical cooperation between the Police forces and Prosecutor's Offices in selected countries in respect of fighting racism-based crime. The study provides practical solutions and good practice standards developed in other countries. It is intended to stimulate discussions on the need and possibility to work out similar mechanisms in Poland. It was distributed in Prosecutor's Offices, common courts of law, district courts and courts of appeal; it was also submitted to the National Prosecutor's Office, the Ministry of Interior and Administration, the General Headquarters of Police and Plenipotentiaries of Voivodeship Police Commanders for Human Rights Protection.

Protection against racism, xenophobia, anti-Semitism and related intolerance entered an institutional level in the reporting period. In 2003, in the Bureau for Preparatory Proceedings of the National Prosecutor's Office a prosecutor was appointed to coordinate legal, penal and non-penal activities of the Prosecutor's Office connected with violation of freedom, inciting to hatred on grounds of national, ethnic, racial and religious differences. The competence of the prosecutor includes dissemination of statistical data on the results of proceedings and rulings in respect of crimes on racial and ethnic grounds.

A Team for Monitoring Racism and Xenophobia was established within the Ministry of Interior and Administration in 2004. Its aim is to intensify activities aimed at counteracting racism, xenophobia and discrimination on ethnic grounds.

Also in 2004, Plenipotentiaries for Human Rights Protection were appointed within the General Headquarters of Police, in all 16 Voivodeship Police Headquarters, in Warsaw

Metropolitan Police Headquarters and all Police Schools. Their task consists in monitoring the implementation of recommendations formulated by the human rights organisations for Police compliance with these rights. The Plenipotentiaries deal with the tasks such as gathering of data on good practice in respect of protection of human rights and rights of victims, dissemination of information among policemen; monitoring racial discrimination (including anti-Semitism and xenophobia) and activities undertaken by the Police to cooperate with national and ethnic minorities; counteracting trafficking in human beings and domestic violence. The competence of Plenipotentiaries also includes initiation of control and supervisory activities in respect of human rights and activities aimed at increasing the knowledge and skills of Police officers in respect of human rights; cooperation with non-departmental institutions and organisations dealing with the issues of human rights protection. Plenipotentiaries of Police Commanders for Human Rights Protection initiate actions aimed at proper detection and sentencing of perpetrators of crimes on ethnic grounds, they also coordinate Police officers training on discrimination prevention.

In order to eliminate racist and xenophobic content from the internet, the Ministry of Interior and Administration cooperates with the NIFC (National Initiative for Children) Hotline Poland Team of the Research and Academic Computer Network (NASK). One of the Team's tasks is to react to illegal internet content that promotes the fascist or totalitarian system, racism, ethnic discrimination, xenophobia and anti-Semitism.

In 2005, the Minister of Interior and Administration concluded an agreement with the Association of Citizen Advice Bureaux (a public-benefit organisation with nearly 30 branches throughout Poland) to provide advisory services to individuals who have suffered discrimination on grounds of their race or ethnic background.

On 24 October 2006, Poland joined the *Law Enforcement Programme on Combating Hate Crime* conducted by the Office for Democratic Institutions and Human Rights of the OSCE. The *Programme* consists in training Police officers in different aspects of hate crime, developing a strategy to combat it and devising an effective system of gathering and disseminating data on the crime.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and faith.

The commentary on Article 7 included in the first Report remains fully valid.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Neither legislation nor the situation of churches and religious communities have changed since the publication of the first Report. However, information on returning real estate to churches and religious communities and data on the Church Fund need to be updated.

3 063 applications were filed with the Re-entry Commission of the Catholic Church, of which 2 727 proceedings have ended up to now (data as at 31 January 2007).

1 200 applications were submitted by legal persons to the Regulatory Commission of the Evangelical-Augsburg Church to institute regulatory proceedings. Until now, 842 proceedings have been terminated (470 were terminated by dismissal or rejection of regulatory application or with discontinuance of the proceedings).

486 applications were filed with the Regulatory Commission of the Polish Autocephalous Orthodox Church. Regulatory proceedings were instituted in 463 cases (45 judgments on dismissal of the proceedings were issued, 8 judgments on transferring the property to religious legal persons, 214 composition agreements were concluded, 1 judgment on compensation and 1 application was rejected).

As on 31 January 2007, 5 544 applications were filed with the Regulatory Commission in charge of Jewish Religious Communities; 5 504 proceedings were instituted out of which 1 174 have ended up to now (208 proceedings ended with a decision to return or transfer the property,

316 ended with a composition agreement, 550 proceedings ended with dismissal, rejection or discontinuance, 22 proceedings ended without any resolution).

The total of 168 applications were filed with the Interchurch Regulatory Commission to institute regulatory proceedings, as at February 2007. Proceedings were ended in 54 cases; in the remaining cases documentation is still being gathered. The submitted applications relate to:

- the Seventh-day Adventist Church – 12 applications,
- the Baptist Union of Poland – 77 applications,
- the Methodist Church – 30 applications,
- the New Apostolic Church – 22 applications,
- the Anglican Church – 2 applications,
- the Biblical Society – 2 applications,
- the Muslim Religious Association – 3 applications,
- the Evangelic Christian Church – 1 application,
- the Pentecostal Church – 2 applications,
- the Reformed Evangelical Church – 16 applications.

All data concerning the activity of particular commissions dates as of December 2006, unless otherwise stated.

In 2006, the state budget allocated the amount of PLN 93 658 000 (ca. EUR 23 651 000) to the Church Fund.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

The provisions of the Constitution and of the Treaty referred to the commentary on Article 9 (1) included in the first Report remain in force without any changes. The Law of 29 December 1992 *on Radio and Television Broadcasting* (Journal of Laws of 2004, No. 253, item

2 531, as amended) has been amended. The amendments consisted in that the provisions on presence of minority programmes in the media were strengthened and a provision on the participation of representatives of minorities in national TV programme councils was added. Finally, the *Act on Radio and Television Broadcasting* stipulates that the tasks of the national radio and TV include, among others: taking into account the needs of national minorities and ethnic groups as well as the community using the regional language, broadcasting news in minority languages and in the regional language. Moreover, the Act currently stipulates that while appointing programme councils for public radio and TV divisions that broadcast programmes in minority languages and in the regional language, division directors shall include candidates proposed by social organisations acting to the benefit of those minorities and the community.

According to the Act, programme councils of public media are appointed for the term of four years. The current term of programme councils of TVP S.A.'s local branches and regional broadcasting stations of Polskie Radio (Polish Radio) ends in March 2008. In 2007, the National Broadcasting Council appointed programme councils for only four TVP S.A. divisions (in Gorzów Wielkopolski, Olsztyn, Opole and Kielce) and for the Regional Broadcasting Station of the Polish Radio in Warsaw – Radio dla Ciebie S.A. (Radio for You). Programme councils within TVP S.A. were also appointed (Programme Council of TVP S.A. and Programme Council of TV Polonia) as well as the Programme Council of Polskie Radio S.A. Persons connected with the national and ethnic minorities' organisations were appointed as members of the following programme councils: Radio Białystok S.A., Radio Koszalin S.A., Radio Cracow S.A., Radio Rzeszów S.A., Radio Wrocław S.A., OTVP Opole. The persons represent the following organisations: Lithuanian Community in Poland, Belarusian Social and Cultural Association, Belarusian Association in the Republic of Poland, Social and Cultural Society of Jews in Poland, Association of Lemkos, Association of Polish Karaims and Social and Cultural Society of the Germans in the Opole District.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

The commentary on Article 9(2) included in the first Report should be supplemented with some information on non-state radio stations broadcasting programmes in languages of national minorities and in regional language. Currently there are three non-public radio programmes addressed to the national and ethnic minorities and the community using the regional language (*Belarusian Radio “Racja,” the “Kaszëbë” Radio and Radio “Vanessa”*).

The *Belarusian Radio “Racja”* (Radio Right) is a non-public radio station broadcasting in Belarusian from Białystok. Its programmes are addressed to the Belarusian minority in Poland as well as to the citizens of the Republic of Belarus and include mostly news, programmes on social, political and cultural subjects and music. The radio station had been broadcasting from 1999 to 2002; then it had to close down for financial reasons, but was re-launched in February 2006. The broadcasts are supported from the state budget. They are received in Białystok and its vicinity, and on the internet. *Radio “Racja”* is also attempting to acquire frequencies that would allow to cover also the South-Eastern part of the Podlaskie Voivodeship.

Radio “Kaszëbë” is a non-public radio station broadcasting from Władysławowo (Pomorskie Voivodeship). It was launched in December 2004; almost 40% of the programmes are broadcast in Kashubian language. The character of the radio can be defined as universal as there are mostly news and programmes on social, political, cultural and educational matters. The majority of programmes refer to the various local issues. Besides, the radio presents music with lyrics in Kashubian. Its owners plan to increase the share of programmes and music in Kashubian. *Radio “Kaszëbë”* is received in the Northern and central part of Pomorskie Voivodeship and on the internet. It is also trying to acquire frequencies that would allow it to cover the Southern part of the Voivodeship. Its operation is supported by the Government of the Republic of Poland.

The private *Radio “Vanessa”* that broadcasts from Racibórz (Śląskie Voivodeship) includes two programmes managed by the journalists cooperating with the Social/Cultural Society of the Germans in the Śląskie Voivodeship and addressed to the German minority. The programmes' authors pay the radio for the broadcasts. One of the programmes, a 55-minute weekly *Die Deutsche Stimme aus Ratibor*, has been on the air since 1997. Addressed to the older generation of listeners, it includes documentaries on the life of the German minority, local news, greetings and wishes, as well as music. The other programme, a 15-minute magazine for teenagers *Mittendrin*, deals with current issues of teenagers belonging to the minority. The extended

versions of both programmes are available in the Internet. The programmes are received in Racibórz and its vicinity. In 2007, the state budget will support production of both programmes.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

As it was mentioned earlier in the commentary on Article 5 (1), according to Article 18 (2) (3) of the *Act on National and Ethnic Minorities and Regional Language*, public authorities shall be obligated to take appropriate measures in order to support the activity intended to protect, maintain and develop cultural identity of the minority, and the measures may include special-purpose subsidies and earmarked subsidies to finance publication of books, journals, periodicals and leaflets in minority languages or in the Polish language in the printed form or using video and sound recording techniques.

Due to organisational changes stemming from the adoption of the *Act on National and Ethnic Minorities and Regional Language*, the competence of the minister in charge of culture and national heritage in respect of subsidising tasks connected with cultures of national and ethnic minorities was transferred to the competent minister in charge of religious denominations and national and ethnic minorities, i.e. currently the Minister of Interior and Administration. Just like the Minister of Culture and National Heritage previously, also the Minister of Interior and Administration is doing his best to ensure that each of the national and ethnic minorities publishes at least one magazine (in their mother language or in Polish, yet magazines in the mother tongue are preferred). The cost of publishing of such magazines is covered almost in total from the state budget.

Some national and ethnic minorities publish more than one magazine and the number of magazines is quite stable, with a slightly increasing trend. The titles of the most important ones were mentioned in Part I point 5 of this Report, in part describing individual minorities.

Almost all magazines of national and ethnic minorities and of the community using the regional language are subsidised from the state budget by the competent minister in charge of

denominations and national and ethnic minorities. In 2006, there were 27 such magazines and the total subsidy amount in the budget of the Minister of Interior and Administration was PLN 3 175 476 (ca. EUR 802 000).

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Programmes devoted and addressed to the national and ethnic minorities are present in the public television and radio on a permanent basis.

a) Telewizja Polska S.A. (Polish national TV)

In 2005¹⁶, Telewizja Polska S.A. broadcast programmes for national and ethnic minorities in its TVP 3 Regionalna channel (prepared in Warsaw and sent to its local divisions via satellite) and in regional frequency bands of TVP 3 Regionalna. Such programmes were not broadcast in Program 1 (Channel 1) nor in Program 2 (Channel 2) of TVP S.A.

In 2005, minority programmes covered a total of 267.9 hrs airtime in regional TVP 3, constituting 0.2% of the yearly airtime, out of which 198.4 hrs were taken up the *Telenowyny* magazine devoted to Ukrainian minority issues. Programmes for national and ethnic minorities were also present in regional frequency bands of TVP 3 Regionalna. Their total airtime was 69.5 hrs, which constituted 0.06% of the total annual broadcast time. The number of hours and the share of programmes in minority languages broadcast by 16 divisions of TVP 3 Regionalna channel are presented in the table below.

¹⁶ Data for 2006 is not available yet.

Local divisions of TVP S.A.	Programmes in national languages	
	Number of hours	%
Białystok	45.6	0.7%
Bydgoszcz	12.4	0.2%
Gdańsk	12.4	0.2%
Gorzów Wielkopolski	12.4	0.2%
Katowice	15.9	0.2%
Kielce	12.4	0.2%
Cracow	12.4	0.2%
Lublin	12.4	0.2%
Łódź	12.4	0.2%
Olsztyn	23.8	0.3%
Opole	27.6	0.4%
Poznań	12.4	0.2%
Rzeszów	12.9	0.2%
Szczecin	12.4	0.2%
Warsaw	12.4	0.2%
Wrocław	18.1	0.3%

As the data show, programmes addressed to the national and ethnic minorities (apart from the already mentioned *Telenowyny* magazine) were prepared and broadcast by the following local divisions of TVP S.A.: Białystok (33.2hrs, i.e. 0.5% of the yearly airtime of this variant of TVP 3 Regionalna channel), Katowice (3.5hrs, 0.05%), Olsztyn (11.4 hrs, 0.2%), Opole (15.2hrs, 0.2%), Rzeszów (0.5hrs, 0.01%) and Wrocław (5.7hrs, 0.08%)¹⁷.

The Białystok local division broadcast programmes targeting the following minorities: Belarusian (*Tydzień Białoruski* [Belarusian Week] – in Belarusian), Ukrainian (*Przegląd Ukraiński* [Ukrainian Digest] –in Ukrainian), Lithuanian (*Panorama Litewska* [Lithuanian Panorama] –in Lithuanian), Roma (*My Romowie* [We the Roma] – in the Roma language), Russian (*Rosyjski Głos* [The Russian Voice] – in Russian), Tartar (*Podlaski Orient* [Orient in Podlasie] – in Polish). Local divisions in Katowice and Opole presented a series of programmes entitled the *Schlesien Journal* and the Olsztyn division – *Więści ukraińskie* (Ukrainian News).

¹⁷ The data concerns only programmes prepared by local divisions and, contrary to the data in the table, does not cover the *Telenowyny* programme.

In 2005, the Gdańsk local division broadcast *Rodno zemia* magazine in Kashubian, devoted to the problems of Kashubians living in the Pomerania. The programme took a total of 41.6 hrs (0.6%) of airtime in 2005.

b) Public radio¹⁸

As in the previous years, in 2005 the programmes addressed to the national and ethnic minorities were presented by the majority of local public radio stations. They were, however, broadcast neither by nationwide Polskie Radio channels nor by channels of individual cities broadcast by local stations.

In 2005, broadcast time of programmes for national and ethnic minorities in local radio stations was 985 hours in total, i.e. 0.7% of their annual time. The majority of programmes were presented in national languages of the minorities (726 hrs, i.e. 0.5%). The remaining programmes addressed to the minorities were presented in Polish (259 hrs, 0.2%). Detailed data on individual local radio stations are presented in the table below.

Local radios	Programmes for national and ethnic minorities presented in their languages		Programmes for national and ethnic minorities presented in Polish		Total	
	Number of hours	%	Number of hours	%	Number of hours	%
Białystok	286	3.3%	9	0.1%	295	3.4%
Bydgoszcz	0	0.0%	10	0.1%	10	0.1%
Gdańsk	92	1.1%	32	0.4%	124	1.4%
Katowice	24	0.3%	23	0.3%	46	0.5%
Kielce	13	0.1%	0	0.0%	13	0.1%
Koszalin	34	0.4%	13	0.2%	47	0.5%
Cracow	23	0.3%	67	0.8%	90	1.0%
Lublin	0	0.0%	17	0.2%	17	0.2%
Łódź	0	0.0%	10	0.1%	10	0.1%
Olsztyn	50	0.6%	39	0.4%	89	1.0%
Opole	115	1.3%	26	0.3%	141	1.6%
Poznań	0	0.0%	0	0.0%	0	0.0%
Rzeszów	54	0.6%	0	0.0%	54	0.6%
Szczecin	26	0.3%	0	0.0%	26	0.3%
Warsaw RDC	0	0.0%	1	0.0%	1	0.0%
Wrocław	10	0.1%	10	0.1%	20	0.2%
Zielona Góra	0	0.0%	2	0.0%	2	0.0%
TOTAL	726	0.5%	259	0.2%	985	0.7%

¹⁸ Data for 2006 is not available yet.

The data show that programmes in the languages of national and ethnic minorities were broadcast by 11 local radio stations. In 2005, as in the previous years, the majority of programmes for minorities were broadcast by Radio Białystok (286 hrs) in Belarusian, Ukrainian and Lithuanian. The lowest number of programmes in national languages were broadcast by the Radio Wrocław (10 hrs, in the Ukrainian and Lemko languages). The Ukrainian language could also be heard in Radio Rzeszów, Olsztyn, Cracow and Koszalin. Programmes in German were broadcast by the Radio Opole, Katowice and Olsztyn. Programmes for national and ethnic minorities presented in Polish were broadcast by Radio Zielona Góra, Warsaw, Łódź, Lublin and Bydgoszcz.

In 2005, as in the previous years, the programmes in regional language were broadcast by the Radio Gdańsk and Koszalin.

In 2005, as in the previous years, the Radio Olsztyn put a lot of effort to produce programmes addressing the needs of national and ethnic minorities - it produced three times as many programmes as the local radio (50 hrs a year) and broadcast them via the additional transmitter installed in Miłki (135 hrs a year).

c) Financing programmes for national and ethnic minorities and the community using the regional language with the funds of the National Broadcasting Council.

When dividing the income from television subscription fees, the National Broadcasting Council takes into consideration the needs of national and ethnic minorities. The Council resolution No. 300/2005 of 30 June 2005 imposes the principles of distribution of the funds collected on the Council's bank account from television subscription fees and other income, for public radio and television companies for years 2006-2007. According to point 25 of the Annex to the above-mentioned resolution, on the basis of assumptions as to finances and programmes, a part of the funds for minority programmes is earmarked to cover the needs of local radio and TV stations on the basis of the total estimated number of hours in the following year. On the basis of the resolution of 30 June 2005 the National Broadcasting Council has earmarked a total of PLN 1 652 000 for the minority programmes out of the total funds for the local stations. The distribution of funds is presented in the table below.

- 1) Radio Białystok S.A. 770 PLN thousand (for 295 hrs)
- 2) Radio Gdańsk S.A. 235 PLN thousand (for 131 hrs)
- 3) Radio Katowice S.A. 53 PLN thousand (for 46 hrs)
- 4) Radio Kielce S.A. 17 PLN thousand (for 13 hrs)
- 5) Radio Koszalin S.A. 64 PLN thousand (for 65 hrs)
- 6) Radio Cracow S.A. 52 PLN thousand (for 80 hrs)
- 7) Radio Lublin S.A. 14 PLN thousand (for 44 hrs)
- 8) Radio Olsztyn S.A. 70 PLN thousand (for 50 hrs)
- 9) Radio Opole S.A. 200 PLN thousand (for 144 hrs)
- 10) Radio Rzeszów S.A. 116 PLN thousand (for 54 hrs)
- 11) Radio Szczecin S.A. 30 PLN thousand (for 26 hrs)
- 12) Radio Wrocław S.A. 31 PLN thousand (for 20 hrs)

The National Broadcasting Council has also earmarked a total of PLN 1 463 000 for minority programmes out of the total funds for 2007 (on the basis of resolution of 29 June 2006). The distribution of funds is presented in the table below.

- 1) Radio Białystok S.A. 560 PLN thousand (for 286 hrs)
- 2) Radio Gdańsk S.A. 249 PLN thousand (for 130 hrs)
- 3) Radio Katowice S.A. 87 PLN thousand (for 48 hrs)
- 4) Radio Kielce S.A. 16 PLN thousand (for 13 hrs)
- 5) Radio Koszalin S.A. 80 PLN thousand (for 81 hrs)
- 6) Radio Cracow S.A. 52 PLN thousand (for 80 hrs)
- 7) Radio Lublin S.A. 16 PLN thousand (for 50 hrs)
- 8) Radio Olsztyn S.A. 46 PLN thousand (for 50 hrs)
- 9) Radio Opole S.A. 208 PLN thousand (for 145 hrs)
- 10) Radio Rzeszów S.A. 116 PLN thousand (for 54 hrs)
- 11) Radio Szczecin S.A. 14 PLN thousand (for 12 hrs)
- 12) Radio Wrocław S.A. 19 PLN thousand (for 20 hrs)

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

The commentary on Article 10 (1) included in the first Report remains fully valid. Article 8 (1) and (2) of the Act *on National and Ethnic Minorities and Regional Language* stipulates that the minority members shall use freely their minority language in public and private life and shall have the right to spread and exchange information in their minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Principles concerning the use of a minority language in public administration offices were introduced by the Act *on National and Ethnic Minorities and Regional Language*. According to Article 9 of the Act, the minority language may be used as a supporting language before the commune authorities. The right may only be exercised by the residents of communes in which the number of minority residents is not lower than 20% of the total number of the given commune residents and the commune has been entered into the Official Register of the Communes where a supporting language is used. The possibility to use a supporting language means that persons belonging to a minority have the right to apply to the municipal authorities in the supporting language, either in a written or oral form (it is possible to submit an application in the supporting language) and to obtain, on his/her distinct request, an answer in the supporting language, either in a written or oral form, while the appeal proceedings take place in the official language only.

An entry into the Official Register is made by the competent minister in charge of religious denominations and national and ethnic minorities upon a motion of the Commune Council. The Act lays down the procedure to follow in order to enter the commune into the

Official Register. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the method of keeping the Official Register and the specimen application for making an entry. According to Article 10 (5) of the Act, the Commune Council shall have the right to lodge a complaint to an administrative court against the refusal to make an entry into the Official Register. The Act also stipulates that a commune may be deleted of the Official Register only upon a motion of the Commune Council.

The Act introduced a mechanism intended to encourage local government officials to learn supporting languages and thus ensure high quality of service to persons belonging to minorities in their mother languages. According to Article 11 (1) of the Act, in the case of the commune entered into the Official Register a salary supplement may be granted to the employees of the commune office, commune units and budgetary agencies for the command of the supporting language. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the list of diplomas and certificates confirming the knowledge of minority languages.

The Official Register of the Communes where a supporting language is used became operational with the first commune entry, i.e. on 25 January 2006. The first commune entered into the Register was Radłów in the Opolskie Voivodeship and its supporting language was German. At the end of April 2007, the Official Register comprised 17 communes, including 15 communes from the Opolskie Voivodeship, in which the supporting language is German, one commune from the Podlaskie Voivodeship in which the supporting language is Lithuanian and one from the Pomorskie Voivodeship with Kashubian as the supporting language. First applications from the communes to be entered in the Official Register had to be supplemented and corrected; currently, due to an increasing experience, the majority of applications are correct and usually a commune is entered into the Register within two weeks.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

The commentary on Article 10 (3) included in the first Report remains fully valid.

Article 11

The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

The commentary on Article 11 (1) on internal regulations and obligations stemming from the Treaty included in the first Report remains fully valid. Article 7 (1) of the *Act on National and Ethnic Minorities and Regional Language* explicitly states that people belonging to a minority shall have the right to use and spell their first and last names according to the spelling rules of their respective minority language, in particular in the register of civil status and identity documents. According to paragraph 2 of the said Article, the first and last names of persons belonging to a minority, written down in an alphabet other than Latin, shall be subject to transliteration. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the method of transliteration, which is to be done in such a way as to take into consideration the spelling principles of the given minority language.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

According to Article 8 (3) of the *Act on National and Ethnic Minorities and Regional Language*, the minority members shall enjoy the right to run information of a private nature in their minority language.

3. In the areas traditionally inhabited by substantial numbers of a national minority members, the Parties shall endeavour, within the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific

conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Principles concerning the use of place-names in minority languages were introduced by the *Act on National and Ethnic Minorities and Regional Language*. According to Article 12 (1) of the Act, additional traditional places-names and physiographical objects as well as street names can be used in minority languages. Additional names shall be used solely on the territories of the communes entered into the register of the communes where place-names are used in minority language kept by the competent minister in charge of religious denominations and national and ethnic minorities. Entries into the register shall be made by the competent minister on the request of the Commune Council of that commune on whose territory these names are to be used. Additional place-names can be used on the whole of the commune territory or in individual villages/towns/cities only. Additional names shall not refer to the names used in the years between 1933-1945, given by the authorities of the German Third Reich or of the Union of Soviet Socialist Republics. Starting from 1933, the Nazi authorities had changed place-names on a large scale; similar actions had also been taken by Soviet authorities since 1939, although to a lesser extent. The intention of the legislator was to avoid any references to either of the totalitarian systems.

According to the Act the additional names shall be placed after the respective Polish name, and shall not be used separately and establishment of an additional name in a given minority language shall take place in accordance with the spelling rules of the language concerned (the provision mainly concerns the use of diacritics or alphabet specific to the minority language).

According to Article 12 (7) of the Act the conditions that have to be met for an additional name of a place or physiographical object in a minority language could be established. Firstly, the number of commune residents belonging to a minority is no less than 20% of the total number of its residents or in consultations more than a half of its residents who have taken part in the consultations were in favour of the establishment of an additional place-name in the minority language. Secondly, the Commune Council's application gained approval of the Committee on Names of Places and Physiographical Objects.

According to Article 13, the commune council shall lodge the application on the motion of commune residents belonging to a minority or on its own initiative. In case of an application concerning the name of an inhabited place, the commune council shall be obligated first to consult the matter with residents of this place. The commune council shall lodge the application to the competent minister in charge of religious denominations and national and ethnic minorities through the Voivode office. The Act lays down the procedure to follow in order to enter the commune into the register. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down specimen applications of Commune Councils for entry into the register and establishment of an additional name of a place or physiographical object in a minority language. The regulation also lays down the manner of keeping the register and the detailed scope of information included in the register. According to Article 13 (9) of the Act, i.e. a complaint may be lodged with an administrative court against the refusal to make such entry.

On the basis of the authorisation stipulated in the Act, the Minister of Infrastructure, in consultation with the Minister of Interior and Administration, has issued a regulation stipulating that for signs and boards with a single place-name in Polish, the additional name in the minority language should be presented in letters of the same size as the Polish name letters. If the signs and boards present more than one place-name in Polish, the additional names in the minority language should be presented in letters smaller by one-fourth than the letters in the Polish name. Additional names shall be presented using an alphabet specific to the minority language with diacritics.

According to Article 15 of the Act, the costs associated with the introduction and use of a supporting language and the costs associated with introduction of additional names shall be borne by the commune budget, excluding the costs of replacing information boards due to the adoption of an additional name of a place or physiographical object in the minority language which shall be borne by the state budget. Thus, in accordance with the intention of the legislator, the costs of establishing additional names were divided between the state budget and the local self-government budget.

The procedure for entering a commune into the register of the communes where place-names in minority language are used is much longer and much more complicated than in the case of a supporting language, therefore, there is only one commune in Poland which uses additional

place-names in a language of a minority. The register of the communes became functional in January 2006 with the entry of the first commune, i.e. Radłów (Opolskie Voivodeship). The commune submitted 12 applications to establish additional place-names in German. On the approval of the Committee on Names of Places and Physiographical Objects composed, but not limited to, the specialists in linguistics, history, geography and cartography, 11 place-names in German were entered into the register. In 2007, Ministry of Interior and Administration will most probably receive more applications. By the end of April 2007 two applications from Commune Sośnicowice and Commune Cisek (for additional names in German) were returned to be supplemented because of missing data; an application from Commune Steżyca (for additional names in Kashubian) was referred to the Committee on Names of Places and Physiographical Objects for approval; two applications from Commune Chmielno (for additional names in Kashubian) and Commune Tarnów Opolski (for additional names in German) await verification.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

All Polish universities have the faculties of German philology, Russian philology and Slavic philology which have always enjoyed a great popularity. Besides, these languages are taught in the form of optional lectures to the students of other university departments. At the Faculty of Modern languages and Literature of the Adam Mickiewicz University in Poznań, within the framework of the Institute of Linguistics there is the Department of Baltology where Lithuanian Philology is lectured. At the Faculty of Polish Studies of the University of Warsaw, there is also the Chair of General Linguistics and Baltic Studies where Lithuanian is lectured. At the Jagiellonian University in Cracow there is the independent Chair of Czech and Slovak Philology. At University of Wrocław there is the Department of Czech Studies within the Institute of Slavonic Philology. At the other universities, e.g. University of Warsaw, optional lectures in Czech and Slovak are conducted in the framework of Slavonic studies. At the Faculty of Applied Linguistics and East-Slavonic Philology of the University of Warsaw, there are the Department of Belarusian Studies and the Department of Ukrainian Studies. Similar departments and chairs

are also at the following universities: the Jagiellonian University (Chair of Ukrainian Studies), the University of Wrocław (Department of Ukrainian Studies), the Adam Mickiewicz University in Poznań (Department of Ukrainian Studies), the Maria Curie-Skłodowska University in Lublin (Ukrainian Philology) and the University of Białystok (Chair of Belarusian Culture). All chairs and departments where lectures on Belarusian and Ukrainian are delivered the respective literatures and cultures are taught as well. Since the beginning of the academic year 2001/2002 a Russian and Lemko division has been operational at the Russian Philology Faculty at Pedagogical University of Cracow. Many Polish universities (among others University of Warsaw and Jagiellonian University) offer Judaic studies which allow students to become familiar with the culture, tradition and history of Polish Jews and to follow optional lectures on Yiddish and Hebrew.

Since 2004, the Faculty of Humanities of the Pedagogical University of Cracow offers postgraduate studies in Romology.

In Poland there are also scientific units dealing with research into the history and the present of national minorities. They include: Centre for the Study of Nationalities at the Polish Academy of Science (PAN) in Warsaw, Western Institute – Z. Wojciechowski Scientific and Research Institute in Poznań, Chair of Ethnology at University of Wrocław, Centre for the Study of Nationalities at University of Wrocław, Centre for the Ethnic Studies of Maria Curie-Skłodowska University in Lublin, Faculty of Belarusian Culture of University of Białystok, Institute of Ethnology of the Jagiellonian University. Practically all Institutes of Sociology carry out research into nationality issues.

2. In this context the Parties shall, inter alia, provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

Teachers of minority languages are instructed at universities. Besides, there are additional in-service training courses organised for teachers. Training for teachers of national minority languages is usually arranged by the Voivodeship teacher education institutions. Methodological counselling for teachers working with children and teenagers belonging to national and ethnic minorities falls within the scope of tasks of local self-government units. The scope of counselling

depends on the needs reported by the teachers and on the availability of financial, organisational and personnel resources of the local self-government units.

The execution of this task is stipulated by the Regulation of the Minister of National Education and Sport of 23 April 2003 *Concerning Types, Principles of Establishment, Transformation and Liquidation and Principles of Operation of Additional Training Institutions for Teachers, Including the Scope of their Compulsory Activity and Tasks of Educational Counsellors, Conditions and Mode of Entrusting Teachers with the Tasks of an Educational Counsellor* (Journal of Laws No. 84 item 779). In 2006, methodological supervision of the schools for national and ethnic minorities was carried out by 9 teachers-consultants and 7 educational counsellors specialising in minority languages.

Publication and printing of textbooks and auxiliary manuals is financed from the budget of the competent minister in charge of schooling and education, as stipulated by Article 13 (5) and (6) of the *Act on the System of Education* of 7 September 1991. Edition, printing and distribution of teaching programmes for national minority languages as well as history and geography of the minority countries of origin are also financed from the budget of the minister.

The issues related to the teachers' instruction and access to textbooks have been reflected in international agreements. Co-operation in the area of schooling and education is guaranteed in the agreements concluded with the neighbouring countries. Under those agreements, the parties undertake to ensure adequate conditions for teaching a minority language and receiving education in this language as well as for teaching native history and culture of minorities in public education institutions on their territories.

Legal framework of cooperation between the Republic of Poland and the Federal Republic of Germany in the area of schooling and education is provided by:

- *Treaty between the Republic of Poland and the Federal Republic of Germany on Good Neighbourliness and Friendly Cooperation*, signed in Bonn on 17 June 1991;
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture*, concluded in Bonn on 14 July 1997;

- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Equivalence in Higher Education*, concluded in Warsaw on 23 July 1997;
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Polish and German Youth Cooperation*, concluded in Bonn on 17 June 1991;
- *Agreement of 1 October 2003 between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the Statute, Personnel and Financial Provisions of the “Polish and German Youth Cooperation” Organisation*;
- *Agreement between the Minister of National Education and Sport of the Republic of Poland and the Minister of Education, Research and Culture of the Federal State of Brandenburg on Collegium Polonicum in Ślubice*, concluded in Warsaw on 2 October 2002;
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on the Establishment and Activity of a Representative Office of the German Academic Exchange Service (DAAD)*, concluded in Warsaw on 14 July 1997;

The cooperation between the Republic of Poland and the Czech Republic in the area of education is governed by the following:

- *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Good Neighbourliness, Solidarity and Friendly Cooperation*, concluded in Cracow on 6 October 1991;
- *Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on Cooperation in the field of Culture, Schooling and Education*, signed in Prague on 30 September 2003;
- *Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on Mutual Recognition of Periods of University Studies and Equivalence of Certificates of Education and Scientific Titles Gained in the Republic of Poland and the Czech Republic*, signed in Prague on 16 January 2006;

- *Programme of Cooperation between the Minister of National Education of the Republic of Poland and the Ministry of Education, Youth and Physical Education of the Czech Republic for Years 2006-2009*, signed in Prague on 12 April 2006;
- *Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on Cross-Border Cooperation*, signed in Warsaw on 8 September 1994.

The cooperation between the Republic of Poland and the Slovak Republic in the area of education is governed by:

- *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Good Neighbourliness, Solidarity and Friendly Cooperation*, concluded in Cracow on 6 October 1991;
- *Programme of Cooperation between the Minister of National Education and Sport of the Republic of Poland and the Ministry of Schooling of the Slovak Republic for Years 2003-2006*, signed in Warsaw on 20 December 2002;
- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation in the Field of Culture, Education and Schooling*, signed in Bratislava on 23 March 2000;
- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation in the Field of Science and Technology*, signed on 18 November 2004;
- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cross-Border Cooperation*, signed in Warsaw on 18 August 1994;
- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Mutual Recognition of Periods of University Studies and Equivalence of Certificates of Education and Scientific Titles Gained in the Republic of Poland and the Slovak Republic*, signed in Warsaw on 18 July 2005.

The cooperation between the Republic of Poland and Ukraine in the area of education is based on the following:

- *Treaty between the Republic of Poland and Ukraine on Good Neighbourliness, Friendly Relationships and Cooperation* of 18 May 1992;

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Cooperation in the Field of Culture, Education and Schooling*, of 20 May 1997;
- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Mutual Recognition of University Diplomas and Equivalence of Scientific Titles*, of 11 April 2005;

The cooperation between the Republic of Poland and the Republic of Belarus in the area of education is governed by the following:

- *Treaty between the Republic of Poland and the Republic of Belarus on Good Neighbourliness and Friendly Cooperation* of 23 June 1992;
- *Cooperation Agreement between the Minister of National Education and Sport of the Republic of Poland and the Ministry of Education of the Republic of Belarus*, signed in Warsaw on 28 April 2005;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on Equivalence in Higher Education, Equivalence of Scientific Titles and Titles in the Field of Art* of 28 April 2005;

The cooperation in the area of schooling and education between the Republic of Poland and the Republic of Lithuania is governed by the following:

- *Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Cooperation*, concluded in Vilnius on 26 April 1994;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Cooperation in the Field of Culture, Schooling and Education*, concluded in Vilnius on 17 December 1998;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Polish and Lithuanian Youth Exchange Fund*, signed in Płock on 1 June 2007 (it is now under approval);
- *Programme of Cooperation between the Minister of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Republic of Lithuania for*

Years 1998-2001, signed in Vilnius on 16 November 1998 (the parties agreed to continue their cooperation on the basis of the Programme's provisions until a new one is devised);

- *Protocol of the Ministry of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Republic of Lithuania on the Establishment of a Bilateral Commission to Research Problems Connected with Teaching History*, signed on 21 February 1992;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the Exchange and Cooperation of Youth*, concluded in Alytus on 14 February 1997.

The framework of cooperation between the Republic of Poland and the Russian

Federation is determined by the following:

- *Treaty between the Republic of Poland and the Russian Federation on Friendly and Neighbourly Cooperation* of 22 May 1992;
- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Cooperation in the Field of Culture, Schooling and Education*, signed in Warsaw on 25 August 1993;
- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on the Cooperation of Youth*, signed in Moscow on 9 April 1996;
- *Agreement between the Minister of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Russian Federation on Cooperation in the Field of Education*, signed in Moscow on 28 October 2005.

The cooperation in the area of schooling between the Republic of Poland and the

Republic of Armenia is governed by:

- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Armenia on Cooperation in the Field of Culture and Education*, concluded in Warsaw on 27 January 1998.

The cooperation with Israel in the area of education is governed by the following:

- *Agreement between the Government of the Republic of Poland and the Government of Israel on Cooperation in the Field of Culture, Schooling and Education*, signed in Jerusalem on 22 May 1991;
- *Implementation Programme for Years 2005-2008 for the Agreement between the Government of the Republic of Poland and the Government of Israel on Cooperation in the Field of Culture, Schooling and Education*, signed in Warsaw on 1 December 2004;
- *Agreement between the Government of the Republic of Poland and the Government of Israel on the Exchange of Youth*, concluded in Warsaw on 29 August 1991;
- *Common Declaration of the Ministry of Foreign Affairs of the Republic of Poland and the Ministry of Foreign Affairs of Israel on Educational Visits of Israeli Youth to Poland*, signed on 11 September 2006.

Education on national and ethnic minorities as well as the community using the regional language is provided within the framework of an educational path *Regional Education – Cultural Legacy in the Region*. Teachers, who elaborate curricula, adjust them to the specificity of the given region; thus, they are mainly proprietary curricula. Regional education is to familiarise the students with the history and traditions of the given region as well as with the culture, history, language and religion of national and ethnic minorities connected with their “little homeland.” The open formula of regional education allows to make out of it a tool which helps develop tolerance and openness of young people to the diversity of the surrounding world.

One of the measures adopted by the Ministry of Interior and Administration aimed to increase students’ knowledge on multiculturalism was the purchase of educational packages containing books and multimedia publications on Roma minority; the packages were sent to schools in which there are Roma education assistants and supporting teachers.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Under Article 70 (1) of the *Constitution of the Republic of Poland*, everyone shall have the right to education while it is compulsory to the age of 18. Public authorities shall ensure universal and equal access to education for all citizens.

Within the framework of this provision, measures have been taken to educate students originating from the Roma ethnic minority. Education of Roma children constitutes a priority of the governmental *Programme for the Roma community in Poland in Poland* started in 2004 and the *Pilot Governmental Programme for the Roma community in Poland in the Malopolskie Voivodeship* conducted in years 2001-2003.

Introduction of Roma education assistants and teachers to support Roma education in the schools is a novelty solution under both *Programmes*. The task of the Roma education assistants is to ensure comprehensive support for the children and teenagers from integrated classes at and off school. To a great extent, they bear the obligation to cooperate with the parents of Roma students. The six-year period during which assistants have been employed under the *Pilot Programme* and the *Governmental Programme* resulted in improved attendance and grades of Roma students at schools covered by the *Programmes*. Teachers supporting Roma education are well-prepared to work with Roma children. Their task is to monitor Roma children's grades on an ongoing basis, conduct compensatory classes, help children with their homework and stay in touch with their families. In 2004 and 2005 trainings were organised to improve the professional qualifications of Roma education assistants and supporting teachers who work with Roma children. Currently there are about 90 Roma education assistants and a similar number of supporting teachers working throughout Poland. Due to the work of assistants and supporting teachers as well as to certain other activities (particularly compensatory and auxiliary classes) the number of children under the compulsory schooling obligation increased considerably (in some voivodeships all children under this obligation attend the classes).

Within the scope of educational tasks, the summer camps and play centres, winter camps, scout camps, sightseeing tours, sports and recreation are also co-financed. Educational activities were also supported financially, mainly in the form of co-financing, to enable Roma children to attend kindergartens and the so-called 'zero' forms. The support also included supplying children with textbooks, school accessories, didactic aids, co-financing journeys to and from school as well as accident insurance.

Moreover, within the framework of educational tasks implemented under the *Programme*, the Minister of Interior and Administration entrusted certain NGOs (including Roma associations) chosen by way of a tender with the task of implementing a scholarship system for Roma university students and students with artistic talents. Since 2004, within the framework of

contests held for Roma students about 50 scholarships for Roma university students and over 10 scholarships for artistically gifted Roma students have been granted each year.

Educational activities aimed at Roma students are financed from the budget of the *Programme for the Roma Community in Poland* – a specific reserve has been earmarked in the state budget for that purpose, which is managed by the Minister of Interior and Administration. Apart from the funds from the special purpose reserve, the educational tasks under the *Programme* are also funded from the budget of the Minister of National Education as well as from the state budget as a part of the educational subsidy for local self-government units. On the basis of regulation of the Minister of National Education and Sport of 3 December 2002 *on the Conditions and Manner of Schools and Public Institutions Performing Tasks Enabling the Maintenance of the Sense of National, Ethnic, Linguistic and Religious Identity of Students Belonging to National and Ethnic Minorities*, for schools which carry out additional tasks on behalf of the students of Roma origin, including those which employ Roma education assistants or supporting teachers, additional funding is available for that purpose, i.e. educational subsidy increased by 20% or 150% per student.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

Under Article 70(3) of the *Constitution*, parents have the right to choose for their children schools other than public schools. Natural and legal persons shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. This issue has also been provided for in Article 5(2) of the Act on the System of Education of 7 September 1991 (Journal of Laws of 1996 No. 67 item 329 as amended). This Act applies also to legal and natural persons representing national minority communities in Poland. Under paragraph 13 of the regulation of the Minister of National Education and Sport of 21 April 2003 *Concerning Types, Principles of Establishment, Transformation and Liquidation and Principles of Operation of Additional Training Institutions for Teachers* (Journal of Laws No. 84, item 779) legal entities may establish and run non-public training institutions for teachers, in

particular to provide training courses for teachers of minority languages. Minority languages are taught or used for instruction mainly in the public schools under supervision of the self-government authorities (communes and poviats).

Currently operating non-public schools include private education centres established by “Lauder-Morasha” Foundation in Warsaw and in Wrocław, Parish Roma School in Suwałki, the Primary School and Lower Secondary School with Lithuanian as the Instruction Language “Žiburys” established by Bishop A. Baranauskas Foundation “Lithuanian House” in Sejny.

2. The exercise of this right shall not entail any financial obligation for the Parties.

In the Republic of Poland non-public schools receive funds for every student in the form of subsidies from the state budget, where the subsidy amount is not less than the amount provided for a student of a given type and kind of state school run by a self-government unit, although the Convention does not specify any such obligations.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

The Polish education system fully guarantees the right to learn minority languages and guarantees the conditions for both minority language teaching as well as instruction in a minority language. The right of the national minority members to learn their mother languages was formulated in Article 13 of the Act on the System of Education.

The Polish education system offers national and ethnic minority students the possibility to maintain their national, ethnic, linguistic and religious identity, in particular, the possibility to learn their native language, history and culture. The conditions and method for delivery of these tasks have been specified in the regulation of the Minister of National Education and Sport of 3 December 2002 *on the Conditions and Manner of Schools and Public Institutions Performing Tasks Enabling the Maintenance of the Sense of National, Ethnic, Linguistic and Religious Identity of Students Belonging to National and Ethnic Minorities* (Journal of Laws No. 220 item 1853).

Minority language teaching or instruction in a minority language may be provided at all education levels (kindergartens, primary schools, secondary schools and higher education schools). It is arranged by the principal of a kindergarten or a public school on a voluntary basis, at the request of the student's parents or legal guardians (in the case of older students – at the request of the student himself/herself). A minimum number of students has also been determined which gives the basis for teaching a native language other than the Polish language so as to enable organisation of teaching in small communities or in the case of certain dispersed minorities (this valid mainly for the Ukrainian national minority and the Lemko ethnic minority). At the primary education level (primary and lower-secondary schools) 7 students, and at the upper- secondary level and above 14 students, are enough to form a class where a native language is taught.

Under the above mentioned regulation, the following forms of minority language teaching are possible:

- instruction in a minority language in schools where the language is a language of instruction,
- bilingual education in two languages of equal status: in the Polish language and in a national or ethnic minority language,
- teaching a minority language as an additional subject,
- teaching a national or ethnic minority language in interschool groups (where in particular schools the number of students who are willing to learn the language is not sufficient).

The organisational form of minority language teaching is selected by the parents and in the case of older students – by the students themselves. The Lithuanian minority is the only minority in Poland which has chosen to be instructed in their national language. The Belarusian, Lemko and Slovak minorities as well as the Kashubian community have chosen the model of minority language teaching as an additional subject. Organisational forms of teaching minority languages to the remaining minorities (e.g. German and Ukrainian) are varied and depend on the local conditions (availability of personnel, space and students willing to learn).

Teaching minority languages is financed from the state budget. Under the regulation of the Minister of National Education and Sport of 21 December 2006 *on the Allocation of the Educational Part of General Subsidies by Local Self-Government Authorities in 2007* (Journal of Laws No. 246 item 1799), authorities running (subsidising) schools for national minorities receive budgetary subsidies for educational purposes increased by 20% per one national minority

student in larger schools and by 150% per one such student in smaller schools (i.e. those where the total number of students does not exceed 84 in case of primary schools and 42 in case of secondary schools and above).

Under the regulation of the Minister of National Education of 7 September 2004 *on Conditions and Method of Grading, Classifying and Promoting Students and Listeners and Conducting Examinations and Tests in Public Schools* (Journal of Laws No. 266 item 2 231 as amended), students of the schools where a minority language is a language of instruction can pass primary and lower-secondary school leaving examinations in the minority languages.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

In places with major national minority populations, a school network with instruction in the minority language has been created. In the school year 2005/6, it comprised 823 institutions (including kindergartens, the so-called 'zero' forms, primary schools, lower-secondary schools, upper-secondary schools and interschool groups) with a total of 47 895 students (in 2002 the figures were: 620 institutions and 41 905 students).

Below, numerical data on educational institutions and students belonging to particular minorities are shown, with indication of voivodeships where a minority language is taught or instruction in a minority language is provided:

- the German minority – Opolskie, Śląskie and Warmińsko-Mazurskie Voivodeships (a total of 406 educational institutions and 36 462 students),
- the Kashubian community – Pomorskie Voivodeship (a total of 109 educational institutions and 4 521 students),
- the Belarusian minority– Podlaskie Voivodeship (a total of 41 educational institutions and 3 581 students),
- the Ukrainian minority – Lubuskie, Dolnośląskie, Małopolskie, Podkarpackie, Podlaskie, Pomorskie, Warmińsko-Mazurskie and Zachodniopomorskie Voivodeships (a total of 188 educational institutions and 2 877 students),

- the Lithuanian minority– Podlaskie Voivodeship (a total of 19 educational institutions and 758 students),
- the Lemko minority – Lubuskie, Dolnośląskie and Małopolskie Voivodeships (a total of 42 educational institutions and 303 students),
- the Slovak minority– Małopolskie Voivodeship (a total of 13 educational institutions and 288 students),
- the Jewish minority – Wrocław and Warsaw (2 educational institutions and 77 students),
- the Armenian minority – Warsaw and Cracow (2 institutions and about 40 students).

The majority of students of Roma origin attend public schools with the Polish students. Only a small proportion of Roma students attend the so-called ‘Roma classes.’ However, the number of ‘Roma classes’ has been decreasing consistently; at present there are about 10 such classes (mainly in Małopolskie, Podkarpackie and Warmińsko-Mazurskie Voivodeships). This is directly associated with introduction of the Roma education assistants and supporting teachers to schools. The Parish Roma Primary School in Suwałki is a particular case; it is the only non-public school to provide instruction of Roma children free of charge, including classes aimed at preserving their ethnic and linguistic identity. As a result of introducing the *Pilot Governmental Programme for the Roma Community in the Małopolskie Voivodeship for the Years 2001-2003* and the *Programme for the Roma Community in Poland* launched in 2004, the number of students of Roma origin, who did not fulfil the compulsory schooling obligation or quitted school altogether has decreased. The Roma children supporting system introduced within the framework of governmental programmes consists, among other things, in employing supporting teachers or Roma education assistants. An increased attendance and improved Roma children’s grades are the first visible results of these measures. In the school year 2005/2006 a total of 2 075 Roma children attended classes held at 330 educational institutions.

Educational problems of the Lithuanian minority were addressed through the *Development Strategy of the Education of the Lithuanian Minority in Poland* adopted in 2002. The *Strategy* is a document worked out by the representatives of the Lithuanian minority in Poland in cooperation with the representatives of government and local self-government administration. The provisions of the *Strategy* address, *inter alia*, the problem associated with

liquidation of small schools with instruction in Lithuanian in Commune Sejny. Following the meetings and discussions a solution was decided upon to concentrate minority education in Commune Sejny within the Lithuanian Education Centre. Thanks to the involvement of the Bishop Antanas Baranauskas Foundation “Lithuanian House” in Sejny, a Lithuanian school “Žiburys” was launched on 1 September 2005. It is functioning within the Lithuanian Education Centre. The Centre comprises a kindergarten, a primary school and a lower-secondary school where instruction is conducted in Lithuanian. The primary school and the lower-secondary school are non-public schools which enjoy all the rights of public schools and their governing body is the Bishop Antanas Baranauskas Foundation. Funds to support the operation of the school are provided by, among others, the state budget within the scope of the educational subsidy provided to local self-government units. The Bishop Antanas Baranauskas Foundation also obtained additional financing from the state budget on the basis of the Act of 6 January 2005 *on National and Ethnic Minorities and Regional Language*. The *Development Strategy of the Education of the German Minority in Poland* was adopted in December 2006 (it was approved by the Minister of Interior and Administration in February 2007).

Number of institutions according to the type of school – school year 2005/2006

Minorities and the community using the regional language	Belarusians	Kashubians	Lithuanians	Germans	Slovaks	Ukrainians	Lemkos	Armenians	Jews	Total
Primary schools with instruction in a minority language	0	0	6	11	0	3	0	0	0	20
Bilingual primary schools	0	0	3	3	1	2	0	0	0	9
Primary schools with additional teaching of a minority language (or the regional language)	25	82	0	252	7	65	15	0	1	447
Lower-secondary schools with instruction in a minority language	0	0	2	1	0	6	0	0	0	9
Bilingual lower-secondary schools	0	0	1	4	0	1	0	0	0	6
Lower-secondary schools with additional teaching of a minority language (or the regional language)	13	20	2	76	3	36	8	0	1	159
Upper-secondary schools with instruction in a minority language	0	0	2	0	0	3	0	0	0	5
Bilingual upper-secondary schools	0	0	0	1	0	1	0	0	0	2
Upper-secondary schools with additional teaching of a minority language (or the regional language)	2	2	0	0	0	3	1	0	0	8
Vocational schools with instruction in a minority language	0	0	0	0	0	0	0	0	0	0
Bilingual vocational schools	0	0	0	0	0	0	0	0	0	0
Interschool groups learning a minority language	0	0	1	2	0	42	13	2	0	60
Total	40	104	17	350	11	162	37	2	2	725

Number of students according to the type of school – school year 2005/2006

Minorities and the community using the regional language	Belarusians	Kashubians	Lithuanians	Germans	Slovaks	Ukrainians	Lemkos	Armenians	Jews	Total
Primary schools with instruction in a minority language	0	0	346	1 271	0	112	0	0	0	1 729
Bilingual primary schools	0	0	32	492	30	98	0	0	0	652
Primary schools with additional teaching of a minority language (or the regional language)	1 722	3 715	0	22 620	182	878	135	0	65	29 317
Lower-secondary schools with instruction in a minority language	0	0	163	91	0	216	0	0	0	470
Bilingual lower secondary schools	0	0	3	299	0	63	0	0	0	365
Lower secondary schools with additional teaching of a minority language (or the regional language)	962	639	11	10 554	67	363	86	0	1	12 683
Higher secondary schools with instruction in a minority language	0	0	125	0	0	329	0	0	0	454
Bilingual higher secondary schools	0	0	0	117	0	50	0	0	0	167
Higher secondary schools with additional teaching of a minority language (or the regional language)	851	124	0	0	0	19	11	0	0	1 005
Vocational schools with instruction in a minority language	0	0	0	0	0	0	0	0	0	0
Bilingual vocational schools	0	0	0	0	0	0	0	0	0	0
Interschool groups learning a minority language	0	0	6	12	0	612	63	40	0	733
Total	3 535	4 478	686	35 456	279	2 740	295	40	66	47 575

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Polish regulations referred to in the commentary to Article 15 in the first Report remain fully valid. However, the data on the participation of minorities in public life need to be updated.

During last parliamentary election held on 25 September 2005 two representatives of the German national minority were elected to the Sejm of the Republic of Poland (from the constituency list of the German minority) and one representative of the Belarusian national minority from the list of the Democratic Left Alliance (SLD). Winning a seat in the Parliament is much more difficult for the Ukrainian minority due to its dispersion throughout Poland. There are also nine Sejm Deputies and one Senate Deputy representing the community using the regional language. They were included in the constituency lists of the Civic Platform (PO) and the Law and Justice (PiS).

Representatives of national and ethnic minorities are also widely represented on all levels of local self-government authorities. During the 2006 election to self-government authorities, representatives of minorities are members of the authorities of the Opolskie, Śląskie, Podlaskie, Małopolskie, Dolnośląskie and Warmińsko-Mazurskie Voivodeships. Certain communes and poviats with dense population of persons belonging to minorities (in Podlaskie, Opolskie and Śląskie Voivodeships) are governed by the representatives of minorities alone or in coalitions with other committees.

There are 12 minority representatives in Sejmiks of Voivodeships (in the Opolskie Voivodeship the German minority is represented by 7 Counsellors of the Sejmik, in the Podlaskie Voivodeship the Belarusian minority is represented by 3 Counsellors of the Sejmik, in the Warmińsko-Mazurskie Voivodeship one Counsellor of the Sejmik represents the German minority and one – the Ukrainian minority). One of the representatives of the German minority holds the office of the Deputy Marshal of the Opolskie Voivodeship and another won the seat of the Deputy Marshal in the Warmińsko-Mazurskie Voivodeship. A representative of the Ukrainian minority became the Chairman of the Sejmik of the Warmińsko-Mazurskie Voivodeship.

Representatives of national and ethnic minorities sit in 17 Powiat Councils (Hajnowski, Bielski and Sejneński Powiats in the Podlaskie Voivodeship, Ostródzki, Kętrzyński, Gołdapski and Bartoszycki Powiats in the Warmińsko-Mazurskie Voivodeship, Koszaliński and Szczecinecki Powiats in the Zachodniopomorskie Voivodeship, Raciborski in the Śląskie Voivodeship, Strzelecki, Kędzierzyńsko-Kozielski, Krapkowicki, Opolski, Oleski, Kluczborski and Prudnicki Powiats in the Opolskie Voivodeship). In the Strzelecki and Opolski Powiats, German minority won the majority of seats. Over 30 representatives of national and ethnic minorities were elected Voits and Mayors. About 400 minority representatives won seats in City, Commune and Voivodeship Councils of Opolskie, Śląskie, Podlaskie, Małopolskie, Dolnośląskie and Warmińsko-Mazurskie Voivodeships as members of minority electoral committees and other committees.

According to Article 35 of the Constitution the Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

Moreover, the National Strategy for the Development of Culture, which represents programme of the Minister of Culture and National Heritage for years 2004-2013, refers to national and ethnic minorities and to the community using the regional language and emphasizes the fact that all measures under the Strategy should be equally available to national minorities and institutions run by those communities in order to preserve cultural diversity and their traditions as a part of Polish culture.

National cultural programmes are an integral part of the Strategy; they are the chief areas of cooperation with the organisations which popularise, promote and care for the culture of national and ethnic minorities in Poland as well as preserve and develop the regional language. Cultural organisations and institutions run by national and ethnic minorities are entitled to participate in the operational programmes just like other applicants listed in the programmes' regulations.

The Ministry of Culture and National Heritage also supports tasks related to the cultural and historical heritage of Poland associated with contribution of the national minorities to the

national culture, in view of the necessity to preserve the memory of the common multicultural past and to enrich cultural offer.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

The commentary on Article 16 included in the first Report remains fully valid. Moreover, Article 5 (2) of the *Act on National and Ethnic Minorities and Regional Language* prohibits the use of measures intended to change national or ethnic proportions on the territories populated by minorities. The provision is very similar to Article 15 of the *Framework Convention*.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

The commentary on Article 17 (1) included in the first Report remains fully valid.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

The commentary on Article 17 (2) included in the first Report remains fully valid.

Article 18

1. *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

The commentary on Article 18 (1) on obligations stemming from the Treaty included in the first Report remains fully valid.

A list of intergovernmental agreements on cultural cooperation that include provisions on minorities concluded by Poland with its neighbours:

Federal Republic of Germany:

- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture*, concluded in Bonn on 14 July 1997 (Journal of Laws of 1999 No. 39 item 379);
- *Protocols of Meetings of the Mixed Polish and German Committee for Cultural Cooperation* whose meetings are held in one or the other country in turns, on the basis of *the Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture* of 14 July 1997; the Mixed Committee is chaired by representatives of the Ministries of Foreign Affairs of both countries, whose members include representatives of ministries competent in matters concerning cooperation in the area of culture, science, education system and schooling;

Czech Republic:

- *Agreement between the Government of the Republic of Poland and the Government of the Czech Republic on Cooperation in the Field of Culture, Education and Schooling*, concluded in Prague on 30 September 2003 (Journal of Laws of 2004 No. 244 item 2449);

Slovak Republic:

- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation in the Field of Culture, Education and Science*,

concluded in Bratislava on 23 March 2000 (Official Journal “Monitor Polski” of 2002 No. 6 item 123);

Ukraine:

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Cooperation in the Field of Culture, Education and Schooling*, concluded in Kiev on 20 May 1997 (Journal of Laws of 2000 No. 3 item 29);

Republic of Belarus:

- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on Cooperation in the Field of Culture, Education and Schooling*, concluded in Warsaw on 27 November 1995 (Journal of Laws of 1996 No. 76 item 365);

Republic of Lithuania:

- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Cooperation in the Field of Culture, Education and Science*, concluded in Vilnius on 17 December 1998 (Official Journal “Monitor Polski” of 2002 No. 31 item 491);

Russian Federation:

- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Cooperation in the Field of Culture, Education and Schooling*, concluded in Warsaw on 25 August 1993 (Journal of Laws of 1994 No. 36 item 133).

Subsequent agreements with references to minority rights are agreements concerning remembrance sites. Until now, the following agreements have been signed:

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on the Protection of Memorial Sites and Resting Places of Victims of War and Political Repression*, concluded in Warsaw on 21 March 1994 (Journal of Laws No. 112 item 545);

- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Graveyards and Memorial Sites Devoted to Victims of Wars and Repression*, concluded in Cracow on 22 February 1994 (Journal of Laws No. 112 item 543);
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on the Protection of Graveyards and Memorial Sites Devoted to Victims of Wars and Repression*, concluded in Brest on 21 January 1995 (Journal of Laws of 1997 No. 32 item 185).

2. *Where relevant, the Parties shall take measures to encourage cross-border cooperation.*

The commentary on Article 18 (2) on obligations stemming from the Treaty included in the first Report remains fully valid.

Provisions on mutually beneficial cooperation between communes, cities and other administrative and territorial units and regions, particularly in border areas, had been included in the treaties on friendly relations and good-neighbourly cooperation concluded by the Republic of Poland with the Republic of Lithuania, Ukraine, the Republic of Belarus, the Russian Federation, Czech and Slovak Federal Republic and Federal Republic of Germany.

Within the framework of the bilateral treaties implementation, cooperation of border regions was initiated at the beginning of the 1990s. The first Euroregion established in the Central and Eastern Europe was Nysa Euroregion, initiated within the framework of Polish, German and Czech cooperation, and created in December 1991. The South-Western part of Poland inhabited by the Ukrainian and Lemko minorities lies within the limits of the Carpathian Euroregion established in February 1993. Apart from the Polish authorities, the statute of the Carpathian Euroregion was also signed by representatives of regional authorities of Hungary, Romania, Ukraine and Slovakia. The Polish and Slovak cooperation strengthened after the Tatry Euroregion and Beskidy Euroregion were established in August 1994 and February 2000, respectively. These areas are inhabited by persons belonging to the Roma, Slovak and Lemko minorities. In September 1995, the Bug Euroregion was created, which covers border areas of Poland, Belarus and Ukraine – the territories inhabited by the Belarusian, the Ukrainian and Tartar minorities. The cooperation within the Niemen Euroregion started in June 1997 at the

borderline of the Republic of Poland, the Republic of Lithuania, the Republic of Belarus and the Russian Federation – territory populated by the Lithuanian and the Belarusian minorities. The Pradziad Euroregion established in 1997 lies at the borderline of the Republic of Poland and the Czech Republic. This Euro-region is inhabited by persons belonging to the German minority. The Puszcza Białowieska (Białowieża Primeval Forest) Euroregion on the territory of Poland and Belarus was established under the agreement signed on 25 May 2002; it is inhabited by the Belarusian minority. The Łyna-Ływa Euroregion registered on 4 September 2003 and spreading on both sides of the Polish and Russian border is inhabited by the Ukrainian minority.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Article 2 of the Act on National and Ethnic Minorities and Regional Language provides the definition of a national minority and an ethnic minority, which was mentioned in the commentary on Article 3.

PART III: Authorities and institutions responsible for the implementation of the policy towards minorities and actions undertaken by them

In the reporting period there have been important changes in the system of authorities and institutions responsible for implementation of the minority policy following the entry into force of the *Act on National and Ethnic Minorities and Regional Language*. Until 2005 responsibilities with regard to the minorities were dispersed (e.g. the Minister of Culture was responsible for culture issues, the Minister of National Education was responsible for education issues, the Minister of Interior and Administration was responsible for the programmes for Roma minority), even though the Minister of Interior and Administration was the coordinator of actions addressed to the minorities.

The *Act on National and Ethnic Minorities and Regional Language* amended, inter alia, the *Act on Government Administration Sections*. This amendment broadened the scope of the current section of denominations with the issues involving maintenance and development of cultural identity of the national and ethnic minorities and maintenance and development of regional language (the title of the section has also changed - it reads now: denominations and national and ethnic minorities)¹⁹. At the same time, Article 21 of the *Act on National and Ethnic Minorities and Regional Language* identifies the competent minister in charge of religious denominations and national and ethnic minorities as the government administration agency in charge of matters the Act concerns. Pursuant to the both Acts the minister in charge of the section of religious denominations and national and ethnic minorities is responsible for minority problems. Currently, this is the Minister of Interior and Administration. The Act consolidated competence with regard to the minorities: the role of the leading body and, at the same time, the competence of the Minister of Culture and National Heritage with regard to the culture of minorities were assigned to the Minister of Interior and Administration.

¹⁹ According to the *Constitution of the Republic of Poland*, the ministers direct the branches of government administration. Each minister may direct one or many branches. The Act of 4 September 1997 (Journal of Laws of 2003, No 159, item 1 548, as amended) on divisions of government administration lists all branches of government administration and defines the competences of ministers in charge of particular branches.

The fact that provisions concerning the national and ethnic minorities problems were deleted did not mean that the Ministry of Culture and National Heritage was not interested in those problems and the cooperation with organisations working in this area was terminated. The actions of the Ministry of Culture concerned support to cultural events of significant artistic value.

The main area of the cooperation with the organisations popularising, promoting and maintaining the culture of national and ethnic minorities is subsidising of the artistic and educational events under so-called operational programmes. The managers of events increased social awareness and eliminated harmful stereotypes using the values of art in the process of integration and education. The Ministry of Culture and National Heritage also supported tasks related to the contribution of national minorities to the national and historical heritage of Poland.

Museums, especially in the borderlands, tackle the problems of national and ethnic minorities in their educational and scientific programmes. They protect and carry out scientific research on the cultural heritage of these communities. They carry out historical and ethnographic research and present the results at the exhibitions and conferences. Thus, they help better understand and respect their culture, customs and past.

Examples: The National Museum of the Przemysł Region has a standing exhibition of the sacral art objects of three nations, Jews, Ukrainians and Poles. The Museum of the Borderlands in Lubaczów is commencing construction of an open-air ethnographic museum to present multicultural features of the region and the co-existence of 4 nationalities: Poles, Ukrainians, Jews and Germans. The Regional Museum in Tarnów is dedicated to the Roma culture. It has created the only permanent exhibition in the world presenting culture and history of Roma. The mobile version of this exhibition has been presented in many cities in Poland and Europe. Under the *Governmental Programme for the Roma Community*, the "Roma children in the museum" programme has been prepared – so far several hundred of Roma and Polish children from schools where they are learning together participated in the programme. Since 1996 the museum has been carrying out the project "Roma Caravan of Memory". The Regional Museum in Tarnów deals also with the culture and history of Jews, e.g. since 1996 it has been implementing the project "Galitzianer Shtetl" (Jewish village). It is a festival of Jewish culture covering e.g. exhibitions and concerts.

The concern of the managers and originators of artistic events of this type was to preserve memory of the common multicultural past. Support of the Ministry of Culture and National

Heritage for these tasks is meant to preserve and enrich the cultural offer. Another important change associated with the adopted the *Act on National and Ethnic Minorities and Regional Language* consists in that the Joint Commission of Government and National and Ethnic Minorities took over the tasks of the Group for National and Ethnic Minorities Issues (it is expected that the Group will formally exist in parallel to the Commission until the Commission's regulation is passed and its task groups start working).

The *Act on National and Ethnic Minorities and Regional Language*, which identified the competent minister in charge of religious denominations and national and ethnic minorities as the competent authority in charge of minority issues, simultaneously imposed an obligation on all the bodies of public authority of the Republic of Poland to undertake proper measures to support the activity aiming at the protection, maintenance and development of cultural identity of minorities. These bodies undertake measures within their competence to ensure proper implementation of rights deserved by the national and ethnic minorities and promotion of mutual tolerance and cooperation in the spirit of cultural identity and centuries-old heritage of the multicultural and multinational Poland. Apart from the above mentioned organs and institutions, a particularly important part in implementing actions addressed to the minorities is played by the Sejm Committee on National and Ethnic Minorities, the Commissioner for Civil Rights Protection, the Ministry of National Education, Ministry of Labour and Social Policy, Ministry of Regional Development, Council for the Protection of Memory of Combat and Martyrdom, and the Voivodes.

In 2006 four projects proposed by NGOs for national and ethnic minorities and regional language worth PLN 184 568.92 were financed from funds of the Government's Citizen Initiatives Fund which is managed by the Ministry of Labour and Social Policy.

I

The Sejm Committee on National and Ethnic Minorities, existing since 1989, undertakes the following actions:

co-enactment of the legislation concerning national and ethnic minorities,

1. analysis of problem topics,
2. consultations and meetings with the minority circles,

3. interventions.

Committee meetings are held periodically to address problems of particular national and ethnic minorities .

The work of the Committee over the span of last three terms of the Sejm resulted, among other things, in the *Act on National and Ethnic Minorities in the Republic of Poland* which eventually entered into force on 6 January 2005 as the *Act on National and Ethnic Minorities and Regional Language*.

II

Protection of the rights of national and ethnic minorities is one of the priorities of the activity of the **Commissioner for Civil Rights Protection**. Until the end of 2000 there was a separate post for the problems of national minorities and foreigners in the office of the Commissioner for Civil Rights Protection. Independent Division for Protection of Rights of Foreigner and National Minorities was established in 2001, whereas now these issues are handled by the Group for Public Administration, Health and Foreigners' Rights Protection. The Group deals, among other things, with the protection of Polish citizens belonging to national and ethnic minorities, especially with the equal treatment issues and counteracting racism, discrimination and xenophobia, as well as the right of national and ethnic minorities to maintain and develop their own language, customs, traditions and their own culture. Apart from the analysis of compliance with the rights of minorities, preparation of speeches and handling individual matters, the tasks of the Group also include the following:

- to keep in touch with the Sejm Committee on National and Ethnic Minorities and the organs of public administration dealing with the issues of national and ethnic minorities,
- to keep in touch with social and cultural organisations of national and ethnic minorities, as well as non-governmental organisations, as regards the issues of counteracting racism, discrimination and xenophobia,
- participate in conferences, symposiums and meetings organised by government departments, non-governmental organisations and research centres concerning the rights of national and ethnic minorities, racism, discrimination and xenophobia,

- to undertake field surveys on the situation of national and ethnic minorities and research on compliance of the organs of public administration with the rights of minorities ,
- to gather information and publications, research studies for the analysis and evaluation of the compliance with the rights of national and ethnic minorities.

III

Entry into force of the Act of 6 January 2005 *on National and Ethnic Minorities* changed the scope of responsibilities of the government administration bodies in the area of state policy implementation in respect of the national and ethnic minorities. Because the Act identified the competent authority in charge of the issues covered by the Act is the competent minister in charge of religious denominations and national and ethnic minorities (currently it is the Minister of Interior and Administration) an order was put to the scope of responsibilities and tasks of the organs of government administration in the matters of national and ethnic minorities.

Implementation of the state tasks connected with maintenance and development of cultural identity of national and ethnic minorities, preservation and development of the regional language, and observance of the principle of equal treatment of individuals irrespective of their ethnic descent by the **Minister of Interior and Administration**²⁰ is conducive to:

- the support of the rights and needs of minorities through the actions and programmes addressed to the minority in the areas:
 - (a) of preservation and development of identity, culture and language of the minority, as well as ensuring full civic integration for people belonging to minorities,
 - (b) of implementation of the equal treatment principle irrespective of the ethnic descent;
- cooperation with the competent authorities in charge of the prevention of minorities' rights violation;
- analyses and assessments of the legal and social situation of minorities, including compliance with the equal treatment principle irrespective of ethnic descent;

²⁰ The Minister of Interior and Administration manages the branch of government administration – religious denominations and national and ethnic minorities on the basis of Article 1 (2) (3) of the Regulation of the Prime Minister of 11 June 2004 on specific scope of activity of the Minister of Interior and Administration (Journal of Laws No 134, item 1 436, as amended).

- dissemination of knowledge on minorities and their culture and initiation of surveys on the situation of minorities, including the discrimination resulting from the minority membership, its manifestations and methods and strategies of preventing it from arising;
- actions intended to preserve and develop regional language.

Moreover, Article 31 (3) of the Act imposes an obligation on the competent minister in charge of religious denominations and national and ethnic minorities (i.e. the Minister of Interior and Administration) to prepare a Report on the situation of minorities in the Republic of Poland at least once in two years, and to submit the Report to the Council of Ministers for approval .

However, the above presented list of tasks and competences is open and all issues connected with the sphere of the state's activity for maintaining cultural identity of minorities remain under the responsibility of the competent minister in charge of religious denominations and national and ethnic minorities.

The Ministry of Interior and Administration provides support to the competent minister in charge of religious denominations and national and ethnic minorities. The structure of the Ministry of Interior and Administration includes the Department of Denominations and National and Ethnic Minorities where the tasks on behalf of the minorities are implemented by the Division for National and Ethnic Minorities, the Group for Culture of National and Ethnic Minorities and the Group for Monitoring Racism and Xenophobia.

1. The scope of activities of the **Division for National and Ethnic Minorities** includes handling of the matters of the relationship between the state and national and ethnic minorities as well as the community using the regional language, especially:

- development of the proposals for the state policy with regard to national and ethnic minorities and regional language, in consultation with representatives of other ministers;
- development and coordination programmes for national and ethnic minorities and regional language, especially coordination of the *Programme for the Roma Community in Poland*,
- participation in the works of the Committee whose task consists in the evaluation and selection of applications for subsidising of the tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities, as well as the preservation and development of the regional language,

- measures taken in order to respect the rights of people belonging to national and ethnic minorities and people using the regional language, to solve their problems and to counteract the cases of rights infringement,
- professional, organisational and technical support for the Joint Commission of Government and National and Ethnic Minorities, including preparation of materials for the Commission's meeting and taking minutes from these meetings,
- support for the Group for National and Ethnic Minorities Issues,
- keeping the Official Register of the Communes where a supporting language is used,
- keeping the register of the communes where place-names in minority language are used,
- cooperation with the organs of the central government and self government to take into account the local needs of national and ethnic minorities as well as the community using the regional language,
- contact on day-to-day basis with the managements of social organisations of national and ethnic minorities as well as the community using the regional language,
- compilation of the problem data and materials on the national and ethnic minorities and regional language,
- preparing materials associated with the cooperation with institutions and organisations acting on behalf of the national and ethnic minorities and regional language within the European Commission, the Council of Europe and the Organization for Security and Co-operation in Europe,

2. **The Group for Culture of National and Ethnic Minorities** was established following the entry into force of the Act of 6 January 2005 *Act on National and Ethnic Minorities and Regional Language* which appointed the Minister of Interior and Administration as the competent minister in charge for culture and the protection of national heritage dealing with the implementation of tasks regarding the rights of minorities. Organisational changes, which followed adoption of the Act, involved elimination of the Department of National Minorities' Culture in the Ministry of Culture at that time; whereas a Group for Culture of National and Ethnic Minorities as well as an independent post for monitoring governmental programmes for national and ethnic minorities were established instead in the Department of Denominations and National and Ethnic Minorities of the Ministry of Interior and

Administration. The Group handles the matters of national and ethnic minorities and community using the regional language in the area of support for the activities associated with the protection, maintenance and development of cultural identity of national and ethnic minorities, preservation and development of regional language, and especially deals with the following:

- collection and formal evaluation of the proposals for subsidizing the activities related to the protection, maintenance and development of cultural identity of national and ethnic minorities, preservation and development of regional language,
- the development of subsidy distribution proposals for the support of the above activity and the preparation of draft agreements for these subsidies.
- collection and formal verification of the reports filed by entities which received subsidies, and evaluation the implementation of the subsidy agreements on the basis of these reports.
- preparation of the analyses and materials for the information published by the minister on the detailed procedures related to the subsidies,
- explanations and dissemination of knowledge on the culture of national and ethnic minorities and regional language within the framework associated with the subsidies.

3. Pursuant to the Act *on National and Ethnic Minorities and Regional Language* the Minister of Interior and Administration has become a competent authority in charge of implementation of the equal treatment principle in relation to national and ethnic minorities regardless of ethnic origin. The responsibility for the implementation of this task, among other things, is borne by the Group for Monitoring Racism and Xenophobia. The tasks of the Group include handling matters related to the cooperation of the Minister of Interior and Administration with the European Monitoring Centre on Racism and Xenophobia (since 1 March 2007 - the European Fundamental Rights Agency, which is the legal successor of the Centre), and especially:

- actions undertaken on behalf of the national and ethnic minorities and the community using the regional language as well as programmes initiated in respect of the implementation of equal treatment principle regardless of ethnic descent,
- keeping a database on the cases of ethnic discrimination, racism and xenophobia,

- development and implementation of the social and demographic data collection and analysis system in cooperation with other government administration units in order to monitor the cases of racism, racial discrimination and xenophobia,
- development and updating of teaching data for Police, Border Guard and the combined government administration bodies in a voivodeship to promote anti-racial views and to fight xenophobia and intolerance,
- analysis and reports on the cases of racism, racial discrimination and xenophobia present in Poland,
- undertaking measures – within the scope of the implementation of the principle of equal treatment of individuals regardless of ethnic descent – for national and ethnic minorities and the community using the regional language as well as initiating programmes in this respect.

IV

The Joint Commission of Government and National and Ethnic Minorities - a consultative and advisory body of the Prime Minister - was established on the basis of Article 23 (1) of the Act of 6 January 2005 *on National and Ethnic Minorities and Regional Language*.

In particular, the tasks of the Joint Commission include the following:

- expressing opinions on the exercise of minority rights and needs, including an assessment of the way these rights are exercised, and proposing actions to ensure the exercise of minority rights and needs;
- voicing opinions on programmes meant to serve conditions conducive to the maintenance and development of a minority's cultural identity, and the preservation and development of a regional language;
- voicing opinions on the amount and the principles of distribution of the budgetary funds allocated to the support for activities aimed at protection, maintenance and development of the cultural identity of minorities and at the preservation and development of a regional language,
- taking measures to counteract discrimination against persons belonging to a minority.

The Joint Commission members include the representatives of the competent minister in charge of religious denominations and national and ethnic minorities, the competent minister in charge of public administration, the competent minister in charge of culture and preservation of national heritage, the competent minister in charge of education and upbringing, the competent minister in charge of public finance, the competent minister in charge of labour, the Minister of Justice, the competent minister in charge of internal affairs, the competent minister in charge of social insurance, the competent minister in charge of foreign affairs, the President of the Central Statistical Office, the Council for Preservation of Monuments to Struggles and Martyrdom, the Head of the Chancellery of the Prime Minister and the representatives of national minorities (Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish) and ethnic minorities (Karaims, Lemkos, the Roma, Tartars), as well as representatives of community using the regional language (Kashubian). The Prime Minister shall, on the motion of the competent minister in charge of religious denominations and national and ethnic minorities, appoint and dismiss members of the Joint Commission. Two equal co-chairs of the Joint Commission are: the representative of the competent minister in charge of religious denominations and national and ethnic minorities and the representative of the minority and community using the regional language.

According to the *Act on National and Ethnic Minorities and Regional Language*, in order to appoint the members of the Joint Commission who are the representatives of the minority and community using the regional language, the Minister of Interior and Administration requests the organisations of particular minorities and communities to select the agreed candidates for the Commission. Next, the Minister submits the proposal to the Prime Minister to appoint members of the Commission.

The first meeting of the Commission was held on 21 September 2005. According to the regulations of the Commission, the following groups operate within the Commission: the group for education, the group for culture and the group for the Roma issues. The costs of the Joint Commission operation are financed by the Public budget, whereas the costs of the organisational and technical support are covered by the Ministry of Interior and Administration.

According to the Act, the opinions of the Commission are transferred to the Prime Minister and the Council of Ministers. The Joint Commission may also request institutions, scientific circles and social organisations to deliver information and to present their views. It may

invite representatives of self-government units, social organisations and scientists to participate in its works.

So far, the members of the Commission have provided opinions on the volume of funds planned in the public budget for implementation of tasks intended to maintain cultural identity of national and ethnic minorities and to preserve regional language in 2006 and 2007, the distribution principle for subsidies granted by the Minister of Interior and Administration in 2006, 2007 and 2008, the draft Act on ratification of the *European Charter for Regional or Minority Languages* and the a draft Regulation of the Minister of National Education *on the conditions and manner of performing tasks by the kindergartens, schools and public institutions to allow maintenance of the sense of national, ethnic and linguistic identity of pupils belonging to national and ethnic minorities and the community using the regional language*.

As opposed to the Group for National and Ethnic Minorities Issues, the Joint Commission is a statutory consultative and advisory body of the Prime Minister, therefore it has higher rank than the Group for National and Ethnic Minorities Issues. The responsibilities of the Joint Commission were explicitly determined and, therefore, the government administration bodies had a statutory obligation to consult the issues of minorities with the Joint Commission. Besides, the members of the Commission include the representatives of the minority and community using the regional language. On the other hand, the formal members of the Group include only the government representatives, even though the minorities representatives are invited to all meetings of the Group and its Sub-groups. Extension of the Joint Commission as compared with the Group ensured that the Joint Commission was more representative and formally included minorities representatives to participate in the works on government policy concerning their issues according to the rule “Nothing About Us Without Us”.

V

Before the Joint Commission of Government and National and Ethnic Minorities began its work, the Group for National Minorities Issues had been a body facilitating coordination of government policy towards the minorities. The Group was established on 6 February 2002 as a collegial consultative and advisory body of the Prime Minister. The Group continued the operations of the Interministerial Group for National Minorities Issues, which existed between 1997 and 2001. The meetings of the Group were chaired by the undersecretary of state of the

Ministry of Interior and Administration, and the undersecretary of state of the Ministry of Culture was the deputy president. The Group comprised representatives of the competent ministers in charge of public administration, public finance, education and upbringing, labour, justice, social insurance, foreign affairs, as well as representatives of the Committee for European Integration, the Head of the Office for Repatriation and Foreigners, the President of the Central Statistical Office and the Council for the Protection of Memory of Combat and Martyrdom.

The Group activities mainly focused on the following:

- preparation of the governmental action plans to provide favourable conditions for the development of the national minorities,
- coordination of the actions of governmental administration fulfilling tasks on behalf of the national minorities,
- evaluations and proposals for implementation of the rights and needs of national minorities,
- counteracting the violation of the rights of national minorities,
- initiation of the actions to disseminate knowledge on the national minorities and their culture, and initiation of the studies on the situation of national minorities.

Over the period 2002—2006 the Group completed the following tasks:

- the Sejm draft Act *on National and Ethnic Minorities and Regional Language* in the Republic of Poland was discussed,
- co-financing from the public budget reserve for furnishing Slovak Community Centre in Kacwin was obtained,
- implementation and effects of the *Pilot governmental programme for the Roma community in Malopolskie Voivodeship for 2001-2003* were evaluated,
- the *Strategy for development of the Lithuanian education in Poland* was developed and adopted,
- consultations concerning the signing of *the European Charter for Regional or Minority Languages* by Poland were held,
- the problem of financing investments serving to maintain cultural identity of minorities and the model for financing the culture of minorities were discussed,
- the proposals for actions serving to counteract discrimination due to race and ethnic descent were discussed,

- the *Strategy for development of education of the German minority in Poland* was developed,
- the rules for a system of grants for artistically gifted students and pupils of Roma descent were discussed,
- the draft for the *Governmental programme for the Roma community in Poland* was discussed and adopted.

Due to the appointment of the Joint Commission of Government and National and Ethnic Minorities, the Group ceased to exist. In 2006 and 2007, the only meetings held within the Group were those of the Sub-group for National Minorities Education. The Commission task groups, including Education Group, may commence working only after the Prime Minister signs the Commission Rules.

VI

The *Act on National and Ethnic Minorities* explicitly laid down the scope of Voivode's tasks associated with the protection of the rights of national and ethnic minorities. Voivode tasks have been specified in Article 22 and include:

- coordination of the actions of the organs of government administration fulfilling tasks on behalf of the minorities within the voivodeship ;
- actions aimed at respecting the rights of minorities and counteracting the violation of these rights and discrimination of the minority members;
- actions aimed at solving problems of the minorities;
- actions aimed at respecting the rights of people using the regional language.

Furthermore, in virtue of Article 32 of the Act, the government administration and self government bodies as well as non-governmental organisations have to submit to the Voivode the opinions on the documents concerning the minority or preservation and development of regional language related programmes financed fully or partly from the public budget and implemented with their participation within the voivodeship.

The *Act on National and Ethnic Minorities and Regional Language* enabled Voivodes to appoint representatives for national and ethnic minorities affairs for an unspecified period of time as provided for in Article 35 of the Act of 5 June 1998 *on government administration in*

voivodeships (Journal of Laws of 2001, No 80, item 872, as amended). In some voivodeships representatives for national and ethnic minorities were appointed, whereas in the remaining voivodeships the tasks related to minorities are fulfilled by selected employees in the Office of the Voivode.

VII

The rights of minority members to learn the minority language or to be taught in the minority language, as well as their rights to learn history and culture of minorities are ensured following the provisions and procedures laid down in the Act of 7 September 1991 on the *System of Education* (Journal of Laws of 2004 No 256, item 2 572, as amended). According to Article 17 of the *Act on National and Ethnic Minorities and Regional Language* these issues were entrusted to the Ministry of National Education, which actually does not include a specialised unit for national minorities and their problems are handled by the Department of General and Dedicated Education. The national minorities problems, depending on their type, are also handled by other departments of the Ministry of National Education. Moreover, the Central Examination Board employs a person whose responsibilities include the issues associated with the minorities.

VIII

The Council for the Protection of Memory of Combat and Martyrdom has been established under the Act of 21 January 1988 on the *Council for the Protection of Memory of Combat and Martyrdom* (Journal of Laws No 2, item 2, as amended) to initiate and coordinate the activities connected with celebration of the historical events, commemoration of places and persons associated with the struggle for independence and with the martyrdom of the Polish Nation, both at home and abroad. The Council also does the same for the places of combat and martyrdom of other nations located on the territory of Poland and important for the Polish Nation. The tasks of the Council in the subject of national minorities include:

- expressing opinions and endorsing matters connected with burials of war and repression casualties, military cemeteries and all symbolic commemorations of national and ethnic minorities,

- expressing opinions about legal acts on problems of the protection of tombs and cemeteries of war and repression casualties and all commemorations of national and ethnic minorities,
- cooperation with the national and ethnic minorities organisations and groups on the territory of Poland as well as with the representatives of governments of countries of origin.

To implement its tasks the Council for the Protection of Memory of Combat and Martyrdom cooperates with many institutions in at home and abroad such as the German War Graves Commission in Kassel, the Commemorative Division in the Russian Embassy in Warsaw, and the Ukrainian Committee for Commemoration of the Victims of Wars and Political Repression at the Council of Ministers of Ukraine.

Part IV: Data concerning criminality

Although the statistical analysis of the crimes committed within the reporting period justifies the claim that the scale of ethnic crime in Poland is small, according to the recommendation of the National Prosecutor's Office, all preparatory proceedings concerning the cases related to ethnic crime have been subject to the supervision of the district prosecutor's offices since 2004 in order to eliminate the cases of hasty refusals to initiate the proceedings or discontinuation of proceedings due to low degree of damage to society. In addition, the appellate prosecutor's offices quarterly analyse the cases of crimes which ended in a refusal to initiate preparatory proceedings or its dismissal and evaluate the justification of such decisions. Then they submit the information about the results of the analysis and further activities to the National Prosecutor's Office. Evaluation of the information submitted to the National Prosecutor's Office along with comments and observations is distributed to all prosecutors' offices in Poland for further application and in order to harmonise the methodology of preparatory proceedings related to such crimes.

The analysis of the results of preparatory proceedings in the cases related to racist and xenophobic crime which was conducted at the National Prosecutor's Office allows to state that in the reporting period:

- all preparatory proceedings were subject to the official supervision of the superior prosecutor's office;
- all cases concluded with a valid decision about the discontinuation of preparatory proceedings or the refusal to initiate the proceedings were analysed at the appeal prosecutor's offices;
- between 2004 and 2006 only one case was discontinued pursuant to Article 17 (1) (1) (3) of the Code of Penal Procedure, i.e. because of the low damage to society;
- the discontinuation of the majority of the cases between 2004 and 2006 was due to the failure to detect the perpetrator or perpetrators of crime;
- in other discontinued cases or cases of refusal to initiate the proceedings, the legal basis for such decisions included the lack of the attributes of an offence and the lack of data sufficiently proving that a crime was committed;

- the number of proceedings related to racist or xenophobic crime with the use of Internet is increasing; such crimes mainly include the cases of publication of content which incites to hatred on national, ethnic and religious grounds or insulting due to such reasons. In 2005 there were 3 cases related to the publication of racist content on the Internet among a total of 43 conducted proceedings.

Another aspect of ethnic hatred crime includes operations of the organisations and political parties which refer to racial and national hatred in their programmes. The Polish Constitution (Article 13) imposes a ban on the existence of organisations and political parties which include the totalitarian methods and procedures, such as Nazism, Fascism and Communism, in their programmes and also those organisations whose programme or activities assume or accept the racial and national hatred, the use of violence to obtain power or influence the state policy or provide for the concealment of their structure or membership.

Within the framework of implementation of the *National Programme for Combating Racial Discrimination, Xenophobia and Related Intolerance* for 2004-2009, in 2005 the National Prosecutor's Office undertook the activities aimed at establishing whether there are any organisations based on anti-Semitic or racial ideology which operate in Poland. In particular, all appellate prosecutors' offices were ordered to check whether such organisations appeared in the preparatory proceedings conducted by their subordinate prosecutor's offices. The results of the check proved that there was no such organisation on the territory of Poland.

While analysing the data about the ethnic hatred or racist crime, it should be emphasized that such crimes have a collective nature and in majority affect people who do not belong to national and ethnic minorities. The statistics presented below do not allow for making precise estimates about the degree to which the ethnic hatred crime affects national and ethnic minorities living in Poland.

The complaints concerning discrimination due to race, nationality and ethnic origin are submitted to various institutions, including the Police, the prosecutor's offices, the Commissioner for Civil Rights Protection and the Racism and Xenophobia Monitoring Team at the Ministry of Interior and Administration. Between 2002 and 2006 the Commissioner for Civil Rights Protection initiated explanatory proceedings with regard to 57 cases, in which the complainants complained about the discrimination on racial, national or ethnic grounds, out of which the Commissioner for Civil Rights Protection completed the explanatory proceedings in 46 cases

concerning the issues referred to above. In 12 cases the solution was positive, in 6 cases the Commissioner refrained from further proceedings due to objective reasons and in 28 cases the charges were not confirmed. From among 57 initiated cases, 47 were analysed individually while in 10 cases the Commissioner for Civil Rights Protection submitted general statements to the competent public administration authorities. It should be emphasized that the racism or discrimination issue was not the main reason for the complaint submitted to the Commissioner for Civil Rights Protection in all the abovementioned cases. Some of those cases concerned the criminal law, penal criminal law, activities of the Police and other law enforcement agencies, or the housing issues.

The number of cases related to the analysed problems which the Commissioner for Civil Rights Protection initiated looks as follows (broken down by years):

- 9 cases in 2002;
- 16 cases in 2003;
- 12 cases in 2004;
- 4 cases in 2005;
- 12 cases in 2006.

Between 2002 and 2005 the Commissioner for Civil Rights Protection did not receive any complaints concerning the discrimination due to race, nationality or ethnicity.

Between 2002 and 2005 nobody was put on trial for the acts specified in Article 118 (1)²¹, (2)²² and (3)²³ of the Penal Code.

As regards the deeds specified in Article 119 of the Penal Code, five persons in total were sentenced to imprisonment for committing the acts referred to in Article 119 (1)²⁴ and (2)²⁵ of the Penal Code. In 2004 three persons were put on trial for committing the act specified in Article

²¹ "Whoever, in order to destroy wholly or in part, a national, ethnic, racial, political or religious group or a group with a specific world view, commits homicide or causes a damage to the health of a person belonging to such a group, shall be subject to imprisonment for the period of at least 12 years, to imprisonment for 25 years or to lifelong imprisonment."

²² "Whoever, for the purpose laid down in § 1, creates the living conditions for the persons belonging to such a group, which put the group at risk of biological destruction, who uses the measures aimed at stopping the births among the group or forcibly takes away the children from the persons belonging to such a group, shall be subject to imprisonment for the period of at least 5 years or imprisonment for 25 years."

²³ "Whoever makes preparations for the crime referred to in § 1 or 2 shall be subject to imprisonment for the period of at least 3 years."

²⁴ "Whoever uses violence or unlawful menace towards the group of persons or a single person due to the person's national, ethnic, racial, political or religious identity or due to their lack of religious beliefs, shall be subject to imprisonment for the period from 3 months to 5 years."

²⁵ "The same penalty shall be applied to whoever publicly call for committing the crime referred to in § 1."

119 (1) of the Penal Code. All of those persons were finally sentenced, 2 of them were fined while one person was sentenced to imprisonment. In 2005 six persons were put on trial for committing the act specified in Article 119 (1) of the Penal Code, all of them were sentenced, one to restriction of liberty and five to imprisonment. Between 2004 and 2005 no adults were put on trial for committing the act specified in Article 119 (2) of the Penal Code (no data for 2006).

As regards the crimes specified in Article 256²⁶ and 257²⁷ of the Penal Code:

In 2002:

- 7 persons were put on trial for committing the acts referred to in Article 256 of the Penal Code, out of whom 6 were finally sentenced and in one case the proceedings were discontinued conditionally.

As regards the persons finally sentenced, 2 were fined and 4 were sentenced to imprisonment;

- 8 persons were put on trial for committing the acts referred to in Article 257 of the Penal Code, all of them were finally sentenced, out of whom 2 to restriction of liberty and 6 to imprisonment;

In 2003:

7 persons were put on trial for committing the acts referred to in Article 256 of the Penal Code, out of whom 6 were finally sentenced and in one case the proceedings were discontinued conditionally. As regards the persons finally sentenced, 2 were fined; one was sentenced to restriction of liberty and 3 to imprisonment;

- 11 persons were put on trial for committing the acts referred to in Article 257 of the Penal Code, out of whom 9 were finally sentenced and in two cases the proceedings were discontinued conditionally. As regards the persons finally sentenced, 3 were fined, 2 were sentenced to restriction of liberty and 4 to imprisonment;

²⁶ "Whoever publicly promotes fascist or other totalitarian state system or incites to hatred on national, ethnic, racial or religious grounds or due to the lack of religious beliefs, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years."

²⁷ "Whoever publicly insults a group of people or an individual person due to their national, ethnic, racial or religious identity or due to their lack of religious beliefs, or who violates the inviolability of such person(s), shall be subject to imprisonment of up to 3 years."

In 2004:

- 7 persons were put on trial and sentenced for committing the acts referred to in Article 256 of the Penal Code. As regards the persons finally sentenced, one was fined, 3 were sentenced to restriction of liberty and 3 to imprisonment;
- 12 persons were put on trial for committing the acts referred to in Article 257 of the Penal Code, out of whom 8 were finally sentenced and in four cases the proceedings were discontinued conditionally. As regards the persons finally sentenced, 2 were fined and 6 were sentenced to imprisonment;

In 2005:

- 16 persons were put on trial and sentenced for committing the acts referred to in Article 257 of the Penal Code. As regards the persons finally sentenced, 2 were fined, one was sentenced to restriction of liberty and 12 to imprisonment and with regard to one person an autonomous penal measure was applied.

In 2006:

- Data for 2006 are not available yet.

Since 2004 the Racism and Xenophobia Monitoring Team at the Ministry of Interior and Administration has been collecting information about all cases of discrimination on ethnic and racist grounds and anti-Semitism (information comes from several sources, including the press monitoring, information received from other government administration authorities as well as directly from the victims or non-governmental organisations). In order to create a professional database with information about racism, racial discrimination, anti-Semitism and xenophobia, the appropriate works are carried out with the participation of the representatives of the Ministry of Justice, the Ministry of Interior and Administration, the General Headquarters of the Police, the Central Statistical Office and the Commissioner for Civil Rights Protection.