



ACFC/SR(2002)002
Appendix

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

(Received on 20 December 2002)

ANNEXE TO THE REPORT TO THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE CONCERNING REALISATION BY THE REPUBLIC OF POLAND OF THE PROVISIONS OF THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF NATIONAL MINORITIES

Report to the Secretary General of the Council of Europe on the realisation by the Republic of Poland of the provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities was prepared in the Ministry of Internal Affairs and Administration. Works on this document involved wide consultations, in particular, with representatives of national and ethnic minorities. The final version of the Report was adopted by the Council of Ministers at the session held on May 28, 2002.

However, not all remarks or comments of national and ethnic minorities could be addressed in the *Report*. All those which did not refer to particular articles of the *Convention* and those which were too detailed or had a postulational character were contained, together with the commentary, in the *List of remarks not addressed in the Report of the Secretary General of the Council of Europe on the realisation by the Republic of Poland of the provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities* (schedule no.1).

Adoption of the Report by the Council of Ministers did not put an end to the open discussion on the document conducted with national and ethnic minorities – the final version of the *Report* was discussed at the meeting held on September 3, 2002 in the Ministry of Internal Affairs and Administration with the participation of all representatives of national and ethnic minorities in Poland. *Minutes of the Meeting with Representatives of National and Ethnic Minorities Concerning the Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities* constitutes schedule no. 3.

Referring to legislative measures connected with the rights of national and ethnic minorities, which were taken after preparation of the final version of the *Report*, it should be noted that on April 30, 2002, the Council of Ministers adopted *the Government's Position towards the Draft Version of the Act on National and Ethnic Minorities in the Republic of Poland submitted by Members of Parliament* which pointed at the need to adopt such an act. Works on the Act are carried in the Special Sub-Committee of the Polish Parliament discussing the committee's draft version of the Act on National and Ethnic Minorities in the Republic of Poland.

Referring to art. 10 of the *Convention*, we should point at the decree of the Minister of Internal Affairs and Administration dated March 18, 2002 *concerning cases in which names and texts in the Polish language may be accompanied by translations into foreign languages*. The decree provides for the possibility of translating into languages of national and ethnic minorities certain texts in public institutions (schedule no. 1).

Decree of the Ministry of National Education and Sport of September 11, 2002 *amending the decree concerning conditions and method of assessing, classifying and promoting students and course participants and holding examinations and tests in public schools* was adopted as a result of commitments assumed in the Strategy of development of the Lithuanian minority education in Poland. This decree was drafted in response to postulates of the Lithuanian minority and provides the possibility to hold final primary school and junior high school tests in native languages of minorities (schedule no.1).

In response to the request of the Office of the National Council for Radiophony and Television we have also attached information concerning the presence of national and ethnic minorities in the mass media which is connected with the enforcement of art. 9 of the *Convention* (schedule no. 4).

EXTRACT FROM NEW LEGAL REGULATIONS CONCERNING THE RIGHTS OF NATIONAL MINORITIES IN THE REPUBLIC OF POLAND

DECREE OF THE MINISTER OF INTERNAL AFFAIRS AND ADMINISTRATION
of March 18, 2002

concerning cases in which names and texts in the Polish language may be accompanied by translations into foreign languages.

(Journal of Laws of April 12, 2002)

Under art. 10 section 2 of the Polish Language Act of October 7, 1999 (Journal of Laws no. 90/1999, item 999 and no. 29/2000, item 358) it is hereby decreed as follows:

§ 1. The decree specifies cases and scope in which names and texts in the Polish language appearing in offices and public institutions and well as texts intended to enter the public domain and appear in public means of transport, may be accompanied by translations into foreign languages.

§ 2.1. Names and texts in the Polish language which are present:

- 1) in towns with concentrated population of national minorities or ethnic groups,
 - 2) in border zone,
 - 3) in cities housing representative offices of foreign countries, seats of international organisations or foreign companies,
 - 4) at international transit roads,
 - 5) in recreational resorts or health resorts and towns with recognised recreational or landscape characteristics,
- may be accompanied by translations into foreign languages.

2. Translation may concern names and texts:

1) appearing:

- a) on sign boards of an office or public institution,
 - b) in another displayed place for information purposes,
 - c) in public means of transport,
- 2) addressed to the public.

3. Translation shall be placed under the text in the Polish language or in the form of annexe to the text.

4. Foreign language, referred to in section 1, shall be, in particular, the language of national minorities or ethnic groups inhabiting particular area of the territory of the Republic of Poland, and on the area located in the neighbourhood of the state border – official language of the neighbouring country.

5. Names and texts may be translated into more than one foreign language.

§ 3.1. Translation, referred to in § 2 shall include:

- 1) name of the office or public institution,
- 2) principles of entering the premises of the office or public institution,

- 3) information enabling interested persons to refer the case to a competent organisational unit of the office or public institution,
 - 4) other information facilitating the use of services of the entities, referred to in point 1.
2. Translation in public means of transport shall include:
- 1) key provisions of the transportation regulations,
 - 2) method of using the equipment and facilities located in the means of transport,
 - 3) other information facilitating the use of public means of transport.
- § 4. The decree shall enter into force within 14 days following its publication.

**DECREE OF THE MINISTER OF NATIONAL EDUCATION AND SPORT
of September 11, 2002**

**amending the decree concerning conditions and method of assessing, classifying and
promoting students
and course participants and holding examinations and tests in public schools**

(Journal of Laws no. 155/2002, item 1289)

§ 1.

The following amendments are introduced to the decree of the Minister of National Education of March 21, 2001 concerning conditions and method of assessing, classifying and promoting students and course participants and holding examinations and tests in public schools (Journal of Laws no. 29/2001, item 323 and 128/2001, item 1419 and No. 46/2002, item 433):

4) in § 28 the existing provisions shall be marked as section 1 and the following section 2 shall be added:

“2. The Information Bulletin, referred to in section 1, shall be prepared and published also in languages of national minorities.”;

5) after § 31 the following § 31a shall be added:

“§31a 1. Students of schools or classes with the language of instruction being the language of a national minority, with courses taught in that language, shall take final junior high school examinations or tests in the Polish language or in the language of a particular national minority.

2. In case the student intends to take a final junior high school examination or test in the language of a particular national minority, the student’s parents (legal guardians) shall submit to the school principal a written declaration on the student’s taking a final junior high school examination or test in the language of a particular national minority.

3. The declaration, referred to in section 2, shall be submitted at the latest by September 20 of the school year in which the student takes his/her final junior high school examination.

4. The list of students intending to take their final junior high school examinations or tests in the language of a particular national minority, shall be submitted by the school principal to the director of the district committee, at the latest by September 30 of the school year in which the final junior high school examination is held.

5. The student may renounce the possibility to take his/her final junior high school examination or test in the language of a particular national minority. The student’s parents (legal guardians) shall inform the school principal about the student’s renouncement at the latest 3 months before the due date of the final junior high school examination or test; the school principal shall notify immediately the director of the district committee about the above.”;

10) § 119 shall read as follows:

“§ 119. 1. The test in the sixth grade of primary school and the final junior high school examination in the third grade of junior high school shall be held starting from the year 2002, with the reservation of section 2.

2. The final junior high school examination and test held in the language of a national minority in schools and classes with the language of instruction being the language of a national minority, where courses are taught in that language, shall be held starting from the year 2005.”;

LIST OF REMARKS NOT ADDRESSED IN THE REPORT TO THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE ON THE REALISATION BY THE REPUBLIC OF POLAND OF THE PROVISIONS OF THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF NATIONAL MINORITIES¹

1. Belarussian Social and Cultural Society

1. Up to now, in Poland native languages of minorities were not used in offices, and the provision in the draft version of the National and Ethnic Minorities Act has many opponents in the Polish Parliament.	The draft version of the Act on National and Ethnic Minorities in the Republic of Poland containing this provision has won majority of votes in the Parliament in the first reading. At present, there are works on the draft version of the Act going on in the Polish Parliament.
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2. Association of Roma in Poland²²

1. An offensive term “Gypsies” is commonly used in Poland to designate the Romany people.	In the <i>Report</i> the term Gypsies is used only in names of the Romany own organisations and events. The authors of the Report consistently use the term “Romany”.
2. It has been pointed out that despite remarks and suggestions made by the Association of Roma in Poland, the Cracow Television broadcasts programs reinforcing stereotypes which are inconsistent with the reality and distances itself from co-operation with the Association.	Assessment of the programs, broadcasts or press articles, as containing inherent subjective feelings of the reporter, does not fall within the scope of the <i>Report</i> .
3. It has been pointed out that the Association of Roma in Poland was not invited to participate in the works on the <i>Pilot Governmental Program aimed to support the Romany community in the Malopolska Voivodship for the years 2001-2003</i> .	The <i>Pilot Governmental Program aimed to support the Romany community in the Malopolska Voivodship for the years 2001-2003</i> was created in consultation with the Romany organisations based on the territory of municipalities covered by the Program and with approval of chiefs of Romany settlements benefiting from the assistance. During preparations of the <i>Program</i> , representatives of the Ministry of Internal Affairs and Administration met with local activists of the Association whose remarks had not been taken into consideration.
4. It has been pointed that that presentation of major cultural events of the Romany people did not include the International Romany	The remark was sent in September 2002 after the report had been submitted to the Secretary General of the Council of Europe in July

¹ The first column contains remarks made by organisations national and ethnic minorities in Poland; the second one contains reasons for which the remarks were not considered.

² The remarks made by the Romany Association in Poland were sent after the end of the consultations.

Extermination Memorial Day celebrated on August 2.	2002.
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3. Lithuanian Community in Poland

1. The Community attracted attention to the problem of location of the Border Guard watchtower in Puńsk. In the opinion of the Lithuanian minority, the watchtower location in Puńsk is an attempt to change the national structure of the town.	Discussions concerning the location of the Border Guard watchtower in Puńsk have been going on since the 90s. The idea to locate the watchtower in Puńsk aroused protests of the Lithuanian minority and objection of the Municipality Council. Therefore, the problem is being resolved through dialogue between representatives of the Lithuanian minority, the Council of Puńsk Municipality and the Central Headquarters of the Boarder Guard. It should be stressed that the Chief Commander despite two verdicts of the Supreme Administrative Court favourable for him, is still willing to continue talks, convinced that the Polish-Lithuanian border will be in the future an internal border of the European Union, and the problem of location of the Border Guard watchtower will be resolved in accordance with the Schengen acquis. At the same time, the Commander expects the Council of Puńsk Municipality to suggest an alternative location of the watchtower.
2. Problems with recording names and surnames in the native language spelling.	Changes in the spelling of names to assure their consistence with the native language reading are made free of charge in chief district officer's offices at the request of interested persons. In the years 1990-2000, 30 persons adjusted spelling of their names and surnames to the rules of Lithuanian spelling.
3. Art. 13 the Polish Law provides for the possibility of creating non-public schools; the Lithuanian minority has made efforts to create such schools but has failed to lease premises from the self-government.	There are works going on now to start a non-public junior high school with Lithuanian being the language of instruction in Sejny.

4. Union of Lemks³

1. A remark not to associate the Lemk people not being Ukrainians with the "Vistula" action which involved only the Ukrainian national minority in Poland of 154 thousand people left after deportation	Deportation in 1947 involved the Lemk population, regardless of their national orientation.
2. A remark not to use the term "Lemk	The <i>Report</i> does not use the term "Lemk

³ The Union of the Lemk people is a member supporting the Association of the Ukrainian people in Poland and represents part of the Lemk community which identifies as ethnic minority of the Ukrainian nation.

national minority” to designate Lemks in the context of the Ukrainian national minority	national minority”. It uses consistently the term “Lemk ethnic minority”.
3. According to the Union of Lemks, the <i>Report</i> should contain not the Government’s declaration but rather the results of public opinion poll concerning Poles attitude towards national minorities.	In accordance with the <i>Report’s structure</i> , this part of the Report should present the rights of national minorities and their enforcement as well as the position of the Government of the Republic of Poland.
4. Issues pointed out: - violation during the 1947 deportation, the rights to property, freedom and liberty to choose one’s domicile and cultural heritage protection guaranteed in the Constitution in force at that time, - specific examples of erasing historical cultural traces of the Lemk minority.	The <i>Report</i> has a general character, therefore it is not aimed at describing in detail and explaining the problems of particular national and ethnic minorities in Poland. Pages 13 and 19 of the Report contain information about actions of the communist authorities taken against Lemks and Ukrainians.
5. art. 10 point 1 – It has been pointed out that since the Lithuanian minority has a guaranteed right to use its native language in offices, such right should be granted to other minorities as well.	The Lithuanian minority has not been guaranteed the right to use its native language in offices. Article 15 of the Treaty with the Republic of Lithuania reads that “The Parties shall in particular consider allowing the use of languages of national minorities in their offices, in particular, in those local administrative units in which a significant part of population constitutes a national minority.
6. art. 16 The need to adjust the provision concerning the new administrative division of the country in 1999 since it did not take into consideration the national and historical structure of the Land of Lemks (Lemkowszczyzna)	The Land of Lemks (Lemkowszczyzna) is currently inhabited in small part by Lemks. The Convention does not refer, however, to the historical and thus changing ethnic structure of particular region.

5. Belarussian Association in the Republic of Poland

1. Correction – the <i>Report</i> says that there are 40 institutions in the Podlaskie Voivodship; in the table on page 57 there are 39 of them listed altogether.	Page 58 specifies the number of all educational institutions (including kindergartens). Page 61 specifies the number of schools only.
2. Doubts concerning the name and object of activity of the Independent Division for the Protection of Foreigners’ and National Minorities’ Rights in the Office of Ombudsman. Foreigners and national minorities issues do not coincide.	Agreeing that the foreigners and national minorities issues do not coincide, we should point at the very positive role played by the Independent Division for the Protection of Foreigners’ and National Minorities’ Rights in the Office of Ombudsman, justifying its inclusion in the <i>Report</i> .

6. Union of German Social and Cultural Associations in Poland

1. Change of the provision in the table: Broadcasts for national and ethnic minorities	The data concerning hourly share of broadcasts for national and ethnic minorities
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in respect of the Field Division of Katowice Television from “18” hours to “0,3” hours.	contained in the <i>Report</i> come from the National Council for Radiophony and Television which informed that the Division of Katowice Television broadcasts 18 hours of programs.
2. Change of the provision in the table: Public Radio in respect of Radio Opole S.A. from “138,5” hours to “39” hours.	The data concerning hourly share of broadcasts for national and ethnic minorities contained in the <i>Report</i> come from the National Council for Radiophony and Television which informed that Radio Opole broadcasts 138,5 hours of programs.
3. Deleting the program “Our Heimat”	The program “Our Heimat” is addressed to the German minority although it is not prepared by representatives of this minority.

7. Union of Ukrainians in Poland

1. Including the postulates concerning prisoners of the Central Labour Camp in Jaworzno.	The <i>Report</i> does not address the remarks of postulational character concerning very specific problems of particular national minorities, not referring to particular provisions of the Convention.
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**MINUTES OF THE MEETING WITH REPRESENTATIVES OF NATIONAL AND
ETHNIC MINORITIES CONCERNING THE REPORT TO THE SECRETARY
GENERAL OF THE COUNCIL OF EUROPE ON THE REALISATION BY THE
REPUBLIC OF POLAND OF THE PROVISIONS OF THE FRAMEWORK
CONVENTION OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF
NATIONAL MINORITIES
WARSAW, SEPTEMBER 3, 2002**

The Meeting was chaired by the Under Secretary of State in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz and the last part of the meeting was conducted by the Deputy Director of the Department of Religions in the Ministry of Internal Affairs and Administration, Danuta Głowacka-Mazur. Other participants as listed in the attached presence list. The session was devoted to the analysis of the *Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities*.

Under Secretary of State in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz informed that pursuant to the commitments resulting from Poland's ratification of the *Framework Convention of the Council of Europe for the Protection of National Minorities* on July 10, 2002, the Report containing information on measures taken in order to fulfil the commitments specified in the Convention was submitted to the Secretary General of the Council of Europe. Mr. Kosiniak-Kamysz presented the participants with the procedures to control the implementation of the Convention with their key part being the analysis of the Report, schedule of works on the Report and the guidelines – structure of the *Report*, prepared by the Committee of Ministers of the Council of Europe. He explained that due to the constraints imposed by the document structure, certain remarks presented by national and ethnic minorities organisations, whose substance goes beyond the framework of the Report, were not included in the final version of the *Report*. Thus, the *Report* did not include analysis of very detailed issues concerning specific cases, remarks going beyond the structure of the Report and remarks of postulational character not describing the actual situation. Mr. Kosiniak-Kamysz emphasised that all remarks and postulates of organisations would be addressed by the Government of the Republic of Poland in its efforts undertaken in order to support national and ethnic minorities and expressed his hope that the subsequent *Report* would be prepared by Poland in friendly co-operation with minorities' organisations, just like the present Report.

President of the Kaszub and Pomeranian Association, Brunon Synak, pointed at still the still open discussion concerning terminology connected with terms of national minorities, ethnic minorities, ethnic groups and regional groups. The problem concerns also the Kaszub people whom Mr. Synak would like to define as an ethnic group of regional character. Yet, he admitted it was not the crucial problem. He also pointed out that the *Report* did not mention Greeks, Macedonians or Mazur people. He also remarked that the Report did not mention Radio Gdańsk or Radio Koszalin – realising programs in the Kaszub language.

Head of the National Minorities Division in the Ministry of Internal Affairs and Administration, Dobiesław Rzemieniewski informed that the issue of terminology concerning national and

ethnic minorities will soon be resolved by the Parliament working on the draft version of the Act on National and Ethnic Minorities in the Republic of Poland. According to Mr. Rzemieniewski, a compromise should be reached to recognise the Kaszub language as a regional language and make a provision to ensure that the Kaszub people benefit from all the rights enjoyed by national and ethnic minorities.

Mr. Rzemieniewski explained that Greeks and Macedonians were not classified as national minorities since they do not meet the requirement of being traditionally domiciled on the territory of the Republic of Poland. He also informed that the annexe to the Report will contain information on Kaszub broadcasts of Radio Gdańsk and Radio Koszalin.

Secretary of the Management Board of the Union of Ukrainians in Poland, Piotr Tyma, agreed with Mr. Synak that although the *Report* provided an exhaustive description of numerous aspects connected with national and ethnic minorities it failed to address the terminology issue: group, national minority, ethnic minority. He also pointed out that the discussion on the Report should not be separated from earlier works on the *Convention*. According to Mr. Tyma, a number of postulates put forward by representatives of national and ethnic minorities a few years ago have not been satisfied yet. Mr. Tyma said that certain provisions of the Polish law such as provisions concerning war veterans and places of commemoration discriminate against the Ukrainian community in Poland. Mr. Tyma informed that the still unresolved issue of damages for Ukrainians – former prisoners of the Stalin labour camp in Jaworzno – aroused negative emotions among the Ukrainian community. He emphasised that as a result of the “Vistula Action” Ukrainians are scattered throughout Poland which makes cultural activity difficult and does not allow national and ethnic minorities to fully benefit from electoral preferences.

Mr. Tyma put into question declaration of the Polish side on refraining from applying the reciprocity principle in relation to national minorities. According to Mr. Tyma, the reciprocity principle is applied by the Council for the Preservation of Memory of Warfare and Martyrdom making positive decisions concerning Ukrainian commemorations in Poland conditional upon solving the problem of the Polish Military Cemetery in Lvov (*Cmentarz Orłq Łwowski*).

Under Secretary in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz, expressed his astonishment at accusations of applying the reciprocity principle. He firmly stressed that the Polish Government had never applied the reciprocity principle in relations with countries of origin of Polish national minorities. He also pointed out that this problem had never been raised in the talks with the Government of Ukraine. Mr. Kosiniak-Kamysz requested information on cases in which whoever had ever made resolution of the matter conditional upon the response of the Ukrainian side. Refuting the charges concerning electoral preferences for national minorities he reminded that the *Convention* did not regulate all aspects connected with national and ethnic minorities, such as political issues.

Head of the National Minorities Division in the Ministry of Internal Affairs and Administration, Dobiesław Rzemieniewski informed that the Ministry of Internal Affairs and Administration together with the Office for War Veterans and Victims of Persecutions Affairs suggested a solution to the problem of damages for former Jaworzno camp prisoners; yet, this solution is conditional upon public finances. A similar problem concerns financing of the cultural activity of national and ethnic minorities.

The President of the Union of Lemks, Stefan Hładyk, referring to the terminological discussion pointed out that belonging to an ethnic minority might be complementary to belonging to a national minority. He suggested including the Lemk ethnic minority in the Ukrainian national

minority. He pointed at the issue of status of Lemk cemeteries which was not regulated by the 1994 Agreement between Poland and Ukraine. Mr. Hładyk agreed with Mr. Tyma that the issue of reparation to former prisoners of Jaworzno camp was delayed just like works on the Act on National and Ethnic Minorities in the Republic of Poland.

Vice President of the Union of Lemks, Michał Sandowicz did not agree with the idea of Mr. Hładyk to include Lemks in the Ukrainian national minority. He also pointed at ambiguous – in his opinion- provisions in the *Report* concerning the notion of a uniform state or causes of the present geographical distribution of minorities (absence of information concerning the consequences of the “Vistula Action”). As an example of discriminatory policy he cited the fact of manipulating electoral constituencies (Hajnówka region inhabited by the Belarussian minority was included in the electoral constituency of the Mazovian voivodship with majority of Polish population). Mr. Sandowicz appealed to solve the issue of Lemk cemeteries and stop the sale of the Land of Lemks.

Under Secretary in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz pointed out that the Report reflected the current relations in Poland and its character excluded the possibility of wide historical perspective of national and ethnic minorities. He also reminded that the electoral issues as having political character were excluded from the assessment of the Council of Europe.

President of the Kaszub and Pomeranian Association, Brunon Synak pointed out that the shape of electoral constituencies was decided by self-governments [*sejmiki*] of voivodships rather than by governmental administration.

Chairman of the Central Council of the Romany people, Stanisław Stankiewicz regretted that due to formal requirements connected with the *Report's* structure, the *Report* could not be more exhaustive. He pointed out that the Report's estimates concerning the number of the Romany population were based on out-dated data. Mr. Stankiewicz remarked that although the legal regulations provided access to mass media to minorities, this access was, in his opinion, insufficient. He also suggested that the subsequent *Report* should contain more comprehensive information concerning actions of local self-government in respect of national and ethnic minorities.

Under Secretary in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz remarked that only the last universal census of population and living premises contained a question concerning nationality. He informed that a separate meeting of the Team for National Minorities Affairs concerning access to mass media of national minorities would be held on September 30, 2002.

Secretary of the Society of Slovaks in Poland, Ludomir Molitoris informed that the Society of Slovaks in Poland did not make any remarks to the *Report* but had a number of remarks concerning the Polish Government's policy towards national and ethnic minorities. He emphasised that the Society focused on cultural activity connected with preserving and protecting cultural heritage in the region inhabited by Slovaks. He informed that in this region the Society had been twice refused a subvention for cultural investments. He remarked that the operation of the minorities organisations was hindered by the fiscal system imposing high taxes on members' work. He also remarked that despite declarations on continuing the existing policy towards national minorities, funds allocated to projects carried out by minorities organisations were reduced last year which attested to a change in the existing policy. According to Mr.

Molitoris, funds from local self-government's sources are insignificant. L. Molitoris remarked that Poland did not enforce the provisions of the Concordat with Vatican concerning religious services in minorities' languages. Slovaks have been denied or hindered such services on numerous occasions.

President of the Cultural and Social Society of Jews in Poland, Szymon Szurmiej expressed his astonishment at the absence of information on Polish candidates to the Advisory Committee to the Council of Europe and failure to consult those candidatures with representatives of minorities. He also informed that the Society had not managed to provide to the final version of the Report the information on the initiative on the Shalom Foundation to build the Polish Jews Cultural Centre documenting a special role of Jewish culture in Poland.

Under Secretary in the Ministry of Internal Affairs and Administration, Zenon Kosiniak-Kamysz expressed his recognition and satisfaction with the decision to start the construction of the Centre and ensured that this information would be included in the Annexe to the *Report*.

Secretary of the Management Board of the Union of Ukrainians in Poland, Piotr Tyma referring to the issued of commemoration pointed out that international issues (Polish Military Cemetery in Lvov or cemeteries of soldiers of the People's Republic of Ukraine in Poland) should be distinguished from regional and local issues. According to Mr. Tyma, the Council for the Preservation of Memory of Warfare and Martyrdom has been applying the reciprocity principle for several years. Its President is alleged to have emphasised, on numerous occasions, that he makes the exhumation or commemoration issues conditional upon solving similar issues by the Ukrainian side. According to Mr. Tyma, officials of the Council for the Preservation of Memory of Warfare and Martyrdom should be blamed for referring Polish Ukrainians, being Polish citizens, to obtain information from the Ukrainian Embassy.

Deputy Director of the Department of Religions, Danuta Głowacka-Mazur asked for copies of letters, mentioned by Mr. Tyma and promised her assistance in the case of detecting any irregularities. Referring to the issue of investments aimed at maintaining the identity of national and ethnic minorities, she informed that the Ministry of Internal Affairs and Administration made a request to create a special purpose reserve *Construction and Equipment of Investments Aimed at Maintaining and Preserving Cultural Identity of National Minorities* in the state budget. She also remarked that it was difficult to focus on each particular case in the *Report's* description of commitment of local self-government's units.

Head of the National Minorities Division in the Ministry of Internal Affairs and Administration, Dobiesław Rzemieniewski dismissing the doubts of Mr. Hładyk informed that the *Report* unanimously and consistently defined Lemks as an ethnic minority. Answering Mr. Szurmiej's question concerning candidates to the Advisory Committee, Mr. Rzemieniewski informed that the Polish side put forward two candidates of whom Prof. Andrzej Galicki was chosen by the Council of Europe.

President of the Russian Cultural and Educational Association, Halina Romańczuk remarked that the reciprocity principle was also applied at the local level. According to Ms. Romańczuk such practices are used by the self-government of the Podlaskie Voivodship and the city of Białystok. The self-government of the city of Białystok is alleged to be ignoring the presence of Russians and their cultural heritage and hindering the actions of the Association aimed at

commemorating the Russian soldiers who died in 1944. According to Ms. Romańczuk, also Białystok Division of TVP S.A. discriminates against Russians. She remarked that due to Białystok authorities' refusal to allow the use of premises, the office is operated in a private house which significantly hinders activities of the Association.

Deputy Director of the Department of Religions, Danuta Głowacka-Mazur informed that the nearest session of the Team for the National Minorities Affairs would be fully devoted to discrimination issues. She stated that many problems mentioned by representatives of national and ethnic minorities resulted from ignorance, prejudice and lack of multi-cultural education which is gradually becoming an element of general education. Ms. Głowacka-Mazur admitted that Białystok was a special place where it might be difficult to balance the financing for various minorities inhabiting the city. Ms. Głowacka-Mazur emphasised that many specific issues mentioned by the meeting participants could not be included in the *Report* due to formal constraints imposed by the *Report's* structure.

Chairman of the Central Council for the Romany People, Stanisław Stankiewicz suggested proceeding from the stage of discussions on the provisions of the *Convention* and description of the situation in Poland to enforcement of the provisions of the *Convention*. He admitted that while co-operation at the central level had been running smoothly, at the local level there were many situations of ignorance or misunderstanding of the provisions of the *Convention* and requirements imposed by them. Mr. Stankiewicz remarked that the Podlaskie Voivodship despite numerous minorities and related problems there was no attorney in charge of national and ethnic minorities affairs.

Deputy Director of the Department of Religions, Danuta Głowacka-Mazur assured that the subsequent Report would focus mainly on the description of fulfilment of commitments resulting from the Convention. She appealed to all the participants to undertake measures promoting the issue of national and ethnic minorities.

Director of the Department of Co-operation with Foreign Countries in the National Council for Radiophony and Television, Izabella Chruścińska discussing the chapter devoted to mass media informed that despite constraints imposed by the document's structure, this chapter had been well developed and included remarks of national and ethnic minorities with suggestions to take them into account at the implementation stage.

Deputy Director of the Department of Religions, Danuta Głowacka-Mazur closing the discussion informed that remarks presented by representatives of minorities organisations would be addressed during works on the National and Ethnic Minorities Act and the minutes of the meeting, after being translated into English, would be sent to the Council of Europe as Annexe to the Report.

Zenon KOSINIAK-KAMYSZ
Chairman of the Team

INFORMATION OF THE OFFICE OF THE NATIONAL COUNCIL FOR RADIOPHONY AND TELEVISION CONCERNING REALISATION OF ART. 9 OF THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE FOR THE PROTECTION OF NATIONAL MINORITIES

Article 9

point 1

Freedom of expressing own views and obtaining and disseminating information, as the fundamental value of democracy, was guaranteed in art. 54 section 1 of the Constitution concerning freedom of speech and press.

The first important step towards the creation of legal framework for providing to minorities the access to electronic media was the adoption of the Act of December 29, 1992 on Radiophony and Television (Journal of Laws No. 7/1993 Item 34 as amended). The following provision concerning obligations of public broadcasters is contained in art. 21 section 9 of the Act: programs in public radiophony and television should (...) take into consideration the needs of national minorities and ethnic groups. Significant role in conducting and co-ordinating actions of public television for the minorities is played by the National Council for Radiophony and Television (KRRiT).

Role of the National Council for Radiophony and Television

Provision of art. 213 section 1 of the Constitution of the Republic of Poland provides that: *The National Council for Radiophony and Television shall protect the freedom of speech, the right to information and public interest in radiophony and television.* Detailed scope of rights of the National Council for Radiophony and Television, as the public authority competent in the field of radiophony and television, were defined in the Radiophony and Television Act.

The actions of KRRiT for national minorities include:

- **allocating, upon distribution of proceeds from subscription fees, the funds to particular local public radio centres, in connection with their realisation of programs for minorities,**
- receiving complaints from representatives of organisations of minorities,
- initiating meetings and conferences devoted to problems and presence of the minorities in the mass media.

The freedom of obtaining and distributing information in the language of national minorities also follows from the provision of art. 54 of the Constitution, referring to freedom of speech and press. It should also be noted that the right to disseminate and exchange of information in native languages was guaranteed in the Treaties signed by Poland with: the Federal German Republic, Czech and Slovak Federation Republic, Ukraine, the Republic of Belarussia and the Republic of Lithuania.

point 2

In accordance with the provision of art. 2 of the Radiophony and Television Act of December 29, 1992, broadcasting of radio and television programs, except by the public media, requires a license. The authority in charge of licenses is the Chairman of the National Council for Radiophony and Television who takes a decision basing on a resolution of the National Council for Radiophony and Television.

Amendment of the Radiophony and Television Act – the Act of February 1, 2002 on amendment of the Act on radiophony and television (Journal of Laws No. 42 Item 469) – introduced an important change, from the perspective of national minorities: adding the category of “social broadcaster”. Associations, within the framework of their statutory objectives as well as church or religious legal persons are among the entities that may apply to the National Council for Radiophony and Television for being awarded the status of “social broadcaster”. Social broadcasters are exempt from fees for granting or changing licence.

point 3

In accordance with the principle, adopted by the Minister in charge of culture and national heritage protection, each national minority has a guaranteed right to publish one magazine (in its discretion, in the native language, the Polish language or foreign language). In such cases, cost of publishing are covered by the state budget in full or almost in full.

Some minorities publish more than one magazine (the detailed list of press titles published by national and ethnic minorities in Poland is included in part I chapter V). Virtually all magazines of national and ethnic minorities are subsidised from the state budget by the Minister in charge of culture and national heritage protection. In 2001 the number of such magazines was 37. The total amount, in the budget of the Ministry of Culture, for publication of such magazines was PLN 2,678,800 PLN (approximately EUR 0.7 million) in 2001.

point 4

Public television

Numerous broadcasts devoted to culture, tradition and history of national and ethnic minorities living in Poland have been present in the TVP’s broadcasting offer since 1989. Cyclical and individual broadcasts and television reports have been broadcast both within the framework of central program and programs of regional centres of public television. At present, the mission of public broadcaster in this area is mainly performed by Telewizja Regionalna – TVP3. TVP3 consists of 12 local divisions, among which nine centres broadcast cyclical programs of various types and individual programs devoted to national and ethnic minorities.

Broadcasts for national and ethnic minorities in their native languages:

“About Themselves” (“Sami o sobie”) – program realised by the Polish Television Centre in Białystok, appearing once a week for 40 minutes, consisting of separate parts realised for the following minorities: Belarussian minority (15 minutes), Ukrainian minority (10 minutes), Lithuanian minority (15 minutes once every two weeks) and – once a month – Russian, Roma and Tatar minorities (7.5 minutes). The authors are three persons employed on positions in the television centre and two persons involved in permanent co-operation.

“Telenowyny” – program realised in the Ukrainian language, with Polish subtitles, by the Polish Television Centre in Warsaw (WOT), broadcast once every two weeks (15 minutes). Program prepared by 5 journalists – members of the Ukrainian minority, involved in co-operation with TVP.

Schlesische Wochenschau: program for the German minority, realised by the Polish Television Centre in Katowice.

Schlesische Journal: program addressed to the German minority (10-15 minutes) broadcast every 2 weeks by the Polish Television Centre in Opole realised, by an independent team (from editorial and technical perspective) and once every 2 weeks by persons co-operating with the Polish Television Centre.

“Rodno ziemia”: locally produced cyclic Kaszub magazine about the Kaszub community. The program is produced and broadcast by the Polish Television Centre in Gdańsk.

Public radio:

Polskie Radio S.A. [Polish Radio] (public radio): consists of a central broadcasting centre transmitting programs with national coverage and programs for abroad and 17 regional companies broadcasting 17 different programs in the regions.

Broadcasts for national and ethnic minorities realised in native languages:

Radio Białystok S.A.:

“Ukraińska dumka”, program in the Ukrainian language, broadcast 3 times a week

“Pod znakami Pahoni”, program in the Belarussian language, broadcast daily

“Pažadalnaja pieśnia” in the Belarussian language, broadcast once a week

“Lithuanian Radio Magazine” in the Lithuanian language, broadcast 3 times a week

and two religious programs in the Belarussian language addressed to Orthodox believers. A team of 10 journalists coming from particular minorities prepares these programs.

Radio Olsztyn S.A.:

Programs in the Ukrainian language are broadcast for 30 minutes daily and programs in the German language are broadcast for 25 minutes weekly. Programs in the Ukrainian language are prepared by 4 journalists, programs in the German language by 3 journalists; majority of them co-operate with the editors, one of them is a full-time employee.

Radio Opole S.A.:

“Silesian news”, program in the German language broadcast for 15 minutes 3 times a week; the program is prepared by the producers coming from the German minority;

“Our Heimat”, program in the Polish and German language, broadcast once a week, prepared by the radio team.

Radio Katowice S.A.:

“Reconciliation and future”, program in the German language, broadcast for 1 hour weekly, prepared by the German minority.

Radio Rzeszów S.A.:

“Magazine in the Ukrainian language”, program prepared by Ukrainian minority journalists, 3 persons, one of them being a full-time employee.

Radio Koszalin:

“Ukrainian Magazine”, program in the Ukrainian language, broadcast for 30 minutes every 2 weeks, prepared by a Ukrainian minority journalist;

“Kaszub Magazine”, program in the Kaszub language, broadcast for 30 minutes every 2 weeks.