

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Poland

ECRI wishes to point out that the analysis contained in its third report on Poland, is dated 17 December 2004, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Poland was subject to a confidential dialogue with the Polish authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Polish authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

“Observations provided by the Polish authorities concerning ECRI’s third report on Poland

Cf. para. 15.

The suggestion that the Election Law discriminates against ethnic minorities must be firmly rejected. Members of ethnic minorities have the same electoral rights as all other Polish citizens. The Election Law does contain provisions that are preferential toward national minorities. The Election Law deals with political rights, and it is a political element - the possibility of identifying with a nation organized within its own state - that distinguishes a national minority from an ethnic minority

Cf. para. 20

It should be underlined that NGOs frequently refer to cases of racial violence solely because the victim is of other than Polish origin.

Cf. para. 37

In order to implement the recommendations made in ECRI’s second report, the Polish authorities circulated in January 2005 among state and self-government institutions, NGOs and social partners information materials on the legal regulations designed to counter racial discrimination, and on the premises of the National Programme for Countering Racial Discrimination, Xenophobia and Related Intolerance (2004-2009).

Cf. para. 39

It should be noted that the Ministry of Internal Affairs and Administration is negotiating an agreement with the non-governmental organisation - Union of Citizen Advice Bureaux concerning the provisions of counselling for victims of racial and ethnic discrimination. Moreover, the Act on national and ethnic minorities and regional language of 6 January 2005 stipulates that the Minister responsible for religious confessions and national and ethnic minorities is to promote the implementation of the rights and needs of national and ethnic minorities. The measures of promotion should include implementation of programmes aimed at equal treatment of persons regardless their ethnic origin and initiation of research into the situation of minorities, including problems of discrimination, its manifestations, as well as methods and strategies of countering it.

Cf. para. 42

The information contained in this paragraph stating that “the Council of Europe Commissioner for Human Rights...expressed concern that the proposed body would lack independence” is groundless. It should be noted that in course of the legislation process aimed at establishment of an office for equal status of women and men the authorities have taken into account ECRI’s General Policy Recommendation No. 2, in particular its part concerning the independence of such a body.

Cf. para. 69

The Act defines the difference between national and ethnic minorities. However the national and ethnic minorities enjoy the rights contained in the Act to the same extent.

Cf. para. 71

It should be stressed that the allegation raised in this paragraph concerning discriminatory treatment of specific national and ethnic minorities by state authorities is not confirmed by any facts.

Cf. para. 72

The explanation contained in this paragraph concerning the operation of the Team for National Minorities is unclear. The Team is not divided into two working groups, but two separate structures function within the Team: Sub-team on Education of National Minorities and Sub-team for Roma Issues. Those names of the Team and sub-teams should be applied throughout the text. It should be additionally stressed that the Act on national and ethnic minorities and regional language has instituted a new advisory body to the Prime Minister - the Joint Commission of the Government and the National and Ethnic Minorities. The Commission will compose of the representatives of the Government administration and all national and ethnic minorities, as well the community using the regional language.

Cf. para. 82.

The credibility of the information supplied by the European Roma Rights Center has been questioned by the majority of experts on Roma problems and by NGOs dealing with assistance to the Roma minority.

As regards the charges concerning Police recruitment policy, it should be noted that under the Polish Constitution all citizens are equal before the law and thus have the same opportunity to find employment with the Police. The Police, as all other organs of the State, do not differentiate treatment of their employees depending on their ethnic origin. In consequence, data on the nationality of police officers is not collected.

Cf. para. 85

Representatives of national and ethnic minorities have not postulated the appointment of police mediators belonging to national and ethnic minorities. Moreover, there is no basis for claims that not enough minority representatives work as police officers. Thus, the postulate that their number should be increased is unfounded.

Cf. para. 114

Raising the level of public awareness about the culture, traditions and customs of the Roma community is one of the goals of the Programme for the Roma Community in Poland and of the National Programme for Countering Racial Discrimination, Xenophobia and Related Intolerance.

Cf. para. 116

The Programme for the Roma Community in Poland has among its main objectives improvement of education standards among the Roma by raising the percentage of graduating students, improving attendance and school performance of Roma children and youth, helping Roma youth continue their education at above-primary and academic levels.”