

POLAND

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6 monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

2. GEOGRAPHY

2.1 The Republic of Poland is situated in central Europe. It is bounded to the north by the Baltic Sea and an enclave of the Russian Federation; to the north-east by Lithuania; to the east by Belarus; to the south-east by Ukraine; to the west by Germany; and to the south by the Czech Republic and Slovakia. **[1a]**

2.2 Poland is the largest and most populous state in central Europe. It covers an area of 120,728 square miles (312,685 square kilometres), with an estimated population, in 1998, of 38,667,000. The capital of Poland is Warszawa (Warsaw). It is situated in the east of the country and has an estimated population of 1,628,500 (as at 31 December 1996). The next largest city in Poland is Lodz, which has an estimated population of 818,000 and is situated in the centre of the country, closely followed by Krakow (Cracow) and Wroclaw, which have estimated populations of 740,700 and 640,600 respectively and are situated in the south of Poland. **[1a]**

2.3 The official language of the country is Polish which is spoken by almost all of the population, although there is also a small German-speaking community. The national flag consists of two equal horizontal stripes of white and red. **[1a]**

3. HISTORY

Recent Political History

3.1 Poland, partitioned in the 18th century, was declared an independent republic on 11 November 1918. The country was ruled by an autocratic and military regime from 1926 until 1939. In that year Poland was invaded by both Germany and the USSR and partitioned between them. After Germany declared war on the USSR in June 1941, its forces occupied the whole of Poland. **[1a]**

3.2 After the war, the pro-Communist Polish Committee of National Liberation, established under Soviet auspices in July 1944, was transformed into the provisional government. **[1a]**

3.3 Non-communist political groups suffered severe intimidation during the falsified January 1947 elections, and the communist-led "democratic bloc" claimed an overwhelming victory and Poland effectively became a one-party state. **[1a]**

3.4 Throughout the communist period the majority of Poles remained strongly anti-Communist. Serious anti-regime riots occurred in the 1950s and 1970s. Further strikes in the summer of 1980 led to the birth of Solidarity under the leadership of Lech Walesa. Solidarity's demands for legislative reform, including the recognition of basic rights, were seen as a threat by the government, and on 13 December 1981, under heavy pressure from the Soviet Union and the Warsaw Pact, the Prime Minister, General Wojciech Jaruzelski introduced martial law. Walesa and many other Solidarity leaders were interned. Martial law was lifted in July 1983 under pressure from the West. **[1a]**

3.5 Some limited liberalisation occurred in the next few years, but by 1988, as new strikes were starting, Poland had reached an impasse; the economy was collapsing and the government was discredited, unable to run the country. The government finally agreed to Round Table talks, which in April 1989, legalised Solidarity and instituted political reforms, in return for support for unpopular economic measures. **[1a]**

3.6 Elections were held in 1989, 1991 and 1992 leading to a wide range of political parties in the legislature. A total of 29 parties won representation to the Sejm in 1991. The party with the largest number of deputies, 62, was Mazowiecki's Democratic Union (*UD - Unia Demokratyczne*), formed in May 1991 by the merger of the Citizens' Movement Democratic Action (*ROAD - Ruch Obywatelski Akcja Demokratyczna*) and two other organisations. The Democratic Left Alliance (*SLD - Sojusz Lewicy Demokratycznej*), an electoral coalition of the Social Democracy of the Republic of Poland (*SdRP - Socjal demokracja Rzeczypospolitej*) and the All Poland Trade Unions Alliance, won 60 seats. In the Senate (the Upper House) the UD was also the largest single party. **[1a]**

3.7 In early June 1996 some 25 centre-right political parties, including Solidarity, the Centre Alliance and the Christian National Union (*ZChN - Zjednoczenie Chrzescijansko Narodowe*), established an electoral coalition, called Solidarity Election Action (*AWS - Akcja wyborcza Solidarnosc*), in preparation for the 1997 parliamentary elections. **[1a]**

3.8 On 2 April 1997, after four years of parliamentary negotiations, the National Assembly adopted a new Constitution, which was approved by a national referendum in May and came into force in October.

1997 Parliamentary Election

3.9 Parliamentary elections were held on 21 September 1997, and an alliance of post-

Solidarity parties, the Solidarity Election Action group (AWS), won approximately one third of the vote. It formed a coalition government with the liberal, pro-free market Freedom Union (UW). Jerzy Buzek of the AWS was appointed Prime Minister and the UW leader, Leszek Balcerowicz, was appointed Deputy Prime Minister and Finance Minister. **[1a]**

3.10 The results of the general election are as follows: **[1a]**

Party	% of votes	Number of seats
Solidarity Election Action (AWS)	33.8	201
Democratic Left Alliance (SLD)	27.1	164
Freedom Union (UW)	13.4	60
Polish Peasant Party (PSL)	7.3	27
Movement for the Reconstruction of Poland (ROP)	5.6	6
Union of Labour (UP)	4.7	-
National Pensioners' Party (KPEiR)	2.2	-
German Minority of Lower Silesia	0.4	2
Others	5.5	-
Total	100	460

3.11 The new government prioritised rapid integration with NATO and the EU, accelerated privatisation and the reform of government structures and pledged to promote Christian and family values. The major social reforms undertaken by the government included health, education and pensions. Opposition to government policies such as restructuring of provinces (voivodships) and districts (powiats) and to industrial restructuring was reflected in strikes and protests throughout 1998. Other government measures in 1998 included the adoption of a new penal code to conform to EU criteria, which brought about the abolition of the death penalty and granting access to files compiled on citizens during the Communist era. **[1a]**

3.12 In March 1999 Prime Minister Buzek reshuffled his government in preparation for a major reform of state administration which took place in April. **[1a]**

3.13 On 28 May 2000 the ruling council of the Freedom Union (UW) voted to withdraw its ministers from the cabinet. The five ministers concerned handed in their resignations the following day and the UW called for the appointment of a new prime minister and for stricter voting discipline among the AWS deputies. This development happened after weeks of disputes between the UW and the AWS. Buzek refused to accept the resignations and called for the ministers to remain in post pending talks on the formation of a new coalition. **[17d]**

3.14 The coalition agreement collapsed on 6 June 2000 after weeks of negotiations between the AWS and the UW failed to find a mutually acceptable alternative to Buzek as Prime Minister. There were also differences between the free-market UW and the trade union backed AWS on spending levels and the speed of reforms. The AWS formed a minority government on 6 June 2000, with Buzek remaining as prime minister. **[17e]**

3.15 On 11 September 2000, President Kwasniewski vetoed a property enfranchisement bill which had been approved by both the Sejm and the Senate. The bill would have offered every Polish citizen a share of state assets, including state-owned apartments and land. A subsequent attempt to override the presidential veto failed in the Sejm on 13 October, when the three-fifths majority required for this could not be achieved. **[17g]**

3.16 Aleksander Kwasniewski was re-elected President on 8 October 2000, with a majority large enough to obviate the need for a second round of voting. AWS leader Marian Krzaklewski received 15.6% of the popular vote:

<i>Candidate</i>	<i>% of vote</i>
Aleksander Kwasniewski	53.9
Andrej Olechowski	17.3
Marian Krzaklewski	15.6
Jaroslaw Kalinowski	6.0
Others	7.2

Turnout: 61%

Source: State Electoral Commission

Former President Lech Walesa, who had finished a close second to Kwasniewski in the previous presidential election, obtained only 1% of the vote on this occasion and announced on 15 October that he was withdrawing from politics. **[17f]**

3.17 The Freedom Union (UW) suffered a damaging split at its December 2000 party congress, convened to elect a successor to Leszek Balcerowicz, who had been nominated as president of the National Bank of Poland. Balcerowicz had done much to hold together the UW's two main factions: a social democratic wing, comprising mainly former members of the Democratic Union, and a 'neo-liberal' faction, primarily made up of former members of the Congress of Liberal Democrats (KLD). Members identifying with the neo-liberal faction became disaffected after their candidate for the leadership, Donald Tusk, was defeated by former foreign minister Bronislaw Geremek and Mr Geremek's allies gained all but two seats on the party's 100-member national council. Tusk subsequently left the party to co-found the *Civic Platform* (see 3.18), drawing away several hundred UW members. **[33b]**

3.18 The Civic Platform (*Platforma Obywatelska* - PO), a liberal-conservative political movement, was formed in January 2001 by Andrzej Olechowski (runner-up in the 2000 presidential election), Sejm speaker Maciej Plazynski from the AWS, and deputy Senate speaker Donald Tusk, who departed from the Freedom Union (UW). They were joined by several hundred former members of the Freedom Union throughout Poland, including Warsaw mayor Pawel Piskorski and former prime minister Jan Krzysztof Bielecki. Several deputies left the UW parliamentary group and chose to sit as independents instead of immediately forming a parliamentary group for the PO. The founders had stated on 11 January that they intended to put up candidates for the 2001 parliamentary election, and probably convert the PO into a political party thereafter. **[33b, 30e]**

3.19 On 18 March 2001, the council of the Conservative Peasant Party (SKL) voted to withdraw the SKL from the ruling AWS coalition. By May 2000 the AWS held 154 seats in the Sejm, compared with 201 after the 1997 election. **[39]**

September 2001 Parliamentary Elections

3.20 Elections to both the Sejm and the Senate were held on 23 September 2001. The following are the principle parties/coalitions which contested the elections:

- The Democratic Left Alliance (SLD), under Leszek Miller, had formed a centre-left electoral coalition with Labour Union (UP). Polls conducted during the months leading up to the election showed the SLD to be far ahead of the other parties in terms of voter popularity, to the extent that this coalition could, perhaps, win an overall majority in the Sejm. The SLD-UP were not promising the electorate any sweeping reforms - their campaign, instead, focussed on stability, economic growth, fighting unemployment, and modernising education, and sought to project an image of competent and business-like leadership. The SLD is firmly committed to EU accession.
- Solidarity Election Action -Right (AWS-P): Prime Minister Jerzy Buzek's AWS government had, by the time of the election, lost a great deal of its former public support due mainly to its apparent ineffectiveness in countering a dramatic slowdown in the economy, a ballooning budget deficit, and a rise in unemployment - in addition to a recent damaging corruption scandals. Buzek made the point that the AWS government was also paying the political price for implementing the four major socio-political reforms it had introduced - which were necessary, but also unpopular. In May 2001, AWS and part of the Movement for the Reconstruction of Poland (ROP) had agreed to run on a joint list in the parliamentary elections: 'AWS-P'.
- Freedom Union (UW) had withdrawn from the governing coalition in June 2000. The party had suffered a damaging split in December 2000 and members in its liberal faction left to co-found Civic Platform (PO).
- Civic Platform (PO) was threatening to replace UW as the main political force in the liberal centre of Polish politics. Formed in January 2001, this pro-free market political movement (see 3.18) was now running second in the polls after SLD-UP.
- Law & Justice (PiS), under former Justice Minister Lech Kaczyński, was formed to contest the 23 September elections. Kaczyński, who was said to be the second most popular politician in Poland after President Kwasniewski, had been credited by the media for waging an effective war on organised crime. He had been sacked by Premier Buzek in July 2001 following a public row over the role of a State Protection Office investigator in a fraud probe. PiS is basically a 'law and order' party. Its candidates included many former AWS politicians.
- Samoobrona (Self-Defence): Populist, Euro-sceptic organisation led by Andrzej Lepper. As one of three farmers' unions, Samoobrona staged disruptive protests and roadblocks in the late-1990's against the government's European and agricultural policies. Adopted a more formal political structure in the lead up to the elections, and now also sought to be seen as the voice of the urban unemployed and of small business, in addition to Poland's hard-pressed farmers.
- Polish Peasant Party (PSL): Left-wing party competing with Samoobrona for support in the rural community. In favour of EU accession, but opposed to the tough, far-reaching agricultural reforms required by Brussels.
- League of Polish Family (LPR) : Formed two months before the elections, the LPR groups far-right nationalist politicians - including several close to Radio Maryja, an ultra-nationalist Catholic radio station.
- Bloc Senat 2001: A centre-right coalition of Civic Platform, Law & Justice, AWS, Freedom Union and Reconstruction Party candidates (all post-Solidarity parties) - formed to contest the Senate election only.

Results in the Sejm:

PARTY/COALITION	DESCRIPTION	% of TOTAL VOTE	SEATS
Coalition of the Alliance of the Democratic Left and the Union of Labour (SLD-UP)	Centre-left	41.0	216
Civic Platform (PO)	Centre-right	12.7	65
Samobrona (Self Defence)	Populist/agrarian	10.2	53
Law & Justice (PiS)	Right/anti-corruption	9.5	44
Polish Peasant Party (PSL)	Left/agrarian	9.0	42
League of Polish Family (LPR)	Right/nationalist	7.9	38
Solidarity Election Action (AWS-P)	Centre-right	5.6	-
Freedom Union (UW)	Centre-right	3.1	-
German Minority (MN)		-	2*
		100.0	460

[43,38] *German minority guaranteed at least two seats

Results in the Senate:

PARTY/COALITION	DESCRIPTION	SEATS
Coalition of the Alliance of the Democratic Left and the Union of Labour (SLD-UP)	Centre-left	75
Blok Senat (includes PO, PiS, AWS-P, UW)	Centre-right	15
Polish Peasant Party (PSL)	Left/agrarian	4
Samobrona	Populist/agrarian	2
League of Polish Family (LPR)	Right/nationalist	2
Others/Non-affiliated		2
		100

[43,38]

3.21 In the Sejm election SLD-UP, with 216 seats, fell 15 seats short of an outright majority. The parties that had formed the previous government after the 1997 election - Solidarity Election Action and Freedom Union - both failed to gain sufficient support to qualify for any seats. Extremist parties Samobrona and LPR gained a higher percentage of the vote than had generally been predicted.

3.22 SLD-UP leader Leszek Miller reportedly held discussions with several other parties on the possibility of a coalition or working agreement, though he also had the option of forming a minority government. Civic Platform (PO) had already publicly rejected the idea of a coalition with SLD. After much internal debate, members of the Polish Peasant Party (PSL) voted on 6 October to enter into a coalition with the SLD and UP in the Sejm. [10f]

3.23 On 9 October 2001, leaders Leszek Miller of the Democratic Left Alliance (**SLD**), Marek Pol of the Union of Labour (**UP**), and Jaroslaw Kalinowski of the Polish Peasants' Party (**PSL**), signed a policy agreement which was to be the basis of a coalition government. [8v]

3.24 Leszek Miller formally notified the President of his future Cabinet on 10 October,, which included the leaders of the UP and PSL as deputy prime ministers (see Annex C). The new government formally assumed office when the Sejm convened on 19 October. On the same date, Marek Borowski of the SLD was elected Speaker of the Sejm; Samoobrona leader Lepper became one of the four deputy Speakers. **[8u,46a]**

3.25 In addressing the Senate on 19 October, the President Kwasniewski stressed the importance of this second chamber: "The Senate has exceptional prerogatives that distinguish it against the other organs of state authority: It is a place where the law can be modified and improved". (In its pre-election campaign, SLD-UP had positioned itself in favour of abolishing the Senate.) In the same speech, the President observed that the new government "faces the biggest challenges since 1989", particularly in the changed world following the events of 11 September. **[8t,24d,24f]**

European Union and NATO

3.26 In December 1991 Poland signed an association agreement with the European Community as part of its continuing effort to integrate more closely with western European institutions. In April 1994 Poland made a formal application for membership of the European Union. In January 1997 Poland's European Integration Committee adopted a National Integration Strategy outlining the economic, security and legal reforms deemed necessary to ensure full membership of the EU. Formal accession negotiations began in March 1998; by the end of September 2001, Poland had provisionally closed negotiations on 17 of the 29 chapters of the *acquis communautaire* (the body of EU law). The SLD is strongly committed to EU accession, and its coalition partners, UP and PSL, have agreed that accession will be one of the key goals of the new government. **[1a,40b]**

3.27 In January 1994 Poland announced that it was to join NATO's Partnership for Peace programme. A defence co-operation agreement was signed between Poland and NATO in March 1994. Poland, along with the Czech Republic and Hungary, gained full membership of NATO in March 1999. **[1a]**

The Economy

3.28 A growth of 4.1% in real GDP was achieved in 2000, compared with 3.3 % for the EU. However, it is apparent that the Polish economy has now slowed sharply: Real GDP growth averaged only 1.6% in the first half of 2001, and the Economist Intelligence Unit has predicted 1.8% growth for the year (forecast of 05.10.01). Unemployment has continued to increase, from an average of 12.0% in 1999 to 15.8% in the second quarter of 2001. The incoming government will also have to deal with a projected budget deficit of up to 90bn zloty (21 billion US dollars) for next year, equivalent to 10% of GDP.

3.29 Agriculture employs over 25% of the workforce but contributes only 4% of GDP. Farms are small and fragmented and over half of all farming households in Poland produce only for their own needs. Poland's industrial base now includes fertilisers, petrochemicals, passenger vehicles, machine tools, electrical machinery, electronics and shipbuilding. **[4b]**

3.30 Poland's regions are polarised, with areas of relative wealth, especially around Warsaw and Gdansk, and poor areas concentrated in the East, on the border with the Ukraine. Infrastructure is especially weak in the East, and EU assistance (and, once Poland joins,

Structural Funds) is intended to improve this area. [38]

4. INSTRUMENTS OF THE STATE

The Polish Constitution

4.1 A new permanent, democratic Polish Constitution, to replace the much amended and supplemented Communist Constitution of 1952, was adopted by the National Assembly on 2 April 1997 and endorsed by popular referendum on 25 May 1997. It came into force on 17 October 1997 following the Supreme Court's ruling on the validity of the referendum. [1a]

4.2 The Constitution grants citizens the right to freely express their opinions and to acquire and disseminate information. It prohibits preventive censorship of the means of social communication and the licensing of the press. Laws can require a permit for the operation of a radio or television station (Article 54). Article 14 guarantees freedom of the press and other means of social communications. Article 61 specifies the right to information, stipulating that a citizen has the right to obtain information on the activities of organs of public authority as well as persons discharging public functions. It further specifies that the right to obtain information provides access to documents and entry to sittings of collegial organs of public authority formed by universal elections. Limitations on these rights can be imposed by law solely to protect freedom and rights of other persons and economic subjects, public order, security, or important economic interests of the State. [16a]

4.3 There are provisions concerning the Commissioner for Citizen's Rights, contained in Articles 208-212. The Commissioner's role is to safeguard the freedoms and rights of persons and citizens as enumerated in the Constitution. The Commissioner is appointed by and accountable to the Sejm. [16a]

4.4 The Constitution also contains a provision by which anyone whose rights, as specified in the Constitution, have been infringed has the right to appeal to the Constitutional Court (Article 79). [16a]

Political system

4.5 Legislative power is vested in the bicameral National Assembly (*Zgromadzenie Narodowe*), which is elected for a four year term. It comprises the 100 member *Senat* (upper chamber) and 460 member *Sejm* (lower chamber). The Senate reviews the laws adopted by the Sejm and may propose their amendment or rejection. [1a]

4.6 Senators and deputies are elected by universal, direct suffrage. In the Sejm, deputies are elected under a system of proportional representation. [1a] The electoral law exempts ethnic minority parties from the requirement to win 5% of the vote nationwide in order to qualify for seats in individual districts. [4a]

4.7 Executive power is vested in the President of the Republic, who is directly elected for a five year term, and may be re-elected only once; and in the appointed Council of Ministers (Cabinet), led by the Prime Minister. The President is empowered to veto legislation; a three-fifths majority in the Sejm is subsequently required to overturn a presidential veto. The Council

of Ministers is responsible to the Sejm **[1a]**

4.8 A new law compelling political leaders to reveal past collaboration with Communist era secret police, the "Iustracja" or vetting/lustration law, took effect in August 1997. The law requires candidates for high government office, including those for President, the Sejm, the Senate, Prime Minister, or other office that requires nomination by the President or Prime Minister, to sign a declaration stating whether or not they co-operated with Poland's secret services at any time between 1944 and 1990. Although the law does not provide for the punishment of those who admit to collaboration, any Sejm or Senate candidate found to have lied in his or her declaration will be removed from office. Any other government official found to have made false statements will also be excluded from public office for 10 years. The vetting court held its first hearing on 24 February 1999 and the Justice Minister sacked two prosecutors in the wake of the first vetting list. **[8d] [8h]**

Local Government

4.9 Local elections took place on 11 October 1998. The winner was the AWS (which altogether won 10,613 of the contested 63,765 seats), followed by the SLD (8,840 seats), the PS Social Alliance (4,583), the UW (1,146), the Ojczyzna Movement (256) and Rodzina Polska (151). The SLD gained control of 8 of the 16 provinces, while the AWS won 6. Voter turnout was only 45% but in a number of provinces the turn out was less than 20%. These were the first elections since the reform of local administration which included a reduction in the number of provinces from 49 to 16 in July 1998. **[17c]**

4.10 Under the new administrative structure which came into force on 1 January 1999, powers have been devolved to three levels of self-government at regional (voivodships), district (powiats) and commune (gminas) levels. Voivodship government tasks range from economic development and international economic relations, regional promotion, postgraduate vocational education, social housing and the provision of specialised regional level medical services. **[27b]**

4.11 At district level, 308 powiats and 65 city powiats have been created with elected powiat representation and primary responsibility for the provision of public services. At commune level, 2,489 gminas are being given new budgetary resources and new tax raising powers to undertake the provision of primary community services. **[27b]**

4.12 Municipal council elections were held in Warsaw in September 2000, resulting in the Democratic Left Alliance (SLD) holding 39 of the 80 seats on the council; the AWS now has 27 seats and the Freedom Union (UW) 13 seats. Prime Minister Jerzy Buzek had effectively dissolved the Council in May 2000 after the UW had formed a coalition with the SLD in Warsaw, leading to the collapse of Poland's ruling coalition between the AWS and the UW in June. **[10e]**

The Judiciary

4.13 The Constitution provides for an independent judiciary and the Government respects this in practice. However the judiciary remains inefficient and lacks resources and public confidence. **[4a]**

4.14 The Government is restructuring the court system in order to streamline and accelerate

the legal process. At present there is a four-tier court system, consisting of regional, provincial and appellate divisions as well as a Supreme Court. The tiers are sub-divided into five parts: military, civil, criminal, labour and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offences. Appellate courts handle appeals tried at the provincial level and the Supreme Court handles appeals only about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate and regional offices. **[4a]**

4.15 In January 2000, a new layer of jurisdiction was introduced to deal with petty cases. It is planned to set up 400 civil-criminal chambers throughout the country (up to 200 are already in place), which are competent for civil claims below 5000 Zloty, consumer rights cases, and fiscal offences carrying a maximum penalty of up to two years imprisonment. **[27c]**

4.16 Judges are nominated by the National Judicial Council and appointed by the President. Judges are appointed to the bench for life and may be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. In October 1999, Constitutional Tribunal decisions became final and binding, after a two-year interim period following the entry into force of the new Constitution during which a two-thirds majority in the Sejm could overrule its decisions. **[4a]**

4.17 The court system is said to be cumbersome, poorly administered, overstaffed and under funded. There are numerous inefficiencies, and these factors contribute to a lack of public confidence. Court decisions are frequently not implemented. Simple civil cases can take as long as 2-3 years before resolution. The backlog and the costs of legal action appear to deter many citizens from using the justice system at all. **[4a]**

4.18 Commenting on the judiciary in its reports of November 1998 and October 1999, the EU Commission considered that the difficulties and constraints identified in the Commission's Opinion **[29]** remained a challenge. These referred to failure to improve the lengthy average time for processing court cases, the enforcement of court rulings and access to the courts. However, the November 2000 report noted an overall improvement in the efficiency of the court system - with the exception of Warsaw. The average duration of a criminal/correctional procedure is 6 months nation-wide, but 40 months in Warsaw, where the situation is still 'very critical in terms of overburdening of judges and long delays'. **[27a,b,c]**

4.19 The legislative, administrative and judicial machinery in place effectively prevents torture in the country. The Police Act of 4 April 1990 and the State Security Office Act of 6 April 1990 lay down specific rules for the disciplinary and criminal responsibility of officials of these institutions. The revision of the criminal legislation (Criminal Code and Code of Criminal Procedure) introduces many new arrangements for further guaranteeing the implementation of the provisions of the Convention. **[16b]**

4.20 The Polish legal system contains legal measures to guarantee the observance of Article 7 of the International Covenant on Civil and Political Rights and of the regulations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984 (Journal of Laws 1989, No.63, items 378 and 379). **[16e]**

4.21 Provisions in Polish law allow access by every person to a fair and public hearing by a

competent, independent and impartial court. The right of the parties to appeal to a court of higher instance is given great weight. In 1996 reforms were made that provide for a two-level appeal process in most civil and criminal matters; previously, citizens enjoyed access only to a one-step appeal process. **[16e, 4a]**

4.22 Access to courts and other organs of court administration is regulated by legal Acts which give no grounds for differentiating between people on account of their race, colour of skin, birth or national or ethnic origin. **[16d]**

4.23 A new Penal Code and Code of Penal Procedures adapted to conform to European Convention on Human Rights standards entered into force on 1 September 1998. The new code replaces capital punishment with life or 25 years' imprisonment. A number of other significant changes are made which serve to reduce the age limit for prosecution of minors on serious offences (15), to reduce the minimum period of detention (1 month), to reduce the maximum punishment threshold for certain serious offences and to increase penalties for serious crimes. The Code also introduces new categories of criminal offences (e.g. computer and environmental crime). **[27a] & [27b]**

4.24 In 2000, the European Court of Human Rights in Strasbourg ruled on two cases involving the right to fair trial within reasonable time (Article 6 of ECHR). The European Court awarded damages to the plaintiffs whose civil cases had not been resolved in the Polish courts after four and a half years, and five years, respectively. **[9b]**

4.25 The Supreme Court ruled in September 2000 that judges would not require a special security clearance in order to gain access to classified State secrets, as is the normal requirement under the Classified Information Act of March 1999. **[9b]**

Police and Special Security Services

4.26 The internal security and armed forces are subject to effective civilian control by the government. Since 1996 the civilian Minister of Defence has had clear command and control authority over the military chief of the general staff, as well as oversight of military intelligence. **[4a]**

4.27 The Chairman's Office of the Main Headquarters of Police in Warsaw provided the following information: All bodies of the police are obliged to receive citizens in the case of complaints and proposals every day during office hours and at least once a week for two hours after office hours. A citizen's right to make complaints and proposals is defined in the Constitution and specified in the Code for Administrative Procedures. At the Department of Internal Affairs and Administration these problems are regulated by the appropriate instructions of the Minister. Every person, regardless of citizenship, is entitled to make complaints and proposals and the Code of Administrative Law introduces the statutory legal protection of the complainant / proposer provided that he acted within the limits allowed by the law. Complaints may be delivered in writing, orally to be placed in a protocol, or in both forms simultaneously. **[19]**

4.28 In the case where the complaint is upheld, the complainant receives an apology personally or in writing. In cases which result in damage to health or material loss, the police pay damages. Additionally, a policeman who is found guilty of a breach of discipline is liable to service or criminal responsibility. **[19]**

4.29 The Chairman's Office of the Main Headquarters of Police in Warsaw also stated that corruption among the Police is not a big problem in Poland. Cases which have been found were of an incidental character. After a complaint is upheld, the consequences are particularly acute; the policeman is dismissed from service and the Prosecutor's office opens an investigation against him. Every sign of corruption by a policeman becomes a subject for particularly penetrating checks. **[19]**

4.30 The British Government's Know How Fund Polish Police Programme of Assistance commenced in 1990. The Fund was in existence for over 8 years and its aim was to provide constructive assistance through the transfer of experience from the British police to aid the Polish police to come to terms with the policing needs of a newly formed democracy. The aim was also to help in the development of a police organisation capable of dealing with the crime and social problems which had emerged since the breakdown of the totalitarian state. The Polish police have reportedly made considerable progress in most of the key areas which are the cornerstone of professional policing. **[23, 38]**

4.31 The International Helsinki Federation for Human Rights and the European Commission against Racism and Intolerance have expressed concerns about the Polish police. There were some reports that the police did not react appropriately to racially motivated crime; that they responded slowly and their investigations were inadequate. The 1999 ECRI Report also noted allegations of police violence and abuse directed at members of the Roma community. The Polish authorities have responded to the ECRI report by stating that, in all cases of reported crimes against Romanies, active police efforts were launched immediately to clarify the circumstances of the offences and to identify the offenders. They also noted that reported cases of police officers violating regulations or breaking the law are monitored and subject to disciplinary proceedings. Police officers found to have committed violations against criminal suspects have been punished severely - from disciplinary discharge to prosecution and conviction in a court of law. **[3]**

Citizenship

4.32 Principles of citizenship are governed by the Polish Constitution and the Citizenship Act of 1962. **[48,49]**

4.33 Generally, a child - irrespective of where he/she is born - acquires Polish citizenship if both parents are Polish citizens or, subject to certain provisions, if one parent is a Polish citizen. A child who is born in Poland would acquire Polish citizenship if his/her parents are unknown, or are of unknown nationality, or are stateless. **[49]**

4.34 Persons can apply for citizenship through naturalisation after residing in Poland for 5 years, subject to having a basic command of the Polish language and basic knowledge of Polish history. The Senate passed an amendment to the Citizenship Act in July 2000 to recognise dual nationality. The Constitution prohibits involuntary loss of Polish citizenship. **[8r,49]**

4.35 On 29 June 2000, a new Polish Citizenship bill was approved by the Sejm, but subsequently rejected in the Senate. A new draft of the bill was introduced in the Sejm on 27 April 2001, but had not yet been approved when Parliament dissolved prior to the September elections. **[48]**

5. HUMAN RIGHTS

Overview

5.1 In its report of November 2000, the Commission on Poland's Progress towards Accession to the European Union confirmed that Poland continues to fulfil the Copenhagen political criteria. The criteria, as laid down by the Copenhagen European Council in June 1993, stipulate that the country must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities". The November 2000 report also called for further efforts to improve the efficiency of the judiciary, and for attention to be paid to the fight against corruption. **[27c]**

5.2 The Commission considered that, 'in Poland, respect for and protection of *minorities* continues to be assured'. It added that there is no overt policy of discrimination on the part of the Polish government towards the Roma minority, but that the economic and social circumstances of the Roma are poor and worse than those of the population in general, and that some acts of discrimination by public authorities and violence against Roma do take place. **[27c]**

5.3 In its reports submitted to the European Council in November 1998 and October 1999 the Commission had also concluded that Poland fulfilled the Copenhagen political criteria. With respect to Human Rights and the Protection of Minorities, the 1999 report stated that "it would appear that there have been no cases of inhuman and degrading treatment recorded in Poland since the Opinion. **[27a] & [27b]**

5.4 Poland has ratified the European Convention on Human Rights (ECHR), the European Convention for the Prevention of Torture, the European Social Charter, the Convention Against Torture (CAT), the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC). **[27c]**

5.5 Poland has abolished the death penalty and ratified Protocol 6 of ECHR **[36a]**

5.6 The US State Department report for 2000 stated that the Polish government generally respects the rights of its citizens, but that problems remain in such areas as prison conditions, the inefficiency of the courts system and lengthy pre-trial detention, right to privacy, and violence against women. The Constitution prohibits arbitrary arrest and detention, and the government observes this prohibition. There were no reports of political prisoners or cases where persons were exiled in 2000. The Polish Criminal Code prohibits torture and there were no reported incidents of such treatment in 2000. **[4a]**

5.7 The Polish Constitution provides for the right to privacy of correspondence, but there is no legislation that provides for the general right to privacy. In response to the growing threat of organised crime and money laundering, Parliament has permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearms sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior must authorise these investigative methods. In emergency cases, the police may initiate an

investigation that utilises wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. However, there is no independent judicial review of surveillance activities, and human rights groups have expressed concern about the lack of control over the use of monitoring devices. A 1998 law prohibits - with certain specific exceptions - the collection of information about a person's ethnic origin, religious convictions, health condition, political views or membership in religious, political or trade union organisations. **[4a]**

5.8 The United Nations' Committee Against Torture, in its June 1996 report, welcomed the measures taken by the Polish authorities in cases of incitement to racial hatred. Furthermore, it considered the work of the Ombudsman in relation to the promotion and protection of human rights to be a positive development, as well as the efforts undertaken by the authorities to protect minorities. In this regard, the bilateral treaties, which include specific provisions of protection against racial discrimination and guarantees of equal rights with regard to minorities, that have been signed with neighbouring countries, are an encouraging development. They also noted with satisfaction that the Act on the Elections to the Sejm of 28 May 1993 provided measures for promoting minority rights in the electoral process. **[16b]**

5.9 The second periodic report on the implementation by Poland of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment showed the continued changes in legislation made to create and strengthen legal guarantees to ensure respect for the civil and political rights that are the components of a State subject to the rule of law. Poland also ratified the European Convention on Human Rights and established contacts with international NGOs such as Amnesty International, the Helsinki Federation of Human Rights and Interpol. The implementation of the provisions of the Convention has become an enduring and very important factor in the process of transforming the legal system and the way in which it is applied. **[16b]**

5.10 The study of Human rights has been widely promoted in Poland. At several universities (e.g. Gdansk, Poznan, Torun, Lublin, Warsaw) human rights has become a subject of regular lectures. A number of monographs on human rights have been published. They are readily available in bookshops and libraries. The judicial decisions of the European Commission and Court in Strasbourg are widely published, both in professional publications (*Prokuratura i Prawo* - 'Prosecution and Law', *Palestra* - 'The Bar') as well as in daily papers (the legal supplement to *Rzeczpospolita* - 'The Republic'). The Ministry of Justice organises a number of training sessions for judges and prosecutors, which are devoted to human rights. The Supreme Court organises seminars on this subject. Particularly intensive training sessions are conducted by the community of attorneys as well as by the Association of Active Judges 'Iustitia'. **[16d]**

Human Rights Monitoring and NGOs

5.11 A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are co-operative and responsive to their views. Some domestic NGOs believe that a hostile regulatory climate is developing in parts of the government bureaucracy. **[4a]**

5.12 The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the Foundation reported that the Polish Government displayed a generally positive and helpful attitude towards human rights investigations. **[4a]**

5.13 The Office of the Commissioner for Civil Rights Protection (the Ombudsman), established in 1987, is the Government's watchdog for human rights. It is an effective and independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each case that is reported to his office and files grievances, where appropriate, with the relevant government office. He has no legislative authority and is sworn to act apolitically. The Government co-operates with his office. **[4a]** (See also paragraphs 5.15 and 5.16 below)

5.14 According to the EU Commission Report on Poland of November 1998, the country's NGOs continue to play an important and influential role in national debate. **[27]**

The Office of Commissioner for Civil Rights Protection (CCRP) (The Ombudsman)

5.15 The Commissioner for Civil Rights Protection (the Ombudsman) was first appointed in 1989 and, in accordance with the Polish Constitution, protects the rights and liberties of citizens as provided for by the Constitution and other laws. The Ombudsman is elected by the Sejm for a five year tenure and his decisions are not subject to appeal. **[16d]**

5.16 Any individual may file a complaint with the Ombudsman if their rights or liberties have been breached or violated by administrative, governmental or other bodies or institutions. In addition, if the Ombudsman finds that a particular provision of the law creates the opportunity for an infringement of civil rights and freedoms, he may apply to the Constitutional Tribunal to rule on the incompatibility with the Constitution of the legal act in question. **[16d]**

5.17 According to the EU Commission Report on Poland of November 1998, the office of the Commissioner for Civil Rights Protection, with a staff of 190, is functioning well and has made a significant contribution to the protection of citizens rights. The CCRP has reported that further efforts are required to improve provisions for legal recourse for members of certain professional groups (armed forces, medical profession) who have been subject to disciplinary measures. **[27a]**

5.18 A new Ombudsman, Professor Andrzej Zoll, was elected by Parliament in June 2000. Professor Zoll, a criminal law expert, was chairman of the State Electoral Commission and president of the Constitutional Tribunal from 1993 to 1997, and Chairman of the Prime Minister's Legislative Council between 1998 and June 2000.

A new Children's Ombudsman, Marek Piechowiak, was also appointed by Parliament in June 2000 (see 6.12) **[8q]**

Legal Rights/Detention

5.19 The Polish Constitution prohibits arbitrary arrest and detention and the government observes this prohibition. Courts rather than prosecutors issue arrest warrants. The law allows a 48 hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pre-trial detention order. During this period access to a lawyer is normally limited. Once a prosecutor presents the legal basis for a formal investigation the law provides for access to counsel. Detainees may be held in pre-trial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pre-trial confinement period every 3 months for up to 18 months until the trial date. Bail is available and most detainees are

released on bail pending trial. **[4a]**

5.20 All defendants are presumed innocent until proven guilty. Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. At the end of a trial, the court gives its decision orally and then has seven days to prepare a written decision. A defendant has the right to appeal against a decision within fourteen days of the written decision. Appeals may be made on, among other grounds, the basis of new evidence or procedural irregularities. **[4a]**

5.21 Trials are normally public. The court, however, reserves the right to close a trial to the public in some circumstances, such as divorce cases; trials in which state secrets may be disclosed, or cases whose content might offend 'public morality'. The courts rarely invoke this prerogative. **[4a]**

5.22 Article 40 of the 1982 Act on the Promotion of Sobriety provides that 'a person in a state of drunkenness, who by his/her behaviour causes a scandal in a public place or workplace, or is in a situation in which his/her life is threatened, or constitutes a threat to other peoples' lives or health', may be brought to a sobering-up centre or public health care facility. However, in April 2000, the European Court of Human Rights ruled that in the particular case of a 54 year old man who was only "moderately" drunk and was put in a sobering-up centre for six hours after causing a scene at a post office, the police had used excessive means, as the man was neither a threat to himself or to others and could simply have been driven home. **[9b]**

Prisons

5.23 Prison conditions are still generally poor, according to reports by non-governmental organisations (NGOs). Many facilities are old, in disrepair and overcrowded. According to a July 1998 report by the National Penitentiary Authority, the prison population is in desperate need of additional funding. Out of 156 detention centres, 100 require considerable renovation. At the same time the Authority's annual budget continued to fall. The Ombudsman for Human Rights has complained about the safety of prisoners, noting that inmates are often the victims of violence from other prisoners. **[4a]**

5.24 Overcrowding is a problem. In mid-2000 the prison population of 70,000 was 110% of the notional maximum capacity of the system; this figure is often exceeded in large urban prisons. **[27c]**

5.25 The Ombudsman has suggested that prison populations be reduced, including decriminalising certain offences. The ratio of prisoners to rehabilitation officers is poor. The government permits human rights monitors to visit civilian prisons. **[4a]**

Organised Crime

5.26 A report prepared by the Minister of Internal Affairs entitled "An assessment of the state of public security and safety in Poland" was submitted to the government at the end of February 1999. It concluded that the opening of borders and the migration in every direction have created conditions for the rise of organised crime and domestic criminal gangs. The report states that in the last few years the crime rate has been rising by about 10% a year, with most crimes being economically motivated. This is reflected in increasing numbers of crimes involving the use of firearms, chiefly in robberies and vendettas, the internationalisation of

crime, growing gang warfare and especially kidnappings and criminal terrorism. **[28]**

5.27 Since 1995 prosecutors have had the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law is designed to help combat organised crime, and it impairs the defendant's right to confront accusers. **[4a]** The new Penal Code also has provisions for fighting organised crime, for example, allowing the confiscation of earnings from such activities. **[10a]**

5.28 The threat of organised crime has provoked legislative responses, which have raised questions regarding the right of privacy. Parliament has permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering or illegal arms sales. Under the Criminal Code the Minister of Justice and the Minister of Interior must authorise these investigative methods. In emergency cases the police may initiate an investigation which utilises wiretaps or the opening of private correspondence at the same time as they seek permission from the ministers. A number of warrants were later curtailed after intervention by the Human Rights Ombudsman. **[4a]**

5.29 Legislation necessary for the ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime has been adopted. **[27c]**

Freedom of Speech and the Press

5.30 The Constitution provides for freedom of speech and the press and the Government respects this right. However, there are some marginal restrictions in law and practice. Polish citizens may express their opinions publicly and privately. Nonetheless the press is vigorous and independent. **[4a]**

5.31 The State Secrets Act allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups criticise this law, since it restricts the right of free speech of private citizens. **[4a]**

5.32 The National Radio and Television Broadcasting Council (KRRiTV) has broad powers in monitoring and regulating programming on public radio and television, allocating broadcasting frequencies and licences, and apportioning subscription revenues to public media. In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are legally obliged to suspend any membership of political parties or public associations. They are, however, chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence. **[4a]**

5.33 The broadcasting law stipulates that programmes should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, also requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although the restrictions theoretically could be used as such. **[4a]**

5.34 Private television broadcasters operate on frequencies selected by the Ministry of

Communications and auctioned by the KRRiTV. The first auction in 1994 gave the Polsat Corporation and some smaller local and religious stations licences to broadcast. In 1997 additional licences were granted to TVN and Nasza Telewizja. Private radio flourishes on the local, regional, and national levels alongside public radio. **[4a]**

5.35 The government owns two of the three most widely viewed television channels and 17 regional stations, as well as five national radio networks. PAP, the national wire service, was partially privatised in December 1997 and a 5 member supervisory board is preparing the service for full privatisation. Although public television remains the major source of news and information, satellite television and private cable services (domestic and foreign) are widely available. Cable services carry the main public channels, Polsat, local and regional stations, and a variety of foreign stations. **[4a]**

5.36 Books expressing a wide range of political and social viewpoints are widely available, as are foreign periodicals and other publications from abroad. Academic freedom is respected in Poland. **[4a]**

5.37 The Criminal Code regulates the protection of journalistic sources. The code grants news sources absolute protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code's enactment also can avoid sanctions by invoking 'journalistic privilege'. **[4a]**

5.38 A new Polish Language Bill was adopted by the government in 1998 which set out a financial punishment on those who incorrectly translate documents, in matters such as commercial agreements, advertising or medical products. The Bill places an obligation on the media to use the language properly and counteract course language. It does not however, transgress the rights of ethnic minorities. **[26b]** The Polish Language Act came into force on 9 May 2000. **[30c]**

5.39 The UN Special Rapporteur welcomed the developments he was able to observe during his visit to Poland in May 1997. Freedom of opinion and expression, a highly cherished value during the struggle for freedom, clearly finds the protection it warrants and any attempt at restriction is closely scrutinised by all sectors of society. **[16a]**

Freedom of Assembly and Association

5.40 The law provides for freedom of assembly and the Government respects this right in practice. Permits are not necessary for public meetings but are required for public demonstrations; demonstration organisers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organisers are also required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it. **[4a]**

5.41 The law also provides for freedom of association, and the Government generally respects this right in practice. Private associations need government approval to organise and must register with their district court. The procedure essentially requires the organisation to sign a declaration to abide by the law. In practice, however, the procedure itself is complicated and may be subject to the discretion of the judge in charge. **[4a]**

5.42 Under the 1990 law, political parties are not obliged to file for registration, but by April 1995 a total of 272 parties had been registered. In January 1998 however, the number of registered parties declined from 360 to 60 as a result of new regulations, according to which existing parties had been obliged to apply for re-registration by the end of 1997, presenting a list of a minimum of 1,000 supporting signatures, instead of the previous 15. **[1a] & [17b]**

5.43 There were no reports of police using force to disperse violent protestors in 2000, as was the case in 1999. **[4a]**

Freedom of Movement within the Country and Foreign Travel

5.44 Although the Constitution does not address freedom of movement, the Government does not restrict internal or foreign travel. Citizens who leave Poland have no trouble returning and there are no restrictions on emigration. **[4a]**

5.45 All citizens of Poland are issued with identity cards (sometimes referred to as residence permits) when they are 18 years old. These cards are issued by local government offices (Population and Identity Card Departments). These cards are not only proof of identity but also include information about where the person resides. The residence entry makes up only one part of the ID Card. The instructions on the inside of the back cover of the ID Card booklet state that everyone in Poland should be able to identify themselves to the authorities if required. **[2j]**

5.46 The ID cards are updated to show changes of personal circumstances, for example marriage, divorce, death of a partner, photo update and change of address. Whenever a person changes their address they should re-register their residential address with the Population and Identity Card Department District Office, which will amend and stamp the identity card. **[2j]**

5.47 For people who have either been evicted from their homes, for example, for not paying rent or bills, or who choose a nomadic/homeless style of life, or who have moved to another country and the move has been formally reported to the Polish authorities by a family member at the same address, they will have an entry on page 6 of their ID Card which in English literally means "registered at nowhere". **[2j]**

5.48 Everyone born in Poland is eligible for an ID Card. Checks have failed to locate anyone who has been refused an ID Card and/or to have a residential entry put in the card. There is no connection between political affiliation and obtaining an ID Card. The Polish Ministry of Education also advised that there is no mention of any registration requirement in the regulations regarding a matriculation certificate or taking exams for Universities. A matriculation certificate is obtained by anyone who graduates from school after passing an examination. **[2j]**

5.49 In normal circumstances, members of the public are not required to register with the police, with the exception of anyone who is subject to criminal proceedings. **[2j]**

Health Care and Social Welfare

5.50 The Polish state has, since the 1950s, provided universal access to health services. Health sector reforms since 1990 have sought to maintain universal coverage of the population

and full entitlement, irrespective of risk. The 1991 Health Care Institutions Act and subsequent regulations set out a range of basic services which must be provided. Only a few health services were excluded, such as alternative therapy, non-essential cosmetic surgery, and some services in health spas. Abortions are only permitted in certain circumstances (see *paragraph 6.7*) **[42]**

5.51 The Universal Health Insurance Act came into force in January 1999, under which contributions to a state health insurance scheme (established as 16 regional funds) are deducted from the salaries of all people in employment. The current premium is 7.5% of income. Non-earner groups, such as the unemployed and the retired, have their contributions covered by the state. **[33c]**

5.52 Welfare benefits are available to the unemployed and pensions are organised and managed by the Union of Pensions, Invalids and Retired Persons. There are also social services throughout the country which provide assistance to those who are homeless or without money. **[1b, 2j]**

Education

5.53 The 1991 Act on the System of Education (and later amendments) specifies the structure of Polish education. Primary school education begins at age 7 and is obligatory and free of charge. Admission to school must not be conditional upon race, religion or nationality. **[16d]**

5.54 A reform of the education system came into effect in September 1999, in terms of which fundamental changes were made to the structure of the school system, as well as curricula. Compulsory education in Poland has been increased from eight to nine years. General education is divided into six-year primary schools (*szkola podstawowa*) and three-year intermediary schools, or 'gymnasiums' (*gimnazjum*), for which new syllabuses have been drawn up. Secondary education is received at three-year 'lyceums' (*liceum*), which lead to university entrance, or at two-year vocational schools (*szkola zawodowa*). **[40a, 41]**

5.55 The Act on the System of Education also regulates the teaching of native language classes for children of non-Polish nationality. 18,795 persons learn their native language in 289 Polish institutions (schools and inter-school groups). The languages concerned include Belarussian, Lithuanian, Ukrainian, Slovak and German. **[16d]**

See also "Ethnic Minority Groups: General" and "Roma: Education".

Military Service

5.56 Defence spending (as a proportion of GDP), and the number of personnel in the military, have declined in recent years. In January 2000 the strength of the armed forces in Poland was estimated to be 217,290 (including 111,950 conscripts), down from 363,500 in 1990. This is made up as follows: army, 132,750; air force, 46,200; navy 16,860 and paramilitary - including border guards - 21,500. Poland's NATO membership has required a commitment to modernise weaponry, but manpower is expected to decrease further. **[1a, 33c]**

5.57 Military service by Polish citizens is regulated by the Act of 21 November 1967 concerning the general duty of the defence of the Polish Republic. All male Polish citizens of military age (19-24 years old and in some cases up to 28 years old) who, with respect to their

health, are able to do military service, are obliged to do so-called general military service which, until January 1999, lasted 18 months in time of peace. **[18]**

5.58 In January 1999 the Sejm passed legislation amending the law on conscription. From 1 April 1999, conscripts in the Polish Armed Forces are required to serve for one year, rather than for eighteen months. The Defence Ministry announced that it would be more difficult to evade the shortened service. **[24e] & [30b]** In 1988 legislation permitting conscientious objectors to perform an alternative community service was enacted. **[1b]**

5.59 Recruits who are students in schools of higher education (with the exception of marine schools) have the duty of military training in military units for a period of 6 to 8 months after the conclusion of their studies. The Act does not mention release from this duty for reasons of national respect, that is for those groups of Polish citizens who belong to so-called minorities. This means that Polish citizens who are Romany have the duty of military service in accordance with the general rules. **[18]**

5.60 This Act, and also executive regulations which have been issued under its authority with regard to the fulfilment of military service:

- the Decree of the Council of Ministers of 10 November 1992 with regard to the case of granting recruits postponements from active military service or releasing soldiers from this service before its fulfilment and also recognising recruits as the only support of a family [Dz.U.of 1992, No.85, Art.431]
- the Decree of the Ministry of National Defence of 22 June 1992 concerning general military service and time-determined general military service or military training [Dz.U.of 1992, No.56, Art.277; of 1994 No.9, Art.34 and of 1995 No.42, Art 218 and No.100, Art 499]),

allow for circumstances in which a recruit, despite the formal duty of military service and in cases which have been strictly determined and justified, may not be called-up to the army.

5.61 In accordance with these regulations the duty of military service and transfer to the reserve without fulfilment of military service concerns:

- recruits who have become clergymen in churches or religious associations which have legal status in the Polish state under the condition that they perform the functions of clergymen on a full-time basis. They will be transferred to the reserve before the conclusion of military service age on the day they obtain their status of clergymen; and
- recruits being Polish citizens who live permanently abroad and those who undergo service similar to the military such as the Police, the Office for State Protection or the Frontier Guards, as well as students of schools preparing for these services - if no changes occur in their factual and legal situation, they will be transferred to the reserve after they have reached the age of 24 years. **[18]**

5.62 Also, recruits are not required to do military service if they are serving a prison sentence or are dispossessed of public rights. If they are still in this situation when they reach the age of 28 years they will be transferred to the reserve without fulfilment of military service. **[18]**

5.63 The regulations also include circumstances where there are temporary impediments to the fulfilment of general military service by a recruit. Until recently, a postponement of military

service was obligatory in the case of the state of health or the existence of reasons such as the necessity of personal care of a juvenile member of the family or a handicapped person, or personal involvement in running a farm or becoming a deputy in the Parliament, Senate or institutions of self-government. The postponement of military service is usually granted for a determined period of time but if the reasons for the postponement still exist it may be repeated. If as a result of consecutive postponements recruitment to military service does not occur, the recruit will be transferred to the reserve when he reaches the age of 28 years. **[18]**

5.64 Following recent amendments to the conscription law, it has been reported that deferral will be available to ordinary students and those studying at evening and extra-mural classes. It will no longer be automatically available to sole providers of families and to farmers who are the owners of their farms. They will however, be able to seek deferment on the basis of special regulations on difficult life circumstances. Alternative military service will last 21 months. **[24e] & [30b]**

5.65 Despite the above regulations, the Act also allows the recruit who has been allocated for general military service, or military training for graduates of schools of higher education, and who does not postpone military service, to apply in writing to the Recruitment Commission to place him in the so-called replacement service instead of general military service (military training) because of his religious convictions or spiritual principles which would not allow him to fulfil military service (bearing arms, etc). **[18]**

5.66 A recruit who applies to be placed in alternative service has a duty to supply an application including his motives to the Regional Recruiting Commission. This application may be delivered directly to such Commission or through the Military Recruiting Board, however not later than the day of receipt of the call-up card to military service. After the application has been delivered and until the decision is made a recruit is not liable for call-up to military service. **[25]**

5.67 In a case of a negative decision of the Regional Recruiting Commission a recruit may appeal within 14 days to the Voivodship Recruiting Commission whose decision is final. However, in accordance with the regulations of the Code of Administrative Procedure even a final decision of the Voivodship Recruiting Commission may be subject to the Main Court of Administration. **[25]**

5.68 Every year, of the whole population of men who are obliged to fulfil the duty of conscription, approximately 1.5-2% submit applications for alternative service. Of these, approximately 5% justify it by religious motives and approximately 95% by moral reasons. **[25]**

5.69 Alternative service is granted to approximately 60% of applicants. Of these over 37% undertake alternative service in health care institutions, 18.2% in social care institutions; and 15.8% in the regional/municipal economic sphere. **[25]**

5.70 In accordance with Article 189 of the Law on the Universal Duty to defend the Polish Republic dated 21 November 1967 conscripts, i.e. men who reach the age of 19 years in a given calendar year, are assigned to:

- basic military service
- civil defence service
- military pre-training, those who have not had their military service deferred (because of,

e.g. education in a higher educational establishment, school or university) may, because of religious beliefs or moral principles, file a written request at the regional conscription office for assignment to alternative service. **[12b]**

5.71 Alternative service in peacetime may include:

- environmental protection tasks
- health service jobs
- social welfare assignments
- water management tasks
- fire protection works
- residential construction projects
- telecommunications; and
- other community service tasks. **[12b]**

5.72 Article 189 has however, become a source of many doubts concerning the possibilities of objecting on the basis of religious beliefs or moral principles. Appeals against decisions concerning military service are examined by the Supreme Administrative Court. **[12b]**

5.73 In a judgement dated 4 November 1992 (Sygm. SA/Ka 1014/92), the Supreme Administrative Court stated that in relying upon "religious convictions" it was necessary to show that the belief held excluded the possibility of military service. This ruling in practice deprived Roman Catholic males of the possibility of being excused from basic military service, stating that "one cannot derive from the Fifth of the Ten Commandments "thou shalt not kill" the conclusion that the Catholic religion forbids one to carry out basic military service. This interpretation of the Commandment should be based upon the documented social teaching of the Church and on the statements of Pope John Paul II expressed during His fourth Pilgrimage to His Homeland at a meeting with the Polish Army in Koszalin on 2 June 1991. **[12b]**

5.74 The judgement dated 14 September 1993 (Sygn. II SA 1702/93) confirmed that "religious convictions could not be the basis for release from the obligation to carry out military service. However, they do constitute a reason to endeavour to secure assignment to alternative military service." **[12b]**

5.75 With regard to conscripts relying upon pacifism as a moral canon, the Supreme Administrative Court in its judgement dated 8 November 1994, ruled that it is not sufficient to rely on general concepts of vegetarianism and pacifism, rather it is essential to show real conflicts between one's individual rules of conduct and duty to carry out military service. **[12b]**

5.76 It is also worth noting a judgement dated 11 May 1993 (Syng. SA/Wr 202/93) where the Court stated that:

- "the Law in force does not provide for a possibility of releasing conscripts who are Jehovah's Witnesses also from alternative service on basis of the religious convictions.
- Alternative military service is not connected in any way with organisation subordination to the military administration or with military training and the use of arms and as such is of the nature of social service and does not infringe universally accepted moral principles or religious convictions." **[12b]**

5.77 It was reported in September 2000 that the Defence Ministry had prepared a bill in order

to halt what was described as a wave of lawlessness among soldiers. During 1999, more than 9,000 soldiers were punished for illegally leaving an army unit for up to 2 weeks, and penal proceedings are underway against another 1,200 soldiers. This is related to worsening discipline in the army. Bureaucracy, and an atmosphere which makes the undisciplined feel exempt from punishment, are blamed for the breakdown in discipline. The bill aims to shorten the procedure for punishing insubordinate soldiers and to introduce new means of discipline. [26a]

6. SPECIFIC GROUPS

Women

6.1 The Constitution provides for equal rights regardless of sex and accords women equal rights with men in all fields of family, political, economic, and social life, including equal compensation for equivalent work. . In practice, however, women frequently are paid less for equivalent work, are less likely to be promoted than men, and currently have a higher rate of unemployment. [4a] According to the Central Statistical Office (data collected in August 1998), the national average salary for women constituted 82% of men's salary for similar work. [35]

6.2 Women are under-represented in parliament and in senior government positions. In 2000, there were 60 women in the 460-member Sejm and 12 women in the Senate. [35]

6.3 Violence against women continued to be a problem in 2000. According to a police spokesman, there were 23,147 cases of family abuse reported during 2000, with 161 of those being of particularly severe abuse. Police do intervene in cases of domestic violence, and husbands can be convicted for beating their wives. According to a Women's Rights Centre report there has been significant progress in awareness of the issue of violence against women. It has become more visible in the media and an increasing number of NGOs are addressing the problem. In July 2000, an Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration was established. The main task of the office is to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families. [4a]

6.4 During 2000, there were 2,399 cases of rape reported to the police, compared with 2,029 in 1999. However, NGO's report that women often are unwilling to report this crime and estimate that the actual incidence of rape is 10 times higher than these statistics suggest. Police began proceedings in 1,803 of the 2,029 cases reported in 1999; perpetrators were found guilty and convicted in 83% of cases. [35]

6.5 The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers consider that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. Within the Cabinet in 1997 the government Plenipotentiary for Family Affairs replaced the government Plenipotentiary for Women and the Family. Several women's rights NGOs exist, including the Polish Foundation for Women and Family Planning and the Women's Rights Centre. These groups are active advocates of gender equality and advance their goals through research, monitoring, and publication. Several church-sponsored women's advocacy organisations also exist, but their co-operation with other women's NGOs is limited. [4a]

6.6 Public discussion of the problem of sexual harassment is relatively new but women are increasingly talking about it and speaking out against it. While laws specifically addressing sexual harassment do not exist, social awareness is increasing, as are mechanisms with the potential to deal with the problem. The new Criminal Code, for example, states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to imprisonment for up to 3 years. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. This provision can only be used when the harassment occurs between persons of unequal rank. **[4a]**

6.7 Legislation introduced in 1993 provides for abortion only in the following three circumstances: the life or health of the mother is endangered; pre-natal examinations reveal the sickness or damage of the child; the pregnancy is the result of a crime, i.e. rape. A clandestine abortion system is said to be well developed in Poland, with attendant risks to the life and health of women. In recent years, many women have travelled to other countries for abortions. **[35]**

6.8 Trafficking in women is a serious problem and, in this respect, Poland is a country of origin, transit and destination. Polish women are trafficked into the sex trade in Germany, the Netherlands, Belgium, and other Western European countries through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Women and girls are trafficked into Poland primarily from eastern and south central Europe, where they are typically recruited from areas with low socio-economic conditions. Once in Poland, they are stripped of their passports and identity papers and kept under the control of criminal gangs through violence and intimidation.

There are specific provisions in the 1997 Criminal Code under which traffickers can be prosecuted. Those convicted of recruiting or luring persons into forced prostitution abroad can face imprisonment of up to 10 years. However, the international NGO La - Strada estimates that 90 per cent of cases handled by Polish prosecutors are the result of deportations from Germany to Poland that are initiated and investigated in Germany. According to La Strada, Polish authorities lack the resources to initiate and investigate cases originating within Poland **[4a, 35]**

Children

6.9 The principle of equality of all children, regardless of their race, colour, sex, language, religion, national and social origin, property or birth, lies at the base of the legal regulations concerning every child, and is strictly observed whenever law is applied. The ratification by Poland of the Convention on the Rights of the Child has had a substantial impact on the creation and observance of law aimed at the protection of the rights of every child. **[16e]**

6.10 An network of childcare establishments has been set up in the educational system. In this system institutions provide childcare to children from their birth to their coming of age (for example crèches, kindergartens, infant orphans' homes, orphans' homes run by families, guardianship emergency centres, special care educational homes, school dormitories, youth community centres etc). **[16e]**

6.11 Vital importance is given to the High Court judgement dated 12 June 1992 concerning the increasing number of adoptions of Polish children by applicants in permanent residence

abroad. In its judgement, the High Court acknowledged that adoption of a Polish child which involves removal of the child to another country may take place in the event that it is not possible to place the child in a foster or adoptive family in Poland in the equivalent conditions. The High Court underlined that this procedure gives precedence to the well-being of the child, provided for in article 20, paragraph 3 and article 21 (b) of the Convention on the Rights of the Child. **[16e]**

6.12 A significant development has been the adoption in January 2000 of a law establishing an independent Ombudsman for the rights of children; Marek Piechowiak was elected to this post by Parliament in June 2000. His role will mainly involve children's rights in the fields of health protection, the family, social conditions and education, and it is expected that his office will address the shortcomings regarding child protection which were listed in the Polish Ombudsman's 1999 report. **[27c, 8q]**

6.13 Prostitution among 12 and 13 year olds is reported to be increasing. Violence against children is illegal. A provision of the new Criminal Code threatens those who physically or psychologically abuse a juvenile with a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased as it is if the perpetrator is found to have acted with extreme cruelty. Abuse is rarely reported and convictions for child abuse are even rarer. There is no societal pattern of abuse of children. Incidents of trafficking in children are on the rise and the country is a source, destination and transit point for traffickers. There is a growing market for girls as young as 12 or 13 years old to work as prostitutes. In May 1999 the Department of Justice organised an international symposium on trafficking in women and children. Government officials and NGO representatives from Poland, Lithuania and Latvia met to discuss ways to address this growing problem. **[4a]**

Homosexuals

6.14 In April 1995 the Constitutional Committee of the Polish Parliament proposed that the anti-discrimination clause of the constitution include protection from discrimination on the grounds of sexual orientation. This proposal met with strong opposition, particularly from the Roman Catholic Church. The Constitution which was finally approved dropped the list of protected categories of people and the anti-discrimination clause **[11]** (Article 32) states "All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever." **[3]**

6.12 Homosexuality was decriminalised in 1932, and there is an equal age of consent of 15 years regardless of sexual orientation. **[11]**

6.15 The Constitution restricts marriage to heterosexual couples. Article 18 states " The Marriage is a relationship between woman and man; the family, motherhood and parenthood are under the protection and care of the Republic of Poland." Only heterosexual married couples and single people are permitted to adopt children in Poland. **[11]**

6.16 Few lesbians are open about their sexual orientation in the workplace for fear of being dismissed or harassed. This is particularly the case with lesbians working as teachers or in other professions that bring them into contact with children. There is a widespread belief in Poland that lesbians and gay men should not be involved in raising children and young people. **[11]**

6.17 The Association of LAMBDA groups in Poland reported that in the army, homosexual soldiers are directed to receive psychiatric treatment. If their homosexuality is proven, they are usually released to civilian life after being diagnosed as having "personality disorders". [11]

6.18 A gay and lesbian magazine *Filo* has been published since 1986. Lambda, an association of groups, obtained legal registration in February 1990. [11]

People with Disabilities

6.19 In 2000 there were approximately 5.5 million disabled persons in Poland, and the number is expected to reach 6 million by the year 2010. The Central Bureau of Statistics (GUS) reported in 2000 that 17% of disabled persons able to work are unemployed. Advocacy groups claim that the percentage is much higher. GUS data from 1999 indicates that 49% of the disabled have no more than an elementary school education, compared with 34% of those without disabilities and that only 4.2% have a university education, compared with 8.2% of the non-disabled. [4a]

6.20 The Constitution provides for aid to disabled persons "to ensure their subsistence, professional training, and social communication," and a number of laws protect the rights of people with disabilities. Implementation, however, falls short of rights set out in the legislation. Public buildings and transportation are generally not accessible to people with disabilities. Current law provides only that buildings should be accessible. [4a]

6.21 The law creates a state fund for the rehabilitation of the disabled that derives its assets from a tax on employers of over 50 persons, unless 6% of the employer's work force are disabled persons. The fund had \$400 million (1.8 billion PLN) at its disposal in 2000 but, according to press reports, has 4,000 grant applications pending. [4a]

6.22 A 1996 law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Previously, disabled individuals from those groups lost their benefits once they began to work. [4a]

Religious Freedom

6.23 Article 53 of the Constitution guarantees freedom of faith and religion. The government respects this right in practice. Citizens enjoy the freedom to practice any faith they choose. Religious groups may organise, select and train personnel, solicit and receive contributions, publish and engage in consultations without government interference. There are 15 religious groups in the country whose relationship with the State is governed by specific legislation, and 140 other religious communities. The legislation outlines the internal structure of the religious groups, their activities and procedures for property restitution. There are no government restrictions on establishing and maintaining places of worship. Religious communities may register with the Government, but they are not required to do so and may function freely without registration. Four new religious communities were registered in 2000. All churches and recognised religious groups share the same privileges, such as reduced taxes. [4a]

6.24 The Guarantee of Freedom of Conscience and Religion Act dated 17 May 1989 provides for the setting up of churches and other religious associations by every person wishing to do so. The procedure requires a declaration of adherence to be delivered and an entry into the register to be made. As at 1 July 1994, religious activity was carried out in Poland by about

100 Churches and other religious associations. Some of them (15 Churches) have their own legal status regulated by the Act. The others have so far used the procedure of entry into the register. This double form of regulation is used merely to ease the settlement of the legal condition of the new religious associations. It does not, however, cause any differences in the rights of these associations to perform their religious functions. **[16e]**

6.25 The Roman Catholic Church was granted full legal status in May 1989, when the Sejm approved three laws regulating aspects of relations between the Church and the State. The legislation guaranteed freedom of worship, and permitted the Church to administer its own affairs. The Church was also granted access to the media, and allowed to operate its own schools, hospitals and charitable organisations. **[1a]**

6.26 The Republic of Poland guarantees its citizens the right to take part in religious practices and rites also through the mass media, and in particular through the All Poland radio which, in the field of radio programmes for churches and minority denominations, plays an essential role. The basis for this policy is the agreements concluded with the Polish Ecumenical Council, the Seventh Day Adventists Church and the Union of Jewish Religious Communities in the Republic of Poland, and also by the practice, which has developed over many years, of co-operation between "Polish Radio" SA and religious communities other than the ones mentioned above. **[16d]**

6.27 The Constitution gives parents the right to bring up their children according to their own religious and philosophical beliefs. Religious education classes continue to be taught in the public schools at public expense. Although the Catholic Church representatives teach the vast majority of religious classes in the schools, parents can request religious classes in any of the religions legally registered in Poland, including Protestant, Orthodox, and Jewish religious instruction. Such non-Catholic religious instruction exists in practice, although it is not common and the instructors are paid by the Ministry of Education. **[4a]**

Main Religions

6.28 In 1995 an estimated 35 million people, some 95% of the population of Poland were estimated to be adherents of the Catholic Church. In 1994 150,000 of the population in Poland, were estimated to be Protestants such as:

- Baptist Union of Poland
- Evangelical Augsburg Church in Poland
- Evangelical-Reformed Church
- Pentecostal Church
- Seventh-day Adventist Church in Poland
- United Methodist Church,

as well as several other small Protestant churches including the Church of Christ, the Church of Evangelical Christians, the Evangelical Christian Church and the Jehovah's Witnesses. **[1a]**

6.29 In 1994, there were also estimated to be some 5,000 Muslims of Tartar origin in Bialystok Province (eastern Poland), and smaller communities in Warsaw, Gdansk and elsewhere. **[1a]**

6.30 There is also a Union of Jewish Communities in Poland, which comprises 14 synagogues and has a registered following of approximately 2,500 members. **[1a]**

Jews

6.31 The Jewish population in Poland is estimated at 8, 000 to 10, 000, compared with about 3.3 million prior to World War II. Anti-Semitic feeling persists among certain sectors of the Polish population, occasionally manifesting itself in acts of vandalism and physical or verbal abuse. However, surveys in recent years show a continuing decline in anti-Semitic sentiment and avowedly anti-Semitic candidates have fared very badly in elections since 1989. **[4a, 3]**

6.32 The Polish Government has worked constructively toward resolving issues of concern to the Jewish community. Among these is restitution. The law allows for the return of communal properties i.e. synagogues, cemeteries and community headquarters, and includes time limits for filing claims. For the Jewish community the deadline is 2002. Claims are being filed slowly - only 532 by the end of 2000, mainly because the community lacks the information and financial resources to prepare claims more quickly. The Commission on Property Restitution had settled 145 of the 532 cases by the end of 2000, but existing legislation does not address the issue of communal properties to which third parties now have title, leaving several controversial and complicated cases unresolved. **[4a]**

6.33 There are no significant anti-Semitic parties in Poland, although there is occasional anti-Semitic rhetoric at political rallies and demonstrations. **[2i]** In October 1997, a well-known church figure, Father Henryk Jankowski, made overtly anti-Semitic remarks in a public sermon. Top Polish Roman Catholic officials promptly denounced Jankowski and suspended him from his post for one year. **[7] & [8p]**

6.34 In March 1998 President Kwasniewski restored Polish citizenship to a number of Jews who had been forced to flee the country in March 1968, following a purge in 1967 of the then ruling Communist Party, the police and armed forces. The President described the purge which led to the emigration of some 13,000 Jews as a shameful period in Poland's history. **[17a]**

6.35 In March 1998 controversy arose over the "Pope's Cross" located on the grounds of a former Carmelite convent in Oswiecim adjacent to the Auschwitz concentration camp museum. The cross originally adorned the altar at a mass conducted by Pope John Paul II near Birkenau in 1979 and was erected at the site of the Carmelite mission in 1989. After the Plenipotentiary for Relations with the Jewish Diaspora announced in 1998 that the cross would be removed as disrespectful of the Jewish legacy at Auschwitz, a large group of government and non-government leaders went on record as opposing the removal of the cross. Two radical right wing groups also emerged and opposed the plan. Throughout 1998 and the first half of 1999 radical nationalist anti-Semites erected dozens of additional crosses outside Auschwitz despite the opposition of the country's bishops. In May 1999 the Parliament passed a government sponsored law to protect the sites of all the former concentration camps in the country. The Government consulted with international Jewish groups in preparing the law which gave the Government the power it needed to resolve the issue of the new crosses. After the arrest of the self-proclaimed leader of one of the groups for possessing explosives and making public threats in late May 1999, local authorities removed the crosses, except the Pope's Cross, to a nearby Franciscan monastery under the supervision of the local bishop. Later they sealed off the site to prevent the erection of additional crosses. On 8 November 1999 the Oswiecim district court ruled in favour of the Ministry of Treasury's suit to regain legal possession of the land adjacent to the former Auschwitz concentration camp where the new crosses had been erected.

6.36 Anti-Semitic incidents occurred sporadically in 1999 and 2000. For example, in January and again in May 1999, the Jewish cemetery in Krakow was vandalised and gravestones destroyed. In July, vandals sprayed swastikas and graffiti on the Jewish community centre in Bielsko-Biala. In April 2000, anti-Semitic and anti-Roma graffiti was painted on the wall of the Jewish cemetery at Oswiecim (Auschwitz). (It should be pointed out that isolated acts of vandalism were also reported in Catholic cemeteries during 2000.) On 11 November, some 400 ultra-nationalists participated in a demonstration in Katowice officially organised by the "No to Europe" Association; some of the participants chanted anti-Semitic slogans and burned Israeli and EU flags. **[4a]**

6.37 In May 2000, the presidents of Israel and Poland joined thousands of marchers from Poland and abroad in the 12th March of the Living from Auschwitz to Birkenau to honour victims of the Holocaust. In September, the refurbished Chevra Lomdei Mishnayot synagogue and the Jewish Centre were opened at Auschwitz. **[4a]**

6.38 In the small north-eastern village of Jedwabne, on 10 July 2001, President Kwasniewski publicly atoned for the brutal murder in 1941 of their Jewish neighbours by Polish inhabitants, then under Nazi occupation. He was supported by SLD leader Leszek Miller. **[47a]**

Religious Sects

6.39 The number of such sects in Poland has been estimated to be around 300 and it is believed that nearly one million Poles are under the influence of various sects and quasi-religious organisations. Polish law does not provide for measures to control the activities of the sects. In September 1997, the then Prime Minister, Wlodzimierz Cimoszewicz, appointed the Inter-Ministry Team for New Religious Movements, which is to conduct research into the potential threats posed by particular organisations to state security or to law and order. **[10c]**

6.40 It is reported that there is some public concern about the growth of groups perceived to be 'sects', and the influence of non-mainstream religious groups, especially in the wake of press reports of the deaths of a few young persons in circumstances suggesting cult activity. **[4a]** In June 2000 it was reported that a section for 'new religious movements' is to be created within the Interior Ministry to look into the problem of cults. It will have a monitoring role. **[4a, 10b]**

Ethnic Minority Groups: General

6.41 Article 35 of the Polish Constitution deals with the identity of national and ethnic minorities, securing to 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 have the right to establish educational and cultural institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity. Article 13 forbids political parties or other organisations whose programmes or activities sanction racial or national hatred. **[3]**

6.42 Poland has one of the lowest percentages of minorities in Europe (2.5 - 3% of the population). Many minority groups are concentrated in particular areas, often near the borders with parent countries. There have been some tensions in different areas concerning specific minority groups, for example certain conflicts have focused around the issue of religious property. **[3]**

6.43 EU Commission Reports from 1997 to 2000 have stated that, in Poland, respect for and protection of minorities continues to be assured. The November 2000 Report also commented that, since 1993, there has been a reduction in negative attitudes towards minorities in Poland. **[27a, b, c]**

6.44 According to the information from the Parliamentary Commission (in 1996), the overall population of national minorities in Poland is between 1 million and 1.3 million people, i.e. 3-4 per cent of the whole population of the country. The number of people in minority groups, according to two 1997 sources, is illustrated by the table below. **[16e]**

	Sources of data	
	Parliamentary Commission	National Associations
Belarussian	250-350,000	400,000
Ukrainian	250-300,000	250-300,000
Lithuanian	20-25,000	30,000
Slovak/Czech	15-25,000	25-30,000
German	350,000	250-300,000
Jewish	8-10,000	6-10,000
Roma	25,000	30,000

6.45 There are also minorities of an emigration nature - mainly Greeks but also including Macedonians, Vietnamese (20-25,000), Palestinians, Kurds - numbering from several hundred to 2,000 people in total. Significant religious and ethnic minorities also include Karaims - about 200 persons - and Polish Tartars-Muslims - 3,000 members. **[16d]**

6.46 The Act on Polish Citizenship of 15 February 1962 (Dz. U. No. 10, item 49 with later amendments) does not include any restrictions on account of race, nationality or religion in respect of the right to obtain Polish citizenship. **[16d]**

6.47 The Section for National Minorities was established in 2000 within the Department for Citizenship in the Ministry of the Interior. This Section deals with general national and ethnic minority issues, in particular related to rights and obligations as citizens. It also co-ordinates the work of the Interdepartmental Group for National Minorities (Inter-governmental Commission on National Minority Issues) which is composed of representatives of different ministries. The main task of this Group is to co-ordinate the activities of government administrative bodies in implementing national policy towards national minorities as well as the preparation of government programmes for minorities when necessary. **[38]** See *paragraph 6.71*

6.48 Social and education matters of national minorities are within the competence of the Ministry of Labour and Social Policy as well as the Ministry of National Education. **[38]** The law provides for the educational rights of ethnic minorities, including the right to be taught in one's own language. **[4a]** Issues related to the preservation of culture and tradition of national minorities are the responsibility of the Department for Culture of National Minorities (in the Ministry of Culture and National Heritage), which is authorised to subsidise publications, festivals and other cultural events. **[38]** Steps began in 1989, and there has been progress since, to ensure ethnic (national) minorities their rights to preserve and develop their own social and cultural rights, and to promote the use their own language. **[16d]** The Department for Culture of National Minorities funds the publication of 21 periodicals and co-operates with

11 representative organisations of the following national and ethnic minorities in Poland: Ukrainian, German, Belarussian, Lithuanian, Tartar, Armenian, Karaim, Czech and Slovak. Two investments have been financed from the State budget: the construction of the Lithuanian Culture House in Punszk and the construction of the Museum in Hajnowka (Belarussian minority). The General Conservator of Monuments provides supportive funds for the renovation of sacral monuments, as well as for Orthodox Church cloisters and cemeteries. **[16d]**

6.49 All minority groups have established associations or social organisations, the aims of which are mainly to preserve and increase knowledge of history and traditions, develop cultural activity, and in many instances also to promote the study of languages. In 1993 there were 109 associations and 13 minority group foundations registered, and in 1994 about 120 organisations of this type carried out activities. **[16e]**

6.50 The Republic of Poland has undertaken to reject all forms of racial discrimination, and this principle has been elevated to the rank of constitutional norm. There exist no legal acts, which would allow the State authorities and State administrative organs to differentiate between citizens according to racial criteria, and no such acts may be enacted. On the contrary, all forms of racial discrimination are considered to be offences punishable by imprisonment (articles. 272, 273, 274, 276, 278, 280 of the Criminal Code). **[16d]**

6.51 The Act on the Elections to the Sejm of 28 May 1993 contains a provision, which states that the percentage threshold (5%) of votes cast in the whole country does not apply to the electoral committees of the registered organisations of national minorities. This is to safeguard the political rights of national minorities. **[16d] & [4a]**

6.52 In the regions where different minorities reside, local radio stations broadcast programmes in the languages of these minorities. Specific television programmes are also devoted to the problems of national minorities. In recent years a considerable increase in the number of periodicals and publications published by different minorities has been reported. They are mainly supported from the government budget. Information relating to the minorities' rights to profess and practise their own religion was presented under article 18 of the Covenant on Civil and Political Rights. Facilities are provided in schools to maintain the national, ethnic and linguistic identity of pupils belonging to minority groups (Journal of Laws No.34, item 150). **[16e] & [4a]**

6.53 The magazines and newspapers published by minority groups include:

- The Ukrainian minority publishes 10 magazines (including two which are devoted to the Orthodox Church religion, one for young people, one bilingual Ukrainian-Polish). A supplement in the Ukrainian language is also published along with the "Ukrainian Review". Radio Bialystok, Radio Olsztyn, Radio Elblag, Radio Rzeszow and Radio Szczecin broadcast programmes in the Ukrainian language, mostly once a week. **[16d]**
- Roma publish one monthly magazine, the Lemkos three magazines, the Armenians one bulletin, the Polish Tartars a yearly publication, the Czechs and Slovaks one monthly. **[16d]**
- The Jewish minority publishes three magazines (including one in the Polish language for young people). The vigorous E.R. Kaminska State Jewish Theatre in Warsaw is at the centre of the Jewish culture. **[16d]**
- The Germans publish 13 different magazines, bulletins and brochures, some of them

bilingual. On Radio Katowice they broadcast a one-hour programme for the German minority and on Radio Opole the programme "Out Homeland", both once a week. Television Katowice broadcasts every two weeks a half-hour programme in the German language. [16d]

6.54 In a report on Poland dated June 2000, the European Commission Against Racism and Intolerance (ECRI) of the Council of Europe noted a lack of public awareness of the problems faced by minority groups, and a marked lack of interest in other cultures and societies. The current moves towards setting up a legislative and policy framework acknowledging the existence and needs of Poland's national minorities are an encouraging sign in a society where before 1989 any acknowledgement of the existence of national minority groups was suppressed. [3]

6.55 Violent attacks on visible minorities are not common, but incidents of verbal abuse occur. It has been reported that a significant number of visitors to Poland of African, Asian and Arab origin have experienced some type of aggression during their stay, often in the form of verbal abuse. [3]

6.56 In addressing the ethnic minorities of the Bialystok region in June 1998, the Prime Minister, Jerzy Buzek, said that respect for the rights of ethnic minorities was one of the crucial components of a democratic system. He observed that ordinary disputes among people in that region were frequently classified as religious or ethnic disputes. He declared that ethnic minorities could count on a very serious treatment of their problems under Polish law which also guarantees them cultural and educational development. [30d]

Roma

6.57 The Roma community, numbering about 30,000 [4a] in Poland can basically be divided into four groups:

- *Lowland Roma (Polska)*: The Polska Roma are natives of Poland who regard the Kalderash and Lovari Romas as foreigners. Their language borrows much from German and their surnames usually end in 'ski' or 'cki', eg Majewski, Czarnecki, Glowacki. The Russian Roma (Taharnobytsky) and the Galician Roma (Galitsyaki) also belong to this group.
- *Kalderash (Kalderari or Kelderasz)*: These Roma derive their name from the Romanian word for 'tinsmith'. They are an exceptionally wealthy, resourceful and enterprising group. Since 1945, they have started to follow the Lowland way of life, and have generally travelled within Poland.
- *Lovari*: The Lovari derive their name from the Hungarian word for 'horse' and related to their original occupation. However, as horse trading has died out the Lovari now tend to employ their talents in tinsmithing, and are, as a result, similar to the Kalderash in lifestyle. Some of the Lovari clans arrived from the Soviet Union after 1945. The most important clans are the Michaj, Lakatosz and Kopasz who live mainly around Lublin, Wroclaw, Poznan, Szczecin and Krakow. The Lovari consider themselves to be the Roma aristocracy.
- *Highland Roma (Bergitka)*: The Highland Roma live a settled life in the Carpathians and Tatra regions, particularly around Nowy Targ and Nowy Sacz. They are the poorest group of Roma and are reportedly often held in contempt by other Roma. Common names are Gil, Szczerba and Mirga. [See Paragraph 6.71]

It is not uncommon for various Roma groups living in a particular town or village not to communicate with each other, or to be antagonistic towards one another. [5][6][38]

Roma: Recent history and current situation

6.58 In brief, as in the rest of Central and Eastern Europe, Roma reached Poland in the fourteenth and fifteenth centuries. It is believed that their roots are in northern India, which they left a thousand or more years ago. [15] In pre-war Poland there were about 50,000 Roma, but during the war as many as 35,000 Roma were exterminated by the Nazis, reducing their numbers to approximately 15,000 after the Second World War. However, in the succeeding 50 years, the community's numbers swelled to approximately 30,000. After the War some 75% of Polish Roma were still nomadic. Communism's forced settlement policies, however, officially brought their travelling to an end by 1964. [14] Roma could be prosecuted or imprisoned for such minor offences as lighting bonfires, not registering a change of address, itinerancy, or failure of their children attending school. As a result 10% of Roma men have a criminal record today. [6]

6.59 Prejudices against the Roma community persist in Poland, and lead to some discrimination in everyday life. Conflicts on the local level do occur, although they are seldom acknowledged to be on ethnic grounds. [3]

6.60 The Roma community in Poland faces disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles. The Government does not discriminate overtly against Roma, but some local officials have been known to discriminate by not providing services in a timely manner, or at all. There have been occasional incidents of skinheads clashing with Roma. [4a]

6.61 ECRI have expressed concern at some reports that police do not react appropriately to racially motivated crime. Roma have been the victims of attacks by skinheads, and there have been complaints of slow police response to such acts and inadequate investigations. The Polish authorities have responded by stating that, in all cases of reported crimes against Romanies, active police efforts were immediately launched to clarify the circumstances of the offences and to identify the offenders. They quoted examples, from 1998 and 1999, in which offenders were arrested soon after reported incidents. [3]

6.62 According to the Chairman's Office of the Police Headquarters in Poland, in localities which are inhabited by Roma communities, 'conflicts with the local communities happen and the reasons for these vary greatly'. In a 1997 letter, the Office cited a number of cases to support their view that many such conflicts and offences are motivated by factors other than intolerance or racial discrimination. [19]

6.63 Dr T A Acton, a lecturer in the Sociology of Social Policy and Professor of Romany Studies, stated in a report of 14 November 1997, that movements against racism and Romany organisations in Poland do not possess the resources to support those who are threatened in 'safe areas'. He accepted "... the general goodwill of the Polish government, and its policy against racism, and the existence of courageous Gypsy organisations campaigning with some degree of central government support, for civil rights and freedom from racial attack and discrimination..." [31]

6.64 In a report of July 1997, Dr D Kendrick stated that in his view "... The central and local

authorities are unwilling or unable to stop attacks against Gypsies by skinhead and other bands..." He supported this view by listing incidents between 1991 and 1996. [32]

6.65 The UNHCR however, concluded in their letter of 20 September 1995, that "...on balance, for a Roma asylum seeker to be recognised, he/she would need to provide particularly strong and credible elements." [13]

6.66 In the Helsinki Human Rights Foundation report of September 1997, the Foundation concluded that after 1989 the treatment of Roma by the authorities in Poland has changed markedly. The authorities recognise the Roma community as a national minority, which should be helped and protected by law. The main problem of the Roma in Poland, as in other countries of central and eastern Europe, is their distance from the "majority" of the society. However, it was stressed that the situation of Roma in Poland is positively better than in other countries of central and eastern Europe. [20]

6.67 In the opinion of the Helsinki Human Rights Foundation, the Polish Roma who apply for asylum in the United Kingdom do not fulfil the conditions for granting them refugee status in the terms of the decisions of Article 1, paragraph a, point 2 of the 1951 Convention regarding the Status of Refugees. The Polish legal system (with regard to the Constitution, legislature and executive orders) and Polish international obligations institute basic guarantees for the protection rights of Roma and of other people who belong to ethnic national minorities. However, there is an absence of a homogeneous legal regulation with regard to minorities. The Helsinki Foundation added that they would like to emphasise once again that the treatment of Roma by the authorities in Poland has changed markedly and that the Roma community is recognised as a national minority. Similarly, the policy of the state towards this group as it is actually carried out is not of a discriminatory character. [20]

6.68 In a 1997 report the Ombudsman reported that he received a minimal number of complaints from Polish Roma. In his opinion, the local authorities take proper action in all cases involving Roma. However, there are Polish citizens who are prejudiced and aggressive towards national minorities. [21]

6.69 The Tarnow-based *Cultural Centre of Roma in Poland* reported that, on 27 August 2000, a Romany woman in Tarnow was attacked in her home with an axe by two men wearing masks, whom she believed to be skinheads. She suffered serious injuries and had to be admitted to hospital. Police detained two suspects but were reportedly unable to proceed with the case for lack of evidence. [37] The US State Department Report for 2000 does not contain any other accounts of incidents of violence against Roma committed in 2000. [4a]

Roma: National policy in Poland

6.70 The Roma minority in Poland is treated as a national minority. The general conception of a national policy with respect to the problems of the Roma community began to crystallise in 1996. This was due to two factors, on the one hand, in the middle of 1989 a general change in the approach of authorities towards national minorities took place. At the same time, the Roma community started to organise itself and put forward representatives for contact with official institutions. In 1996, for the first time, changes in the Roma situation were being supported at a national level. [5]

6.71 During the year 2000, several working meetings of the Interdepartmental Group for

National Minorities were devoted to the issues of Bergitka Roma, who have been recognised as the poorest Roma group in Poland. As a result, the Pilot Government Programme for the Roma Community in the Malopolska Province for the years 2001 - 2003 was prepared and launched in March 2001. The main aim of the programme is 'to achieve full participation of Roma who live (in this region) and to mitigate the disparities between this group and the rest of society'. The programme covers education, employment, health, and accommodation conditions. In addition, plenipotentiaries for Roma issues were appointed in 2000 in two Malopolska counties in which there are significant Roma populations. **[38]**

Roma: Education

6.72 According to the 1999 ECRI Report, most Roma children do not complete primary schooling. Education for these children often ends at the age of twelve, and cases of illiteracy are not uncommon. **[5, 3]**

6.73 In the vast majority of cases Roma children are in integrated mainstream classes, together with other Polish school children. **[5, 3]**

6.74 Some schools have introduced special preparatory classes for Romany children, stating that because of economic disadvantage, languages barriers and parental illiteracy, Romany children are behind their non-Romany counterparts when starting school. **[3]**

6.75 The Ombudsman, in July 2001, was reported to have called for the implementation of institutional and long term solutions in Roma education, which took account of the history, specific culture and traditions of the Roma community. He expressed the opinion that the low level of education amongst Roma was not only the result of attitudes and lifestyle, but was also caused by a lack of initiative in this area on the part of the Polish authorities. Professor Zoll added that there was currently a shortage of qualified teachers with a knowledge of Roma languages. **[8s]**

6.76 A pilot programme in Malopolska Province for the years 2001 - 2003 (see 6.71) includes, among other things, pre-school education for Roma children, Polish remedial classes, after-school activities in mixed groups, and the provision of support teachers. **[8s]**

Roma: Employment

6.77 As stated in the 1999 ECRI Report, little information appears to be available on the possible extent of discrimination in the field of employment in Poland, be it statistical information about unemployment levels among the various minority groups, or caselaw pertaining to legislation which prohibits discrimination by employers. According to the 2000 US State Department Report for Poland, Roma have faced disproportionately high unemployment. This is likely to have been exacerbated by recent economic restructuring and the rise in the overall rate of unemployment in Poland, which will have made it increasingly difficult for people without secondary education or marketable skills to find jobs. It has also been reported however, that a relatively high proportion of Polish Roma are self-employed and therefore less vulnerable to employment problems than Roma communities in most other Central and Eastern European countries. **[3, 4a, 14]**

6.78 The ECRI Report, however, states that disadvantage in the labour market is also frequently attributable to discrimination and prejudice, as well as past discrimination in access

to education and social inequality. In responding to this report, the Polish authorities have stated that the 1994 Law on Employment and Counteracting Unemployment prohibits discrimination on the basis of nationality or ethnicity, as regards access to employment. [3]

Ukrainians and Lemkos:

6.79 The Ukrainian and Lemko community make up approximately 300,000 of Poland's population. Although they are two separate communities, the Lemkos have, in the past been labelled as Ukrainian. The Lemko community's response to this has been the establishment of several cultural and social organisations, including two historically competing "ideological" camps on the question of Lemko identity, i.e. the "pro-Rusyn" Lemko Association, founded in 1989; and the "pro-Ukrainian" Union founded in 1990. The Lemkos have given the impression over the years that they regard themselves as ethnic Poles and tend to follow the Orthodox religion. [10d]

ANNEX A

POLITICAL ORGANISATIONS

Centre Alliance (*Porozumienie Centrum*): f.1990 by supporters of Lech Walesa; Christian Democratic party; main component of Centre Citizen's Alliance, coalition formed to contest 1991 elections; supports market economy based on private ownership; 10,000 members; Chair of bd: Krzysztof Tchorzewski; Chair of Supreme Political Council: Antoni Tokarczuk.

Christian Democratic Labour Party (*Chrzescijanska Demokracja Stronnictwo Pracy - ChDSP*): reactivated 1989, merged with Christian Democracy group in 1994; 2,750 members; Chair: Tomasz Jackowski; General Secretary: Zbigniew Jeczmyk.

Christian Democratic party of the Third Republic: f.1997; President: Lech Walesa; Chair: Marek Gumowski.

Christian National Union (*Zjednoczenie Chrzescijansko Narodowe - ZChN*): f.1989; about 10,000 members; strongly Catholic and nationalistic. Chairman: Stanislaw Zajac.

Civic Platform (*Platforma Obywatelska - PO*): A centre-right ('liberal conservative') political movement formed in January 2001 by Andrzej Olechowski (runner-up in the 2000 presidential election), Sejm speaker Maciej Plazynski from the AWS, and deputy Senate speaker Donald Tusk, who left the Freedom Union following its December 2000 congress. They were joined by several hundred former members of the Freedom Union, including Warsaw mayor Pawel Piskorski, former prime minister Jan Krzysztof Bielecki, and a number of members of parliament who initially sat as independents. Secured 65 seats in the Sejm in the September 2001 election.

Confederation for an Independent Poland (*Konfederacja Polski Niepodleglej - KPN*): f. 1979; centre-right; about 35,000 members; Chair: Leszek Moczulski. The party was severely weakened following a split in the party. In 1996 there was a long battle between Moczulski's faction and a faction led by Adam Slomka. The Slomka faction is now part of the Polish Agreement.

Conservative Peasant Party (SKL): Warsaw; f. 1997 by merger of Peasant Christian Party and Conservative Party; Chair: Jan Maria Rokita.

Democratic Left Alliance (*Sojusz Lewicy Demokratycznej - SLD*): Warsaw; f. 1991; electoral coalition of Social Democratic Party of the Republic of Poland (the successor party to the old Communist Party) and the All Poland Trade Unions Alliance. Secured 216 seats in the Sejm in the September 2001 elections and formed a centre-left governing coalition with Union of Labour (UP) and Polish Peasants Party (PSL). Leader: Prime Minister Leszek Miller.

All Poland Trade Unions Alliance (*Ogólnopolskie Porozumienie Związków Zawodowych - OPZZ*). Leader: Maciej Manicki.

Freedom Union (*Unia Wolności-UW*): f. 1994 by merger of Democratic Union (*Unia Demokratyczna - UD*) and the Liberal Democratic Congress (*Kongres Liberalno-Demokratyczny - KLD*). Suffered a damaging split at its congress in December 2000 after Leszek Balcerowicz stood down as leader after only two members of the 'neo-liberal' wing of the party, comprising mostly former KLD members, were elected to the 100-member national council. Several prominent people left the UW and joined the *Civic Platform*, as did hundreds of other UW members across Poland. Former foreign minister Bronisław Geremek was elected the new UW leader at this congress.

German Minority of Lower Silesia (*Mniejszość Niemiecka Śląska Opolskiego*): Leader: Henryk Krol.

Law & Justice (PiS): This right-wing group was founded by former Justice Minister Lech Kaczyński to contest the September 2001 elections. Kaczyński, who was said to be the second most popular politician in Poland after President Kwaśniewski, had been credited by the media for waging an effective war on organised crime. He had been sacked by Premier Buzek in July 2001 following a public row over the role of a State Protection Office investigator in a fraud probe.

League of Polish Family (LPR) : Formed two months before the 2001 elections, the LPR groups far-right politicians - including several close to Radio Maryja, an ultra-nationalist Catholic radio station.

Movement for the Reconstruction of Poland (*Ruch Odbudowy Polski - ROP*): f. 1995; conservative; 12,000 members; represents a more radical and nationalist face of the Polish right wing. Leader: Jan Olszewski. In May 2001, ROP and AWS agreed to run on a joint list in the September 2001 elections, to be called Solidarity Election Action-Right (AWS-P).

National Peasants' Self-Defence Bloc: f. 2000 to contest the next parliamentary elections; formed by trade union leaders opposed to the Government's social and economic policies

National Pensioners' Party (*Krajowa Partia Emerytów i Rencistów - KPEiR*). A pensioners' lobby which transformed itself into a party. Centrist. Chair: Zenon Żuminski.

Non-Party Bloc in Support of Reforms (*Bezpartyjny Bloc Wspierania Reform - BBWR*): f. 1993 by Lech Walesa; Leader: Leszek Zielinski; Chair: Professor Zbigniew Religa.

Party of Real Politics (*Stronnictwo Polityki Realnej*): f. 1996, following a split in the Polish

Union of Real Politics; right-wing; Chair: Mariusz Dzierzawsky.

Party X: f. 1991; advocates free-market economy, expansion of industry and agriculture, gradual elimination of unemployment and universal access to education, culture and health; 9,000 members; Leader: Josef Kossecki.

Peasant Democratic Party (*Partia Ludowo Demokratyczna - PLD*): f. 1998; Leader: Roman Jagielinski.

Polish Accord Party (Polish Agreement) (*Stronnictwo Porozumienie Polskie*) f.1999. Right wing movement, opposes Poland's membership of the European Union. Chair: Jan Lopuszanski.

Polish Economic Programme (*Polski Program Gospodarcz - PPG*): f. following split in Polish Beer Lovers' Party; Leader: Tomasz Bankowski.

Polish Peasant Party (*Polskie Stronnictwo Ludowe - PSL*): f. 1990 to replace United Peasant Party (*Zjednoczone Stronnictwo Ludowe*; f. 1949) and Polish Peasant Party-Rebirth (*Polskie Stronnictwo Ludowe-Odrodzenie*; f. 1989); left-wing party, stresses development of agriculture; 200,000 members. Formed a governing coalition with the Social Democrats (SLD) and Union of Labour (UP) after the 2001 parliamentary election. Leader: Jaroslaw Kalinowski.

Polish Socialist Party (*Polska Partia Socjalistyczna - PPS*): f. 1892, re-established 1987; 5,000 members; Leader: Piotr Ikonowicz.

Samoobrona (Self-Defence): Founded in 1992, initially as a protest movement for farmers in debt after the post-1989 economic reforms. As one of three farmers'unions, Samoobrona staged road blocks and other aggressive protests against Poland's pro-EU policies but, in 2000/2001, adopted a more formal political structure - and won 53 seats in the Sejm in the 2001 election. Has styled itself as the voice of Poland's hard-pressed farming community, as well as of small business and the urban unemployed, but remains populist and Eurosceptic. Leader: Andrzej Lepper.

Social Movement of Solidarity Election Action (*Ruch Społeczny Akcja Wyborcza Solidarnosc - RS AWS*): f. 1997; Christian-democratic. Leader: Prime Minister Jerzy Buzek.

Socio-Cultural Association of Germans of Upper Silesia (*Towarzystwo Społeczno-Kulturalne Niemców Wokółództwa Katowickiego*): Katowice.

Solidarity Election Action (*Akcja wyborcza Solidarnosc - AWS*): f. 1996; electoral alliance of some 36 centre-right parties now consolidated into four main groupings: the SKL, PPChD, ZChn and RS AWS. Leader: Jerzy Buzek . Failed to secure any seats in the Sejm in the 2001 election.

Union of Labour (*Unia Pracy - UP*): f. 1993; a social democratic party. Leader: Marek Pol. Contested the 2001 parliamentary election in a coalition with the SLD, and subsequently became part of the governing coalition.

Sources: [1a, 2a, 33b, 17f]

ANNEX B

CHRONOLOGY OF KEY EVENTS

1950s - 1970s

Serious anti-regime riots occurred.

Summer of 1980

Further strikes led to the birth of Solidarity under the leadership of Lech Walesa.

December 1981

Under heavy pressure from the Soviet Union and Warsaw Pact, the Prime Minister General Wojciech Jaruzelski introduced martial law. Walesa and many others were interned.

July 1983

Martial law was lifted under pressure from the West.

1988

New strikes took place as the economy collapsed.

April 1989

The Round Table Accords legalised Solidarity and instituted political reforms in support for unpopular economic measures.

June 1989

Solidarity won the elections with a sweeping victory and humiliation for the ruling parties and Tadeusz Mazowiecki became Prime Minister.

December 1989

The legislature voted to rename the country the Republic of Poland.

December 1990

Walesa decisively defeated Mazowiecki in the Presidential elections.

1991

Poland signed an Association Agreement with the EC.

October 1991

Poland's first fully democratic post-war general elections were held. A right-wing Solidarity government was formed with Jan Olszaeski as Prime Minister.

June 1992

A vote of "no confidence" in the government was approved by the Sejm.

July 1992

A new centre right coalition headed by a Solidarity lawyer, Ms Hanna Suchoka, was approved by parliament.

May 1993

The government lost a vote of "no confidence".

19 September 1993

General elections took place in which left wing parties won a substantial victory. The new government was a coalition of the SLD and the PSL led by Waldemar Pawlak.

February 1994

Poland signed up to NATO's Partnership for Peace (PfP).

April 1994

Poland submitted its application to join the EU.

February 1995

Political and economic tensions led to the resignation of Pawlak. Jozef Oleksy became the new Prime Minister and formed a new government.

January 1996

Olesky resigned after being accused of co-operating with the Russian Secret Service well into the 1990s.

March 1996

Former Justice Minister, Wlodzimierz Cimoszewicz (SLD) was appointed Prime Minister and formed a government.

November 1996

Demonstrations were staged at the Gdansk shipyard in an attempt to secure government loan

guarantees in order to secure the completion of an existing contract. Poland joined the Organisation for Economic Co-operation and Development (OECD).

February 1997

Further strikes took place, which were supported by Solidarity.

2 April 1997

The National Assembly adopted a new Constitution.

21 September 1997

Parliamentary elections marked a return to power for the parties based around the Solidarity trade union. Solidarity Elections Action (AWS), a coalition of right-wing and trade union groups, secured a third of the vote.

17 October 1997

The new Constitution came into force.

11 November 1997

The Sejm approved the programme of the new government, led by Jerzy Buzek as Prime Minister.

30 March 1998

EU accession process formally launched.

April 1998

The Concordat, a treaty regulating relations between the government and the Vatican came into effect.

1 September 1998

New Criminal Code and Code of Criminal procedure came into effect.

11 October 1998

Local government elections took place.

January 1999

Four major reforms introduced: local government; pensions; health care and education.

12 March 1999

Poland was admitted as a full member of NATO. Government reshuffle took place

April 1999

Significant reform of state administration took place.

September 1999

Large protests in Warsaw against the reform of the health, education and pension systems. Demands for the Prime Minister to resign.

11 October 1999

Solidarity Electoral Action (AWS) and the Freedom Union (UW) renewed their coalition agreement.

May-June 2000

The Freedom Union (UW) threatened to withdraw from the government on 23 May in protest at the Prime Minister's failure to control rebellious factions in Solidarity Electoral Action (AWS). Talks between the two parties failed and the UW resigned from the Government on 6 June. AWS formed a minority government on its own.

October 2000

Aleksander Kwasniewski re-elected President of Poland

January 2001

Civic Platform (PO) founded.

23 September 2001

Parliamentary elections: The centre-left SLD - UP coalition, with 41% of the vote, secured 216 of the 460 seats in the Sejm - 15 seats short of an absolute majority. The new Civic Platform (PO) won 65 seats in the Sejm, while the parties of the previous government - Solidarity Election Action (AWSP) and the Freedom Union (UW) - both failed to qualify for any seats. In the Senate, 75 of the 100 seats went to SLD-UP.

9 October 2001

Leaders Leszek Miller of the Democratic Left Alliance (**SLD**), Marek Pol of the Union of Labour (**UP**), and Jaroslaw Kalinowski of the Polish Peasants' Party (**PSL**), signed a policy agreement which was to be the basis of a coalition government.

19 October 2001

Parliament convened and the new coalition government of Leszek Miller was sworn in.

ANNEX C

CURRENT GOVERNMENT

On 10 October 2001, incoming Prime Minister Leszek Miller formally notified President Kwasniewski of his Cabinet, due to take office on 19 October:

<i>Prime Minister</i>	Leszek Miller (SLD)
<i>Deputy PM & Finance Minister</i>	Marek Belka (Non-party)
<i>Deputy PM & Infrastructure Minister</i>	Marek Pol (UP)
<i>Deputy PM & Agriculture Minister</i>	Jaroslav Kalinowski (PSL)
<i>Interior Minister</i>	Krzysztof Janik (SLD)
<i>Foreign Minister</i>	Włodzimierz Cimoszewicz (SLD)
<i>Defence Minister</i>	Jerzy Szmajdzinski (SLD)
<i>Labour Minister</i>	Jerzy Hausner (SLD)
<i>Treasury (Privatisation) Minister</i>	Wiesław Kaczmarek (SLD)
<i>Health Minister</i>	Mariusz Lapinski (SLD)
<i>Education Minister</i>	Krzyszyna Lybacka (SLD)
<i>Culture Minister</i>	Andrzej Celinski (SLD)
<i>Economy Minister</i>	Jacek Piechota (SLD)
<i>Justice Minister</i>	Barbara Piwnik (Non-party)
<i>Environment Minister</i>	Stanisław Zelichowski (PSL)
<i>Science & Technology Minister</i>	Michał Kleiber (Non-party)

SLD = Democratic Left Alliance; UP = Union of Labour; PSL = Peasant Party

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