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**THIRD REPORT SUBMITTED BY POLAND
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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**3rd REPORT FOR THE SECRETARY-GENERAL OF THE COUNCIL OF EUROPE
ON THE IMPLEMENTATION BY THE REPUBLIC OF POLAND
OF THE PROVISIONS OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

Warsaw, 2012

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INTRODUCTION

Presented document is the third report on the implementation of the *Framework Convention for the Protection of National Minorities*, prepared by Republic of Poland for the Secretary-General of the Council of Europe. Previous report was submitted on 8 November 2007. The document presented today covers the period of 2007-2011. Information presented in it only in some cases contain data from the period before 1 January 2007, or concern the situation after 31 December 2011.

During the period covered by the *Third Report*, the legal situation of national and ethnic minorities and people who speak the regional language remained stable. In addition to the completion of the ratification, and entry into force on 1 June 2009, of the *European Charter for Regional or Minority Languages* (provisions of which have already been included in the current legislation), no significant changes have been introduced to the regulating laws concerning national and ethnic minorities. National and ethnic minorities and the community using the regional language have taken full advantage of the provisions of the Act on National and Ethnic Minorities and Regional Language, adopted on 6 January 2005 - this status is reflected in the presented document. Cooperation of national and ethnic minorities, and the community using the regional language with the State institutions, executed under the Joint Commission of Government and National and Ethnic Minorities, and during daily contact with the authorities, implementing the government's policy towards minorities, was carried out up to date. Problems reported to the administration by the minority communities were solved in the spirit of dialogue and understanding. The amount of funds transfers from the state budget for the implementation of tasks aimed at minorities has been significantly increased. The period in question definitely indicates that the Act on National and Ethnic Minorities and Regional Language was an important and necessary document, and its implementation contributes well to maintaining and developing the cultural identity of national and ethnic minorities and the preservation and development of the regional language.

During the period in question, the Central Statistical Office conducted a *National Census of Population and Housing*. The census conducted in 2011 was the second one in the post-war Poland in which the respondents were asked questions about their nationality or ethnic origin. In contrast to the census conducted in 2002, respondents could give more than one answer to questions about their national-ethnic belonging, which according to the Central Statistical Office will allow to better investigate this issue in particular with regard to the so-called "complex identities". The introduction of two questions about national or ethnic origin

was the fulfillment of the demands raised by some communities and ethnic minorities. *National Census of Population and Housing 2011* was carried out using so-called mixed method, i.e. using data from the records and information systems, and the data obtained in 20% sample survey.

Unfortunately, despite earlier announcements, by the end of the work on this *Report*, the Central Statistical Office was not able to provide the results of the National Census in respect of persons belonging to minorities, and their socio-economic characteristics. For this reason, this *Report* is still based on the results of the National Census carried out in 2002. After the announcement of the census results by the CSO, up to date information about the number of national and ethnic minorities will be transferred to the Secretary General of the Council of Europe in the form of an annex to this *Report*.

During preparation of the 3rd *Report*, in contrast to the previous document, it was decided not to provide updates to previously submitted information, but to present comprehensive, current information on the state of the implementation by the Republic of Poland of the *Framework Convention for the Protection of National Minorities*. In the opinion of the authors, this approach should improve the readability of the document. While preparing the 3rd *Report*, just like in previous reports, emerging problems, demands and assessments made by minority communities have not been described in detail, limiting the assessment for the benefit of the facts.

During the preparation of this report, wide consultations were carried out, particularly with the organizations representing national and ethnic minorities and communities using the regional language. The report was submitted for consultation to members of the Joint Commission of Government and National and Ethnic Minorities, social organizations dealing with the protection of human rights, and fight against racism and xenophobia, as well as scientists dealing with issues of national and ethnic minorities and the regional language. The report also submitted for cross-department consultations. From among the social organizations, comments to the Report were submitted by: Polish Roma Association, Open Republic - Association Against Anti-Semitism and Xenophobia and the Helsinki Foundation for Human Rights. Comments submitted during the consultation were taken into account as far as possible in the report; some of them were not taken into account, because they were more of a comment than information in nature. Notes of NGOs, which could not be included in the principal text have been collected and made available in Annex 8 to the report.

PART I: GENERAL

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

1.1 Characteristics of the political system, administrative division.

The Republic of Poland covers an area of 312 683 km² and is inhabited by 38,511,800 people, of which 38,445,600 are the citizens of the Republic of Poland (Central Statistical Office data, "National Census of Population and Housing 2011". Performance report, July 2012). It borders with the Federal Republic of Germany, the Czech Republic, the Slovak Republic, Ukraine, Republic of Belarus, the Republic of Lithuania and the Russian Federation. The Republic of Poland is a unitary state with parliamentary-cabinet system of government. Parliament consists of two chambers, a lower house - the Sejm (consisting of 460 deputies) and the upper house - the Senate (consisting of 100 senators). Parliament is elected for a four-year term by universal suffrage, direct, secret ballot, and in the case of Sejm also by equal and proportional elections. In the current term, among the deputies and senators there are representatives of national minorities and the community using the regional language. Parliamentary term ends in 2015.

The President of the Republic of Poland is elected by universal suffrage for a five-year term. The current presidential term ends in 2015.

Poland is divided into 16 Voivodeships, which are subdivided into 314 Poviats (Counties) and 2,479 Communes (Municipalities), of which 65 have the status of cities with the powers of Poviats. By making on 1 January 1999, the new administrative division of the country, nationality structure, among others, was taken into account.

1.2 Geographical distribution of national and ethnic minorities.

Used in the Framework Convention for the Protection of National Minorities, the term "national minorities" under Polish law corresponds to the term "national and ethnic minorities". Thus, the provisions of the Framework Convention apply equally to national minorities and ethnic minorities. Definitional differences between national and ethnic minorities have been described in the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No. 17, item. 141, as amended). According to the Act, the national minorities are the following minorities: Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish, while the ethnic

minorities are - Karaim, Lemko, Roma and Tartars. The highest concentrations of ethnic and national minorities in the following Voivodeships: Opolskie 105 509¹ Polish citizens (9.91% of the Voivodeship's residents), Podlaskie 53 807 (4.45 % of the Voivodeship's residents), Śląskie 32 679 (0.69 % of the Voivodeship's residents), Warmińsko-Mazurskie 17 096 (1.20 % of the Voivodeship's residents), Dolnośląskie 8429 (0.29 % of the Voivodeship's residents), Zachodniopomorskie 5956 (0.35 % of the Voivodeship's residents), Małopolskie 5734 (0.18 % of the Voivodeship's residents), and Pomorskie 5560 (0.26 % of the Voivodeship's residents).

In addition, the areas of Pomorskie Voivodeship are inhabited by the community using the regional language (Kashubian). In the *National Census of Population and Housing 2002*, 52 665 people declared the use of the Kashubian language at home. On the territory of Pomorskie Voivodeship there are 52 588 of such people, and they are representing 2.41% of the region inhabitants. The provisions of the Convention are implemented in respect of this group concerning language rights.

2. The status of international law in national legislation.

In accordance with the Article 87 of the Polish Constitution of 2 April 1997 (Journal of Laws No. 78, item., 483, as amended), sources of universally binding law of the Republic of Poland are: the Constitution, Acts, ratified international agreements, regulations and on the areas operated by the authorities which have established them, acts of local law.

Poland respects the basic principles of international law, in the spirit of the UN Charter and the Final Act of the Conference on Security and Cooperation in Europe, while being party to international agreements such as the Vienna Convention on the Law of Treaties of 1969.

Provision of Article 91 of the *Constitution* states that a ratified international agreement, after its publication in the Official Journal of the Republic of Poland, is part of the domestic legal order, and is applied directly, unless its implementation depends on the enactment of the Act. An international agreement ratified upon prior consent granted in the Act takes precedence over the Act, if this Act cannot be reconciled with the agreement. However if it arises from the ratified by the Republic of Poland agreement establishing an international organization, the laws created by the organization are applied directly, and have precedence in case of conflict with the Acts.

¹ Unless otherwise stated, all statistics are derived from the National Census of Population and Housing of 2002.

Framework Convention for the Protection of National Minorities is one of the agreements ratified in Poland, with the prior consent granted in the Act, which places it as part of the domestic legal order, and gives it precedence over the Acts, if the *Convention* cannot be reconciled with the Act. As a result, the *Framework Convention* can be directly used by the internal bodies, including the courts, unless its implementation depends on the enactment of the Act. According to the Polish Government, the *Framework Convention* in many respects includes self-executing rules, in other aspects, its rules are non-self-executing, which means that their implementation will require the issue of statutory provisions.

3. The number of national and ethnic minorities.

Poland is currently inhabited by the representatives of 13 national and ethnic minorities, whose number confirmed by the census of 2002 amounts to 253 273 people. This represents about 0.7% of all Polish citizens. The number of different minorities and persons using the regional language at home is presented in the following table.

In five Communes, the representatives of national minorities constitute the majority of residents. These Communes are located in Podlaskie Voivodeship, and they are inhabited by the Belarusian minority community: Orla (Bielski Powiat – 68,47 % of inhabitants), Czyże (Hajnowski Powiat – 81,59 % inhabitants), Dubicze Cerkiewne (Hajnowski Powiat – 81,23 % inhabitants), Commune of Hajnówka (Hajnowski Powiat – 64,22 % inhabitants) and inhabited by Lithuanian minority the Commune of Puńsk (Sejneński Powiat – 74,36 % inhabitants).

National and ethnic minorities	Declared belonging to national or ethnic minorities	Declared in-home use of language of national or ethnic minority, and regional language	<u>Voivodeships with the highest concentration of minority or community using the regional language</u>
Belarusian	47 640	40 226	Podlaskie (46 041)
Czech	386	1 226	Łódzkie (111), Śląskie (61)
Karaims	43	-	Mazowieckie (21), Dolnośląskie (11)
Lithuanian	5 639	5 696	Podlaskie (5097)
Lemko	5 850	5 605	Dolnośląskie (3082), Małopolskie (1580), Lubuskie (784)
German	147 094	196 841	Opolskie (104 399), Śląskie (30 531), Warmińsko-Mazurskie (4311)
Armenian	262	321	Mazowieckie (73), Wielkopolskie (26), Śląskie (23)
Roma	12 731	15 657	Małopolskie (1678), Mazowieckie(1291), Łódzkie (1018),
Russian	3 244	12 125	Mazowieckie (614), Podlaskie (511)

Slovak	1 710	794	Małopolskie (1572)
Tartar	447	9	Podlaskie (319)
Ukrainian	27 172	21 055	Warmińsko-Mazurskie (11 881), Zachodniopomorskie (3703), Podkarpackie (2984), Pomorskie (2831)
Jewish	1 055	243 (Yiddish and / or Hebrew languages)	Mazowieckie (397), Dolnośląskie (204)
People who use a regional language at home		52 665	Pomorskie (52 588)

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

4. Characteristics of national and ethnic minorities.

4.1 General characteristics

Minorities living in Poland are mostly aging communities. The percentage of people in the retirement age (60 years or more in the case of women / 65 years or more for men), which among general Polish population reaches 15.0%, in case of vast majority of national and ethnic minorities reaches values higher than the average. For example, 44.05% of Russians, 37.84% Slovaks, 37.05% Czechs, and 33.98% Belarusians have reached the retirement age. Only among Armenians (11.07%) and Roma (4.50%), this ratio is lower than the national average.

Among the representatives of six minorities (Russians, Jews, Czechs, Slovaks, Belarusians, Germans), less than 15% of the population consists of people of pre-working age (0-17 years). As a comparison, the average for the general Polish population is 23.2%. The youngest minorities are: Roma (36.31% of the population is represented by the group in pre-working age), Armenian (25.95%) and the Karaims (23,26 %).

Among people speaking regional language at home, we can also observe a slight trend towards population aging. According to results of the *National Census of Population and Housing 2002*, 21.59% of people using regional language are in the retirement age, while 13% of the population is in the pre-working age.

Among the representatives of national and ethnic minorities, there is visible relative balance in the number of women and men, with the exception of the Russian minority in which 78% are women. The proportion of women among minorities is the lowest in the case of the Jews (43.79%), Armenians (45.80%) and Karaims (46.51%). However, it does not differ significantly from the national average, amounting to 51.57% of the population.

Marital status (analyzed for those having 15 or more years), and thus the proportion of married or unmarried, hovers around 60% and does not differ the analyzed minority from the national average amounting to 57.6%. The highest percentage of married persons has been among the following minorities: Slovak (63.06%), Karaim (62.86%) and Armenian (62.56%). Unique and strongly differing from the national average (28.6% of the population) is the percentage of Roma who have not entered into marriage. In the course of *National Census of Population and Housing* conducted in 2002, as much as 52.16% of people belonging to the Roma ethnic minority declared their single status.

Among people who use the regional language at home, the highest recorded proportions among analyzed groups belong to married people, amounting to 65.26% of the population.

In terms of place of residence, the ethnic minorities can be divided into two groups. The first one includes the minorities, the majority of which lives in the cities. People belonging to these minorities are the descendants of the community which for centuries migrated to the Polish territories. Cities are home to more than 90% of the Karaims, Jews, Tatars and Roma. Moreover, among the Czechs, Armenians and Russians living in urban areas, the ratio remains well above the rate of 61.8% nationwide average for the population. The second group includes minorities traditionally living by farming. Among them, the ratio of living in the countryside exceeds the average for the Polish population (38.2%), achieving record results for the Slovak minority (92.05%), Lithuanian (76.77%) and German (70,51 %).

The level of education is closely related to place of residence - so it is not surprising that the highest proportion of people with higher education is among those living mainly in urban areas, representing the following minorities: Karaim (58.33%), Jewish (42.48%), Armenian (40.29%), Russian (37.77%) and Tartar (18.75%). It should be noted that the percentage of people with higher education among the persons belonging to national and ethnic minorities is generally higher than the 9.9% of the national average. This applies, in addition to the aforementioned, Ukrainian, Czech and Lithuanian minorities. In the case of the Lemko minority, this value is almost equal to the national average i.e. 9.88%. Although data on higher education of Belarusian minority (9.24%) slightly differ from the national average, it should be noted that it is still higher than the average value for Podlaskie Voivodeship (9.1%), which is home to more than 96% of persons belonging to this minority. The results far different from the national average are achieved by Roma (0.14%), German (3.12%) and the Slovak (4,46 %) minorities.

The case of the Roma is a unique one, and will be discussed later in this chapter. The situation of the Slovak minority differs greatly to the detriment of the average of the Małopolskie Voivodeship (10.1%). It should be noted, however, that the position of this region is affected by the city of Krakow, an important urban and university center. When we compare the situation of the Slovak minority (living in more than 92% in rural areas) with the share of people with higher education among the rural population of the Voivodeship (4.2%), this result does not surprise (both values are similar). In addition, data on the German minority (3.12%) differ greatly to the detriment in comparison to the average of Opolskie Voivodeship (8.0%) and Śląskie (8.9%), in which over 91% of people belonging to the minority live. It should be noted, however, that just as in the case of the Slovak minority, the position of these two Voivodeships is under influence of numerous academic centers (including Opole, Katowice, Gliwice, Częstochowa). The situation of the German minority (living in more than 70% in rural areas) is close to the national average for people living in rural areas (4.2% of the population), and it does not differ much from the average for people with higher education among rural population of Opolskie Voivodeship(3.8%) and Śląskie (5,1 %).

The impact of rural residence on the choice of educational path of Slovak and German minorities can also be seen in the analysis of education. The percentage of people with completed primary education and vocational education is among the highest of all minorities, and in the case of the Slovak minority amounts to 77%, and German 74% (among other minorities, this ratio does not exceed 54%). A similar indicator for the general public is 53%. Primary or vocational education is characteristic of people living in the Polish countryside. According to census data, 67.7% of the rural areas residents end education at this level.

Another important indicator showing the level of education of persons belonging to minorities is the number of people who have not completed primary education. This ratio for the general Polish population is 3.64%. Among the vast majority of national and ethnic minorities the rate is lower than the national average, reaching for the Tatar minority 1.50%, Jewish 1.54% and German 2.24%. The highest values of this index were recorded for Lithuanian 10.65%, Belarusian 18.01%, and Roma 50.76% minorities. For the first, two clearly visible is the impact of place of residence (rural).

The case of the Roma minority requires a separate analysis. This minority is without a doubt the only minority in which the educational problems are visible and pressing. Government institutions together with local authorities and organizations of the Roma community notice this problem and take a number of actions aimed at increasing the level of

education. It should be noted that under the *Programme for the Roma community in Poland*, implemented since 2004, the education issues are treated as a priority.

Generally, it should be noted that, apart from the Roma minority, the educational level of persons belonging to minorities is generally higher than the national average and is associated with place of residence.

With regard to the level of education of persons belonging to the community using the regional language, it can be seen that, similarly to the Slovak and German minority, it is strongly determined by the place of residence. Vast majority of people using the regional language at home live in rural areas - 83.44% of the population. Among discussed groups only the majority of Slovaks live in the countryside. Just like in the case of Slovaks and Germans, it has a clear impact on the level of education. Only 2.16% of people who use the regional language at home have a university degree, while similarly to the Slovaks and Germans there dominate those with completed primary or vocational education. This group in case of people who use the Kashubian language at home, amounts to as much as 82.40% of the studied population.

The level of education is an excellent starting point for determining the economic activity of individual minorities. Considering persons above 15 years of age, the highest amount of people working are among the following minorities: 52.22% Armenian, 46.69% Jewish, 46.67%, Belarusian, Lithuanian 46.53%, and Karaim 45.71%. For the remaining minority the value is less than 42.25% of the national average. This condition does not stem from the problems of finding a job for persons belonging to national or ethnic minorities; it is rather due to the aforementioned higher percentage among minorities of persons in the retirement age.

The unemployment rate for all minorities, with the exception of the Roma minority, is lower than the national average. In the *National Census of Population and Housing*, 11.37% of Polish citizens declared themselves as unemployed. By comparison among described communities, this ratio ranged from 2.86% in the case of the Karaim minority to 11.34% in case of Tartar minority. In the other groups generally did not exceed 8% of the population.

The only negative situation concerns Roma minority, where the percentage of people unemployed reaches 30.98% of the studied population. In fact, the situation of this community is even more difficult, because when analyzing the status of national and ethnic minorities in the labor market it should be noted that in the case of the Roma minority only 8.29% of respondents stated that they have a job (3.64% are the employees, 4.41% are the employers, self-employed and contributing family members). The case of the Roma minority

is the only one so clearly differing from the average values represented by the rest of Polish citizens, both belonging and not belonging to minorities.

Economic activity of people who use the regional language at home does not differ from the average value calculated for national and ethnic minorities. Among this community, 44.89% of the population is employed, while the percentage of unemployed people in the population is 7.82 %.

Generally, it should be noted that the situation of individual national and ethnic minorities and communities using the regional language is not significantly different from the national average, except for the Roma minority. The data obtained during the *National Census of Population and Housing* in 2002 do not suggest that belonging to minorities, with the exception of the Roma, determined the socio-economic situation of citizens. It is rather influenced by other variables, such as place of residence (rural-urban, region of the country) and the age of the respondents.

4.2 Characteristics of the individual national and ethnic minorities in Poland

The Belarusians are a national minority traditionally residing in the south-eastern areas of Podlaskie Voivodeship. During the *2002 National Census of Population and Housing*, Belarusian nationality was declared by 47 640 Polish citizens, including in Podlaskie - 46 041, Mazowieckie - 541, Warmińsko-Mazurskie - 226, Lubelskie - 137, Pomorskie - 117, Zachodniopomorskie - 117. The largest concentrations of Polish citizens of Belarusian nationality are in the south-eastern Poviats of Podlaskie Voivodeship: Hajnówka (39.1% of Poviats population), Bielsk (19.80%), Siemiatycze (3.46%), Białystok (3.2%) and in the city of Białystok² (2.53%). On the territory of 12 Communes of Podlaskie Voivodeship, Belarusian minorities make up more than 20% of the inhabitants of the Commune, including 4 cases with 50%.

In the Parliament sits one representative of Belarusian minority, chosen from Democratic Left Alliance list. In the municipal elections held in 2010, the Belarusian minority did not designate their election committees. Candidates belonging to the minority competed from the national lists of political parties and local election committees. Following the election, the candidates belonging to the minority took seats in the councils of the Communes and Poviats of Podlaskie Voivodeships inhabited by the Belarusian minority, as well as in the regional parliament. In Communes densely populated by the Belarusian minority, candidates

² City with the powers of a Poviats.

belonging to the minority serve as Voits (Mayors). In some Poviats of Podlaskie Voivodeship densely populated by the Belarusian minority representatives of this minority also serve as Starostes and Deputy-Starostes.

In the school year 2011/2012, 3 041 students belonging to this minority learned the Belarusian language in 44 educational institutions.³

The vast majority of the representatives of the Belarusian minority belong to the Polish Autocephalous Orthodox Church.

Main organisations:

- Białoruskie Towarzystwo Społeczno-Kulturalne (Belarusian Social and Cultural Society),
- Związek Białoruski w Rzeczypospolitej Polskiej (Belarusian Association in the Republic of Poland) - which consists of acting autonomously: Białoruskie Stowarzyszenie Literackie "Białowieża" (Belarusian Association of Literary "Białowieża"), Białoruskie Towarzystwo Historyczne (Belarusian Historical Society), Stowarzyszenie Dziennikarzy Białoruskich (Belarusian Association of Journalists), Radę Programową Tygodnika „Niwa” (Program Council of weekly magazine „Niwa”), Białoruskie Zrzeszenie Studentów (Belarusian Students Association), Towarzystwo „Chatka” (Society „Chatka”) from Gdańsk,
- Związek Młodzieży Białoruskiej (Belarusian Youth Union),
- Stowarzyszenie „Muzeum i Ośrodek Kultury Białoruskiej” (Association “Museum and Centre of Bielarussian Culture”) in Hajnówka,
- Towarzystwo Kultury Białoruskiej (Belarusian Culture Association),
- Stowarzyszenie na Rzecz Dzieci i Młodzieży Uczących się Języka Białoruskiego „AB-BA” (Association for Children and Youth Learning Belarusian Language „AB-BA”),
- Stowarzyszenie Muzeum Małej Ojczyzny (Small Homeland Museum Association) in Studziwody.

Major press titles:

- „Niwa” – weekly magazine,
- „Czasopis” – monthly magazine,

³ According to the Ministry of National Education data.

- „Bielski Hostinec” – half-yearly magazine,
- „Białoruskie Zeszyty Historyczne” – half-yearly magazine,
- „Termapiły” – yearly magazine,
- „Kalendarz Białoruski” – yearly magazine,
- „Annus Albaruthenicus” – yearly magazine.

Private media:

- Belarusian Radio „Racja” – broadcasting programs in Belarusian language.

Major cultural events:

- Festival „Piosenka Białoruska” (Belarusian Song)
- Festival of Sung Poetry and Author's Song „Jesień Bardów”,
- Festival of Young Belarus Music „Basowiszczka”,
- International Cultural Festival „Siabrouskaja Biasieda”,
- Day of Belarusian Culture in Białystok,
- „Kupalle” Day in Białowieża.

The Czechs are a minority, belonging to which - during the *2002 National Census of Population and Housing* – was declared by 386 Polish citizens, including in the Łódzkie Voivodeship - 111, Śląskie - 61, Dolnośląskie - 47, Mazowieckie - 37. The first Czech migration to the Polish territories took place in the mid-sixteenth century, and was due to religious persecution of Czech Brethren. Next waves of migration took place in the first half of the seventeenth century, the second half of the eighteenth century and early nineteenth century - the latter was associated with the development of the textile industry in Łódź.

Czech minority is not represented in Parliament. The minority also did not designate their candidates in the local elections held in 2010.

Czechs living in Poland are traditionally Evangelicals.

Main organisation:

- Since 2010, in Poland functions the Association of Czechs (Stowarzyszenie Czechów w Polsce). In addition, socio-cultural activities of persons belonging to Czech minority concentrate around Evangelical-Reformed Parish in Zelów.

Major cultural event:

- annual competition of preschool theater groups.

The Karaims are the smallest ethnic minority in Poland. During the *National Census of Population and Housing 2002*, Karaim nationality was declared by 43 Polish citizens. Karaims live primarily in and around Warsaw, Wrocław, Kraków and the Tricity. The first group of Karaims came from Crimea in thirteenth century and settled in the lands of the Duchy of Halych-Volyn (Lutsk, Halych, and Lviv). At the turn of the thirteenth century, a large group of Karaims was settled in Trakai near Vilnius. At the present Polish territories, the Karaims were resettled after World War II as a result of the repatriation of the eastern provinces of the Republic of Poland.

Karaim minority is not represented in Parliament. The minority also did not designate their candidates in the local elections held in 2010.

Karaims lost knowledge of their native language. Karaim language teaching of children and youth takes place in the summer schools in Trakai, Lithuania.

Karaim religion is derived from Judaism, and is unique to the Karaims. Important role in the life of the Karaim minority plays the Karaim Religious Union in the Republic of Poland.

Main organisation:

- Związek Karaimów Polskich (Polish Karaims Association).

Major press title:

- Awazymyz – quarterly magazine.

Major cultural event:

- a series of events „Spis podróżny. Karaimskie drogi” – under which an old photographs exhibition is held „Karaj jołary - Karaimi w starej fotografii” and accompanying events are organized.

The Lithuanians are a national minority, traditionally residing in the northern territories of Podlaskie Voivodeship. Lithuanian nationality - during the *National Census of Population and Housing 2002* – was declared by 5 639 Polish citizens, including in Podlaskie Voivodeship - 5 097, Mazowieckie - 99), Warmińsko-Mazurskie - 83, Pomorskie - 75, Zachodniopomorskie - 67, Dolnośląskie - 53. The highest concentration of the Lithuanian

minority is located in the Sejny Powiat in Podlaskie Voivodeship, where during the national census 21.20% of Polish citizens declared Lithuanian nationality. Lithuanians live mainly in the Puńsk Commune - 74.36% of the population, the rural Commune of Sejny - 18,52 %, the urban Commune of Sejny - 7.80%, and the Commune of Szypiliszki belonging to the Suwałki Powiat - 2.66% of the population.

Lithuanian minority is not represented in Parliament. In the municipal elections held in 2010, the Lithuanian minority did not designate their election committees. Candidates representing this minority run for seats from the lists of local election committees. As a result of the election, three persons belonging to the Lithuanian minority sit on the Sejny Powiat Council. Lithuanian minority has 14 seats in the council of the Commune of Puńsk (out of 15 possible), moreover members of the minority sit on city councils (1) and the Commune (4) of Sejny. Three of their representatives sit on the Sejny Powiat Council. Representatives of the Lithuanian minority also act as Mayor of the Commune of Puńsk and Deputy-Staroste of Sejny.

In the school year 2011/2012, 675 students in 19 institutions learned Lithuanian language as their native language. In most of these educational institutions, Lithuanian language is the language of instruction - only Lithuanian minority has chosen this teaching model in Poland . Teaching of the Lithuanian language is organized at all levels.

The vast majority of the representatives of the Lithuanian minority are the followers of Roman Catholic Church.

Main organisations:

- Wspólnota Litwinów w Polsce (Community of Lithuanians in Poland),
- Stowarzyszenie Litwinów w Polsce (Association of Lithuanians in Poland),
- Litewskie Towarzystwo św. Kazimierza (Lithuanian Society of St. Casimir),
- Fundacja im. Biskupa Antanasa Baranauskasa „Dom Litewski w Sejnach” (Bishop Antanas Baranauskas Foundation - „Lithuanian House in Sejny”).

Major press titles:

- „Aušra” – biweekly,
- „Aušrelė” – monthly magazine for children,
- „Šaltinis” – quarterly,
- „Suvalkietis” – quarterly.

Major cultural events:

- Jarmark Folklorystyczny (Folk Fair) - „Zielna”,
- Festiwal Teatrów Stodolanych (Barn Theatre Festival),
- Festiwal Teatrów Dziecięcych (Children Theatre Festival),
- „Sąskrydis” - zlot litewskich zespołów artystycznych (Lithuanian artistic ensembles gathering),
- Koncert Zaduszkowy (All Souls' Day Concert) - „Vėlinės”.

The Lemkos are an ethnic minority belonging to which - in the *National Census of Population and Housing 2002* – was declared by 5 850 Polish citizens, including: in Dolnośląskie Voivodeship - 3 082, Małopolskie - 1 580, Lubuskie - 784, Podkarpackie - 147, Zachodniopomorskie - 66. Traditionally, members of this minority lived in the so-called Lemkivshchyna, which is part of the Low Beskids and Beskid Sądecki. To the areas of current residence (western regions of the country), Lemkos were resettled in 1947 as a result of the operation "Vistula" (condemned by the Polish Senate in 1990). Today, only a part of the Lemko people lives in areas of historical Lemkivshchyna (Małopolskie Voivodeship).

Some Lemkos emphasize their belonging to the Ukrainian nation, others declare that they do not have ties to this nation.

Lemko minority is not represented in Parliament. In the municipal elections held in 2010, the Lemko minority did not designate their election committees. Candidates belonging to minorities run from both the national lists of political parties and local election committees. As a result of the elections, two councilors belonging to the Lemko minority sits on the Poviats Councils in the Dolnośląskie Voivodeship (Legnica Poviats) and Małopolskie Voivodeship (Gorlice Poviats), 8 minority candidates were elected to Commune Councils in the areas of Dolnośląskie Voivodeship, Podkarpackie and Małopolskie. In one of the Communes in the Małopolskie Voivodeship, candidate belonging to the Lemko minority was elected as Mayor of the Commune.

In the school year 2011/2012, 268 students belonging to the minority learned Lemko language as their native language in 37 educational institutions.

Lemkos in the vast majority belong to two churches: the Polish Autocephalous Orthodox Church and the Catholic Church of Byzantine-Ukrainian rite.

Main organisations:

- Stowarzyszenie Łemków (Lemkos Association),

- Zjednoczenie Łemków (Lemkos Union) (supporting member of the Ukrainians Association in Poland),
- Stowarzyszenie „Ruska Bursa” (Association „Ruska Bursa”) in Gorlice,
- Towarzystwo na Rzecz Rozwoju Muzeum Kultury Łemkowskiej w Zyndranowej (Society for the Development of Lemko Culture Museum in Zyndranowa),
- Łemkowski Zespół Pieśni i Tańca „Kyczera” (Lemko Ensemble of Song and Dance „Kyczera”),
- Stowarzyszenie Miłośników Kultury Łemkowskiej (Association of Lemko Culture Enthusiasts).

Major press titles:

- „Besida” – bimonthly,
- „Watra” – quarterly,
- „Rocznik Ruskiej Bursy”- yearly,
- „Łemkiwska Storinka” - supplement to the Ukrainian weekly "Nasze Słowo".

Non-public media:

- Since June 2011, in Gorlice, the non-public Internet Radio of Lemko Association RUSKA BURSA broadcasts in Lemko language (currently using the name of Radio Internetowe Ruskiej Bursy „LEM.fm”).

Major cultural events:

- „Łemkowska Watra” in Zdynia,
- „Łemkowska Watra na Obczyźnie” in Michałów,
- European Folk Festival of National and Ethnic Minorities - „Świat pod Kyczera”,
- „Łemkowska Jesień Twórcza”,
- „Międzynarodowe Biennale Kultury Łemkowskiej” in Krynica,
- „Spotkania z Kulturą Łemkowską” in Gorzów Wielkopolski,
- Łemkowska Watra in Ługi.

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

German minority is represented in the Parliament by one representative selected from the list of the election committee of the German minority. In the municipal elections held in 2010, only German minority designated electoral committee in the Opolskie Voivodeship region. Candidates belonging to minorities competed also from the national lists of political parties and local election committees. Following the election, seven candidates belonging to the German minority sit in the regional council of Opolskie and Warmińsko-Mazurskie Voivodeships. Fifty representatives of the minority sit on the boards of Poviats on the territory of Opolskie and Warmińsko-Mazurskie Voivodeships (Poviats: kędzierzyńsko-kozielski, kluczborski, krapkowicki, oleski, opolski-ziemski, prudnicki, strzelecki and szczycieński), 282 minority candidates were elected to Commune councils on the territories of following Voivodeships: Opolskie, Zachodniopomorskie and Warmińsko-Mazurskie. 23 candidates representing the German minority were selected for the office of Voigt or municipal Mayor of Opolskie Voivodeship. In addition, candidates descending from the German minority, competing from the local and national political parties lists, were elected for the various levels of local government in Silesia. The representatives of the German minority serve also as a Starostes and Deputy Starostes in some Poviats, densely inhabited by people belonging to this minority.

In the school year 2011/2012 the German language was taught in 567 educational institutions to 37 538 students belonging to the minority.

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

Main organizations:

- Związek Niemieckich Stowarzyszeń Społeczno-Kulturalnych w Polsce (Association of German Social-Cultural Societies in Poland) – the Association represents 9 social and cultural associations active in 9 Voivodeships and around 600 local groups. The Association has 9 standing and 6 associate members (organizations). The standing members include: Towarzystwo Społeczno-Kulturalne Niemców na Śląsku Opolskim (The Social and Cultural Society of the Germans in the Opole Silesia), Towarzystwo Społeczno-Kulturalne Niemców w województwie śląskim (The Social and Cultural Society of the Germans in the Śląskie Voivodeship), Towarzystwo Społeczno-Kulturalne Mniejszości Niemieckiej w województwie zachodnio-pomorskim (German Minority Social and Cultural Society in the Zachodnio-Pomorskie Voivodeship), Niemieckie Towarzystwo Kulturalno-Społeczne w województwie łódzkim (German Minority Social and Cultural Society in the Łódzkie Voivodeship), Towarzystwo Społeczno-Kulturalne Mniejszości Niemieckiej w województwie lubuskim (German Minority Social and Cultural Society in the Lubuskie Voivodeship), Niemieckie Towarzystwo Społeczno-Kulturalne w województwie dolnośląskim (German Minority Social and Cultural Society in the Dolnośląskie Voivodeship), Związek Stowarzyszeń Niemieckich Warmii i Mazur (Union of German Associations in the Warmia and Mazury Region), Związek Mniejszości Niemieckiej w województwie pomorskim (German Minority Association in the Pomorskie Voivodeship), Stowarzyszenie Ludności Pochodzenia Niemieckiego w województwie kujawsko-pomorskim (Association of German Origin Population in the Kujawsko-Pomorskie Voivodeship). The associate organizations include Związek Młodzieży Mniejszości Niemieckiej w Rzeczypospolitej Polskiej (Union of German Minority Youth in the Republic of Poland), Związek Śląskich Rolników (Union of Silesian Farmers), Związek Śląskich Kobiet Wiejskich (Union of Silesian Rural Women), Towarzystwo Dobroczynne

Niemców na Śląsku (German Charitable Society in Silesia), Konwersatorium im. Josepha von Eichendorffa (Joseph von Eichendorff Institute) and Niemieckie Towarzystwo Oświatowe (German Educational Society),

- Niemiecka Wspólnota „Pojednanie i Przyszłość" (German Community "Reconciliation and Future"),
- Stowarzyszenie Mazurskie (Association of the Mazury Region)
- Śląskie Stowarzyszenie Samorządowe (Silesian Self-government Association).

Major press titles:

- „Wochenblatt.pl" - weekly,
- „Heimat - Mała Ojczyzna" – weekly suplement to Nowa Trybuna Opolska,
- „Mitteilungsblatt" - monthly,
- „Masurische Storchenpost" – monthly,
- „Oberschlesische Stimme" – monthly supplement to Wochenblatt.pl. weekly.

Non-public media:

- Polish-German Internet Radio „Mittendrin" – broadcasting in German language,
- Radio Vanessa from Racibórz – broadcasting in German language „Die deutsche Stimme" programme,
- Radio Park FM in Kędzierzyn-Koźle – broadcasting in German language „Kaffeeklatsch" programme,
- Satellite television – CSBTv, and satellite television TVS – emitting in the period covered by the *Report* a German-language programme „Schlesien Journal".

Major cultural events:

- Festival of the German Minority Culture in Poland,
- Dni Kultury Niemieckiej (German Culture Days) in Opole Silesia,
- Recitation Competition in German „Młodzież Recytuje Poezję" (Youth Recitates Poetry),
- Summer Festival „Sommerfest" in Olsztyn,
- Review of Orchestras and Bands of the German Minority in Leśnica,
- Review of Children and Youth Ensembles of the German Minority in Leśnica,
- Festival of Choirs and Choral Ensembles of the German Minority in Walce.

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

As a result of the parliamentary elections held in 2011, a candidate from the Armenian minority holds the senator's seat.

As a result of the local elections held in 2010, a councilor associated with the Armenian community in Poland sits on the regional council in Świętokrzyskie Voivodeship.

In the school year 2011/2012, the Armenian language was taught in three educational institutions (in Warsaw and Krakow) to 35 students belonging to the minority.

Armenians living in Poland are mostly Catholics of Armenian or Latin rite.

Main organisations:

- Fundacja Kultury i Dziedzictwa Ormian Polskich (Foundation for Culture and Heritage of Polish Armenians) based in Warsaw,
- Fundacja Ormiańska KZKO (Armenian Foundation KZKO),
- Ormiańskie Towarzystwo Kulturalne (Armenian Cultural Association) based in Krakow,
- Związek Ormian w Polsce im. Arcybiskupa Józefa Teodorowicza (Archbishop Joseph Teodorowicz's Union of Armenians in Poland) based in Gliwice.

Major press titles:

- „Awedis” – quarterly,
- „Biuletyn Ormiańskiego Towarzystwa Kulturalnego" - quarterly.

Major cultural events:

- The celebration of the anniversary of the Armenian genocide 1915,

- Nation-wide Meetings of Armenian Community,
- Armenian Days in Krakow, Warsaw and Gliwice.

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

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

The Carpathian Roma, who have been leading a settled life for several hundreds of years, now live in the mountainous areas of the Małopolskie Voivodeship. The largest number of Roma lives in the rural commune of Bukowina Tatrzańska, Tatrzański Powiat, where 1.10% of the residents declared to be of the Roma nationality during the National Census. Relatively large populations of the Bergitka Roma live in the urban areas of Upper and Lower Silesia and in the city of Nowa Huta, where in the fifties the Roma community members found jobs within the framework of the so called “policy of productivisation”. Most of the Roma who belong to the three remaining groups used to lead nomadic life. Nowadays, members of these groups live mainly in the cities of Warsaw, Poznań, Wrocław, Łódź, Cracow, Mielec and Puławy, and in a number of smaller towns, following the forced settlement policy of the People’s Republic of Poland authorities.

The Roma minority is not represented in the Parliament. The representatives of this minority competed for the office in some Communes in the local elections held in 2010, from lists of various election committees. None of the minority candidates, however, won a mandate.

Roma in Poland are in the vast majority members of the Roman Catholic Church, although for several years the participation of the Roma in the Pentecostal Church and Jehovah's Witnesses can be seen. Over 80 Roma NGOs are registered in the country.

**Main organizations - main Roma beneficiaries
of the Programme for the Roma communities**

- Związek Romów Polskich (Association of the Roma in Poland),
- Centrum Doradztwa i Informacji dla Romów w Polsce (Central Council of the Roma community),
- Stowarzyszenie Kulturalno-Społeczne - Centrum Kultury Romów w Polsce (Cultural Centre of the Roma community – Social and Cultural Society),
- Stowarzyszenie Romów w Krakowie Nowej Hucie (Association of the Roma community in Cracow - Nowa Huta),
- Stowarzyszenie Romów „Romani Bacht” (Association of the Roma „Romani Bacht”) in Wrocław,
- Związek Romów Polskich (Association of the Roma) in Gorzów Wielkopolski,
- Towarzystwo Krzewienia Kultury i Tradycji Romskiej „Kałe Jakha” (Association for the promotion of Roma Culture and tradition „Kałe Jakha”),
- Stowarzyszenie Romów Polskich „Parno Foro” (Polish Roma Association „Parno Foro”),
- Romskie Stowarzyszenie Oświatowe „Harrangos” (Roma Educational Association „Harrangos”),
- Stowarzyszenie Romów „Patra” (Roma Association „Patra”) in Pyrzyce,
- Fundacja Bahtałe Roma (Foundation Bahtałe Roma),
- Towarzystwo Kulturalno-Społeczne Romów w RP (Cultural-Social Roma Association in the Republic of Poland) in Kędzierzyn-Koźle,
- Stowarzyszenie Asystentów Edukacji Romskiej w Polsce (Polish Association of Roma Education Assistants),
- Stowarzyszenie Romów i Innych Narodowości (Association of Roma and Other Nationalities) in Nysa,

- Międzynarodowe Stowarzyszenie Twórców Romskich w Polsce *Roma* (International Association of Roma Artists in Poland *Roma*).

Major press titles:

- „Romano Atmo” – bimonthly,
- „Dialog-Pheniben” – quarterly,
- „Kwartalnik Romski” – quarterly.

Major cultural events:

- The “Romane Dyvesa” International Meetings of Gypsy Music Bands in Gorzów Wielkopolski,
- International Festival of the Roma Songs and Culture in Ciechocinek,
- Tarnów-Szczurowa International Roma Caravan of Memory,
- Celebration of International Roma Day,
- Celebration of the anniversary of liquidation of the so-called Zieguenerlager on the site of the Nazi German Auschwitz-Birkenau Concentration Camp,
- Opening and closing of the Gypsy season in the Regional Museum in Tarnów.

The Russians form a national minority of 3 244 Polish citizens who declared to be of Russian nationality during the *2002 National Population and Housing Census*, - this figure includes 614 residents of the Mazowieckie Voivodeship, 511 residents of the Podlaskie Voivodeship, 362 residents of the Dolnośląskie Voivodeship, 275 residents of the Śląskie Voivodeship, 221 residents of the Zachodniopomorskie Voivodeship, 199 residents of the Pomorskie Voivodeship, 179 residents of the Łódzkie Voivodeship, 160 residents of the Wielkopolskie Voivodeship, 124 residents of the Lubuskie Voivodeship, 112 residents of the Warmińsko-Mazurskie Voivodeship, and 106 residents of the Małopolskie Voivodeship. The population of Russians who live in Poland originates mainly from a series of migrations during the period of Partitions of Poland, following the Bolshevik Revolution, in the decades following World War II and after the fall of the USSR. Most of the representatives of Russian community are members of the Polish Autocephalous Orthodox Church. Furthermore, there are Old Believers who live in the Podlaskie and Warmińsko-Mazurskie Voivodeships. This religious group separated from the hierarchy of the Russian Orthodox Church in the second half of the 17th century. At the end of the 18th century, the Old Believers settled in the areas of present-day territory of Poland (Suwalszczyzna and Mazury) to escape religious

persecution. In the recent years, the group is moving from primarily religious self-identification to national as a result, among others, of closer cooperation with other organizations of the Russian minority in Poland, that aggregate primarily of immigrants and their descendants, and the use of programs designed by the Russian Federation, for the Russian minority organizations from abroad.

The Russian minority is not represented in the Parliament. The representatives of this minority did not run for the office in the local elections held in 2010.

Main organisations:

- Stowarzyszenie „Rosyjski Dom” (Association “Russian Home”) in Warsaw,
- Stowarzyszenie „Wspólnota Rosyjska” (Association “Russian Community”) in Warsaw,
- Rosyjskie Stowarzyszenie Kulturalno-Oświatowe (Russian Cultural and Educational Association) in Białystok,
- Stowarzyszenie Staroobrzędowców w Polsce (Association of Old Believers in Poland) with its seat in Bór near Augustów.

Major cultural events:

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

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

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

The Slovak minority has no representation in the Parliament. The representatives of this minority competed in the local elections held in 2010 for the positions in local authorities

of several Communes of Małopolskie Voivodeship, from the lists of various election committees. Three Commune councilors of the Commune of Nowy Targ are associated with the Slovakian minority.

In the school year 2011/2012, the Slovak language was taught in 14 educational institutions to 196 students belonging to the minority.

Slovaks are mainly followers of the Roman Catholic Church.

Main organisation:

- Towarzystwo Słowaków w Polsce (Association of Slovaks in Poland).

Major press title:

- „Život" - monthly.

Major cultural events:

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

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

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

The Tartar minority has no representation in the Parliament. The representatives of the minority did not run for posts in the local government elections 2010.

Main organisation:

- Związek Tatarów Rzeczypospolitej Polskiej (Association of Tartars in the Republic of Poland).

Major press titles:

- „Życie Tatarskie” – bimonthly,
- „Przegląd Tatarski” – quarterly.

Major cultural event:

- Tartar Culture Days organized in the Podlasie Region.

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

Following the Operation "Vistula", carried out in 1947 by the communist authorities, almost all the Ukrainian population living in south-eastern Poland was resettled to the northern and western Poland. Therefore, the largest groups of Ukrainians live within the Warmińsko-Mazurskie Voivodeship, the Dolnośląskie Voivodeship and the Zachodniopomorskie Voivodeship. Some of the Ukrainians managed to avoid the resettlement and some were allowed to come back after 1956. Therefore, Ukrainian communities can be found in the Podkarpackie and Małopolskie Voivodeships.

As a result of the parliamentary elections held in 2007, one representative of the Ukrainian minority won a seat in Parliament from the list of the Civic Platform election committee. In connection with the election to the Sejm, the representative of the Ukrainian minority no longer sits on the council of the Warmia and Mazury Voivodeship. Similarly, as a result of the parliamentary elections held in 2011, one representative of the Ukrainian minority won a seat in Parliament.

In the municipal elections held in 2010, the Ukrainian minority did not designate their election committees. Candidates belonging to minority competed from both the national lists of political parties and local election committees, some with the support of organizations of the Ukrainian minority in Poland. As a result of the election, one candidate, belonging to the Ukrainian minority sits on the council of Pomorskie Voivodeship. 13 representatives of the minority sit on the Poviats' boards in the Pomorskie, Warmińsko-Mazurskie and Zachodniopomorskie Voivodeships (Poviats: Bytowski, Gdański, Bartoszycki, Kętrzyński,

Ostródzki, Koszaliński, Szczecinecki and Wałecki), 30 candidates belonging to minority were elected to Commune Councils on the territories of the following Voivodeships: Lubuskie, Pomorskie, Podkarpackie, Warmińsko-Mazurskie and Zachodniopomorskie. Six candidates representing the Ukrainian minority were chosen for the position of Voit or Mayor (Warmińsko-Mazurskie, Pomorskie and Dolnośląskie Voivodeships). Representatives of the Ukrainian minority also serve as Starostes and Deputy Starostes in Poviats densely inhabited by people belonging to this minority.

In the school year, 2011/2012 Ukrainian language was taught in 172 educational institutions to 2,642 students.

Ukrainians in Poland largely belong to two churches: the Catholic Church Byzantine-Ukrainian rite and the Polish Autocephalous Orthodox Church.

Main organisations:

- Związek Ukraińców w Polsce (Association of Ukrainians in Poland),
- Związek Ukraińców Podlasia (Association of the Ukrainians of the Podlasie region),
- Towarzystwo Ukraińskie (Ukrainian Society),
- Ukraińskie Towarzystwo Nauczycielskie w Polsce (Ukrainian Teachers' Society in Poland),
- Organizacja Młodzieży Ukraińskiej „PŁAST” (Ukrainian Youth Organisation “PŁAST”),
- Ukraińskie Towarzystwo Historyczne (Ukrainian Historical Society).

Major press titles:

- „Nasze Słowo" - weekly,
- „Nad Buhom i Narwoju" - bimonthly.

Non-public media:

- In the period covered by the *Report* on the airwaves of non-public stations: Radio Bon Ton from Chełm, Radio Orthodoxia from Białystok, and Twoje Radio Włodawa, radio programmes in Ukrainian language were emitted. Programme in the Ukrainian language was also available through the Internet radio of Orthodox Diocese of Lublin-Chełm.

Major cultural events:

- „Festival of the Ukrainian Culture”,
- "Podlaska Jesień" Ukrainian Culture Festival in the Podlasie region,
- Ukrainian Meetings on Borderlands in Bytów, Sanok and Mokre,
- „Dni Kultury Ukraińskiej w Regionach” (Days of Ukrainian Culture in Regions) – in Zielona Góra, Szczecin and Giżycko,
- Children Festivals and Competitions – Koszalin, Elbląg, Olsztyn, Wrocław, Giżycko.
- „Na Iwana, na Kupała” in Dubicze Cerkiewne,
- „Misteria Kupalskie” in Kruklanki and Przemyśl,
- Ukrainian Fairs,
- Days of Ukrainian theatre in Olsztyn.

The Jews are a national minority which, according to the declarations made during the *2002 National Population and Housing Census*, includes 1 055 Polish citizens, out of whom 397 live in the Mazowieckie Voivodeship, 204 in the Dolnośląskie Voivodeship, 92 in the Śląskie Voivodeship, 65 in the Łódzkie Voivodeship and 50 in the Małopolskie Voivodeship. The Jewish population is dispersed and the Jews live mainly in large cities. The first mentions about Jews on the Polish territory date back to the 10th century and the first official Polish document granting some privileges and autonomy to the Jews was the Kalisz Statute from the 13th century. The Jews were coming to Poland because of relatively best conditions (as compared to the pogroms of Jews in the Western Europe) for life in safety and for development of their culture, and because of the autonomy of religious communities guaranteed by royal privileges. Traditionally the number of Jews in Poland amounted to around 10% of the population (the largest proportion in Europe). The development of Jewish life in Poland was brutally halted by World War II and Hitler's *Endlösung* policy. Out of the 3.5 million Polish Jews only around 300 000 survived the War. During the communist era, the majority of Polish Jews left the country. The Jewish life in Poland revived after 1989. Many people came back to their Jewish roots. New organisations were founded in order to foster the life of the Jewish community in Poland.

The Jewish minority has no representation in the Parliament. Because of the local elections held in 2010, one person belonging to the Jewish minority gained a councilor seat in one of the Communes of the Wielkopolskie Voivodeship.

In the school year 2011/2012, the Hebrew language was taught in three educational institutions (in Warsaw and Wrocław) to 227 students belonging to the minority. Yiddish language (traditional language of Polish Jews) is taught in courses organized by Jewish organizations.

Jews are followers of Judaism. Union of Jewish Religious Communities in the Republic of Poland plays an important role in the life of the Jewish minority and communities associated in it.

Main organisations:

- Towarzystwo Społeczno - Kulturalne Żydów w Polsce (Social and Cultural Society of Jews in Poland),
- Stowarzyszenie Żydowski Instytut Historyczny (Jewish Historical Institute Association),
- Stowarzyszenie Żydów Kombatantów i Poszkodowanych w II Wojnie Światowej (Association of Jewish Veterans and Victims of World War II),
- Stowarzyszenie „Dzieci Holokaustu” w Polsce ("Children of the Holocaust" Association in Poland),
- Żydowska Ogólnopolska Organizacja Młodzieżowa (Polish Jewish Youth Organization),
- Fundacja „Shalom” (“Shalom” Foundation),
- Fundacja Ochrony Dziedzictwa Żydowskiego (Foundation of Jewish Heritage Protection).

Major press titles:

- „Dos Jidisze Wort - Słowo Żydowskie" - monthly,
- „Midrasz" – bimonthly.

Major cultural events:

- Festival of Jewish Culture „Warszawa Singera”,
- Days of Jewish Book in Warsaw,
- Anniversary of the Warsaw Ghetto Uprising,
- Meetings with Jewish Culture *Simha* in Wrocław.

4.3 Characteristics of the community using the regional language.

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

In the parliamentary elections held in 2011, the community using the regional language did not designate their regional electoral committees. People associated with the community run from the national lists of political parties. In the parliament operates Kaszubski Parliamentary Team, currently consisting of 26 senators and deputies working for the benefit of Kashubian and Pomeranian regions. Among them, the MPs associated with the community using the regional language.

In the municipal elections held in 2010, the community using the regional language did not designate their electoral committees. Candidates representing the community competed for seats in the local government of Pomorskie Voivodeships from the lists of various election committees. Following the election a number of people associated with the community sits on the Pomorskie Voivodeship Council, and Pomorskie Voivodeship Board. Moreover, Kashubian community representatives sit on the Boards of Poviats: Człuchów, Kartuzy, Malbork, Puck, Bytów, and Wejherowo. Many people associated with the Kashubian community were selected for the posts of Voits, Mayors and Presidents of cities and towns of Pomorskie Voivodeship. People belonging to the Kashubian community sit with the mandate of various political parties and election committees on the Boards of a number of Communes in the Voivodeship, directing some of the local self-governmental units.

In the school year 2011/2012 the Kashubian language was taught in 351 educational institutions to 13 632 students belonging to this community.

People using the regional language at home are mostly followers of the Roman Catholic Church.

Main organisations:

- Zrzeszenie Kaszubsko-Pomorskie (Kashubian-Pomeranian Association),
- Instytut Kaszubski (Kashubian Institute),

- Fundacja „Kaszubski Uniwersytet Ludowy” (Kashubian People’s University Foundation),
- Stowarzyszenie „Ziemia Pucka” (Association "Ziemia Pucka" (Land of Puck),
- Stowarzyszenie „Kaszëbskô Jednota” (Association „Kaszëbskô Jednota”).

Major press title:

- „Pomerania" - monthly.

Non-public media:

- Radio „Kaszëbë” – broadcasting in Kashubian language.
- CSBTV – satellite television station broadcasting in 2011 programmes in Kashubian language, among others,
- TVT Teletronik from Kartuzy – cable TV station broadcasting programmes in Kashubian language, among others,
- Twoja Telewizja Morska from Wejherowo– cable TV station broadcasting programmes in Kashubian language,among others.

Major cultural events:

- Conventions of Kashubians held each year in the Pomorskie Voivodeship,
- “Rodnô Mòwa” - Voivodeship Kashubian Literature Contest
- Meetings of Kashubian language writers,
- Summer School of the Kashubian Language,
- “Piszã pò kaszëbskù” - królewionka w pałacu” - Kashubian spelling test,
- Jan Drzeżdżon Contest of Kashubian Language “By nie zapomnieć mowy ojców” (Not to forget our fathers’ language).

5. Description of the situation in the areas inhabited by the individual minorities.

The largest communities of national minorities are found in the Voivodeships of northern and southern Poland (i.e. Podlaskie – 53 800, Warmińsko-Mazurskie – 17 100, Pomorskie – 5 600 (excluding persons using the regional language at home), Zachodniopomorskie – 6 000, Dolnośląskie – 8 400, Opolskie – 105 500, Śląskie – 32 700 and Małopolskie - 5 700)⁴.

The unemployment rate in Poland, according to CSO data from the end of December 2011, is 12.5%. Among the Voivodeships, in which there are significant concentrations of

⁴ Based on the results of the 2002 *National Census of Population and Housing*.

persons belonging to minorities, higher than the average rate occurs in the following Voivodeships: Warmińsko-Mazurskie (20.1%), Zachodniopomorskie (17.5%), Podlaskie (14.1%) and Opolskie (13, 3%). A result equal to the national average was reached by Dolnośląskie (12.5%), while lower than the national average rate of unemployment occurs in Pomorskie (12.4%), Małopolskie (10.5%) and Śląskie (10,1 %) Voivodeships.

GDP per capita for 2009 in Poland, according to the Central Statistical Office, is PLN 35 210. Among the Voivodeships in which large clusters of persons belonging to minorities live, GDP per capita higher than the national average occurs in Śląskie (PLN 37 761) and Dolnośląskie (PLN 38 395). Lower GDP occurs in Pomorskie (PLN 34 267), Zachodniopomorskie (PLN 30 939), Małopolskie (PLN 30 220), Podlaskie (PLN 25 951), Opolskie (PLN 28 761) and Warmińsko-Mazurskie (PLN 25 970)⁵. At the same time, however, three of the mentioned Voivodeships (Śląskie, Dolnośląskie, Pomorskie) are among the six Voivodeships with the highest GDP per capita.

⁵ Data for 2009. Data for subsequent years is not yet available.

6. Basic data

	Area in thousands of km ² (2011)	Population (2011)	GDP per capita in PLN (2009) ⁶	Registered unemployed in thousands (2011)	Registered unemployment rate in % (2011)
POLAND	312 679	38 200037	35 210	1982,7	12,5
Dolnośląskie	19 947	2 877840	38 395	143,6	12,5
Kujawsko-Pomorskie	17 972	2 069543	29 834	139,6	16,9
Lubelskie	25 122	2 151895	23 651	122,4	13,3
Lubuskie	13 988	1 011024	30 068	59,1	15,4
Łódzkie	18 219	2 534357	32 162	138,7	12,7
Małopolskie	15 183	3 310094	30 220	145,1	10,5
Mazowieckie	35 558	5 242911	56 383	246,7	9,9
Opolskie	94 12	1 028585	28 761	48,0	13,3
Podkarpackie	17 846	2 103505	24 131	146,2	15,7
Podlaskie	20 187	1 188329	25 951	65,9	14,1
Pomorskie	18 310	2 240319	34 267	106,7	12,4
Śląskie	12 333	4 635882	37 761	186,2	10,1
Świętokrzyskie	11 711	1 266014	27 333	83,2	15,3
Warmińsko-Mazurskie	24 173	1 427241	25 970	107,3	20,1
Wielkopolskie	29 826	3 419426	37 424	135,0	9,2
Zachodniopomorskie	22 892	1 693072	30 939	108,9	17,5

Source: Recurring reports of the Central Statistical Office published on CSO website (www.stat.gov.pl).

⁶ Data for the subsequent years is not yet available.

PART II: IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Article 1

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

Republic of Poland adopted a number of international law acts governing among others national and ethnic minority's rights. Information on the status of international law in national legislation has been presented in the first part (Chapter 2).

Article 2

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

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

Ratification of the *Convention* by Poland meant, above all, a solemn declaration of the Republic of Poland, that the objectives set out in the preamble to the *Convention* are the objectives of the Polish state. It means recognition that the protection of national and ethnic minorities is essential to stability, security and peace in Europe and that ethnic, linguistic and cultural diversity should be respected. It is also an expression of a deep conviction that diversity enriches the country and its citizens. Poland - as a party to the *Convention* - brings to the Europe's common cultural heritage, the cultural wealth of ethnic and national minorities. Poland is presenting such attitude, also due to its tradition. The Republic of Poland for centuries was the mainstay of religious and national tolerance in Europe. The result of this

tolerance is a centuries-old presence in Poland of minorities such as the Tartar, Jewish, Armenian, Karaim or Roma, which - persecuted in other countries - have found their home in Poland.

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

Article 3

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

Article 53 of the *Constitution* guarantees freedom of conscience. Paragraph 7 of this article states that no one may be compelled by public authorities to disclose their philosophy of life, religious beliefs or religion. In accordance with Article 31 of the *Constitution*, the freedom of man shall be protected by law, and no one shall be compelled to do that which is not required by law.

At the same time in accordance with Article 51, paragraph 1 of the *Constitution*, no one may be obliged, except based on statute, to disclose information concerning his person.

One of the first Acts adopted because of the political changes in 1989 was the Act of 17 May 1989 on the *guarantee of freedom of conscience and religion* (Journal of Laws of 2005 No 231, item. 1965, as amended).

These issues are also regulated by the Act of 29 August 1997 on the *protection of personal data* (Journal of Laws of 2002 No. 101, item. 926, as amended), in which the provision of Article 27 prohibits the processing of personal data revealing racial or ethnic origin. Processing this data is allowed only in cases specified in the Act.

In accordance with Article 4, paragraph. 1 of the Act on *National and Ethnic Minorities and Regional Language* "Every person belonging to a minority has the right to freedom of decision to treat him/her as a person belonging or not belonging to a minority, and such

choice or exercise of the rights associated with that choice does not entail any adverse effects". It should be noted that this provision is a repeat of Article 3, paragraph 1 of the *Convention*. Furthermore, in accordance with Article 4, paragraph 2 of the Act, "no one shall be obliged, other than pursuant to the Act, to disclose information about their own minority or disclosure of their origin, language or religious minorities," and in accordance with Article 4, paragraph 3 "No one shall be obliged to prove their belonging to a minority".

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

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

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

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

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

Respect for subjective criteria, i.e. for a declaration of belonging to a national minority does not diminish the importance of validity and importance of objective criterion, according to which legal recognition of a particular national or ethnic minority belongs to public authorities in the procedure that allows to appeal to a higher administrative authorities and independent courts (see implications of the judgment of the European Court of Human Rights in the case of *Gorzelik and Others v. Poland*).

The principle of freedom to decide on the membership of a national minority is contained in the treaties signed by Poland with the Federal Republic of Germany, Czech Republic and Slovak Federal Republic, Ukraine, the Republic of Belarus and the Republic of Lithuania.

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

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

With regard to the personal scope of implementation of the Framework Convention, the Government wishes to confirm that a person not belonging to national minorities, including those who are not Polish citizens, enjoys the benefits of the general principles of the Polish legislation and ratified international agreements for the protection of their human rights and freedoms as long as under the jurisdiction of Polish public authorities (see Art. 1 of the European Convention on Human Rights). It should also be borne in mind that some of the instruments by themselves do not differentiate minority from other ethnic groups who are not citizens, as exemplified by the OSCE High Commissioner on National Minorities Recommendations on the police activities in multi-ethnic societies. These recommendations are directed to the police carrying out their tasks in areas inhabited equally by minorities or economic migrants.

Enjoyment of rights and freedoms, individually or in association with others was also included in the treaties signed by Poland with the Federal Republic of Germany, Czech Republic and Slovak Federal Republic, Ukraine, the Republic of Belarus and the Republic of Lithuania.

Article 4

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

In the Republic of Poland, the guarantees of the equality before the law have the status of constitutional principles. The Republic of Poland's *Constitution* introduces the following regulations relating to the provision of this rule:

Article 2 of the Constitution indicates that the Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice. According to Article 5 of the Constitution, the Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of man and of citizen and the security of the citizens, safeguard the national heritage and protect the environment, guided by the principle of sustainable development. Article 7 of the Constitution states that authorities act on the basis and within the law.

Persons whose constitutional rights and freedoms have been violated have the opportunity to exercise these rights, among others, before the Constitutional Court. Provision of Article 79, paragraph 1 of the *Constitution* emphasizes, that everyone whose constitutional freedoms or rights have been violated has the right, under the terms of the Act, to file a complaint to the Constitutional Court on the constitutionality of a statute or another normative act on the basis of which a court or public authority has made a final judgment on his freedoms or rights or on his obligations specified in the *Constitution*.

In accordance with Article 80 of the *Constitution*, everyone has the right, based on the principles set out in the Act, to apply to the Commissioner for Civil Rights Protection for assistance in the protection of his freedoms or rights infringed by public authorities. The institution of the Commissioner for Civil Rights Protection was established in 1987. The Commissioner for Civil Rights Protection, in accordance with art. 208 of the *Constitution* safeguards the rights and freedoms of man and citizen specified in the Constitution and other normative acts (Act of 15 July 1987 on the *Commissioner for Civil Rights Protection*, Journal of Laws of 2001 No. 14, item. 147, as amended). Since the start of the Commissioner for Civil Rights Protection, matters of national and ethnic minorities remain within his interests.

According to Article 31 of the Constitution, the freedom of man shall be protected by law. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that

which is not required by law. Restrictions on the exercise of constitutional freedoms and rights may be imposed only by statute, and only when they are necessary in a democratic state for the protection of its security or public order, or to protect the environment, public health, morals, or the freedoms and rights of others. Such limitations shall not violate the essence of freedoms and rights.

Article 32 of the *Constitution* states that everyone is equal before the law. All are entitled to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

The provision of Article 6 of the *Act on National and Ethnic Minorities and Regional Language* also prohibits discrimination based on belonging to national or ethnic minorities.

Detailed regulations on the prohibition of any discrimination, including those arising from nationality and ethnic origin, on employment market, were written in the Act of 26 June 1974. *Labor Code* (Journal of Laws of 1998 No 21, item. 94, as amended). Article 11³ of the *Code* includes prohibition of any discrimination in employment, direct or indirect, in particular by gender, age, disability, race, religion, nationality, political opinion, trade union membership, ethnic origin, religion, sexual orientation, and due to employment for definite or indefinite period or full-time or part-time work. Further detailed provisions on the prohibition of discrimination are given in Chapter IIa - *Equal treatment in employment, Labor Code*. Article 18^{3a} (1) of the Labour Code stipulates that employees shall be treated equally as regards the establishment and termination of employment relationships, conditions of employment, promotion and access to training in order to raise occupational qualifications, particularly regardless of sex, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religious convictions, sexual orientation or due to employment for a definite or an indefinite period or on full-time or part-time basis. In § 2 of the mentioned article is written that equal treatment means non-discrimination in employment in any manner, directly or indirectly, for the reasons set out in § 1. The § 5 states, however, that manifestation of discrimination within the meaning of § 2 of the article, is also any action encouraging another person to breach the principle of equal treatment in employment or the violation of this rule, and unacceptable behavior the purpose or effect of which is violating the dignity of the worker and to the creation of an intimidating, hostile, degrading, humiliating or offensive environment (harassment). Pursuant to § 7 employee resigning to harassment or sexual harassment (as defined in § 6 of the Article), as well as the actions taken by him/her, opposing the harassment or sexual harassment may not cause any negative consequences to the employee. The principle of non-discrimination in employment was therefore formulated in

such a way to make it obvious that its use is the primary responsibility of the employer. The prohibition of discrimination covers all stages of the employment relationship, starting with the selection of staff, determining the content of the employment relationship and its implementation, and ending with the termination of that relationship. Both direct and indirect discrimination are prohibited. In the mentioned article, both concepts are defined as well. Provision of Article 18^{3b} § 1 of the Labor Code provides that a violation of the principle of equal treatment in employment, subject to cases stated in § 2-4 of the Article, is considered as taking place when employer differentiates the situation of an employee on the grounds of one or more reasons set out in art. 18^{3a} § 1, effect of which is in particular: the refusal to enter into or termination of employment, unfair wages or other conditions of employment or omission when promoting or other work-related benefits, omission during the selection for participation in training raising professional qualifications - unless the employer proves objective reasons. According to § 3 of the mentioned Article, actions taken for the specified period of time, aiming to equal opportunities for all, or a significant number of employees, singled out for one or more reasons referred to in Article 183a § 1, by reducing to the benefit of such employees actual inequalities, to the extent specified in that provision, do not constitute a breach of the principle of equal treatment in employment. The § 4 states that limiting by churches and other religious organizations and associations with an ethos based on religion, denomination or belief, access to employment because of religion, creed or belief, if the type or the nature of business conducted by churches and other religious organizations and associations makes the religion, creed or belief a real and decisive occupational requirement posed to the employee, proportionate to achieving the legitimate aim of diversifying the situation of the person; it also concerns to require employees to act in good faith and loyalty to the ethics of the church and other religious organizations whose ethics is based on religion, denomination or belief, does not constitute a breach of the principle of equal treatment. Article 18^{3c} states the right of workers to equal pay for equal work or work of equal value. Guarantees of the compliance with the non-discrimination principle in the contracts of employment were included in Article 18^{3d} of the Labour Code, which stipulates that a person in relation to whom the employer has infringed the principle of equal treatment in employment shall have the right to indemnity in an amount not lower than the minimum remuneration for work determined under separate provisions. Since 1 January 2002, cases related to indemnity due to discrimination in the workplace have been adjudicated upon as a separate category. Furthermore, in accordance with the provisions of Article 18 3e § 1, the exercise by the employee of the rights resulting from violation of the principle of equal

treatment in employment cannot be the basis for adverse treatment of the employee, and must not cause any negative consequences to the employee, especially must not constitute a reason for termination of employment by the employer or its termination without notice. According to § 2 of this Article, the provision of § 1 shall apply to an employee who has given any kind of support to employee who exercises the rights resulting from the violation of the principle of equal treatment in employment.

Apart from the Labour Code, the ban on discrimination on grounds of, inter alia, ethnic origin was included in the *Act on the Promotion of Employment and Labour Market Institutions* of 1 June 2004 (Journal of Laws of 2008 No. 69, item. 415, as amended). Article 2a states that the provisions of the Act protect the principle of equal treatment in access and use the services of the labor market and labor market instruments, regardless of sex, race, ethnicity, nationality, religion, creed, belief, disability, age or sexual orientation. Article 10 states that the criteria for issuing work permits for foreigners determined by the governor may not contain requirements that discriminate based on sex, age, disability, race, nationality, ethnic origin, sexual orientation, political beliefs, religion, or because of union membership or the employers' organizations. Article 19c of the Act states that an employment agency cannot discriminate people based on gender, age, disability, race, religion, ethnic origin, nationality, sexual orientation, political beliefs, religion, or on grounds of belonging to union, for whom it is seeking employment or other gainful employment. In Article 36, concerning employment broking, as defined in paragraph 4 - the broking is done free of charge, among others in accordance with the principles of equality - meaning the duty of Poviats Labor Offices to provide help to all job seekers with finding it, regardless of their gender, age, disability, race, religion, nationality, political opinions, trade union membership, ethnic origin, religion or sexual orientation. Paragraph 5e of this Article states however, that the Poviats Labor Office cannot accept the job offer if the employer has included in that job offer requirements that violate the principle of equal treatment in employment within the meaning of labor law and may discriminate job applicants, in particular with regard to sex, age, disability, race, religion, nationality, political opinion, trade union membership, ethnic origin, religion or sexual orientation. Article 38 on vocational counseling and career information states that these activities are carried out according to the principle of equality regardless of gender, age, disability, race, ethnicity, nationality, sexual orientation, political or religious beliefs or trade union membership. Article 40, paragraph 6 of the Act includes the prohibition of discrimination when sending the unemployed for training. The Act also provided for penalties for violation of its principles of non-discrimination. Article 121, paragraph 3 of the law states

that anyone who runs the employment agency, and does not observe principle of non-discrimination on grounds of sex, age, disability, race, religion, ethnic origin, nationality, sexual orientation, political beliefs, religion or because of trade union membership shall be liable to a fine of not less than PLN 3 000. Additionally Article 123 contains formulated standard that anyone refusing to employ a candidate for a vacant job or vocational training place on grounds of sex, age, disability, race, religion, nationality, political opinion, national origin, religion, or sexual orientation, shall be liable to a fine of not less than PLN 3 000. On 1 January 2011, came into force the Act from 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment (Journal of Laws No. 254, item. 1700), complementary to the pre-existing regulations regarding the principle of equal treatment regardless of sex, race, ethnicity, nationality, religion, creed, belief, disability, age and sexual orientation. It organizes the legal situation and fully implements the provisions of existing anti-discrimination directives of the European Union, and defines the legal means of protection of principle of equal treatment and the authorities responsible for implementing the principle of equal treatment.

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

Provisions of Article 32 of the *Constitution* are fundamental to the guarantee of equality before the law and equal legal protection. According to this article, all are equal before the law. All are entitled to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever. In addition, Article 6, paragraph 2 of the Act on National and Ethnic Minorities and Regional Language obliges public authorities to take appropriate measures to: promote full and effective equality in economic, social, political and cultural life of persons belonging to national or ethnic minorities, and persons belonging to the majority, the protection of people who are subjected to discrimination, hostility or violence because of their belonging to national or ethnic minorities, and strengthen intercultural dialogue. Whereas the provision of Article 21, paragraph 2 of the Act imposes on the minister in charge of religious denominations and

national and ethnic minorities, among others, responsibilities for the implementation of the principle of equal treatment of persons irrespective of ethnicity.

The already mentioned *Act on implementing certain provisions of the European Union in the field of equal treatment* defines the areas and ways of preventing violations of the principle of equal treatment among others because of ethnicity and nationality.

In addition, the prohibition of discrimination in employment is established by already mentioned provision of Article 11³ of the *Labor Code*, according to which, any direct or indirect discrimination in employment is not allowed, in particular with regard to sex, age, disability, race, nationality, beliefs, especially political or religious and trade union membership.

The minority most vulnerable to discrimination and hostility or violence because of ethnic reasons is Roma minority. This minority is the most disadvantaged in socio-economic terms, greatly contrasting with the background of other national and ethnic minorities. For this reason, in 2004-2013 across the country is carried out the *Programme for the Roma community in Poland*, which was adopted by the Council of Ministers on 19 August 2003, constituting the continuation of a previous 3-year regional pilot programme.

The coordinator of the *Programme* is the minister in charge of religious denominations and national and ethnic minorities (until November 2011 - the Minister of Internal Affairs and Administration, and then the Minister of Administration and Digitization). The annual allocation of funds for the implementation of the tasks of the *Programme* is PLN 10 000 000 (approximately € 2 278 683). In addition, the Ministry of Administration and Digitization allocates funds of approximately PLN 350 000 per year for the implementation of scholarship schemes for Roma students and gifted Roma students, and from 2011 also provide scholarships for Roma students in lower-secondary schools. In addition, the Ministry of Education equips Roma students (almost 100% of the students) with textbooks and school supplies, spending annually for this purpose the amount of PLN 700 000 (approx. € 159 508). Supervision over the execution of the *Programme for the Roma community in Poland* is performed by governors (in relation to the tasks carried out in the Voivodeships), the Minister of Administration and Digitization, and the Minister of Education (in relation to education). There are other financial means that must be added to the above figures, devoted to financing tasks of the Programme by local government units, amounting to about 20% of the funds transferred for this purpose from the state budget. The largest recipients of financial assistance are the following Voivodeships: Małopolskie, Dolnośląskie, Śląskie, which are most densely populated by the Roma community.

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

In the hierarchy of objectives of the *Programme for the Roma community in Poland*, improvement of the living conditions ranks immediately after education. Here the priority includes the investment tasks aimed at improving housing and sanitary conditions: refurbishments, support for housing construction, providing water and sewage systems connections, supplying water and electricity. Difficult living conditions of the Roma give rise to health problems. Measures aimed at the wider health prophylaxis are realized by hiring and funding working nurses who provide direct medical care, conduct medical counseling and distribute medicines and personal hygiene products purchased with grants. Important additions to the above activities are preventive examinations and vaccinations, and the so-called "white days", during which doctors of various specializations provide free medical advice. Difficult economic situation and the resulting other problems are a consequence of the lack of employment. This problem applies to the vast majority of the Roma community in Poland.

In addition to educational activities, which in the future are to help the Roma in finding employment, there are direct actions taken within the *Programme* to enable them to enter the labor market. In order to stimulate employment of the Roma community, in collaboration with the Poviats Labor Offices, efforts have been made to create new jobs and to hire people of Roma origin, by subsidizing their jobs. An important complement to these activities is training rising and changing the professional qualifications, as well as career counseling.

One of the factors that hinder the integration of the Roma, but also hamper the Roma entering the labor market, is their stereotyped and negative image, widespread among non-Roma majority. Hence, there is a need to support projects that provide reliable information to the public about the Roma, and which at the same time contribute to the maintenance of the Roma ethnic identity. Actions undertaken within the framework of the *Programme* present achievements of Roma culture through various forms (days of culture, concerts, exhibitions, open airs, workshops, etc.). It should be emphasized that the co-organizers and usually direct

executors of these projects are the Roma associations, which is important because artistic and cultural initiatives are also directed to people who rarely meet this group.

The second group consists in supporting existing and help in the formation of new music bands operating at cultural centers, schools and community clubs (under the *Programme* approximately 50 community centers are financed, in addition to school clubs subsidized from other sources). In addition, publications and educational materials are issued, aimed at both Roma and non-Roma population. Social integration is also supported by the tasks that are designed to increase Roma participation in civil society. The increase in civic activity of Roma is closely linked to effective solving the most important problems of the community. Worth noting is the systematic support through free legal advice offices for Roma, existing in several Voivodeships, as well as assistance in organizing new institutions of this type. An important role is also played by consultation meetings with the participation of Roma community and local authorities, NGOs, municipal police and police.

Between 2007 - 2011, the total allocated budget for the activities carried out under the Programme for the Roma community in Poland was in amount of PLN 50 million from special reserve funds, for the scholarship systems: PLN 1 797 400 from the funds of Ministry of Internal Affairs and Administration (since November 2011 - from the funds of Ministry of Administration and Digitization), and PLN 3 373 742 from the Ministry of Education.

Undertaking appropriate measures to promote real equality in all spheres of economic, social, political and cultural life between persons belong to national and ethnic minorities and those belonging to the majority is also implemented under the programs co-financed by the European Social Fund. Examples of such activities are projects implemented under the *Operational Programme Human Capital, Sub-measure 1.3.1. Projects for the Roma community* (so-called Roma component of Operational Programme Human Capital) in the period of 2007-2013. The aim of the projects carried out within the framework of HC OP is professional activity and social integration of the Roma. The activities carried out within the framework of the Roma component of HC OP are complementary to the activities of the Programme for the Roma community in Poland, and include education, professional activity, the dissemination of knowledge and pro-health education activities. The total allocation of funds for the implementation of the Roma component of HC OP is approximately EUR 22 million. During this period, the amount spent amounted to PLN 68 700 000 (approx. € 15 654 552).

Financial support for education of pupils from ethnic and national minorities, including the Roma pupils, is reflected in the constant - apart from the mentioned *Programme for the*

Roma community in Poland and Roma component - education funding mechanism at the local level. Based on the provisions regarding education, local governments on the territories of which schools organize the additional tasks for pupils of Roma origin, including hiring Roma education assistants and support teachers, receive educational subsidy increased by 150% per pupil. In the years 2007 - 2011 the total amount transferred for this type of activity amounted to PLN 65 735 789 44 (approx. € 14 979 102).

Under Article 22 of the *Act on implementing certain provisions of the European Union in the field of equal treatment*, The Government Plenipotentiary for Equal Treatment was required to prepare the *National Action Programme for Equal Treatment*, which will constitute government's horizontal strategy for equal treatment in all areas of social life, set goals and priorities for actions promoting equal treatment and ways to combat discrimination based on sex, race, ethnicity, nationality, religion, creed, belief, disability, age and sexual orientation. The first edition of the programme will cover the years 2012-2017. In 2011, the initial diagnostic-conceptual development phase of the Programme was completed.

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

Poland affirms that the achievement of the goals set in point 2 by undertaking appropriate promoting measures is not considered by Polish law and practice as discriminatory, as long as it fits in the given time measures and is proportional in relation to the set goals.

Article 5

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

Essential to the interests of national and ethnic minorities is the provision of Article 35 of the *Constitution*. It guarantees for Polish citizens belonging to national and 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 their own educational, cultural institutions, help to protect religious identity, and participate in the resolution of matters relating to their cultural identity.

According to Article 48, paragraph 1 of the Constitution, parents have the right to raise their children in conformity with their own convictions. Such upbringing should take into account the degree of maturity of the child, as well as their freedom of conscience and religion and its beliefs. This principle has been developed further in the Article 53, paragraph 3 of the *Constitution*, which guarantees the right of parents to ensure moral and religious education for their children in accordance with their own rules, the next paragraph of this article states that the religion of a church or other religious organization with clear legal status can be taught in schools, but the freedom of conscience and religion of others cannot be violated.

Implementation of those safeguards is among others solutions functioning in the Polish educational system. This system allows persons belonging to national minorities to keep their identity, expressed in practiced religion. At the request of the parents (or legal guardians of a child), and in the case of older students - at the request of pupils themselves, in the public schools or kindergartens, confessional religious education is organized. The legal basis for the organization of such education is given by Article 12 of the Act of 7 September 1991 *on the system of education* (Journal of Laws of 2004 No. 256, item. 2572, as amended), and implementing provision to this Act - Regulation by the Minister of National Education of 14 April 1992 *on the conditions and method of teaching religion in public schools and kindergartens* (Journal of Laws No. 36, item. 155, as amended).

Cognition and preservation of traditions and cultural heritage in the case of students belonging to national minorities takes place throughout the entire teaching - educational process implemented in schools for national minorities (described more broadly when discussing Article 14 of the *Convention*). During inter alia history and geography lessons, the elements of the history and culture of the country, inhabited by nation, with which minority equates are introduced.

New, key solutions regarding supporting by public authorities activities aimed at the protection, preservation and development of the cultural identity of national and ethnic minorities, have been introduced in the *Act on National and Ethnic Minorities and Regional Language*. First sentence of the Article 1, paragraph 1 of the Act, refers to the fact that "the law regulates matters related to the maintenance and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language". Essential for the implementation of Article 5, paragraph 1 of the *Convention* is however Article 18 of the Act. It requires public authorities to respond appropriately to promote activities aimed at the protection, preservation and development of cultural identity

of minorities. The novelty with respect to the previously existing legal solutions is the ability to transfer - for the tasks carried out by minority organizations or cultural institutions vital for minority culture - not only Special-purpose subsidies, but also Earmarked subsidies subsidy. Introducing the possibility of Earmarked subsidies subsidy transfers is the realization of proposals submitted over the years by the national and ethnic minorities.

The Act sets out ten groups of tasks, towards which subsidies may be provided. These are:

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

Among these tasks, in particular, should pay attention to the possibility of providing grants for investments, minority demanded for years the adoption of such a provision. It should also be noted that for the implementation of the above-mentioned groups of tasks, minority organizations and cultural institutions, which are essential for cultural minorities may receive earmarked subsidy. The Act also took into account the specificities of minorities and predicted that the grants for them, if they are awarded from the part of the state budget, which is administered by the minister in charge of religious denominations and national and ethnic minorities, may be granted without an open tender. The minister in charge for religious denominations and national and ethnic minorities, which currently is the Minister of Administration and Digitization, annually publishes the rules of conduct in matters relating to awarding grants. It should be emphasized that minorities participate in the elaboration of these principles (initially through the Group for National Minorities, now through the Joint Commission of Government and National and Ethnic Minorities). Since 2010, they also

participate, through selected experts in the work of the Commission assessing grant applications, appointed annually in the Ministry.

In the years 2007 - 2011 for the implementation of tasks, helping to maintain and develop the cultural identity of national and ethnic minorities and to preserve and develop the regional language, from the budget, the minister in charge of religious denominations and national and ethnic minorities (Minister of Internal Affairs and Administration) was transferred in total: PLN 66 302 754 49 (approx. EURO 15 108 295⁸). In the individual years was transferred: 2007– PLN 12 262 592 03, in 2008 – PLN 14 295 883 04, in 2009 – PLN 13 104 025 80, in 2010 – PLN 12 980 579 04, and in 2011 - PLN 13 659 674 58. It is worth stressing the amount transferred in 2011 is greater by over 2 000 000, than the amount allocated in 2006 (PLN 10 944 000), which was the first year in which the state budget was formed taking into account the provisions of the Act. In 2012, total grants awarded from the budget of the Ministry of Administration and Digitization (at the discretion of which are now the affairs of national and ethnic minorities and regional language) will be PLN 14 166 326 35. Summary of the total amount transferred to individual minorities from the state budget in 2007-2011 is illustrated by the following tables. It should be noted that these tables do not include funds from which persons belonging to minorities enjoy under the general rules (these are only additional amounts related to the maintenance of cultural identity and the protection of minority language). It should also be noted that these figures only include funds transferred from the state budget, and do not include funds spent by local governments.

Data included in the tables, do not include the amounts provided by the Ministry of Culture and National Heritage to carry out tasks serving in varying degrees for the development of culture and the promotion of knowledge about the history and traditions of national and ethnic minorities and the preservation and development of the regional language⁹. Most of the tasks realized thanks to mentioned subsidies, aimed at promoting knowledge about the history, traditions and culture of the minorities. However, they were also important for the maintenance and development of the cultural identity of minorities. From the grants by Minister of Culture and National Heritage, in the 2007-2011, the following minorities benefited Lemko, Karaim, Romani, Tatar, Armenian, Ukrainian and Jewish and the community using the regional language. The total amount of expenditure designated from the budget of Minister of Culture and National Heritage for this purpose in 2007-2011 was PLN

⁸ Euro selling rate (PLN 4,3885 for 1 EURO) based on Table of courses No. 103/C/NBP/2012 of May 29, 2012

⁹ Based on data from the programs of the Minister of Culture and National Heritage and gathered declarations from the subordinate to the Ministry of Culture institutions and bodies.

16 673 529 36 (approx. EUR 3 799 369), and EURO 5 534 932. The largest part of the mentioned funds PLN 14 876 264 69 (approx. EUR 3 389 829), and EUR 5 534 932) was assigned for the implementation of task related to culture and traditions of the Jewish minority. Moreover, the Warsaw Museum of the History of the Polish Jews is funded from Polish State budget (funds for this purpose were not included in the above sums).

**FINANCING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING THE REGIONAL LANGUAGE, IN 2007**

National or ethnic minority or a community using the regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language			<i>Programme for the Roma Community in Poland</i>	TOTAL
	Textbooks	Educational subsidy	Other educational expenditure	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies		
Belarusians	-	7 399 906.43	9 305	1 866 887.50	-	36 000	-	9 312 098.93
Czechs	-	-	-	18 250	-	-	-	18 250
Karaims	-	-	-	46 000	-	3 966.96	-	49 966.96
Lithuanians	425 102	1 598 569.01	18 700	600 288	453 000	152 482.42	-	3 248 141.43
Lemkos	103 200	1 923 783.12	-	917 279.50	210 432	75 923 88	-	3 230 618.50
Germans	-	62 840 457.89	3 800	1 105 797.04	-	356 577.48	-	64 306 632.41
Armenians	-	103 339.23	-	97 389	26 218	57 980	-	284 926.23
Roma	-	10 023 520.15	-	902 017	15 000	159 342	10 910 000 ¹⁰	22 009 879.15
Russians	-	-	-	98 590	-	-	-	98 590
Slovaks	48 340	1 249 324.20	-	340 000	300 000	75 000	-	2 012 664.20
Tartars	-	-	-	47 000	-	-	-	47 000
Ukrainians	226 590	10 265 498.66	-	1 490 065.50	147 645.49	206 569.26	-	12 336 368.91
Jews	-	350 305 49	-	871 292	35 000	321 140	-	1 577 737.49
Kashubian language	424 740	18 844 786.85	16 424	605 851	444 000	179 608	-	20 515 409.85
TOTAL	1 227 972	114 599 491.03	48 229	9 006 706.54	1 631 295.49	1 624 590	10 910 000	139 048 284.06

¹⁰ Including 10 000 000 derived from the special reserve of the State budget - Help for Roma, 310 000 granted from the budget of the Minister of Internal Affairs and Administration, and 600 000 allocated from the budget of the Ministry of Education (of which 499 185 was used).

**FINANCING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING THE REGIONAL LANGUAGE, IN 2008**

National or ethnic minority or a community using the regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language				<i>Programme for the Roma Community in Poland</i>	TOTAL
	Textbooks	Educational subsidy	Other educational expenditure	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies	Grants for replacement of arrays associated with the introduction of additional names		
Belarusians	-	8 848 305.26	-	1 870 150	29 700	32 733	-	-	10 780 888.26
Czechs	-	-	-	58 970	-	-	-	-	58 970
Karaims	-	-	-	32 756.80	-	1 671	-	-	34 427.80
Lithuanians	289 050	1 581 873.85	-	488 666	2 553 000	148 323	-	-	5 060 912.85
Lemkos	127 950	1 889 728.69	-	917 190	70 433 66	82 330	-	-	3 087 632.35
Germans	-	72 062 032.51	-	1 096 018.59	-	252 287.16	250 187 56	-	73 660 525.82
Armenians	-	196 507.99	-	110 624	-	68 672 20	-	-	375 804 19
Roma	-	10 503 713.93	-	900 850	254 353.20	93 225 04	-	11 058 000 ¹¹	22 810 142.17
Russians	-	101 848	-	44 770	-	6 000	-	-	152 618
Slovaks	-	1 213 767.63	-	323 000	450 000	83 427	-	-	2 070 194.63
Tartars	-	-	-	88 000	-	-	-	-	88 000
Ukrainians	542 562	10 269 487.54	30 000	1 637 220	6 600	178 430	-	-	12 664 299.54
Jews	-	730 679.59	-	868 769 30	-	195 783	-	-	1 795 231.89
Kashubian language	334 995	31 182 648.99	16 624	657 073	521 499 98	173 357 11	193 345 36	-	33 079 543.44
TOTAL	1 294 557	138 580 593.98	46 624	9 094 057.69	3 885 586.84	1 316 238.51	443 532 92	11 058 000	165 719 190.94

¹¹ Including 10 000 derived from the special reserve of the State budget - Help for Roma, 358.000 allocated from the budget of the Ministry of Internal Affairs and Administration, and the 700.000 allocated from the budget of the Ministry of National Education (of which 672 000 was used).

**FINANCING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING THE REGIONAL LANGUAGE, IN 2009**

National or ethnic minority or a community using the regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language				<i>Programme for the Roma Community in Poland</i>	TOTAL
	Textbooks	Educational subsidy	Other educational expenditure	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies	Grants for replacement of arrays associated with the introduction of additional names		
Belarusians	-	9 890 159.37	-	1 764 572.74	314 000	62 054	-	-	12 030 786.11
Czechs	-	6 840.26	-	-	-	-	-	-	6 840.26
Karaims	-	-	-	30 645	-	8 355.84	-	-	39 000.84
Lithuanians	345 250	1 620 050.61	29 900	422 120	1 500 000	183 968	85 554.29	-	4 186 842.90
Lemkos	-	2 188 469.30	-	784 200	527 998.58	106 400	3 557.15	-	3 610 625.03
Germans	-	82 085 686.75	-	1 100 953.68	48 000	547 860.96	448 335.11	-	84 230 836.50
Armenians	-	98 521.34	-	136 120	-	18 914	-	-	253 555.34
Roma	-	12 861 236.39	-	757 500	-	100 683	-	11 060 000 ¹²	24 779 419.39
Russians	-	136 841.64	-	80 260	-	12 760	-	-	229 861.64
Slovaks	-	1 367 856.79	-	345 000	350 000	35 000	-	-	2 097 856.79
Tartars	-	-	-	59 950	-	-	-	-	59 950
Ukrainians	367 738	12 054 874.92	36 500	1 300 800	90 000	212 800	-	-	14 062 712.92
Jews	-	671.443,25	-	694 006	-	183 260	-	-	1 548 709.25
Kashubian language	200 000	47 215 061.19	-	673 900	474 000	177 944	-	-	48 740 905.19
TOTAL	912 988	170 197 041.81	66 400	8.150.027,42	3 303 998.58	1 649 999.80	537 446.55	11 060 000	195 877 902.16

¹² Including 10 000 000 derived from the special reserve of the State budget - Help for Roma, 360.000 allocated from the budget of the Ministry of Internal Affairs and Administration, and the 700.000 allocated from the budget of the Ministry of National Education (of which 660 100 was used)

**FINANCING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING THE REGIONAL LANGUAGE, IN 2010**

National or ethnic minority or a community using the regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language				<i>Programme for the Roma Community in Poland</i>	TOTAL
	Textbooks	Educational subsidy	Other educational expenditure ¹³	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies	Grants for replacement of arrays associated with the introduction of additional names		
Belarusians	-	9 984 341.10	-	1 749 556	360 000	108 002.67	-	-	12 201 899.77
Czechs	-	-	-	-	-	-	-	-	-
Karaims	-	-	-	37 970	-	-	-	-	37 970
Lithuanians	133 500	1 684 538.23	-	437 600	1 840 000	168 712	-	-	4 264 350.23
Lemkos	-	1 842 369.71	-	746 500	150 998.85	106 510	-	-	2 846 378.56
Germans	-	91 437 045.42	88 576	1 153 110	-	475 700	241 611.66	-	93 396 043.08
Armenians	-	127 007.46	-	163 600	140 000	17 760	-	-	448 367.46
Roma	-	15 655 320.53	-	428 750	-	70 544	-	11 095 000 ¹⁴	27 249 614.53
Russians	-	-	-	81 800	-	10 300	-	-	92 100
Slovaks	-	1 279 829.58	14 912	350 000	500 000	30 000	-	-	2 174 741.58
Tartars	-	-	-	66 000	-	-	-	-	66 000
Ukrainians	167 382	12 764 209.76	70 446	1 321 400	160 000	210 800	-	-	14 694 237.76
Jews	-	720 606.17	48 335	711 300	-	129 000	-	-	1 609 241.17
Kashubian language	81 000	61 975 659.09	-	685 700	408 965.52	160 000	420 446.61	-	63 731 771.22
TOTAL	381 882	197 470 927.05	222 269	7 933 286	3 559 964.37	1 487 328.67	662 058.27	11 095 000	222 812 715.36

¹³ Including amounts awarded by the Ministry of Education to NGOs in the form of grants for the implementation of activities related to the education of students belonging to national and ethnic minorities, and communities using regional language.

¹⁴ Including 10 000 000 derived from the special reserve of the State budget - Help for Roma, 420.000 allocated from the budget of the Ministry of Internal Affairs and Administration, and the 700.000 allocated from the budget of the Ministry of National Education.

**FINANCING NATIONAL AND ETHNIC MINORITIES AS WELL AS COMMUNITIES
USING THE REGIONAL LANGUAGE, IN 2011**

National or ethnic minority or a community using the regional language	Financing of education expenditure			Subsidies for tasks aimed at the protection, preservation and development of cultural identity of ethnic and national minorities as well as the preservation and development of the regional language				<i>Programme for the Roma Community in Poland</i>	TOTAL
	Textbooks	Educational subsidy	Other educational expenditure ¹⁵	Special-purpose subsidies	Special purpose subsidies for investments	Earmarked subsidies	Grants for replacement of arrays associated with the introduction of additional names		
Belarusians	-	10 050 731.29	15 799	2 044 971.80	341 328	134 926	183 393.09	-	12 771 149.18
Czechs	-	-	-	47 000	-	-	-	-	47 000
Karaims	-	-	-	43 900	-	8 356.32	-	-	52 256.32
Lithuanians	478 960	1 679 474.64	-	565 175	310 538	182 842	-	-	3 216 989.64
Lemkos	-	1 842 081.63	-	1 026 480	94 295	75 300	-	-	3 038 156.63
Germans	-	105 437 036.58	-	1 609 655	40 000	545 200	251 079.58	-	107 882 971.16
Armenians	-	108 114.52	-	236 086	125 000	54 320	-	-	523 520.52
Roma	-	16 691 998.44	26 022	826 970.56	-	48 039	-	11 120 000 ¹⁶	28 713 030
Russians	-	-	-	95 700	-	12 210	-	-	107 910.00
Slovaks	-	1 404 649.01	-	415 200	-	30 000	-	-	1 849 849.01
Tartars	-	-	-	114 340	-	6 000	-	-	120 340
Ukrainians	247 580.55	14 116 389.72	15 597	1 940 800	418 859	227 000	-	-	16 966 226.27
Jews	-	824 673.11	-	870 482.90	-	154 200	-	-	1 849 356.01
Kashubian language	204 600	74 030 848.45	-	844 500	-	170 000	663 204.70	-	75 913 153.15
TOTAL	931 140.55	226 185 997.39	57 418	10 681 261.26	1 330 020	1 648 393.32	1 097 677.37	11 060 000	253 051 907.89

¹⁵ Only the amounts awarded during the discussed period by the Ministry of Education to NGOs in the form of grants for the implementation of activities related to education of students belonging to national and ethnic minorities, and communities using a regional language.

¹⁶ Including 10 000 000 derived from the special reserve of the State budget - Help for Roma, 420.000 allocated from the budget of the Ministry of Internal Affairs and Administration, and the 700.000 allocated from the budget of the Ministry of National Education.

National and ethnic minorities, as well as the Kashubian community benefit from increased educational subsidies in relation to the total number of schools. This amount totaled in 2011- PLN 209 493 998.95 (approx. 47 737 040).

It should be noted that a separate provision of the Act on National and Ethnic Minorities and Regional Language specifies that measures aimed to support activities for the protection, preservation and development of the cultural identity of minorities, may also be provided from the budget funds of local government units.

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

In accordance with Article 35 of the Constitution, Polish citizens belonging to national and ethnic minorities have the right to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. Minorities have the right to establish their own educational, cultural institutions, and institutions designed to protect religious identity, as well as to participate in the resolution of matters relating to their cultural identity.

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

Prohibition of activities aimed at assimilation of national minorities was written in the *Treaty between the Republic of Poland, and the Republic of Lithuania on friendly relations and good-neighborly cooperation* of 26 April 1994 (Journal of Laws of 1995 No. 15, item. 17). Article 15 of this Treaty provides assurance that the *parties shall refrain from any action that could lead to the assimilation of national minorities against their will.*

Poland in its efforts to the benefit of social inclusion does not refer to any policies or practices aimed at assimilation of persons belonging to national minorities. The fundamental principle of Polish integration policy is to refer to such means and methods that influence interactively, while respecting and enhancing the cultural autonomy of minorities according to the principle, which is defined as - „integration with respect to diversity

Article 6

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

Article 13 of the *Constitution* prohibits the existence of organizations whose programs or activities, presumes or refers to national hatred, and articles 119 and 257 of the *Penal Code* (Journal of Laws of 1997 No 88, item. 553, as amended) provide sanctions for the use of violence, threats of violence or insult people because of their nationality.

At the same time provision of Article 6, paragraph 2, item 3 of the *Act on National and Ethnic Minorities and Regional Language* provides that public authorities are obliged to respond appropriately to strengthen intercultural dialogue.

During discussed period, Government Plenipotentiary for Equal Treatment has taken a number of activities aimed at promoting tolerance and combating prejudice, including prejudice that lead to anti-Semitism. Among the most important it is worth to mention:

- Public campaign carried out in May 2011, under the slogan "Sweep out xenophobia from the streets - summer cleaning for tolerance", the aim of which was to remove the anti-Semitic, racist and xenophobic inscriptions from the public space of Polish cities and aired - on the initiative of Representative - on public television a series of programs " We are different, we are equal ", in which the positive aspects of multiculturalism are presented;
- A seminar organized in April 2011, on the International Roma Day "Be a Roma woman in the twenty-first century", dedicated to the social role and situation of Roma women in Poland. The aim of the first nationwide meeting on the subject, involving male and female representatives of the Roma associations, public administration and experts, was to diagnose the current situation of Roma women in Poland, and on this basis, create the list of problems and recommendations for necessary action. Seminar was accompanied by an exhibition "Roma" in the series "Beauty in Diversity";
- Organized on 17 October 2010 The Diversity Day - an event held around the Golden Terraces shopping complex in Warsaw, where information stands were set, there were debates, competitions and quizzes conducted, also presented was photo exhibition, and

artistic performances. The participants of the event were, inter alia, an associations of national and ethnic minorities, as well as non-governmental organizations specializing in anti-discrimination;

- Organized in cooperation with the European Commission within the framework of the Polish Presidency of the Council of the European Union, the V European Equality Summit - "Promoting equality at local and regional level" (Poznań 14-15 November 2011). The summit was attended by some 250 official representatives of the EU Member States, candidate countries, EEA-EFTA countries, international organizations and non-governmental organizations, from all over Europe. The issue of equal treatment irrespective of ethnic origin and nationality appeared in all the debates held during the summit, most fully during the workshop on the effective use of EU funds for regional and local level for implementing the policy of non-discrimination of minorities, including the Roma community.

Government Plenipotentiary for Equal Treatment has touched the subject of problems of racism and xenophobia in sport. In cooperation with the Ministry of Sport and Tourism, the Ministry of Internal Affairs and Administration, the Polish Olympic Committee and the Association, "Never Again", Government Plenipotentiary for Equal Treatment has twice (2009 and 2010) organized the conference "No - for racism in sport". The participants were representatives of all the major sports associations operating in Poland, athletes, officials and journalists. The first conference, which took place in October 2009, ended with the signing of the declaration of "No for racism in sport". Declaration (signed by the representatives of the government and 44 out of the 68 registered sports associations in Poland) refers, inter alia, to the recommendations of the European Commission against Racism and Intolerance, on combating racism in sport, and represents a public confirmation of the commitment of the organizers of professional sports in building through the sport, an open, tolerant society free from racism and xenophobia. During second conference, held in December 2010, a review of activities aimed at eliminating racism in sport was made. Good practices in this area were presented. Conference was accompanied by the ceremonial decision of the competition for journalists "Stop racism in sport", organized by the Government Plenipotentiary for Equal Treatment in partnership with the European Commission Representation in Poland.

In addition, among the activities associated with promoting tolerance and combating racist and xenophobic attitudes, there has to be mention of "I'm fair" campaign, co-implemented by the Ministry of Internal Affairs (formerly the Ministry of Internal Affairs and Administration), Ministry of Sport and Tourism, the local authorities of the city of Łódź, the

Polish Olympic Committee, University of Łódź, Police, Municipal Police, organizations dealing with combating racism and xenophobia, as well as local sports clubs". The project is a continuation of a pilot programme implemented in the school year 2009/2010 in four primary schools from the city of Łódź area. The main objective of the project is to promote the idea of fair play, as the education component of the fight against racism, xenophobia and anti-Semitism and to promote a greater understanding and tolerance for other people, cultures and religions among first grade students of upper-secondary schools in Łódź.

2. The Parties undertake to respond appropriately to protect persons who may be subject to threats or acts of discrimination, hostility or violence because of their ethnic, cultural, linguistic or religious identity.

Regulations concerning the prohibition of discrimination for any reason were included in Article 32 paragraph 2 of the *Constitution* of the Republic of Poland. In addition, Article 13 of the *Constitution prohibits* the existence of political parties and other organizations whose programs are based upon totalitarian methods and practices of Nazism, fascism and communism, as well as those whose programs or activities presume or sanction racial and ethnic hatred, the use of violence for the purpose of obtaining power or to influence the State policy, or foresees the secrecy of structure or membership.

Polish Penal Code protects in a special way persons belonging to national minorities and ethnic groups against acts of discrimination, hostility, violence or intimidation, which are the result of their ethnic, cultural, linguistic and religious identity. It contains specific provisions that penalize certain types of offenses committed against them because of their belonging to a given group.

Provision of Article 118 § 1 of the Penal Code, penalizes the crime of genocide. It states that anyone who intends to destroy in whole or in part, a national, ethnic, racial, political, or religious group with an ideology, kills or cause serious injury to a person belonging to such a group, shall be liable to imprisonment. Whereas, § 2 of this article penalizes the behavior of a person who for the same purpose: provides for members of the group life conditions threatening its biological destruction, implements measures aimed at preventing births within the group, forcibly removes children or persons constituting it. It should be emphasized that in the case of deeds referred to in § 1 and 2, the preparation itself for that offense is also penalized.

The use of violence or threats against a group of persons or individual person because of their national, ethnic, racial, political or religious affiliation or because of their lack of religious beliefs, is penalized in Article 119 § 1 of the Penal Code. According to this article, the person who committed such offense is punishable by imprisonment from 3 months to 5 years.

In 2010, three new articles were introduced to the Criminal Code: 118a, 126a and 126b. Article 118a of the Penal Code in § 1 penalizes offenses detrimental to the life and health (e.g., murder, grievous bodily harm), in § 2 - to the freedom in broad sense (e.g., rape, slavery), and in § 3 - to the freedom from persecution and deportation. The condition of incurring criminal liability based on this article is to make these acts by participating in a massive attack or even in one of the repeated attacks against a group of people taken to implement or support the state or organization policy. In accordance with Article, 126a of the Penal Code public provocation to commit an act referred to in Article. 118, 118a and 119 § 1 of the Penal Code is prohibited, as well as public praising of the act specified in these regulations. Article 126b of the Penal Code concerns criminal responsibility of those who, by failing to give adequate control, allow to commit an act described, among others in Article 118, 118a, 119 § 1 126a of the Penal Code, by a person under its actual authority or control.

Offense referred to in Article. 256 § 1 of the Penal Code, is public promotion of a fascist or other totalitarian system of state or incitement to hatred based on national, ethnic, racial, or religious denomination or because of their lack of religious beliefs. This deed is in danger of a fine, the penalty of restriction of liberty or 2 years imprisonment. In accordance with Article. 256 § 2 of the Penal Code, also subject to a penalty is a person who, in order to disseminate, produces, preserves or imports ,acquires, stores, possesses, presents, transports or transfers a print, record or other object containing the content specified in § 1 of this article. However, person does not commit crime, if this act was committed within artistic, educational, collectible or scientific activity.

Provision of Art. 257 of the Penal Code, in turn, provides for the penalization of publicly insulting of a group of people or individuals because of their national, ethnic, racial, religious, or because of their lack of religious beliefs, or violation inviolability of other persons for these reasons. This crime is punishable by imprisonment of up to three years.

An important meaning for the change the legal situation of discriminated persons, had the entry into force of the already mentioned *Act on implementation of certain European Union provisions in the field of equal treatment*, defining the areas and ways to prevent violations of the principle of equal treatment on grounds of sex, race, ethnicity, nationality, religion,

religion, belief, disability, age or sexual orientation. This Act organizes the legal situation and fully implements the provisions of the EU anti-discrimination directives, and defines the legal means of protection of principle of equal treatment, and the authorities responsible for the implementation of the principle of equal treatment. In accordance with the provisions of the Act, any person against whom the principle of equal treatment has been violated is entitled to compensation. Matters of infringement of the principle of equal treatment shall be governed by the *Civil Code*. Act introduces the principles of burden of proof, favorable for potential victims of discrimination. In accordance with Article. 14 of the Act, the entity that accuses the breach of the principle of equal treatment, must be able to substantiate the fact of its violation. In the case of substantiation of evidence of violation of the principle of equal treatment, the entity accused of breaching of the principle of equal treatment is required to show that he has hasn't committed a breach.

On 29 October 2009, the Prime Minister has decided to continue the *National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance*¹⁷. In February 2011, the Council has been established for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, which is chaired by the Government Plenipotentiary for Equal Treatment. The Council is a subsidiary body of the Council of Ministers, which was created by order of the President of the Council of Ministers No. 9 of 28 February 2011. The Council's work consists primarily of planning, coordination and evaluation of the activities of government bodies and ensures their cooperation with local government bodies and other entities in the fight against racism, xenophobia and intolerance. The Council consists of representatives of the government and public institutions. Council represents institutional continuing of Monitoring Group of National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, implementation of which was completed on 30 June 2009. In June 2011, the Council began work on the preparation of the government's action plan on prevention and combating racial discrimination, xenophobia and related intolerance, which is to be presented every two years to the Council of Ministers. The plan is to be a continuation of the *National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance*, implemented in 2004-2009. Permanent mechanism to ensure public consultation on activities undertaken by the Council will provided by Permanent Consultative Council - a consultative group made up of people who

¹⁷ Information about the measures taken within the implementation of the Programme, its analysis, evaluation of the implementation, and proposals concerning assumptions on continuation, is included in the Report on progress of the implementation of National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance for the years 2004-2009, adopted by the Council of Ministers on May 7, 2010.

are actively working to combat racial discrimination, xenophobia and related intolerance and representing groups and communities at risk of discrimination due to race, nationality or ethnic origin, appointed by the Government Plenipotentiary for Equal Treatment.

In 2011, the project "Equal Treatment as a Standard for Good Governance" was launched, implemented within the framework of the Human Capital Operational Programme by the Office of the Government Plenipotentiary for Equal Treatment in collaboration with the Warsaw School of Economics and Jagiellonian University.

The aim of the project is to prepare the government at all levels, to develop and monitor the law, and to develop and implement strategies taking into account the principle of equality. Under the project, a diagnosis of discrimination in various areas of social life was carried out, strategic recommendations for equal treatment were formulated, forming a basis for the development of the *National Programme of Action for Equal Treatment*, a nationwide network of 51 Coordinators for Equal Treatment was established in all ministries, in the Prime Minister's office, regional offices and selected public institutions. Operates Internet portal concerning the project. There are trainings foreseen in the field of non-discrimination to approximately 460 employees of the offices and public institutions.

During the period covered by the Report, consultants for racial discrimination were appointed in public prosecutor's office, whose task is to assist prosecutors conducting complex proceedings in cases of racially motivated crimes.

During the discussed period, a number of training courses, seminars and workshops were carried out aimed at public officials (judges, prosecutors, employees and officers of the Prison Service, as well as Border Guard and the Police) dedicated to the principle of equal treatment between persons irrespective of national origin, ethnicity and race, and on the issues of hate crime. During the period discussed in the Report, issues of cultural diversity and discrimination based on race, national or ethnic origin, religion, etc. have also been included in the curricula of police officers and Border Guard officers, both at the basic level of education and vocational training. Currently in all Police schools, there are lectures in the field of human rights for both students and the teaching staff. Issues to be covered include general issues and specific issues such as those related with the issue of discrimination and those taking into account the specific nature of work in the Police. Within the framework of educational activities of schools and police training centres, there are activities carried out on the central level in the field of legal solutions for preventing and combating discrimination, formation of anti-racist attitudes, and combating xenophobia and intolerance among the police force. In connection with the realization of the teaching of human rights issues (including the

prevention of discrimination against national and ethnic minorities), teaching materials have been developed in Police schools, in the form of textbooks¹⁸, scripts, reports and multimedia presentations in the field of human rights protection in the context of police activity. These materials are used by police teachers in the schools, made available to police school students in libraries, and disseminated to local police units by coordinating cells responsible for the process of local vocational training of police officers. Subject of human rights protection is also present in the first stage of higher education, carried out by the Police Academy. Hundreds of different types of training courses, conferences and other activities were carried out, serving the wider protection of human rights, in which several thousand of officers have been trained. There is a new trend where projects are based on education of policemen by people from different minority groups, i.e. national, ethnic, religious, and sexual, etc. Police cooperates with other police forces in Europe in the field of building common anti-discrimination policies. One example is the participation in the project under the name of *European Diversity in Policing*. Training of the police officers concerning counteracting racial discrimination against national and ethnic minorities and hate crimes, are also carried out by a network of appointed, in all Voivodeship Police Headquarters and the Main Police Headquarters, Plenipotentiary for the protection of human rights. The Plenipotentiaries of the Voivodeship Police Headquarters and the Main Police Headquarters for the protection of human rights assist officers in dealing with cases of racist or xenophobic. The structures of Police has also launched the so-called Early Intervention System (EIS), the task of which, among others, is take swift and effective response in the event of any misconduct concerning behavior of the policeman. It should be noted that within the structure of the Border Guard, a network of freelance assistants to Border Guard commanders was created, concerning the protection of human rights, which perform similar tasks.

Great importance for increasing the knowledge of police officers, had training programme carried out in the discussed period titled: *Law Enforcement Officers Programme on Combating Hate Crimes – LEOP*), realized in the Police under the supervision of the Ministry of the Interior (until November 2011, the Ministry of Internal Affairs and Administration) in cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (ODIHR OSCE). Chief of Police by the decision of 8 September 2009 approved the implementation of a *Specialist programme in the field of preventing and combating hate crimes*, and its implementation at the central

¹⁸ For example, a guide for police teachers, titled "*To serve and protect - a guide to the process of forming desirable attitudes and behavior in the course of basic training*".

level has entrusted to the Police Training Centre in Legionowo. This training has a cascading nature, and takes place on two levels: national (central) and local levels. At the central level, officials of the Voivodeship commands are trained in the area of prevention and control of hate crimes, and are also prepared for the role of trainers, who will then carry out the training on the above-mentioned issues at the local level - within their Voivodeships. Within the framework of the above-mentioned trainings, until now over 38 thousand officers were trained, representing 39% of all employed police officers. In addition to the police experts, representatives of NGOs working in the field of human rights, representing national minorities and ethnic groups or foreigners, as well as organizations whose mission is to fight against racism and neo-fascism are also involved in the implementation of the training. In order to support the work of trainers a textbook has been released "*Hate crimes. Auxiliary material for the trainer*". The material was edited by representatives of the Police and the Ministry of Interior, in cooperation with the Attorney General, the Association of "Never Again" and the OSCE ODIHR. This guide discusses all the issues discussed during the training under the LEOP programme. Textbooks were provided at the beginning of 2011 to all Police garrisons.

Measures to prevent the cases of discrimination based on the complaint or information are also taken by the Government Plenipotentiary for Equal Treatment. In the period from 22 April 2008 to 30 April 2009, the Government Plenipotentiary for Equal Treatment received 185 interventions, proposals, letters and problematic issues. In the period from 1 May 2009 to 31 December 2010, there were 361 such cases, whereas in 2011 - 546. The number of complaints regarding discrimination based on race, nationality or ethnic origin was about 30 per year and remained unchanged.

During the discussed period, incidents of racism and xenophobia were continuously monitored. These actions were led by the Group for Monitoring Racism and Xenophobia (operating within structure of Ministry of Interior and Administration), subsequently converted into Group for the Protection of Human Rights (operating within Ministry of the Interior and Administration). The group's activities included inter alia conducting monitoring of hate crimes, as well as taking steps to prevent this kind of occurrence and aimed to provide an adequate level of protection of human rights during the implementation of the tasks by the units subordinated or supervised by the Minister of Home Affairs (before Minister of Interior and Administration). The group gathers information about the events, which may be crimes or incidents motivated by prejudice (including crimes committed against national and ethnic minorities), based on the monitoring of the press and reports from NGOs, and individual

complaints. As part of the monitoring of cases, the group examines the way of considering of registered cases of by the police, prosecution and judiciary - from the time of the occurrence of the event, until the completion of the actions by relevant entities (e.g., judgment, redemption of proceedings, refusal to initiate proceedings). In some cases, in the event of redemption of proceedings or refusal to initiate the proceedings by regional prosecutor's office, the Group asks the Prosecutor General's Office for information on the results of the screening conducted under official supervision. In this way, the Group monitors the progress of the case and explains doubts that have been raised.

The number of registered by the group in recent years cases of events, that could have been crimes or incidents motivated by hate is shown below. It applies to all cases of this type of incidents, both for persons belonging to national and ethnic minorities based on national legislation, as well as other victims without this status.

Year	Crimes and incidents of racist and xenophobic nature
2007	26
2008	28
2009	52
2010	71
2011	85

The group serves also the role of the National Contact Point for hate crimes, at the Office for Democratic Institutions and Human Rights (ODIHR) OSCE. Under this task, data on hate crimes is collected and sent to the ODIHR, and which are used among others for the creation of an annual report - Hate Crimes in the OSCE Region: Incidents and Responses, prepared by this organization.

Article 7

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

Polish law provides broad guarantees for all Polish citizens, including persons belonging to national minorities, the freedom of assembly, of association, freedom of expression of

opinion, freedom of thought, conscience and religion. These guarantees are precisely specified by the provisions of Articles 53, 54, 57 and 58 of the *Constitution*.

According to the Law of April 7, 1989 *Law on Associations* (Journal of Laws of 2001 No. 79, item. 855, as amended) - like other Polish citizens - persons belonging to national and ethnic minorities have full freedom of association. Since the entry into force of the above Act, about 150 new minority associations were registered. All national and ethnic minorities have formed such associations. The amount of associations grouping persons belonging to national and ethnic minorities remains recently at a similar level, with a slight upward trend.

The current Polish law does not contain any restrictions on the rights to peaceful assembly. Act of 5 July 1990, the *Law on Assemblies* (Journal of Laws No. 51, item. 297, as amended), in Article 1 establishes the right of everyone to benefit from the freedom of peaceful assembly.

It should be also noted that the penalization of actions against the freedom of conscience and religion was foreseen in Chapter XXIV "Crimes against freedom of conscience and religion" of the Criminal Code (detailed discussion is contained above in the commentary to Article 6).

Article 8

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

According to Article 53 of the *Constitution*, everyone is provided with freedom of conscience and religion. Freedom of religion includes freedom to profess or to accept a religion of his/her choice, and manifest it, either individually or with others, in public or in private of their religion through worship, prayer, observance, practice and teaching. Freedom of religion also includes the possession of temples and other places of worship, depending on the needs of believers and the right of people to benefit from religious services where they are. Freedom to manifest religion may be restricted by law, only through Act, and only when it is necessary to protect national security, public order, health, morals or the rights and freedoms of other persons. Furthermore, in accordance with Article 53, paragraph 6 and 7 of the *Constitution*, no one can be compelled to participate or not participate in religious practices, as well as cannot be required by the public authorities to disclose his philosophy, religion or belief.

Constitutional guarantees of freedom of religion and belief are reflected in the provisions of Chapter I of the Act of 17 May 1989 on the *guarantees of freedom of conscience, and religion* (Journal of Laws of 2005, No. 231, poz.1965, as amended.).

The provisions of the Criminal Code provide for criminal liability for actions against the realm of religious freedom. In accordance with Article. 194 of the Penal Code, any limitation of human in his rights because of religious affiliation or non-denominationalism is an offense punishable by restriction of liberty or imprisonment for up to two years.

While the provision of Article 195 § 1 of the Penal Code provides that any person who maliciously interferes with a public performance of a religious act by the church or religious organization with clear legal status is subject to a fine, restriction of liberty or imprisonment for up to two years. According to § 2 of the said Article, the same penalty shall be imposed on anyone who maliciously interferes with a funeral, funeral ceremonies or rites.

Finally, the provision of Article 196 of the Penal Code provides for penalizing defamation of religious feelings of other people by public profanation of religious object or place of worship dedicated to the public performance of religious rites, such offense is punishable by a fine, restriction of liberty or imprisonment for up to two years. According to the ruling of the Constitutional Court of 7 June 1994 (C 17/93, OTK of 1994, Sat. I, item 11, p 90) *religious feelings, due to their nature, are subject to special legal protection. Because they are directly related to the freedom of conscience and religion, forming a constitutional value.*

Currently in Poland, there are 173 Churches and religious associations (according to the data as at 1 April 2012). 158 churches and religious organizations are registered in the Register of Churches and other religious organizations, and function under the law on the *guarantees of freedom of conscience and religion*. The form of the legal regulation is due to historical circumstances, and is not related to the number of the faithful. 15 Churches function under separate law governing the relations of the state with individual churches or religious organizations. These are:

- - Act of 17 May 1989 on the *relations between the State and the Catholic Church in the Republic of Poland* (Journal of Laws No. 29 item. 154, as amended),
- - *Concordat between the Holy See and the Republic of Poland* of 28 July 1993 (Journal of Laws of 1998 No. 51, item. 318),
- Regulation of 22 March 1928 *on the relations between State and Eastern Old-Rites Church, without a spiritual hierarchy* (Journal of Laws No. 38 item. 363),

- Act of 21 April 1936 *on the relations between the State and the Karaim Religious Union in the Republic of Poland* (Journal of Laws No. 30 item 241),
- Act of 21 April 1936 *on the relations between State and the Muslim Religious Association in the Polish* (Journal of Laws No. 30 item 240),
- Act of 4 July 1991 *on the relations between the State and the Polish Autocephalous Orthodox Church* (Journal of Laws No. 287 as amended),
- Act of 13 May 1994 *on the relations between State and Evangelical - Lutheran Church in the Republic of Poland* (Journal of Laws No. 73 item 323 as amended),
- Act of 13 May 1994 *on the relations between State and Evangelical - Reformed Church in the Republic of Poland* (Journal of Laws No. 73 item 324 as amended),
- Act of 30 June 1995 *on the relations between State and Evangelical - Methodist Church in the Republic of Poland* (Journal of Laws No. 97 item 479 as amended),
- Act of 30 June 1995 *on the relations between State and the Christian Baptist Church in the Republic of Poland* (Journal of Laws No. 97 item 480 as amended),
- Act of 30 June 1995 *on the relations between State and Seventh-day Adventist Church in the Republic of Poland* (Journal of Laws No. 97 item 481 as amended),
- Act of 30 June 1995 *on the relations between State and Polish-Catholic Church in the Republic of Poland* (Journal of Laws No. 97 item 482 as amended)
- Act of 20 February 1997 *on the relations between the State and Jewish religious communities in the Republic of Poland* (Journal of Laws No. 41 item 251 as amended)
- Act of 20 February 1997 *on the relations between the State and the Catholic Mariavite Church in the Republic of Poland* (Journal of Laws No. item. 252 as amended)
- Act of 20 February 1997 *on the relations between the State and the Old Catholic Mariavite Church in the Republic of Poland* (Journal of Laws No. item 253 as amended)
- Act of 20 February 1997 *on the relations between State and Pentecostal Church in the Republic of Poland* (Journal of Laws No. 41 item 254 as amended).

One of the most difficult problems regarding the normalization of state-church relations is associated with the regulation of the issue of restitution to churches and religious associations of the properties nationalized after 1945. Process of restitution of the property based on provisions of the acts is underway. During the period covered by the *Report*, 5 commissions functioned for revendication of property to the benefit of church legal

persons¹⁹. Four of them still exist; one (the Property Commission) has completed its activities in the period covered by this *Report*.

Property Commission acted on the basis of the Act of 17 May 1989 *on the relations between the State and the Catholic Church in the Republic of Poland* (Journal of Laws No. 29, item. 154, as amended), and regulation by the Minister-Head of the Office of the Council of Ministers of 8 February 1990 *on the detailed regulatory procedure in the field of restoring of ownership of the property or parts thereof, to the Catholic Church's legal persons* (M.P. No. 5, item. 39, as amended). Was abolished by the Act of 16 December 2010, amending the *Act on relations between the State and the Catholic Church in the Republic of Poland* (Journal of Laws of 2011 No. 18, item. 89) with effect from 1 March 2011r.

During statutory period, Property Commission received 3,063 applications for initiating regulatory proceedings.

In cases heard - totally or partially - the Commission has taken the following decisions:

- Adjudicating Groups of the Committee approved 1486 settlements, restoring or transferring ownership to the church's legal persons,
- 990 judgments restoring or transferring ownership to the church's legal persons were issued,
- 666 proceedings ended with dismissal or rejection of the application, or discontinuance of the proceedings before the Property Commission,
- in 136 proceedings, Adjudicating Groups have not agreed on a decision on the case.

In the course of completed regulatory proceedings, Property Commission transferred to church's legal persons, property with a total area of 65 537.9704 hectares and compensation and damages in the amount of PLN 143 534 231.41.

As of the abolition day of the Property Commission, 216 applications remained, in respect of which regulatory proceedings have not been completed before the Commission. According to the *Law amending the Law on relations between the State against the Catholic Church in the Republic of Poland* - in the event of non-considering of application for initiation of regulatory proceedings by the Property Commission, the parties to the regulatory proceedings have the right, within 6 months from the date of entry into force of the Act, that is, from 1 February 2011 r ., to apply to resume suspended judicial or administrative proceedings, and if it was not initiated - apply to the court for adjudication of claim.

¹⁹ Data on all Commissions present situation as at April 1, 2012.

Regulatory Commission of the Evangelical Church of the Augsburg Confession in the Republic of Poland received in 1200 applications for initiating regulatory proceedings in matters of restitution of property ownership and the free transfer of ownership of the property to the legal persons of Evangelical Church of the Augsburg Confession in the Republic of Poland. Regulatory proceedings were completed in the following manner:

- 252 settlements were concluded,
- 176 decisions to reconstitute ownership of the property or to grant replacement property were issued,
- 510 cases were concluded in discontinuance of the proceedings by consensual application of the parties or rejection of the regulatory application because of the lack of a legal basis for its consideration before the Regulatory Committee,
- In 17 cases judgment was not agreed, which allowed Applicant, and participants of regulatory proceedings to refer the case to court.

240 applications are left for consideration by the Regulatory Commission, because 5 were attached to the existing applications, due to the sameness of the claims. Regulatory Commission reconstituted the ownership of property and transferred free of charge ownership of property to the legal persons of Evangelical Church of the Augsburg Confession in the Republic of Poland in the amount of 398 hectares of agricultural land, forest, and undeveloped, and 44.5 hectares of developed property. Furthermore, in accordance with the settlements to the benefit of legal persons of Evangelical Church of the Augsburg Confession in the Republic of Poland, compensations in cash of approximately PLN 1 453 000.00 were paid.

Regulatory Commission of the Polish Autocephalous Orthodox Church received 472 claims (including 9 aggregate applications with property located in 275 locations). 559 cases were initiated.

- 247 proceedings were completed with comprehensive settlement,
- 62 partial settlements were issued,
- 4 proceedings ended with a decision on compensation,
- 12 proceedings ended with a decision to transposition or transfer the property - 2 partial decisions were issued,
- 61 proceedings ended with a decision on discontinuance
- 3 proceedings ended a decision on rejecting the application.

Regulatory Commission on Jewish religious communities received 5544 applications (of which 40 applications were submitted by unauthorized entities, and because of the above, these requests were rejected by the Regulatory Commission), of which 5504 proceedings were initiated, 2241 procedures were (fully or partially) completed (408 were completed with a decision (wholly or partly) to consider application, 577 were completed with settlement, 371 were completed with dismissal, rejection of a claim, 832 with a decision to discontinue the regulatory proceedings, 64 proceedings ended without agreeing on the decision).

Interchurch Regulatory Commission is currently considering property claims against the State by the following churches:

- 1) *Baptist Church in Poland,*
- 2) *Evangelical Methodist Church in Poland,*
- 3) *The New Apostolic Church in Poland,*
- 4) *The Seventh-day Adventist Church in Poland,*
- 5) *Muslim Religious Union in Poland,*
- 6) *Reformed Evangelical Church in Poland,*

Commission completed work on revindication of property from the applications of the following churches:

- 1) The Bible Society in Poland - in 2005,
- 2) Church of Evangelical Christians - in 2002,
- 3) Church of England in Poland - in 2007,
- 4) Pentecostal Church in Poland - in 2008.

Interchurch Regulatory Commission received a total of 170 cases. 72 cases from all over the country were completed, including:

within:

- I. The Seventh-day Adventist Church in the Republic of Poland:
 - 12 cases were received,
 - 1 was completed with the settlement on the transfer of the property,
 - 1 was completed with ruling on discontinuance of the proceeding,
 - 1 was completed without agreeing on the decision,
 - 9 cases are being considered.
- II. Baptist Church in the Republic of Poland:
 - 79 cases were received,
 - 5 were completed with a ruling transferring the ownership of property,
 - 12 were completed with ruling on discontinuance of the proceeding,

- 8 were completed with a ruling dismissing the application,
- 1 was completed with the settlement on the transfer of the property,
- 53 cases are being considered,

III. Evangelical Methodist Church in the Republic of Poland:

- 30 cases were received,
- 11 were completed without agreeing on the decision,
- 3 were completed with a ruling transferring the ownership of property,
- 12 were completed with a ruling dismissing the application,
- 4 cases are being considered.

IV. The Bible Society in Poland:

- 2 were received,
- 1 was completed without agreeing on the position,
- 1 was completed with ruling on discontinuance of the proceeding.

V. Church of England in Poland:

- 2 cases were received,
- 1 was completed with settlement on the transfer of replacement property to Church,
- 1 was completed with ruling on discontinuance of the proceeding.

VI. Church of Evangelical Christians:

- 1 case was received,
- 1 was completed with ruling on discontinuance of the proceeding.

VII. Muslim Religious Union in the Republic of Poland:

- 3 cases were received,
- 1 was completed a ruling granting compensation,
- 1 was completed with ruling on discontinuance of the proceeding,
- 1 case is being considered.

VIII. Pentecostal Church in the Republic of Poland:

- 2 cases were received,
- 1 was completed with a ruling transferring the ownership of property,
- 1 was completed with ruling on discontinuance of the proceeding.

IX. The New Apostolic Church in Poland:

- 22 cases were received,
- 1 was completed with a ruling transferring the ownership of property,
- 1 was completed with ruling on discontinuance of the proceeding,
- 20 cases are being considered.

X. Reformed Evangelical Church in the Republic of Poland:

- 17 cases were received,
- 1 was completed with a ruling transferring the ownership of property,
- 5 were completed with ruling on discontinuance of the proceeding,
- 3 were completed by issuing partial ruling,
- 1 was completed partially, without agreeing on position regarding part of requested property, and the suspension of the proceedings on the part of the requested property,
- 3 were completed with partial settlement on the transfer of replacement property,
- 11 cases are being considered.

Based on the legislation, members of churches and religious associations have guaranteed possibility of exemption from work or school during religious holidays (Article 42 of the Law on the *Guarantees of freedom and religion* and the regulation of Ministers of Labor and Social Policy and the National Education of 11 March 1999 *on the exemption from work or school for persons belonging to churches and other religious associations for celebrating religious holidays that are not statutory public holidays* (Journal of Laws No. 26, item. 235)).

In the Polish Army, operate Ordinariates of the Catholic Church, and Orthodox Church, as well as Evangelical Military Chaplaincy.

The Polish state provides financial support to churches and other religious associations under the operations of the Church Fund, which according to § 1 of the statute may provide assistance for the following purposes:

- Financing of social security and health insurance of the clergy,
- Supporting the charitable-care activities, and educational activities of the Church,
- Reconstruction, repair and maintenance of places of worship of historical value (entered in the register of monuments).

In 2011, PLN 89 185 000 were allocated for the Fund Church from the state budget (approximately EUR 20 322 434), used to fund social security and health insurance of the clergy.

Due to the unique situation and specific needs of the faithful belonging to certain communities and ethnic minorities, Catholic Church organizes, where appropriate, chaplaincy directed to these groups. In the Diocese of Opole functions chaplaincy care of national and ethnic minorities, whose activity is directed mainly to the German and Roma minorities. Chaplaincy led by Fr. Piotr Tarliński publishes its bilingual periodical "Die Heimatkirche".

Within the structures of the Catholic Church also operates the National Chaplain of the Roma. Fr. Stanisław Opocki from Łososina Dolna parish performs this function. Some parishes also appoint local priests, whose mission is directed particularly to the members of the Roma community (e.g. in Wrocław - Fr. Wojciech Kubisiak, in Wałbrzych – Fr. Marek Zoloteńko).

Article 9

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

Freedom to express opinions, and to acquire and disseminate information as a fundamental value of democracy, has been guaranteed in Article 54, paragraph 1 of the Constitution, on freedom of speech and the press. These rules concerning public media are carried out based on the Act of 29 December 1992 *on Radio and Television Broadcasting* (Journal of Laws of 2011 No. 43, item. 226, as amended). In particular by introduced by the Act of 2 April 2004 on the amendment of *the Law on Radio and Television Broadcasting* (Journal of Laws of 2004 No 91, item. 874) the definition of the public mission. Article 21 (1) of the Act provides that public radio and television broadcasting realize public mission, offering under the terms of the law, to the society as a whole, and to its individual parts, various programmes and other information services, journalism, culture, entertainment, education and sports, with a pluralism, impartiality, balancing, independence and innovation, high quality and integrity of communication. *Act on National and Ethnic Minorities and Regional Language* introduced to the tasks of public radio and television broadcasting, resulting from the implementation of the public service, as defined in Article 21 (1a) of the *Act on radio and television broadcasting*, obligation to "take into account the needs of national and ethnic minorities and the community using the regional language, including broadcasting programmes in the languages of national minorities and ethnic minorities and in regional language". This provision allows undertaking a variety of activities, not limiting to the obligation to broadcast news programmes in the languages of national and ethnic minorities and in the regional language. Programmes classified as dedicated to minorities are subject to fixed criteria and broadcasters apply

standards to programmes that meet the general requirements for journalistic professionalism and integrity.

Act on national and ethnic minorities and on regional language also provides that when appointing programme councils of branches of public radio and television broadcasters, broadcasting programmes in the languages of national and ethnic minorities and the in the regional language, managers of branches shall take into account the candidates proposed by the community organizations of these minorities and communities. Programme Council functioning in the public media, according to the *law on radio and television broadcasting*, are appointed for a term of four years. In the years, 2010 - 2011 National Council for Radio and Television has established Programme Councils of regional branches of Polish Television in Górow Wielkopolski, Kielce, Olsztyn and Opole. No representative of the national and ethnic minorities and communities using the regional language has entered into the composition of any of these councils, because the minority community organizations did not designate their candidates. Programme councils established in 2008, still include representatives recommended by the Association of Ukrainians in Poland. Michał Pulkowski is a member of the programme council of Radio Rzeszów, Roman Radziwinowicz is a member of the programme council of Radio Koszalin. The next elections for programme councils in public service broadcasting companies will be held in the second half of 2012.

A significant role in leading and coordinating public television to the benefit of minority's plays already mentioned the Krajowa Rada Radiofonii i Telewizji (National Broadcasting Council), which under Article 213 (1) of the *Constitution of the Republic of Poland* upholds freedom of expression, right to information and the public interest in broadcasting. Specific powers of the National Broadcasting Council, as the competent authority in the field of radio and television broadcasting, are set out in the *Act on Radio and Television Broadcasting*. As a law protection authority, the National Broadcasting Council, the foremost controls and evaluates the programmes emitted by the broadcasters from the point of view of fundamental and socially accepted values. In accordance with Article 18 of the *Act on Radio and Television Broadcasting*, emitted programmes cannot promote activities contrary to the morality and social welfare, they should among other things, respect the religious feelings of recipients, in particular, they cannot contain any content discriminating on grounds of race, sex or nationality.

NBC takes many actions relating to national and ethnic minorities and communities using the regional language, such as:

- participation in the sessions of the Parliamentary Committee on National and Ethnic Minorities and the Joint Commission of Government and National and Ethnic Minorities,
- participation in meetings and conferences relating to issues of national and ethnic minorities and communities using the regional language,
- interventions in cases of complaints and appearances by representatives of national and ethnic minorities and communities using the regional language,
- providing support to representatives of these groups in dealing with broadcasters,
- consultations with representatives of national and ethnic minorities and communities using the regional language in the area of their needs,
- monitoring of programmes emitted by public broadcasters, for participation in the broadcasted material of programmes addressed to national and ethnic minorities and communities using the regional language,
- supporting the idea of training, and broadening the competence of journalists of the mentioned groups.

NBC as a regulator of the electronic market cannot establish rules for implementation by public broadcasters of programmes for national and ethnic minorities and communities using the regional language. In accordance with the will of the legislature, programme independence of broadcaster was sanctioned in the law *on radio and television broadcasting*. Programmes classified as designated for minorities are subject to fixed criteria and programme broadcasters apply standards that meet the general requirements for journalistic professionalism and integrity. During the period covered by the *Report*, in addition to its routine activities resulting from the *Act on Radio and Television Broadcasting*, NBC has developed for the actions ensuring proper access for national and ethnic minorities to their programmes, the definition of "programmes addressed to national and ethnic minorities, and programmes in regional language" which was approved by the Joint Commission of Government and National and Ethnic Minorities (the Commission's Joint Government and National and Ethnic Minorities of 24 February 2010). According to this position, NBC in its actions taken, considers programmes to be addressed to national and ethnic minorities when they meet the following conditions:

- they are entirely devoted to issues concerning national minorities and ethnic communities using the regional language,

- representatives of national or ethnic minorities not only participate, but they speak about themselves and their problems,
- clear addressee is a particular national or ethnic minority or community using the regional language,
- they are realized in the language of a national, ethnic minority or in regional language,
- they are edited by a group composed of representatives of concerned national, ethnic minority or community using the regional language.

As part of the activities carried out, NBC keeps abreast consultations with representatives of national and ethnic minorities and communities using the regional language in terms of their needs and postulates regarding public media.

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

In accordance with Article 33 of the Act of 29 December 1992 *on Radio and Television Broadcasting* (Journal of Laws of 2011 No. 43, item. 226, as amended), broadcasting radio and television programmes with the exception of the public media, requires a license. The competent authority in matters of concession is President of the National Broadcasting Council, which decides based on a resolution of the National Council. In addition, important from the point of view of national and ethnic minorities is a record of Article 39b of the mentioned Law, under which associations and foundations in pursuit of their statutory objectives, and legal persons of church or religious association with clear legal situation, have the opportunity to apply to the NBC for recognition as a social broadcaster. Social broadcaster is exempt from fees for the grant or modification of concessions.

In the period covered by the *Report*, 7 non-public radio broadcasters used the possibility to emit programmes addressed to national and ethnic minorities and communities using the regional language, they were: Belarusian Radio „Racja”, Radio „Kaszëbë”, Radio „Park FM” from Kędzierzyn-Koźle, Radio Bon Ton from Chełm, Radio Orthodoxia from Białystok, Twoje Radio Włodawa, and Radio „Vanessa” from Racibóž (in 2011 Radio Plus Opole).

Moreover, since 2006, Polish-German Internet Radio "Mittendrin" run by the Towarzystwo Społeczno-Kulturalne Niemców województwa śląskiego (Social and Cultural Association of Germans of Silesian Voivodeship) broadcasts via the Internet from Raciborz.

Since June 2011, in Gorlice Lemko Association „RUSKA BURSA” broadcasts Internet Radio in Lemko language (currently using the name Internet radio of Ruska Bursa „LEM.fm”).

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

Radio “Kaszëbë” is a non-public radio station broadcasting from Władysławowo (Pomorskie Voivodeship). It was launched in December 2004. Since then, the share of the station in regional radio market grew by 164%, making it the most listened to local station in Pomerania region. The range of the station covers the population of following Poviats: Pucki, Wejherowski, Kartuski, Kościerski, and parts of Bytowski, Chojnicki and Lęborski and Tricity. At the same time there is constant expansion of network of transmitters and signal is amplified reach even more people from Pomeranian region. Almost 40% of the programmes are broadcast in Kashubian language. The character of the radio can be defined as universal as there are mostly news and programmes on social, political, cultural and educational matters. The majority of programmes refer to the broadly understood local issues. Besides, the radio presents music with lyrics in Kashubian. Since 2006, radio operations are supported by the means from the Government of the Republic of Poland. Radio broadcasts are also available to listeners via the Internet.

Since 1997 private Radio "Vanessa" broadcasting from Racibórz, emits weekly 25-minute programme - Die deutsche Simm (previously emitted under the name of Die deutsche stimme aus Ratibor). Program realized by persons associated with Socio-Cultural Association of Germans of Silesian Voivodeship, includes reports from the life of the German minority, local news, requests, and music. In 2011, the programme was aired on non-public Radio Plus Opole. The programme is also available on the Polish-German Internet Radio "Mittendrin”.

Radio "Park FM" broadcasts a weekly Polish-German wish list concert titled Kaffeeklatsch. This programme is an intermediate form between the journalistic and musical radio programme. During the programme, journalistic materials regarding events important to the life of the German minority, and short reportage on issues important to it are emitted. An integral part of the programme is also wish list concert.

On the airwaves of Radio Orthodoxy from Białystok a programme titled „Ukraińskie Słowo” (Ukrainian word) is broadcasted in Ukrainian, which the issues of tradition, culture, language, faith, and the history of the Ukrainian community in Podlasie region and other regions inhabited by Ukrainian minority are addresses. These programmes are presented in weekly, 20 minutes long programme. Radio Orthodoxy covers Białystok and surrounding area. It is also available on the Internet. Radio Orthodoxy, Twoje Radio Włodawa, and Radio Bon Ton from Chełm in the period covered by the *Report*, also emitted radio show in the Ukrainian language titled *Bells of Chełmszczyzna and Podlasie*, prepared by the Ukrainian Society in Lublin. This programme was also aired on the internet radio of Lublin-Chełm Orthodox Diocese.

A new aspect of the media operations of national and ethnic minorities and communities using the regional language, is broadcasting television programmes via private broadcasters. In 2011, on the airwaves of satellite television CSBTW, a programme in Kashubian language titled *Domôcëzna* was aired, prepared by the "Ziemia Pucka" association". During the period covered by the *Report*, CSBTW station and satellite television TVS, also aired German-language magazine *Schlesien Journal*, developed by Union of German Socio-Cultural Associations in Poland. Programmes in the Kashubian language are also aired on local television station TVT Teletronik from Kartuzy and Twoja Telewizja Morska from Wejherowo.

Information on programmes subsidized from the state budget in 2011, for national and ethnic minorities and communities using the regional language, aired via private broadcasters, and on the amount of support given from the budget of the minister in charge of religious denominations and national and ethnic minorities, for their implementation present the following tables:

Programs for national and ethnic minorities and communities using the regional language, aired via non-public radio and television stations in 2011					
Non-public radio stations (including Internet radio stations)	language				
	Belarusian	Ukrainian	German	Lemko	Kashubian
	number of hours per year				
Belarusian Radio Racja	381 + powtórki	-	-	-	-
Radio Bon Ton in Chełm	-	17	-	-	-
Radio Orthodoxy in Białystok	-	17	-	-	-
Twoje Radio Włodawa	-	17	-	-	-
Prawosławne Radio Internetowe of Lublin-Chełm Orthodox Diocese	-	17	-	-	-
Radio Park FM	-	-	52	-	-
CSB TV (Cassubia TV)	-	-	19	-	26+reruns
Radio Mittendrin	-	-	303-307	-	-
Radio Plus Opole	-	-	47,5	-	-
Internetowe Radio Ruskiej Bursy	-	-	-	5136	-
Radio Kaszëbë	-	-	-	-	4524 + 260 in summer season + program Summer Studio without a fixed schedule
TOTAL	381	68	454	5136	4810

Production costs of programmes for national and ethnic minorities and communities using the regional language, aired via non-public radio and television stations in 2011			
Name of the radio or TV station	Programme title	Total annual cost of program production	Amount of subsidy by Ministry of Internal Affairs and Administration
Radio Racja	Z Podlasia Rodem	32.240	244.998,80
	Podlaski Tydzień	32.240	
	Podlaski Koncert Życzeń	96.720	
	Kultura bez Granic	32.240	
	Audycja Kulturalna dla Młodzieży	16.120	
	Literatura dla młodzieży	12.896	
	Audycja krajoznawcza	16.120	
Radio Park FM	Kaffeeklatsch	94.122,24	35.000
CSB TV (Cassubia TV)	Schlesien Journal	363.038, 72	70.000
	Domôcëzna	104.000	83.000
Radio Plus Opole	Die Deutsche Stimme	51.700	60.000
Radio Mittendrin	Mittendrin	5.200	
	Die Deutsche Stimme		
	Präsent		
	News		
	Kalendarium		
	Top10		
	Polsko-niemieckie osobistości		
	Wieczór z gwiazdą		
Deutsche Nachrichten			
Radio Bon Ton	Dzwony Chełmszczyzny i Podlasia	64.000	60.000
Radio Orthodoxia w Białymstoku			
Twoje Radio Włodawa			
Prawosławne Radio Internetowe Of Lublin-Chełm Orthodox Diocese			
Internetowe Radio Ruskiej Bursy		100.000	100.000
Radio Kaszëbë	Klaprë ë pludrë	239.200	300.000
	Na widnikù Kaszëbë	239.200	
	Gòspòda Radia Kaszëbë	129.400	
	Klëka	60.000	
	Czas młodëch talentów	23.920	
	Studio letnie	22.200	
	Mobilne studio w ramach Klaprë ë pludrë	32.200	
TOTAL		1.766.756,96	952.998,80

3. *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the*

provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

As it was mentioned earlier in the commentary on Article 5 (1), according to Article 18 (2) (3) of the Act on *National and Ethnic Minorities and Regional Language*, public authorities shall be obligated to take appropriate measures in order to support the activity intended to protect, maintain and develop cultural identity of the minority, and the measures may include special-purpose subsidies and earmarked subsidies to finance publication of books, journals, periodicals and leaflets in minority languages or in the Polish language in the printed form or using video and sound recording techniques. Currently, responsibility regarding implementation of the provisions of Article 18 of the *Act on National and Ethnic Minorities and Regional Language* rests on the Minister of Administration and Digitization, which is the minister in charge of religious denominations and national and ethnic minorities. Just like the Minister of Culture and National Heritage, and the Minister of Interior and Administration before, the Minister of Administration and Digitization is doing his best to ensure that each of the national and ethnic minorities publishes at least one magazine (in their mother language or in Polish, yet magazines in the mother tongue are preferred). The cost of publishing of such magazines is covered almost in total from the state budget.

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

Almost all magazines of national and ethnic minorities and of the community using the regional language are subsidized from the state budget by the competent minister in charge of denominations and national and ethnic minorities. In 2011, there were 42 such publishings. The total amount in the budget of Ministry of Internal Affairs and Administration, designated to their publishing in 2011, amounted to PLN 3 715 885, 56 (about EUR 846 732). Thanks to the grants by Minister, three magazines can be published, two of which are issued only in minority languages, one bilingual, and one bi-weekly issued in the minority language. Other titles include monthly, bimonthly, quarterly, half-yearly, and yearly.

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

Adopted legislation guarantees for the recipients belonging to national and ethnic minorities and using the regional language, access to programmes designated and aired for them on the airwaves of public radio and television. Programmes devoted to national and ethnic minorities are present on permanent basis in public television and radio.

a) Programmes for national and ethnic minorities and communities using the regional language in public radio and TV broadcasting

In the period covered by this *Report*, the companies of public radio and television continued to broadcast programmes that take into account the needs of national and ethnic minorities and communities using the regional language.

- **Belarusian minority**

During the discussed period, in the branch of TVP in Białystok, twice a week appeared 20 minute long programme titled "*Tydzień Białoruski*" (Belarusian week), addressed to the Belarusian minority (premiere edition on Sunday, rerun on Wednesdays). It was created in the Belarusian language with subtitles in Polish. Programmes for Belarusian minorities were also present in the Radio Białystok. Cyclic programme "*Pad znakam Pahoni*" was broadcasted daily, and programmes "*Przed wejściem do cerkwi*" and "*Pažadalnaja piesnia*" - once a week. These programmes were created in the Belarusian language.

- **Lithuanian minority**

Programs for the Lithuanian minority were still present in the branch of TVP in Białystok and Radio Białystok. Seven minute long programme titled "*Litewska panorama*" (Lithuanian panorama) was broadcasted weekly in the Lithuanian language with subtitles in Polish. Radio Białystok aired 3 times a week *Lithuanian magazine*.

- **German minority**

Programmes for German minority were offered by branches of TVP in Katowice and Opole, and regional radio stations of the Polish Radio in Katowice, Olsztyn, Opole and Szczecin. Branch offices in Katowice and Opole aired in German language broadcast titled *Schlesien Journal*, which appeared in the programme once a week. Radio Katowice in its programme had offer bilingual biweekly, Upper Silesian *magazine of the German minority Reconciliation and Future*, created by the German Community "Reconciliation and Future", and bi-weekly in German language *Präsent*, created by the Social and Cultural Association of Germans of Śląskie Voivodeship. In Radio Olsztyn appeared weekly news-culture magazine *Allensteiner Welle*, created in German. Regional radio station in Opole has been broadcasting

daily every Sunday culture and current affairs magazine *Nasz Heimat*, 5 times a week news magazine *Śląskie Wiadomości*, and from December 2010 weekly cultural magazine, *Kulturviertel*. The first programme was created in German and Polish, and two others - only in German.

- **Roma minority**

Programmes for the Roma minority were present in the regional radio station of the Polish Radio in Koszalin. It has been broadcasting a weekly *Roma magazine* and *Roma bulletin*. In December, on Radio Opole appeared cyclical, weekly programme for the minority titled *Romano Drom*. It was created in the Roma and Polish language. By September 2011, the local branch of TVP in Białystok has been broadcasting twice a month (premiere edition on Sunday, rerun on Wednesday) 7-minute long programme - *We Roma* - edited in Polish and Roma.

- **Russian minority**

Until September 2011, branch of TVP in Białystok has been broadcasting twice a month for the Russian minority (premiere edition on Sunday, rerun on Wednesday) 7, 5 minute long magazine titled Russian Voice. Programme was created in Russian with subtitles in Polish²⁰. None of the regional public radio stations have been broadcasting daily for the Russian minority.

- **Tatar minority**

Until September 2011 local branch of TVP in Białystok, has been broadcasting for the Tatar minority cyclic programme titled *Orient Podlaski*. Lasting 7.5 minutes programme was created in Polish and was broadcast once a month and once a month replayed (premiere edition on Sunday, rerun on Wednesday).

- **Ukrainian minority**

Cyclical programmes for the Ukrainian minority were broadcast by local branches of Polish Television in Białystok and Olsztyn, and regional radio stations in Białystok, Koszalin, Krakow, Olsztyn, Rzeszow and Szczecin. Branch of TVP in Białystok has been broadcasting 10 minutes long program twice weekly, *Przegląd Ukraiński* (premiere edition on Sunday, rerun on Wednesday). The program was broadcast in Ukrainian with subtitles in Polish. In the programme of the Olsztyn branch appeared every two weeks premiere broadcast *Ukraińskie Wieści* (Ukrainian News), which was subsequently repeated several times. Regional station of Polish Radio Białystok offered this minority a magazine 3 times a week, titled *Ukraińska*

²⁰ Broadcast of the programme was relaunched in January 2012, produced by an external producer, sponsored. Planned place in 2012 scheduling - first Sunday of the month at 8.15, rerun Monday at 17.35.

Dumka. In Radio Rzeszow was broadcast every Thursday magazine titled *Skrynia*, and from Monday to Thursday news magazine *Wiadomości dla Ukraińców*. Regional station of the Polish Radio Olsztyn has been broadcasting every Sunday magazine titled "*From Sunday to Sunday*", and from transmitter in Miłki daily information broadcast, and broadcast *Ukrainians in the world. World about the Ukraine*. Programs were created in the Ukrainian language. Regional radio station in Koszalin had in its Sunday programme bulletin and magazine for the Ukrainian minority. Radio Krakow has been broadcasting cyclic broadcast - *Kermesz* in the Ukrainian language. Since 27 June 2010, Radio Szczecin began a weekly show broadcast in Polish and Ukrainian titled *Posydenki*.

Because the Ukrainian minority in Poland lives in a large dispersion, Polish Television has been broadcasting programs addressed to this minority in joint part of regional programs (TVP INFO). In the programme appeared monthly 23-minute news magazine titled *Telenowyny*, broadcast in Ukrainian with subtitles in Polish. Subsequently magazine was repeated.

Radio Wrocław also had cyclic broadcast for the Ukrainian and Lemko in its programme. Broadcast for these two minorities - *Sami swoi* - was created in Ukrainian, Lemko and Polish. Broadcasts were aired once a week.

- **Regional language**

Broadcasts in the Kashubian language appeared in the local branch of TVP in Gdańsk and in programs of Radio Gdańsk and Radio Koszalin. Until October 2010, in the programme of the Gdansk branch, was present broadcast titled *Rodno zemia*, which in January appeared once a week, and from February to October 2010 - every two weeks. *Tede jo* magazine created in Kashubian and Polish in 2010 appeared irregularly, once a week in January, during spring and autumn - every two weeks, during the summer - once a month. From the first half of 2011, the magazine re-appeared every two weeks (premiere edition on Sundays at 8.05) and was repeated twice (on Sunday at 17.00, on Tuesday at 17.00). Magazine is aimed at Kashubians, devoted to their traditions and culture, and economic issues. Broadcast unit time is approximately 10 minutes. Broadcast appears on the air since November 2008. In Radio Gdańsk programme, *Magazyn Kaszubski* (Kashubian Magazine) was aired once a week, and from Monday to Friday journalistic broadcast "*Kleka*", and information broadcast "*Kleka skrót*". Programs were created in Kashubian language. In the Radio Koszalin programme, present weekly were *Kashubian magazine*, Kashubian bulletin, Kashubian language lesson and a weather forecast. Kashubian magazine was repeated once a week.

It should also be noted that during the discussed period, based on the initiative by the NBC, courses for journalists implementing programs for national and ethnic minorities were held.

Some regional stations of Polish Television and Polish Radio, broadcast cyclic programmes, that present to viewers from the outside of the minority the culture and traditions of ethnic and national minorities living in Poland. Among these programmes there is for example programme broadcast on Polish Radio Cracow "*To the east from the west*", prepared in Szczecin branch of TV magazine "*Pomerania Ethnica*" or aired on regional stations of TVP magazine "*Ethnic climates*".

Individual programmes addressed to national and ethnic minorities and communities using the regional language, as well as on issues relevant to them, were aired beyond the described above cycles.

Information on the number of hours of programmes realized for national and ethnic minorities and communities using the regional language in the regional stations of the Polish Radio and branches of Polish Television in the period covered by the Report are presented in the following tables.

Public Broadcasting Companies	No. of hours 2007	No. of hours 2008	No. of hours 2009	No. of hours 2010	No. of hours 2011
1. Radio Białystok S.A.	286	286	286	260	286
2. Radio Gdańsk S.A.	142	119	105	92	99
3. Radio Katowice S.A.	43,9	23	17,9	35,8	82
4. Radio Koszalin S.A.	95,5	76,3	82	78,1	82
5. Radio Kraków S.A.	53	15	17	26	32
6. Radio Lublin S.A.	12,3	0	0,5	0	0
7. Radio Olsztyn S.A.	187	48	178,5	186,5	48
8. Radio Opole PRO FM S.A.	145	118	159	113	131
9. Radio Rzeszów S.A.	143	139	141	147	148
10. Radio Szczecin S.A.	12	2	2	61	14
11. Warsaw - Radio dla Ciebie S.A.	454	1112	619	0	0
12. Radio Wrocław S.A.	26	10	10	10	5

Polish Television SA – regional branches	No. of hours 2007	No. of hours 2008	No. of hours 2009	No. of hours 2010	No. of hours 2011
1. Białystok	166.4	37	55.2	70.7	71.9
2. Bydgoszcz	5.9	4.2	6.2	8	9.1
3. Gdańsk	34	37.6	39.3	28.6	23.5
4. Gorzów Wielkopolski	5.9	4.2	6.2	8	10.2
5. Katowice	15.5	14.2	16.3	14.4	16.8
6. Kielce	5.9	4.2	6.2	8	9.1
7. Kraków	17	7.4	9	8	9.1
8. Lublin	5.9	4.2	6,2	8	9.1
9. Łódź	5.9	4.2	6,2	8	9.1
10. Olsztyn	17.2	17.7	17.6	16.6	24
11. Opole	25.1	23.4	33.2	31.2	32.7
12. Poznań	5.9	4.2	6.2	8	9.1
13. Rzeszów	5.9	4.5	6.9	8	9.4
14. Szczecin	5.9	4.2	6.2	8	9.1
15. Warsaw	5.9	4.2	6.2	8	9.1

a) Financing programs for the national and ethnic minorities and the communities using the regional language from the funds of the NBC

The method of distribution of funds between different branches of Polish Radio and Polish Television SA is decided by managements of the companies. This distribution is made in the economic - financial plans of the companies, and is based on the formula used since 2006, which takes into account inter alia amount of the fixed costs, transmission range, number of transmitters, the estimated number of listeners, incurred costs of broadcasting, as well as individual programme - financial plans submitted by the units in scope of broadcasts for national and ethnic minorities.

In 2007-2008, the NBC, under measures established to cover the costs of the mission, referred to in Article 21 (1) of the *Broadcasting Act*, and separated funds to finance direct costs for creating these programs in regional broadcasting stations, and regional branches of Polish Television SA, and funds to cover the costs of programme for the Ukrainian minority, realized by Radio Olsztyn SA.

The costs to create those programmes incurred by broadcasters in 2007-2008 are as follows (in thousands of PLN):

Public broadcaster	The cost of programme for minority in thousands of PLN	
	2007	2008
1) Radio Białystok S.A.	560	490
2) Radio Gdańsk S.A.	249	272
3) Radio Katowice S.A.	87	78
4) Radio Kielce S.A.	16	60
5) Radio Koszalin S.A.	80	28
6) Radio Kraków S.A.	52	24
7) Radio Lublin S.A.	16	5
8) Radio Olsztyn S.A.	227	231
of which:		
8.1) regional programme	46	61
8.2) local programme for Ukrainian minority	181	170
10) Radio Opole S.A.	208	182
11) Radio Rzeszów S.A.	116	116
12) Radio Szczecin S.A.	14	8
13) Radio Wrocław S.A.	19	6
14) Telewizja Polska S.A.	1 029	1 333

During distribution of the funds for 2009-2011 NBC had not allocated subscription revenues to finance development costs of these broadcasts in the programmes of regional broadcasting companies, and local branches of Polish Television SA. However, non-public broadcasters are obliged to realize those programmes from the subscription funds received to finance the costs of the realized public mission (draft programme-finance plan of TVP SA for 2012, submitted to the NBC, includes allocation of funds in the amount of PLN 1 000 000 to finance broadcasts for national and ethnic minorities and in regional language, in programmes of regional branches of TVP). Expenses and costs incurred in 2009 for the creation of programmes for national and ethnic minorities, and communities using the regional language, presented in the annual reports by the Boards of public broadcasting companies on the use of funds referred to in Article 31 (1) and (2) of the Broadcasting Act, were as follows:

Public Broadcasting Companies	Expenses (in thousands of PLN)	including: financing from the funds received from NBC	Costs (in thousands of PLN)	including: financing from the funds received from NBC
1. Radio Białystok S.A.	226.6	226.6	422.7	422.7
2. Radio Gdańsk S.A.	292.0	-	292.0	-
3. Radio Katowice S.A.	20.1	20.1	22.3	22.3
4. Radio Koszalin S.A.	23.9	23.9	23.9	23.9
5. Radio Kraków S.A.	19.2	19.2	19.2	19.2
6. Radio Olsztyn S.A.	250.7	250.7	244.8	244.8
of which:				
6.1) regional programme	59.0	59.0	58.6	58.6
6.2) regional programme for Ukrainian minority	191.7	191.7	186.2	186.2
7. Radio Opole S.A.	137.9	137.9	137.9	137.9
8. Radio Rzeszów S.A.	81.6	81.6	81.6	81.6
9. Radio Szczecin S.A.	13.5	13.5	13.5	13.5
10. Radio Wrocław S.A.	4.4	4.4	4.8	4.8
11. Regional companies in total	1 069.9	777.9	1 262.7	970.7
12. Telewizja Polska S.A.	2 499.2	1 726.7	1 301.2	783

Expenses and costs incurred in 2010 for programmes for national, ethnic minorities and communities using the regional language were follows:

Public Broadcasting Companies	Expenses (in thousands of PLN)	including: financing from the funds received from NBC	Costs (in thousands of PLN)	including: financing from the funds received from NBC
1. Radio Białystok S.A.	540.3	540.3	508.3	508.3
2. Radio Gdańsk S.A.	183.0	133.2	179.0	133.2
3. Radio Katowice S.A.	14.0	14.0	16.4	16.4
4. Radio Koszalin S.A.	30.6	30.6	30.6	30.6
5. Radio Kraków S.A.	18.7	18.7	18.7	18.7
6. Radio Olsztyn S.A.	253.3	253.3	252.9	252.9
of which:				
6.1) regional programme	58.1	58.1	58.1	58.1
6.2) regional programme for Ukrainian minority	195.2	195.2	194.8	194.8
7. Radio Opole S.A.	121.6	121.6	141.7	141.7
8. Radio Rzeszów S.A.	160.0	160.0	160.0	160.0
9. Radio Szczecin S.A.	16.0	16.0	16.0	16.0
10. Radio Wrocław S.A.	4.5	4.5	4.9	4.9
11. Regional companies in total	1 342.0	1 292.2	1 328.5	1 282.7
12. Telewizja Polska S.A. in Warsaw	394.1	394.1	829.6	453.4

In 2011, the cost of programmes for national and ethnic minorities and communities using the regional language, were as follows:

Public Broadcasting Companies	Costs	
	(in thousands of PLN)	including: costs financed from the funds received from NBC
1. Radio Białystok S.A.	536.3	536.3
2. Radio Gdańsk S.A.	223.3	216.4
3. Radio Katowice S.A.	16.8	16.8
4. Radio Koszalin S.A.	26.2	26.2
5. Radio Kraków S.A.	25.4	25.4
6. Radio Olsztyn S.A.	226.1	226.1
of which:		
a) regional programme	61.0	61.0
b) program from the Miłki transmitter for the Ukrainian minority	165.1	165.1
7. Radio PRO FM Opole S.A.	160.5	160.5
8. Radio Rzeszów S.A.	68.8	68.8
9. Radio Szczecin S.A.	16.4	16.4
10. Radio Wrocław S.A.	6.3	6.3
Regional companies in total	1,306.2	1,299.3
Telewizja Polska S.A.	649.7	379.4

Article 10

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

According to the provision of Article 27 of the *Constitution*, the official language in Poland is Polish language. At the same time, however, the *Constitution* states, that this provision does not violate the rights of national minorities resulting from the ratified international agreements. The provision of Article 35 of the *Constitution* provides for Polish citizens belonging to national and ethnic minorities the freedom to maintain and develop their own language.

The principles expressed in the *Constitution* are expanded by the Act of 7 October 1999, *on the Polish language* (Journal of Laws of 2011 No. 43, item. 224, as amended), of which the provision of Article 2 (2) states that the provisions of the Act do not infringe the rights of national and ethnic minorities and communities using the regional language.

At the same time the provision of the Article Paragraph 8 (1) and (2) of the Act on National and Ethnic Minorities and Regional Language, provides that persons belonging to minorities have the right to free use of the minority language in private and in public life, and to the dissemination and exchange of information in the minority language.

Positive references to the use of the minority language in private and in public are found in the treaties concluded by the Republic of Poland with the Federal Republic of Germany,

the Czech Republic, Slovak Federal Republic, the Republic of Belarus and the Republic of Lithuania.

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

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

An entry into the Official Register is made by the competent minister in charge of religious denominations and national and ethnic minorities upon a motion of the Commune Council. The Act lays down the procedure to follow in order to enter the commune into the Official Register. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the method of keeping the Official Register and the specimen application for making an entry. According to Article 10 (5) of the Act, the Commune Council shall have the right to lodge a complaint to an administrative court against the refusal to make an entry into the Official Register. The Act also stipulates that a commune may be deleted of the Official Register only upon a motion of the Commune Council.

The Act introduced a mechanism intended to encourage local government officials to learn supporting languages and thus ensure high quality of service to persons belonging to minorities in their mother languages. According to Article 11 (1) of the Act, in the case of the

commune entered into the Official Register a salary supplement may be granted to the employees of the commune office, commune units and budgetary agencies for the command of the supporting language. On the basis of the authorisation stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the list of diplomas and certificates confirming the knowledge of minority languages.

The Official Register of the Communes where a supporting language is used became operational with the first commune entry, i.e. on 25 January 2006. The first commune entered into the Register was Radłów in the Opolskie Voivodeship and its supporting language was German. As at 31 December 2011, the registry included 30 communes, including the six communes of Podlaskie Voivodeship (one the supporting language is Lithuanian, in five others - Belarusian), two communes in Pomorskie Voivodeship (in which supporting language is Kashubian), and twenty-two communes in Opolskie Voivodeship province where supporting language is German.

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

The provisions of the Act of 6 June 1997, the *Code of Criminal Procedure (CCP)* (Journal of Laws of 1997 No 89, item. 555, as amended), grant the accused and other persons participating in the proceedings, which do not speak Polish language sufficiently, the right to have the free assistance of an interpreter. Therefore, in accordance with Article 72 § 1 of the Code of Criminal Procedure, a defendant who does not speak Polish language sufficiently has the right to have the free assistance of an interpreter. According to § 2 of the mentioned provision, proceedings involving such accused should be conducted with the presence of an interpreter. In addition, the decision on bringing charges, supplementation or amending the charges, indictment and judgment subject to appeal or terminating the proceeding, shall be delivered to the accused along with a translation, with the consent of the accused, announcement of the translated decision concluding the proceedings is sufficient, if it is not subject to appeal.

Pursuant to Article 204 of Code of Criminal Procedure, an interpreter should be called if there is a need to interrogate a person who does not speak Polish language sufficiently. The

same applies if there is a need to translate document written in a foreign language into Polish, or vice versa, or to become acquainted with the evidence by the accused.

Costs associated with the interpreter participation, to the extent necessary to ensure the accused's rights of defense, incurs the State Treasury (Article 619 § 3 CCP).

Article 11

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

The right of persons belonging to national and ethnic minorities to use and spell their names in accordance with the minority language is guaranteed by the Article 7 (1) of the Act on National and Ethnic Minorities and Regional Language explicitly states that people belonging to a minority shall have the right to use and spell their first and last names according to the spelling rules of their respective minority language, in particular in the register of civil status and identity documents. According to paragraph 2 of the said Article, the first and last names of persons belonging to a minority, written down in an alphabet other than Latin, shall be subject to transliteration. On the basis of the authorization stipulated in the Act, the Minister of Interior and Administration has issued a regulation laying down the method of transliteration, which is to be done in such a way as to take into consideration the spelling principles of the given minority language.

Polish citizens belonging to national and ethnic minorities can also change their names to the version compatible with the wording and spelling of the mother tongue in administrative mode, based on the law of 17 October 2008 *on Change of Name and Surname* (Journal of Laws No. 220, item 1414). Changes in the spelling of names and surnames can be done in Civil Status Offices of the place of residence.

The right to use the names and surnames in the minority language is also guaranteed in the treaties of friendship and good-neighborly relations with the Federal Republic of Germany, Ukraine, the Republic of Belarus and the Republic of Lithuania.

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

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

3. In the areas traditionally inhabited by substantial numbers of a national minority members, the Parties shall endeavor, within the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

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

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

According to Article 12 (7) of the Act the conditions that have to be met for an additional name of a place or physiographical object in a minority language could be established. Firstly, the number of commune residents belonging to a minority is no less than 20% of the total

number of its residents or in consultations, more than a half of its residents who have taken part in the consultations were in favor of the establishment of an additional place-name in the minority language. Secondly, the Commune Council's application gained approval of the Committee on Names of Places and Physiographical Objects.

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

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

According to Article 15 of the Act, the costs associated with the introduction and use of a supporting language and the costs associated with introduction of additional names shall be borne by the commune budget, excluding the costs of replacing information boards due to the adoption of an additional name of a place or physiographical object in the minority language which shall be borne by the state budget. Thus, in accordance with the intention of the legislator, the costs of establishing additional names were divided between the state budget. The register of the communes became functional in January 2006 with the entry of the first commune, i.e. Radłów (Opolskie Voivodeship). In 2007, to the Register of the communes, three communes were entered. In two of them, located in the Pomorskie Voivodeship,

additional place-names in the Kashubian language were introduced (Stężycza, Chmielno), in one, situated in the Opolskie Voivodeship, additional place-name in German was introduced (Cisek).

In 2008, 15 communes were entered into the Register. In the eleven communes of Opolskie Voivodeship (Leśnica, Tarnow Opole, Chrzastowice, Izbicko, Dobrodzień, Jemielnica, Kolonowskie, Ujazd, Zębowice, White, Strzeleczyki) and two communes of Śląskie Voivodeship (Rudnik, Krzanowice), additional place-names in German were introduced, in one commune, located in the Małopolskie Voivodeship (Gorlice), additional place-name in Lemko was introduced, in the last, located in the Podlaskie Voivodeship (Puńsk) additional place-name in Lithuanian was introduced.

In addition, in 2009, five communes of Opolskie Voivodeship were entered into the Register (Mórów, Walce, Dobrzeń Wielki, Komprachcice, Głogówek), in which additional names have been established in the German language, and the two communes of Pomorskie Voivodeship (Bytów, Sierakowice), where additional names have been established in Kashubian.

In 2010, seven communes on the territory of which the names in the minority language are used were entered into the communes Register. In three of them, located in the Pomorskie Voivodeship, additional place-names in the Kashubian language were introduced (Szemud, Kartuzy, and Linia), in four, located in the Opolskie Voivodeship, additional names were introduced in German (Łubniany, Prószków, Gogolin, Lasowice Wielkie).

In 2011, nine communes were entered into the Register. In the three communes from Opolskie Voivodeship (Bierawa, Reńska Wieś, Polska Cerekiew) additional place-names in German were introduced, in one commune, located in Podlaskie Voivodeship (Orla), additional names in the Belarusian language were introduced, in four, located in the Pomorskie Voivodeship (Brusy, Parchowo, Sulęczyno, Somonino) additional names in Kashubian were introduced, in one municipality, located in the Małopolskie Voivodeship (Uście Gorlickie) additional names in Lemko were introduced.

As at 31 December 2011, 42 communes are entered into the Register, including twenty five communes of Opolskie Voivodeship (additional names in German), eleven communes of Pomorskie Voivodeship (additional names in Kashubian), two communes of Śląskie Voivodeship (additional names in German), two communes of Podlaskie Voivodeship (in one, additional names in Lithuanian were introduced, in the second, in Belarusian language), and two communes of Małopolskie Voivodship (additional names in Lemko language).

To date, none of the communes submitted application for inclusion in the Register of communes, in conjunction with the intention of introducing additional street names in the minority language in their area.

On 10 March 2008, the first agreement was concluded between the minister in charge of religious denominations and national and ethnic minorities and the commune of Radłów, regarding the exchange of information boards, resulting from establishing additional place-names in German.

The amount of funds provided for the exchange of information boards, resulting from establishing additional place-names in the minority language or regional language in 2008-2011, is presented in the tables at the commentary to article 5 of the *Convention*.

Article 12

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

During the period covered by this *Report*, regulation of the Minister of Science and Higher Education of 12 July 2007 was in force, *on standards of education for individual majors and levels of education, and mode of formation and the conditions to be met by the university to conduct Interdisciplinary Studies and macro-majors* (Journal U. No. 164, item. 1166, as amended.). Based on the education standards set in it, Polish schools conducted faculty training on "philology" with a specialization in the field of following languages: Belarusian, Ukrainian, Russian, German, Slovak, Lithuanian, Czech, Hebrew, and in the Oriental philology or cultural studies - the Armenian language. Some of the specialties were also realized in the "cultural studies" major". Graduates of these specialties could get pedagogical pre training, in case of choosing this path of education, (specialization preparing to perform teaching profession is optional). During the period covered by the *Report*, on practically all Polish universities run Germanic and Russian philology, and Slavic studies, which have been always very popular. Moreover, the German and Russian languages are taught as lectorates organised on all faculties. At the Adam Mickiewicz University in Poznań, in the Department of Modern Languages, operates Department of Baltic Studies, in which Lithuanian philology is taught. Also at the University of Warsaw, in Faculty of Polish Studies, exists Chair of General Linguistics, East Asian, Comparative Linguistics and Baltic Studies, where Lithuanian language is taught. At the Jagiellonian University in Cracow exists Department of

Czech, Lusatian and Slovak Philology, while at the University of Wrocław, within the Institute of Slavic Studies - Department of Bohemian studies. At the other universities, e.g. University of Warsaw, optional lectures in Czech and Slovak are conducted in the framework of Slavonic studies. At the Faculty of Applied Linguistics and East-Slavonic Philology of the University of Warsaw, there are the Department of Belarusian Studies and the Department of Ukrainian Studies. Similar departments and chairs can also be found at the following universities: the Jagiellonian University (Chair of Ukrainian Studies), the University of Wrocław (Department of Ukrainian Studies), the Adam Mickiewicz University in Poznań (Department of Ukrainian Studies), the Maria Curie-Skłodowska University in Lublin (Departments of: Belarusian Studies, Ukrainian Philology, Russian Language) and the University of Białystok (Chair of Belarusian Philology). All chairs and departments where lectures on Belarusian and Ukrainian are delivered, the respective literatures and cultures are taught as well.

Since the beginning of the academic year 2001/2002, a Russian and Lemko division has been operational at the Russian Philology Faculty at Pedagogical University of Cracow. Many Polish universities (among others University of Warsaw and Jagiellonian University) offer Judaic studies, which allow students to become familiar with the culture, tradition and history of Polish Jews and to follow optional lectures on Yiddish and Hebrew.

It should be noted that the professional development of active teachers, as well as skills improvement in the field of minority language is also possible in the post-graduate studies. Such form was, for example, used by the Pomeranian Academy in Słupsk (Institute of Polish Studies), where in the academic year 2010/2011 postgraduate qualification studies in Kashubian language were carried out, in regard to kindergarten and early education, addressed to persons engaged in the teaching profession with knowledge of the Kashubian language for teaching needs or conducting classes in schools and kindergartens. Wrocław University is conducting postgraduate teaching in relation to Czech, Ukrainian, Russian and German language, or Adam Mickiewicz University in Poznan conducting teaching in relation to Russian and German language.

Since 2004, the Faculty of Humanities of the Pedagogical University of Cracow offers postgraduate studies in Romology – *Roma in Poland. History, law, culture, ethnic stereotypes supported from the funds of the Programme for the Roma community in Poland.*

It should also be added, that established within the Joint Commission of Government and National and Ethnic Minorities, the working group dealt with development of the principles of functioning of philology and ethnic minorities and regional language. As a result of its work,

a proposal was directed to the Conference of Rectors of Academic Schools and the Conference of Rectors of Polish Vocational Schools to create ethnophilology of national and ethnic minorities. This proposal is an answer to the needs of communities and ethnic minorities, and fits into the provisions in force as of 1 October 2011, of Article 6, and Article 11 of the Act of 27 July 2005 - Law on Higher Education (Journal of Laws No. 164, item. 1365, as amended), which allow for more flexible creation of new fields of study.

In Poland, there are a number of scientific institutions engaged in research into the history and present of national minorities. These are mainly: Department of Study of Nationalities of Slavic Studies Institute of Polish Academy of Science in Warsaw, Chair of Ethnology and Department of Nationalities Affairs at the Wrocław University, Willy Brandt Centre for German and European Studies of Wrocław University, Department of Ethnic Studies at the University of Maria Curie-Skłodowska University in Lublin, Institute of Ethnology at the Jagiellonian University. Research in the field of national issues is conducted at practically all institutes of sociology.

It should also be added that, as part of the National Programme for the Development of Humanities in 2011, the competition was held, which resulted with financing, totaling PLN 10 991 190 23, designated for the projects related to the study of culture, history, language and religion of national minorities and phenomena occurring in multicultural regions of the Republic of Poland territory.

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

Teachers of national and ethnic minority language, learn at higher education institutions and gain relevant qualifications, receive higher education diplomas in the fields of philology. Additionally there are additional in-service training courses organized for teachers of minority languages. The principles of organizing methodological consultancy and in-service training courses for teachers, are determined by provisions of the regulation of Minister of National Education of 19 November 2009 on teacher training institutions (Journal of Laws No. 200, poz.1537, as amended.). In-service training of teachers of minority languages is generally organized based on the structure of the regional training institutions for teachers. Organization of methodological guidance for teachers teaching ethnic minorities language in the school is the responsibility of local government units. The scope of this guidance is conditioned by the

needs reported by teachers, and financial, organizational-human resources capabilities of local government units.

Developing, printing and transferring to schools of textbooks and auxiliary books for maintaining a sense of linguistic and cultural identity of pupils belonging to national and ethnic minorities is co-financed from the budget of the minister in charge of education under Article 13 (13) and (5) of the Act of 7 September 1991 *Act on the System of Education*.

From 1 September 2009, under the provisions of the Regulation of the Minister of National Education of 22 December 2008 *on the basis of pre-school education programme and general education in the individual types of schools* (Journal of Laws of 2009 No. 4, item. 17), new core curriculum came into force. It was introduced in the school year 2009/2010 in the first year of primary school, and in the first year of a upper-secondary school, and was gradually introduced in subsequent class years, and from 1 September 2012, will cover the fourth year of primary school, and the first year of lower-secondary school, technical and vocational schools. This implies the need to develop new textbooks in accordance with the requirements of the new core curriculum.

Textbooks that have been approved by the Ministry of Education as a result of the positive reviews by experts, are included in the list of books published on the website of the Ministry of National Education. Textbooks for national and ethnic minorities approved for the school use in the new core curriculum are also posted on the Internet platform - Scholaris, which greatly facilitated their availability.

Issues related to the provision of teacher training and access to textbooks was reflected in the international agreements. Cooperation in the field of education is guaranteed in the agreements concluded between the Poland and its neighbors. In those agreements, the Parties agreed to ensure on their territories the right conditions for minority language teaching and learning in this language and for teaching in public education institutions native history and culture of minorities.

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

- *Treaty between the Republic of Poland and the Federal Republic of Germany on Good Neighbourliness and Friendly Cooperation*, signed in Bonn on 17 June 1991;

- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture*, concluded in Bonn on 14 July 1997;
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Equivalence in Higher Education*, concluded in Warsaw on 23 July 1997;
- *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Polish and German Youth Cooperation*, concluded in Bonn on 17 June 1991;

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

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

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

- *Convention between the Republic of Poland and the Czech and Slovak Federal Republic on Good Neighbourliness, Solidarity and Friendly Cooperation*, concluded in Cracow on 6 October 1991;
- *Programme of Cooperation between the Minister of National Education and Sport of the Republic of Poland and the Ministry of Schooling of the Slovak Republic for Years 2003-2006*, signed in Warsaw on 20 December 2002;

- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation in the Field of Culture, Education and Schooling, signed in Bratislava on 23 March 2000;*
- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Mutual Recognition of Periods of University Studies and Equivalence of Certificates of Education and Scientific Titles Gained in the Republic of Poland and the Slovak Republic, signed in Warsaw on 18 July 2005.*

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

- *Treaty between the Republic of Poland and Ukraine on Good Neighbourliness, Friendly Relationships and Cooperation of 18 May 1992;*
- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Cooperation in the Field of Culture, Education and Schooling, of 20 May 1997;*
- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on Mutual Recognition of University Diplomas and Equivalence of Scientific Titles, of 11 April 2005;*
- *Agreement on cooperation between the Ministry of National Education and the Polish Ministry of Education and Science of Ukraine prepared in Górowo Iławeckie on 2 July 2001.*

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

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

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

- *Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Cooperation*, concluded in Vilnius on 26 April 1994;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Cooperation in the Field of Culture, Schooling and Education*, concluded in Vilnius on 17 December 1998;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Polish and Lithuanian Youth Exchange Fund*, signed in Płock on 1 June 2007 (it is now under approval);
- *Protocol of the Ministry of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Republic of Lithuania on the Establishment of a Bilateral Commission to Research Problems Connected with Teaching History*, signed on 21 February 1992;
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the Exchange and Cooperation of Youth*, concluded in Alytus on 14 February 1997
- *Programme of Cooperation between the Minister of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Republic of Lithuania for Years 1998-2001*, signed in Vilnius on 16 November 1998 (the parties agreed to continue their cooperation on the basis of the Programme's provisions until a new one is devised);

The framework of cooperation between the Republic of Poland and the Russian Federation is determined by the following:

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

- *Agreement between the Minister of National Education of the Republic of Poland and the Ministry of Schooling and Education of the Russian Federation on Cooperation in the Field of Education, signed in Moscow on 28 October 2005.*

The cooperation in the area of schooling between the Republic of Poland and the Republic of Armenia is governed by:

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

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

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

Passing knowledge to pupils in Polish schools on national and ethnic minorities, and facilitating contacts between students and teachers from all walks of life, results from the implementation of the mandatory objectives and teaching content specified in the core curriculum of pre-school and general education. Both the previous and the new core curriculum emphasizes the development of citizenship, attitude of respect for the tradition and culture of their own nation, as well as respect for other cultures and traditions. Teaching content in regard to national and ethnic minorities is included in the new core curriculum at every level of education, starting from pre-school education. Educational goals and objectives in the process of bringing up are tailored to the age of the students' on the given stage of

education and their cognitive abilities. In accordance with the accepted priorities, implemented program changes shall support the preparation of students to function in contemporary society, diverse in terms of nationality and ethnicity, based on responsibility, respect and tolerance.

The Ministry of Education supports the activities of non-governmental organizations and associations by granting funding for educational projects (seminars, workshops, publications, educational materials, youth meetings, competitions for schools) for the benefit of students of national and ethnic minorities. Each year, within the framework of co-financed by the Ministry of National Education projects of the international cooperation of schools and youth exchange, it is assumed - as one of the permanent priorities - respect for national and cultural identity, and overcoming barriers, stereotypes and prejudices rooted in the mentality and culture.

An important element in the process of transferring the knowledge about minorities is adequate preparation and methodical support for teachers. In 2011, the Education Development Center (unit subordinate to the Ministry of National Education) completed the project "Multiculturalism in school practice," whose goal was to create a system of support for schools, working with students belonging to national and ethnic minorities, and student's migrant communities. Under the project the following components were carried out:

- survey of the situation of foreign children and students belonging to national and ethnic minorities in the Polish educational institutions, which allowed to formulate conclusions and directions for the practical demands regarding the direction for school and teacher support,
- establishing network of experts-coordinators in Voivodeships, whose job was to provide (through consultation, training and conferences) comprehensive support to schools where children of foreigners and Polish citizens returning from immigration learn, as well as children belonging to national and ethnic minorities,
- translation of the Council of Europe education package *Autobiography of intercultural encounters* - a guide allowing formation of appropriate skills and cultural attitudes in society,
- execution of cascade training courses to prepare teachers and educators to create educational programs and to disseminate *Autobiography of intercultural encounters* guide.

Overall, in 2011, 704 people from 14 provinces were trained.

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

Under Article 70 (1) of the *Constitution of the Republic of Poland*, everyone shall have the right to education while it is compulsory to the age of 18. Public authorities shall ensure universal and equal access to education for all citizens (Article 70 (4) of the *Constitution*).

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

Introduction of Roma education assistants and teachers to support Roma education in the schools is a novelty solution under both Programmes. The task of the Roma education assistants is to ensure comprehensive support for the children and teenagers from integrated classes at and off school. Largely, they bear the obligation to cooperate with the parents of Roma students. The 10-year period during which assistants have been employed under the Pilot Programme and the Governmental Programme resulted in improved attendance and grades of Roma students at schools covered by the Programmes. Teachers supporting Roma education are well prepared to work with Roma children. Their task is to monitor Roma children's grades on an ongoing basis, conduct compensatory classes, help children with their homework and stay in touch with their families. In the period 2007-2011 there was continuation of funding for training, aimed at upgrading the skills of Roma education assistants and supporting teachers working with Roma children. Today in the whole country, work around 100 Roma education assistants and similar number of supporting teachers. Thanks to the work of teachers and assistants as well as complementary activities (including in particular the organization of compensating and additional classes) the number of children fulfilling their compulsory education has significantly increased (in some Voivodeships all children covered by this obligation attend school).

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

In addition, while implementing educational activities, Programme coordinator, entrusted to selected in competition Roma organizations implementation a scholarship scheme for Roma students of lower-secondary school students and gifted students. During the discussed period approximately 70 scholarships were awarded annually for Roma students, more than 20 scholarships for gifted Roma students, and (since 2011) 55 scholarships for lower-secondary school students.

Educational activities aimed at Roma students are financed from several sources: funds for Programme for the Roma Community in Poland – (specific reserve in the state budget), from budgets of Minister in charge of national and ethnic minorities, the Minister of Education and from the state budget, passed under the education subsidy to local government units. On the basis of regulation of the Minister of National Education and Sport of 14 November 2007 r. *on the Conditions and Manner of Schools and Public Institutions Performing Tasks Enabling the Maintenance of the Sense of National, Ethnic, Linguistic and Religious Identity of Students Belonging to National and Ethnic Minorities* and communities using the national language (Journal of Laws of 2007, No. 214, item. 1579, as amended) schools implementing additional tasks for pupils of Roma origin (e.g. employment of Roma education assistants and teachers supporting education of Roma pupils, organization of additional compensating and equalizing classes, , etc. for Roma students) receive additional funding for this purpose increased by 150% per student.

The majority of Roma students attend public schools in one class with their Polish peers. Only a small percentage of students continued their education in the so-called. "Roma classes". It should be noted that the origin of the creation of these classes was not segregative in nature and was a response to the phenomenon of groups of young people, who never graduated from elementary school. An attempt to liquidate this type of classes, undertaken few years ago, has raised protests from Roma parents, and therefore it was decided not to announce the recruitment for these classes, and wait for their natural expiration, which took place in the school year 2010/11.

A special case is the Parish Roma Primary School in Suwałki - the only non-public school, with public school powers, which organizes free education of children of Roma origin. This school was an authorial experiment in nature, associated with the ability to teach classes in the Roma language, including activities aimed at maintaining their ethnic and linguistic identity. In view of progressive migration of Roma from Suwałki, this school gains an integration profile in recent years.

During the discussed period, the number of Roma students pursuing compulsory education has increased from 2 045 students (in the school year 2006/2007) to 2 306 (in the school year 2010/11).

Remaining problem is a high percentage of disabled Roma pupils (16.8% of Roma pupils received such medical certificate; the vast majority are the medical certificates of mild mental disability). It should be noted that the right to apply to the psychological and educational dispensary with a request to issue medical certificate on the degree of disability is entitled only to parents. In addition, the Polish law allows students with medical certificate issued in relation to their mild disability, an education in mainstream schools, therefore students with this kind of medical certificate are not “automatically” directed to special education schools, but only at the request by the parents.

Article 13

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

Under Article 70(3) of the *Constitution*, parents have the right to choose for their children schools other than public schools. Natural and legal persons shall have the right to establish primary and lower-secondary schools and institutions of higher education and educational development institutions. This issue has also been provided for in Article 5(2) of the Act on the System of Education of 7 September 1991 (Journal of Laws of 1996 No. 67 item 329 as amended). This Act applies also to legal and natural persons representing national minority communities in Poland. Legal entities under the Regulation of the Minister of National Education of 19 November 2009 on teacher training institutions (Journal of Laws No. 200, item 1537. as amended.) may also establish and run non-public in-service teacher training institutions.

Schools organizing the teaching of minority language or in minority language are mostly public schools, whose guiding bodies are local governments (communes and poviats). More recently, however, there has been significant increase in the number of private institutions providing their students with a minority language teaching. Currently (as at 30 September 2011) such teaching is carried out in 60 schools and 25 kindergartens. A small part of these institutions was created to provide children and young people belonging to ethnic or national minorities with learning of their culture, traditions and language (for example: set up in

Warsaw and Wroclaw by the Ronald S. Lauder Foundation private school groups (primary and lower-secondary school) with Polish as the language of instruction (School Complex Lauder-Morasha in Warsaw and Lauder Etz Chaim - School Foundation for Jewish Culture and Education- Gesher in Wroclaw), Parish Roma School in Suwałki, Non-Public Primary School of St. Cyril and Methodius in Białystok, and created by the bishop A. Baranauskas Foundation the "Lithuanian House" in Sejny, Primary and Lower-Secondary School Education with Lithuanian language of instruction „Žiburys”). The vast majority of these establishments are small rural schools, until recently, run by local governments, where the minority language was taught. These schools threatened with closure due to demographic decline and inevitable transfer of children to other schools in the commune, have been taken over by associations set up for this purpose by parents or persons acting on behalf of the commune.

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

Despite the lack of such obligations in the Convention, in the Republic of Poland non-public schools receive funds from the state budget in the form of subsidies for every student in an amount not less than the amount for the type of student and the type of a public school run by a local authority.

Article 14

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

The right of Polish citizens belonging to national minorities to maintain and develop their own language is guaranteed by Article 35 of the *Constitution* of the Republic of Poland. The Polish education system provides conditions to organize language teaching, as well as to teach in national and ethnic minority languages and in regional language. The right of persons belonging to minorities to benefit from their mother tongue education, history and culture was formulated in Article 13 of the *Act on the Education System* (Journal of Laws of 2004 No. 256, item. 2572, as amended).

Terms and methods of performing these tasks are defined in Regulation of the Minister of National Education of 14 November 2007 *on the Conditions and Manner of Schools and Public Institutions Performing Tasks Enabling the Maintenance of the Sense of National,*

Ethnic, Linguistic and Religious Identity of Students Belonging to National and Ethnic Minorities and communities using the regional language (Journal of Laws No. 214, item. 1579, as amended).

Minority language teaching or in a minority language may be provided at all education levels (kindergartens, primary schools, lower-secondary schools and upper-secondary schools). It is arranged by the principal of a kindergarten or a public school on a voluntary basis, at the request of the student's parents or legal guardians.

To enable organisation of teaching in small communities or in the case of certain dispersed minorities (this valid mainly for the Ukrainian national minority and the Lemko ethnic minority). At the primary education level (primary and lower-secondary schools) 7 students, and above 14 students at upper-secondary school level.

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

The local community selects as to the organizing of the teaching of minority language.

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

Teaching minority languages is financed from the state budget. Under the provisions of the annual Regulation published by the Minister of Education on the principles of distribution of the part of general educational subsidy for a given financial year, the guiding authorities (subsidizing) schools for national minorities, receive from the state budget subsidy for educational purposes, increased by 20% per each national minority student, in the so-called large schools, and increased by 150% per each student in smaller schools (i.e., those in which

the number of students does not exceed 84 in the case of primary schools and 42 for lower-secondary schools, and upper-secondary schools).

Since 2005, the students of the schools where the minority language is the language of instruction may join the primary school tests and post lower-secondary schools tests carried out after in the minority language.

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

In areas inhabited by national and ethnic minority groups, a network of schools with the teaching of language or in the languages of minorities has been created. In the school year 2011/2012, as at 30 September 2011, it consisted of 1212 institutions (including kindergartens, kindergarten units at the primary schools, primary schools, lower-secondary schools and upper-secondary schools, and interschool groups), and covers 58 354 students with the teaching of minority languages.

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

- the German minority – Opolskie, Śląskie and Warmińsko-Mazurskie Voivodeships (a total of 567 educational institutions, and 37 538 students in total),
- the Kashubian community – Pomorskie Voivodeship (a total of 351 educational institutions, and 13 632 students in total),
- the Belarusian minority– Podlaskie Voivodeship (a total of 44 educational institutions, and 3 041 students in total),
- the Ukrainian minority – Lubuskie, Lubelskie, Dolnośląskie, Małopolskie, Mazowieckie, Podkarpackie, Podlaskie, Pomorskie, Warmińsko-Mazurskie and Zachodniopomorskie Voivodeships (a total of 172 educational institutions, and 2 642 students in total),
- the Lithuanian minority– Podlaskie Voivodeship (a total of 19 educational institutions, and 675 students in total),

- the Lemko minority – Lubuskie, Dolnośląskie and Małopolskie Voivodeships (a total of 37 educational institutions, and 268 students in total),
- the Slovak minority– Małopolskie Voivodeship (a total of 14 educational institutions, and 196 students in total),
- the Jewish minority – Wrocław and Warsaw (2 educational institutions, and 327 students in total),
- the Armenian minority – Warsaw and Cracow (3 educational institutions, approx. 35 students in total).

Due to the cultural background of the Roma, and thus the lack of interest of children and parents in teaching Roma language as a minority language in public education cycle, Polish schools do not teach in Roma language as a mother tongue of Roma ethnic minority.

Roma students attend public schools learning in the normal cycle together with their non-Roma peers. So-called Roma classes occurring a few years ago have been liquidated. Still functioning is Parish Primary Roma School in Suwałki - the only non-public school with public school powers, which organizes free education of Roma children, including activities aimed at maintaining their ethnicity.

Because of introducing the *Pilot Governmental Programme for the Roma Community in the Małopolskie Voivodeship for the Years 2001-2003*, and since 2004 - long-term *programme for the Roma community* in Poland, the number of Roma students who do not meet their schooling obligations or abandon school altogether has significantly decreased. Introduced under the government programs system to support education of Roma pupils consist among other the employment of Roma education assistants and supporting teachers. An increased attendance and improved Roma children's grades are visible results of these measures. In the school year 2011/2012, 2 306 Roma were cared for by Roma education assistants, and covered with compensatory education, and extra-curricular activities by supporting teachers.

In the reporting period, subsequent educational strategies have been developed, in the area of development of education of national and ethnic minorities in Poland. In the year 2011, a package of strategies consisted of:

1. Education Development Strategy of Lithuanian minority in Poland, adopted in 2002
2. Education Development Strategy of German minority in Poland, adopted in 2007
3. Education Development Strategy of Ukrainian minority in Poland, adopted in 2011

All the above documents have been developed jointly by representatives of central and local government, and representatives of the relevant national minority. Their goal is to analyze the

situation of education of individual national minorities, and to develop solutions that will adequately take measures to maintain national identity as well as linguistic and cultural of minority students. Each of these documents takes into account the specificity of the minority, analyzes the existing problems in the community, and allows to search for the most appropriate solutions in the areas that have the greatest impact on the quality of education (such as the didactic base, teaching staff, methodic consultancy). Opportunity for this comes from meetings that monitor the recommendations contained in the various Strategies and protocols from periodic meetings (which are an integral part of the document).

Number of institutions by type - school year 2011/2012 (as at 30 September 2011)

Minority	Belarusian	Kashubian	Lithuenian	German	Slovak	Ukrainian	Lemko	Armenian	Jewish	TOTAL
Elementary schools with teaching in the minority language	0	0	5	0	0	2	0	0	0	7
Bilingual elementary schools	0	0	0	2	0	1	0	0	0	3
Primary schools with additional learning of minority language	23	231	2	297	6	79	20	2	2	662
Lower-secondary schools with teaching in the minority language	0	0	2	0	0	3	0	0	0	5
Bilingual lower-secondary schools	0	0	0	1	0	1	0	0	0	2
Lower-secondary schools with additional learning of minority language	15	82	1	83	3	43	10	0	1	238
Upper-secondary schools w learning in minority language	0	0	1	0	0	2	0	0	0	3
Bilingual upper-secondary schools	0	0	0	0	0	2	0	0	0	2
Upper-secondary schools with additional minority language teaching	3	7	0	2	0	2	2	0	0	16
Vocational schools with teaching in the minority language	0	0	0	0	0	0	0	0	0	0
Bilingual vocational schools	0	0	0	0	0	0	0	0	0	0
Vocational schools with additional minority language teaching	0	2	1	5	0	1	1	0	0	10
Total	41	322	12	390	9	136	33	2	3	948

Note: The data presented in the table above do not include the number of kindergartens and kindergarten units at primary schools and the number of interschool groups.

Number of students by the type of school - school year 2011/2012 (as at 30 September 2011)

Minority	Belarusian	Kashubian	Lithuenian	German	Slovak	Ukrainian	Lemko	Armenian	Jewish	TOTAL
Elementary schools with teaching in the minority language	0	0	207	0	0	96	0	0	0	303
Bilingual elementary schools	0	0	0	160	0	68	0	0	0	228
Primary schools with additional learning of minority language	1383	11049	52	24916	145	733	110	35	193	38616
Lower-secondary schools with teaching in the minority language	0	0	155	0	0	104	0	0	0	259
Bilingual lower-secondary schools	0	0	0	67	0	51	0	0	0	118
Lower-secondary schools with additional learning of minority language	790	1869	9	5575	29	348	90	0	34	8744
Upper-secondary schools w learning in minority language	0	0	107	0	0	140	0	0	0	247
Bilingual upper-secondary schools	0	0	0	0	0	91	0	0	0	91
Upper-secondary schools with additional minority language teaching	745	310	0	44	0	0	20	0	0	1119
Vocational schools with teaching in the minority language	0	0	0	0	0	0	0	0	0	0
Bilingual vocational schools	0	0	0	0	0	0	0	0	0	0
Vocational schools with additional minority language teaching	0	45	4	82	0	9	1	0	0	141
Total	2918	13273	534	30844	174	1640	221	35	227	49866

Note: The data presented in the table above do not include the number of kindergartens and kindergarten units at primary schools and the number of interschool groups.

Article 15

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

It should be emphasized that the Polish legislation provides conditions for Polish citizens to participate in public, cultural, social and economic life. *Constitution* in Article 11 guarantees freedom of establishment and functioning of political parties, and in Article 12 provides the freedom of establishment and functioning of trade unions, social -professional farmer organizations, associations, citizens' movements, other voluntary associations and foundations. The Act of 27 June 1997 *on Political Parties* (Journal of Laws of 2011, No. 155, item. 924) in Article 2 grants the right to be a member of a political party to persons who are nationals of the Republic of Poland, aged 18 or older.

Political changes introduced after 1989 led to the transfer of a number of powers to local government units. All Polish citizens, including persons belonging to national minorities, as members of the self-governing communities (which are created by virtue of the law by all the residents of a commune, poviát or voivodeship),²¹ can participate in making important decisions for the community, both directly (participation in elections and referendums) and through the authorities of the commune, poviát, or voivodeship. They can also sit in the organs of local government units.

The Act of 5 January 2011, the *Election Code* (Journal of Laws No. 21, item. 112, as amended), provides preferences for representatives of minorities. According to general principle adopted in the *Code*, in the allocation of seats to the Senate, accepted are only district list of candidates of these committees, which at the country level received at least 5% of the valid votes cast. Only committees formed by the voters associated in registered organizations of national minorities are exempt from this condition (Article 197 § 1 of the *Election Code*). Similar solutions were also provided by the previous electoral laws adopted after 1989. As a result of the recent parliamentary elections, which were held on 9 October 2011, one representative of the German minority selected from the electoral list of the German national minority, sits in the Polish parliament, one representative of the Belarusian national minority selected from the list of the Democratic Left Alliance, and one

²¹ Act of March 8, 1990 *on the commune self-government* (Journal of Laws of 2001 No. 142, item. 1591, as amended), dated June 5, 1998, *on the poviát self-government* (Journal of Laws of 2001 No. 142, item. 1592, as amended), dated June 5, 1998, *on the voivodeship self-government* (Journal of Laws of 2001 No. 142, item. 1590, as amended.).

representative of the Ukrainian minority selected from the electoral list of the Civic Platform Committee. In the Senate, sits one senator coming from the Armenian minority, running from Civic Platform's election committee. Also sitting in parliament are deputies and senators representing the community using the regional language. These MPs were elected from the lists of the Civic Platform and Law and Justice. In addition, working in the parliament is the Kashubian Parliamentary Team converging in their ranks MPs and senators working to the benefit of Kashubian and Pomeranian regions. Among them, also MPs associated with the community using the language regional.

Representatives of national and ethnic minorities and communities using a regional language are also strongly represented at all levels of government. Because of the local elections held in 2010, the representatives of minorities sit in self-government bodies of the following Voivodeships: Dolnośląskie, Lubuskie, Małopolskie, Opolskie, Podlaskie, Podkarpackie, Pomorskie, Śląskie, Świętokrzyskie, Warmińsko-Mazurskie, Wielkopolskie and Zachodniopomorskie. On the territories of some communes and poviats, where the minorities or the Kashubian community occur in dense clusters, the committees from which their representatives received mandate, exercise power in local governments alone or in coalitions with other committees.

In the municipal elections held in 2010, only German minority designated its own election committee in the Opolskie Voivodeship. Candidates belonging to other minorities and communities using a regional language, as well as candidates coming from the German minority living in other regions of the country, run both from the national lists of political parties and local election committees. Some of them run with the official support of the socio-cultural organizations of the various minorities. The fact that only candidates representing German minority of the Opole region, run under registered minority election committee, makes impossible to accurately estimate the number of persons belonging to minorities and the community using the Kashubian language, elected to the local government bodies because of the conducted elections. According to the available data, it can be assumed that as a result of elections more than nine representatives of Kashubian minority and community serve on the Voivodeships assemblies (in the Opolskie Voivodeship persons belonging to the German minority gained seven councilors seats, one in the Warmińsko-Mazurskie Voivodeship, and in the Pomorskie Voivodeship one mandate has been gained by representative of the Ukrainian minority, whereas in Świętokrzyskie Voivodeship one representative of the Armenian minority. In addition, in the Podlaskie Voivodeship council sit persons belonging to Belarusian minorities and in the Pomorskie Voivodeship council, persons using a regional

language). Representatives of national and ethnic minorities gained seats on the boards of at least nineteen poviats (hajnowski, bielski and sejneński of Podlaskie Voivodeship, ostródzki, kętrzyński, szczycieński and bartoszycki of Warmińsko-Mazurskie, Voivodeship, koszaliński, szczecinecki and wałecki of Zachodniopomorskie Voivodeship, bytowski i gdański of Pomorskie Voivodeship, and strzelecki, kędzierzyńsko-kozielski, krapkowicki, opolsko-ziemski, oleski, kluczborski i prudnicki of Opolskie Voivodeship). In addition, on the boards of some poviats of Pomorskie Voivodeship sit candidates using regional language everyday in their households. More than thirty representatives of national and ethnic minorities have become Mayors and Voits. Whereas, over 35 sit, on behalf of minority electoral committees and other electoral committees, on the city and commune councils of the following voivodeships: Dolnośląskie, Lubuskie, Małopolskie, Opolskie, Podlaskie, Podkarpackie, Pomorskie, Śląskie, Warmińsko-Mazurskie, Wielkopolskie, and Zachodniopomorskie. In Pomorskie Voivodeship, candidates using a regional language also sat on the boards of communes inhabited by this community. In some communes, candidates belonging to the Kashubian community serve as Voits, Mayors, and city Mayors.

Representatives of Belarusian, German, Ukrainian and Lithuanian minority, and the community using the regional language also serve as Starostes and Deputy Starostes in some poviats inhabited by dense clusters of persons belonging to those minorities or communities.

It should be noted that the Republic of Poland, based on the principle of equality of rights of all citizens, does not restricts the rights of persons belonging to national minorities to hold public office, including service in the police and military, career advancement, awards conferred under the law of public officers according to their professional qualifications and particular predisposition.

Article 16

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

Article 5 (2) of the Act on *National and Ethnic Minorities and Regional Language* prohibits the use of means aimed at changing national or ethnic proportions in areas inhabited by minorities. Note the similarity of this provision with Article 15 of the *Framework Convention*.

The obligation to refrain from actions that would lead to national changes in areas inhabited by ethnic minorities is placed in Article 15 of the *Treaty between the Republic of Poland, and the Republic of Lithuania on good-neighborly friendly relations and co-operation* of 26 April 1994 (Journal of Laws of 1995 No. 15, item. 71).

Article 17

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

The right to freedom of contacts between citizens belonging to national minorities within the country and across the border with the citizens of other countries with whom they share a common ethnic origin is explicitly guaranteed in bilateral treaties concluded with the Federal Republic of Germany, Ukraine, the Republic of Belarus and the Republic of Lithuania. Whereas, the provisions of Article 52 (1) of the *Constitution* indicate that everyone is guaranteed the freedom of movement within the territory of Republic of Poland and the choice of place of residence and stay. Anyone can freely leave the territory of the Republic of Poland (Article 52 (2) of the *Constitution*).

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

The freedom to associate is guaranteed by the provisions of art. 58 of the Constitution. Only the court can prohibit an associative action or refuse to register it. The details are precised in the Act of 7 April 1989 *Law on Associations* (OJ 2001, No. 79, item 855, as amended).

Article 18

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

Regulations concerning rights of individual, national minorities were included in the treaties concluded by Poland with all its neighbors. Clauses regarding minorities contained in bilateral treaties take into account the most important minority rights as well as duties, which shall be assumed by each state. Below is a list of treaties.

1. *Treaty between the Republic of Poland and the Federal Republic of Germany on good neighborliness and friendly cooperation* of 17 June 1991 (Journal of Laws of 1992 No. 14, item. 56) - Articles 20-22 are devoted to minority rights.
2. *Agreement between the Republic of Poland and the Czech and Slovak Federal Republic on good neighborliness, solidarity and friendly cooperation* of 6 October 1991 (Journal of Laws of 1992 No. 59, item. 296). Treaty is currently in force in relations with the Czech Republic and the Slovak Republic, upheld in relations with the Slovak Republic on the basis of the Protocol signed in Bratislava on 8 July 1993, whereas relations with the Czech Republic on the basis of the Protocol signed in Warsaw on 29 March 1996 - Article 8 is devoted to minority rights.
3. *Treaty between the Republic of Poland and Ukraine on good neighborliness, friendly relations and co-operation* of 18 May 1992 (Journal of Laws of 1993, No. 125, item. 573) - Article 11 is devoted to minority rights.
4. *Treaty between the Republic of Poland and the Russian Federation on friendly relations and good-neighborly cooperation* of 22 May 1992 (Journal of Laws of 1993 No 61, item. 291) - Article 16 is devoted to minority rights.
5. *Treaty between the Republic of Poland and the Republic of Belarus on good neighborliness and friendly cooperation* of 23 June 1992 (Journal of Laws of 1993, No. 118, item. 527) - Articles 13-17 are devoted to minority rights.
6. *Treaty between the Republic of Poland and the Republic of Lithuania on friendly relations and good-neighborly cooperation* of 26 April 1994 (Journal of Laws of 1995 No. 15, item. 71) - Articles 13-16 are devoted to minority rights.

The issues related to national minorities were treated by Poland with great solemnity, as reflected in the records of minority rights in intergovernmental agreements on cultural cooperation, concluded by Poland with its neighbors.

Federal Republic of Germany:

- *Treaty between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture*, concluded in Bonn on 14 July 1997 (Journal of Laws of 1999 No. 39 item 379);

- *Protocols of Meetings of the Mixed Polish and German Committee for Cultural Cooperation* whose meetings are held in one or the other country in turns, on the basis of the *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cooperation in the field of Culture* of 14 July 1997; the Mixed Committee is chaired by representatives of the Ministries of Foreign Affairs of both countries, whose members include representatives of ministries competent in matters concerning cooperation in the area of culture, science, education system and schooling;

Czech Republic:

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

Slovak Republic:

- *Agreement between the Government of the Republic of Poland and the Government of the Slovak Republic on Cooperation in the Field of Culture, Education and Science*, concluded in Bratislava on 23 March 2000 (Official Journal “Monitor Polski” of 2002 No. 6 item 123);

Ukraine:

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

Republic of Belarus:

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

Republic of Lithuania:

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

Russian Federation:

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

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

- *Agreement between the Government of the Republic of Poland and the Government of Ukraine on the Protection of Memorial Sites and Resting Places of Victims of War and Political Repression*, concluded in Warsaw on 21 March 1994 (Journal of Laws No. 112 item 545);
- *Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Graveyards and Memorial Sites Devoted to Victims of Wars and Repression*, concluded in Cracow on 22 February 1994 (Journal of Laws No. 112 item 543);
- *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on the Protection of Graveyards and Memorial Sites Devoted to Victims of Wars and Repression* concluded in Brest on 21 January 1995 (Journal of Laws of 1997 No. 32 item 185).

While implementing provisions of Article 18 of Framework Convention, Poland is guided by the universally recognized principles of international law in relation to the position of national minorities in international relations (e.g., non-interference in the internal affairs of the state and the principle of justified concern of the international community in case of human rights violations). These principles were further clarified by the Venice Commission in 2001, and more recently by the recommendations from Bolzano / Bozen (2008), adopted by the OSCE High Commissioner on National Minorities. According to the Venice Commission, providing financial, material and other help to minority groups abroad, for example in the field of education, may be made with the express consent of the competent State or such consent can be presumed in the light of the practice of reciprocity. While Bolzano / Bozen recommendations, clearly allow the state to offer assistance to support education abroad in the form of textbooks, language courses, teacher training, etc. (see Recommendation No. 12).

During the discussed period, because of the twentieth anniversary of the signing of the Treaty between the Republic of Poland and the Federal Republic of Germany on good neighborliness and friendly cooperation of June 17, 1991, the representatives of the Republic of Poland and the Federal Republic of Germany, together with representatives of the social organizations of the German minority in Poland and Poles in Germany held a series of meetings in the framework of the so-called. "Round Table" devoted to summing up the implementation of the provisions of the Polish-German treaty on good neighborliness and friendly cooperation from 1991, and discussing the situation of the German minority in Poland and German citizens of Polish origin in Germany. The result of the work of the mentioned committee was the adoption on June 12, 2011, of the *Joint Statement of the Round Table on the support of German citizens of Polish origin and the Poles in Germany and the German minority in Poland, according to the Polish-German Treaty on Good Neighborhood and Friendly Cooperation*. In the document, the parties agreed to take in consultation with the communities of the German minority in Poland and German citizens of Polish origin specific actions to the benefit of these groups. The talks in the framework of the "Round Table" are being continued.

In 2011, the work was continued within the framework of the Polish-Lithuanian Educational Panel of Experts and Representatives of National Minorities, set up by the decision of Prime Ministers of Poland and the Republic of Lithuania on 4 September 2011. The group met during five meetings. The aim of its work was to analyze the educational status of the Lithuanian minority in Poland, and to develop mechanisms to improve the educational situation of the Polish minority in Lithuania.

On 18 April 2000, the Polish Council of Ministers adopted a Declaration of interpretation to the *Framework Convention for the Protection of National Minorities*, which together with the instruments of ratification of the *Convention* was submitted on 20 December 2000 in the seat of Council of Europe in Strasbourg. In this declaration the Republic of Poland states among other things that will be implementing the *Convention* in accordance with Article 18 of the *Convention*, concluding international agreements referred to in this article, and whose purpose is the protection of national minorities in Poland and Polish minorities or groups in other countries.

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

In the treaties on friendly relations and good-neighborly cooperation concluded between the Republic of Poland and the Republic of Lithuania, Ukraine, Republic of Belarus, Russian Federation, Czech and Slovak Federal Republic and the Federal Republic of Germany, were records of mutually beneficial cooperation between communes, cities and other administrative - territorial units and regions, especially in border areas.

Within the framework of the bilateral treaties implementation, cooperation of border regions was initiated at the beginning of the 1990s. The first Euroregion established in the Central and Eastern Europe was Nysa Euroregion, initiated within the framework of Polish, German and Czech cooperation, and created in December 1991. Also along Polish western border, in areas inhabited by German, Ukrainian and Lemko minorities, the following Euroregions were created: Pomerania (in 1995), Pro Europa Viadrina (in 1993), and Sprewa-Nysa-Bóbr (in 1991). On the border of the Republic of Poland, the Republic of Lithuania, the Republic of Belarus and the Russian Federation, inhabited by Lithuanian, Belarusian, Ukrainian, and Tatar minority, in June 1997, formed a partnership in the framework of Niemen Euroregion. Neighboring Euroregion of Łyna-Ływa, registered on 4 September 2003, spreads on both sides of the Polish and Russian border, and is inhabited by the Ukrainian minority. These areas are also covered by Euroregion Bałtyk created on 22 February, covering the areas inhabited by the community using the regional language and the Ukrainian minority. Along the eastern border of the country function: Polish-Belarusian Euroregion Puszcza Białowieska created based on agreement of 25 May 2002, inhabited by Belarusian minority and created on 29 September 1999 Polish-Belarusian-Ukrainian Euroregion Bug inhabited by the representatives of Ukrainian minority. The South-Western part of Poland inhabited by the Ukrainian and Lemko minorities lies within the limits of the Carpathian Euroregion established in February 1993. Apart from the Polish authorities, the statute of the Carpathian Euroregion was also signed by representatives of regional authorities of Hungary, Romania, Ukraine and Slovakia. The Polish and Slovak cooperation strengthened after the Tatry Euroregion and Beskidy Euroregion were established in August 1994 and February 2000, respectively. These areas are inhabited by persons belonging to the Roma, Slovak and Lemko minorities. Euroregions Pradziad (established in July 1997), and Silesia (established in September 1998), located on the border between the Republic of Poland and the Czech Republic, are inhabited by persons belonging to the German minority. On the areas of other

Euroregions operating on the border of the Republic of Poland, representatives of national and ethnic minorities live in smaller clusters.

In 1991, government of the Republic of Poland and the Federal Republic of Germany established a Polish - German Intergovernmental Commission for Regional and Cross Border Cooperation, which coordinates cooperation and develops solutions to improve the conditions in the border region in many areas of economic activity and human relationships.

Article 19

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

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

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

The activities of the Polish Government are aimed not only to provide representatives of national and ethnic minorities their rights, but also to strengthen the spirit of tolerance, and intercultural dialogue for mutual respect, understanding and cooperation, the creation of conditions for the dissemination of culture, and cultural identity of minorities in accordance with the best traditions of Republic, and to promote openness and tolerance in Polish society, especially among young people.

In accordance with the provisions of Article 21 of the *Act on National and Ethnic Minorities and Regional Language*, competent body in matters covered by the Act is the minister in charge of religious denominations and national and ethnic minorities²². The Minister, who heads the department of administration, is thus responsible for national and ethnic minorities. Currently, as at 21 November 2011, the competent Minister is the Minister of Administration and Digitization.

Act on National and Ethnic Minorities and Regional Language by indicating the minister in charge of religious denominations and national and ethnic minorities as a leading authority on minorities at the same time imposed on all public authorities of the Republic of Poland the responsibility to take appropriate measures to promote activities aimed at protection, preservation and development of cultural identity of minorities. These bodies within their powers take measures to ensure proper implementation of the rights of national and ethnic minorities, and to promote attitudes of mutual tolerance and cooperation in the spirit of respect for cultural identity and century's old heritage of multicultural and multinational Republic of Poland.

A particularly important role in the implementation of measures to the benefit of the minorities, in addition to the said Minister of Administration and Digitization, play: Commission on National and Ethnic Minorities of the Polish Parliament, the Joint Commission of Government and National and Ethnic Minorities, Plenipotentiary of the Government for Equal Treatment. Besides them, among the major bodies and institutions responsible for the implementation of government policy towards national minorities and

²² According to the *Polish Constitution*, the Ministers manage the departments of government administration. Each minister may manage one or more departments. Act of September 4, 1997 *on departments of government administration* (Journal of Laws of 2007 No 65, item. 437, as amended) Lists all the departments of government and defines the scope of competence of the ministers in charge of the given departments.

ethnic groups, there are Ministry of Education, Ministry of Internal Affairs and the Council for the Protection of Memory of Combat and Martyrdom.

During the reporting period, there have been important changes in the bodies and institutions responsible for the implementation of government policy towards minorities. The most important is the transfer of the administrative section, "religious denominations and national and ethnic minorities," to the responsibilities of newly appointed Minister of Administration and Digitization, and the creation of the Government Plenipotentiary for Equal Treatment.

I

Under the provisions of § 1 (2) item 4 of the Regulation of the President of the Council of Ministers of 18 November 2011 on the *detailed scope of activities of Minister of Administration and Digitization* (Journal of Laws No. 248, pos. 1479), government department of "religious denominations and national and ethnic minorities," is headed by the **Minister of Administration and Digitization**. Previously, the Minister responsible for the issues covered by this administration department was the Minister of Internal Affairs and Administration. Minister of Administration and Digitization while performing tasks related to the maintenance and development of the cultural identity of national and ethnic minorities, and the preservation and development of the regional language, in particular:

- promotes the rights and needs of minorities by taking actions to the benefit of minorities, and initiating programs:
 - a) preservation and development of identity, culture and language of minorities, while ensuring full citizenship of persons belonging to minorities,
 - b) implementation of the principle of equal treatment between persons irrespective of ethnicity;
- cooperates with the competent authorities in dealing with the violation of the rights of minorities;
- performs analysis and evaluations of legal and social situation of minorities, including within the scope of implementation of the principle of equal treatment between persons irrespective of ethnicity;
- disseminates knowledge about minorities and their culture, as well as initiates research on the situation of minorities, including in the field of discrimination resulting from the belonging to the minority, its manifestations, methods and strategies to combat its occurrence;

- takes actions to preserve and develop the regional language.

In addition, Article 31 (3) of the Act on National and Ethnic Minorities and Regional Language obliges the Minister in charge of religious denominations and national and ethnic minorities (i.e. the Minister of Administration and Digitization), to prepare, not less frequently than once every two years, a report on the situation of minorities in the Poland and submit it for approval to the Council of Ministers.

It should be pointed out that the above-described list of tasks and responsibilities is not exhaustive, and all issues related to the sphere of state action to maintain and develop the cultural identity of minorities remain the responsibility of the minister in charge of religious denominations and national and ethnic minorities.

Office serving the Minister in charge of religious denominations and national and ethnic minorities is the Ministry of Administration and Digitization. In the structures of Ministry of Administration and Digitization operates Department of Denominations and National and Ethnic Minorities, within which tasks to the benefit of the minorities are performed by: Division of National and Ethnic Minorities, Division of Roma Minority Affairs, and Group for Culture of National and Ethnic Minorities. Department of Religious Denominations and National and Ethnic Minorities of Ministry of Administration and Digitization continues activities carried out previously within the structures of Ministry of Internal Affairs and Administration.

1. Responsibilities of the **Division of National and Ethnic Minorities** include conducting the relationship between State and national and ethnic minorities and communities using the regional language with the exception of matters concerning relations with the Roma ethnic minority, in particular:

- 1) developing - in consultation with representatives of other ministries - the proposals to the objectives of government policy towards national minorities and ethnic and regional language;
- 2) developing and coordinating programs for national and ethnic minorities and regional language;
- 3) monitoring the programs referred to in item 2, and preparing analysis and opinions concerning their implementation;
- 4) developing proposals for solutions to the problems raised by the organizations of national and ethnic minorities and communities using the regional language;
- 5) developing and issuing opinions on draft regulations on national and ethnic

- minorities and regional language;
- 6) developing materials for information projects regarding sharing, and transfer of subsidy for the tasks aiming to preserve and develop the cultural identity of national and ethnic minorities and the preservation and development of the regional language;
 - 7) maintaining databases related to subsidies, referred to in item 6;
 - 8) participating in the work of the committee, whose task is to evaluate and select applications for subsidies for the implementation of tasks aimed at preservation and development of the cultural identity of national and ethnic minorities, and the preservation and development of the regional language;
 - 9) taking measures to respect the rights of persons belonging to national and ethnic minorities, and people using the regional language;
 - 10) substantive and organizational-technical support by Joint Commission of Government and National and Ethnic Minorities, including the preparation of materials for meetings of the Commission and the minutes of these meetings, with the exception of substantive and technical-organizational support for the group dealing with Roma Affairs, operating within the Joint Commission of Government and National and Ethnic Minorities;
 - 11) maintaining the Official Register of Communes, in which auxiliary language is used;
 - 12) maintaining the register of communes, on the territories of which names in the minority language are used;
 - 13) cooperation with the government authorities and local government, in order to take account of the needs of local and ethnic minorities and communities using the regional language;
 - 14) maintaining contacts with community organizations of national and ethnic minorities and communities using the regional language;
 - 15) preparing information on problems and materials on national and ethnic minorities and regional language;
 - 16) developing materials related to the cooperation with institutions and organizations working for national and ethnic minorities and regional language within the European Commission, Council of Europe and the Organization for Security and Cooperation in Europe;
 - 17) developing materials for the budget bill in matters related to national and ethnic minorities and regional language.

2. The responsibilities of the **Division for the Roma Minority Affairs** include conducting relations between the State and Roma minority, and in particular:

- 1) developing - in consultation with representatives of other ministries proposals to the State policy objectives towards the Roma minority;
- 2) developing and coordinating programmes for the Roma minority, including the Programme for the Roma community in Poland;
- 3) monitoring the programmes referred to in item 2, and development of analysis and opinions regarding their implementation;
- 4) developing proposals for solutions to the problems raised by the Roma minority organizations;
- 5) developing and issuing opinions on draft regulations concerning the Roma minority;
- 6) developing materials for information projects regarding sharing, and transfer of subsidy for the tasks aiming to preserve and develop the cultural identity of national and ethnic minorities and the preservation and development of the regional language, and full citizenship of Roma minority;
- 7) participating in the work of the committee, whose task is to evaluate and select applications for subsidies for the implementation of tasks aimed at preservation and development of the cultural identity of national and ethnic minorities, and the preservation and development of the regional language;
- 8) taking measures to respect the rights of persons belonging to Roma minority;
- 9) substantive and organizational-technical handling of Group for Roma Affairs operating under Joint Government Commission and National and Ethnic Minorities, including the preparation of materials for the Group's meetings, and the minutes of these meetings;
- 10) cooperating with the government authorities and local government to take into account local needs of the Roma minority;
- 11) maintaining contacts with the Roma community organizations;
- 12) preparing information on problems, and materials related to the Roma minority;
- 13) developing materials related to the cooperation with institutions and organizations working for the Roma minority under the European Commission, the Council of Europe and the Organization for Security and Cooperation in Europe;
- 14) developing materials for the budget bill within the scope of the Roma minority issues.

3. The responsibilities of the **Group for Culture of Ethnic and National Minorities** include conducting affairs of national and ethnic minorities and communities using the regional language - in terms of supporting the activities aimed at the protection, preservation and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language, and in particular:

- 1) collecting and evaluating applications in formal terms, for subsidizing activities aimed at the protection, preservation and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language;
- 2) developing, on the basis of the minutes of the meetings of the committee evaluating proposals referred to in item 1, the proposal for the distribution of subsidies to support activities aimed at the protection, preservation and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language;
- 3) preparing draft agreements concerning subsidies, referred to in item 2;
- 4) collecting, verifying in the formal terms, reports submitted by entities which have received subsidies and assessing on the basis of these reports, the implementation of tasks under the subsidy agreement;
- 5) developing analyzes and materials for the information published by the minister in charge of religious denominations and national and ethnic minorities, on the detailed rules of conduct in matters relating to subsidies referred to in item 2;
- 6) preparing draft answers to questions in relation to the subsidies granted by the minister in charge of religious denominations and national and ethnic minorities;
- 7) coordinating the preparation of materials for the budget bill within the jurisdiction of the Department;
- 8) monitoring of the implementation of the state budget in part - 43 of the budget - Religious denominations and national and ethnic minorities;
- 9) cooperating with the organizational unit of the Ministry of Administration and Digitization competent in matters of finance, in the financial - accounting handling of the part - 43 of the State Budget - Religious denominations and national and ethnic minorities.

II

The Commission on National and Ethnic Minorities of the Polish Parliament (Sejm) exists since 1989. The scope of the Commission activities includes issues related to

the maintenance of the cultural heritage of national, ethnic and linguistic minorities, and protection of their rights and of the principle of equal treatment between persons irrespective of their ethnic origin, race and nationality. The Commission undertakes the following actions:

1. co-creation of the law on national and ethnic minorities,
2. analysis of problematic issues,
3. consultations and meetings with the minority communities,
4. intervening.

Committee meetings are cyclical (also away), devoted to issues of individual national and ethnic minorities.

During the sixth term of the Parliament, there were 90 meetings of the Commission on National and Ethnic Minorities. In its activities, the Commission has focused mainly on monitoring the implementation of the rights of national and ethnic minorities. The Commission met with representatives of national and ethnic minorities, getting acquainted with the situation of minority, analyzing the issues raised by them and taking specific interventions.

During the discussed period, the Commission has adopted 8 opinions and 24 desiderata. Opinions focused mainly on budget matters - budget bills for the subsequent years, and reports on execution of the budget. Also reviewed was the activity of the Supreme Chamber of Control (NIK) within the Commission's tasks. Desiderata, addressed to the Council of Ministers or the Prime Minister focused on the problems of education and education of specific national and ethnic minorities. The Commission has devoted special attention to the Roma minority, enacting a series of desiderata related to situation of Roma children in public schools, the situation of Roma on the labor market, the over-representation of Roma children in the group of children receiving in psychological - pedagogical dispensaries, decisions as to intellectual disability or on the use funds from the *Programme for the Roma community in Poland*.

The special initiative of the Commission, in cooperation with the Group for Roma Affairs, Joint Commission of the Government and National and Ethnic Minorities, was related to taking the initiative to adopt resolutions on the establishment on 2 August The Day of Remembrance of the Holocaust of the Roma and Sinti, which resulted in the adoption by the Parliament of a resolution on this matter: *"In tribute to Roma and Sinti victims of Nazi German genocide, the Polish Parliament establishes August 2nd a Day of Remembrance of the Holocaust of the Roma and Sinti"*.

A very important, new area of the Commission's work during sixth term took the form of prevention of racial discrimination, xenophobia and related intolerance. First of all, - at the request of the Commission - the issue was entered into the permanent range of activities specified by the Polish Parliament Statute.

III

The Joint Commission of Government and National and Ethnic Minorities was established under Article 23, item 1 of the *Act on National and Ethnic Minorities and the Regional Language*, as a consultative and advisory body of the Prime Minister.

The tasks of the Joint Commission include in particular:

- expressing opinions on the implementation of the rights and needs of minorities, including the assessment of the method of implementation of these rights, and formulating proposals for actions aiming to ensure provisions of the rights and needs of minorities,
- expressing opinions on programmes used for creating conditions conducive to the maintenance and development of the cultural identity of minorities,
- expressing opinions on draft laws concerning minorities,
- expressing opinions on the amount and rules for distribution of the funds designated in the state budget to support activities aimed at the protection, preservation and development of the cultural identity of minorities and the preservation and development of the regional language,
- taking measures to prevent discrimination against persons belonging to minorities.

Joint Commission is composed of the following representatives: the Minister in charge of religious denominations and national and ethnic minorities, the Minister in charge of public administration, the Minister in charge of culture and national heritage, the Minister in charge of education, the Minister in charge of public finances, the Minister in charge of labor issues, the Minister of Justice, Minister of Internal Affairs, Minister in charge of social security, the minister in charge of foreign affairs, the minister in charge of higher education, the President of the Central Statistical Office, President of the Council for the Protection of Memory of Combat and Martyrdom, Head of the Chancellery of the Prime Ministers and representatives of national minorities (Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, Jewish), and ethnic minorities (Karaim, Lemko, Roma and Tartars), as well as representatives of the community using the regional language (Kashubian). Members of the Joint Commission shall be appointed and dismissed by the Prime Minister at the request of

the Minister in charge of religious denominations and national and ethnic minorities. Co-chairs with equal rights in the Joint Commission is representative of the Minister in charge of religious denominations and national and ethnic minorities, and a representatives of minorities and the communities using the regional language.

In accordance with the *Act on National and Ethnic Minorities and Regional Language*, in order to select the members of the Joint Commission who are the representatives of minorities and the community using the regional language, the Minister in charge of religious denominations and national and ethnic minorities (currently the Minister of Administration and Digitization, until November 2011 - The Minister of Interior and Administration) applies to organizations of various minorities and communities with a request to identify agreed candidates to the Commission. Then the Minister passes the request to the Prime Minister to appoint members of the Commission.

According to the regulations of the Commission, thereunder operate the following groups: the group for education, group for culture and the media and the group for Roma affairs. Costs associated with the operation of the Joint Commission shall be covered by the state budget, and the organizational - technical support for the Commission's work is provided by the office of the minister in charge of religious denominations and national and ethnic minorities.

According to the Law Commission's opinions shall be forwarded to the Prime Minister and Council of Ministers. The Joint Commission also has the ability to issue a request for information and the positions of the institutions and the scientific community and civil society organizations. May invite to its work representatives of local bodies, social organizations and the scientific community.

Commission issues its annual opinions, among others on the amount of funds planned in the state budget for the implementation of tasks aimed at maintaining the cultural identity of national and ethnic minorities and the preservation and development of the regional language, rules for allocating the subsidies awarded by the Minister in charge of religious denominations and national and ethnic minorities, and draft legislation governing the education of national and ethnic minorities. In addition, The Joint Commission issues opinions on any legislation that may have an impact on the position of national and ethnic minorities and the use they make of their guaranteed rights, such as the draft law on the ratification of the *European Charter for Regional or Minority Languages*.

The Joint Commission in its work places great emphasis on issues related to the teaching of the languages of national and ethnic minorities, and regional languages. During its

meetings, issues of pre-school education, minority philology, appointing cultural institutions, methodological support for minority education, and the preparation of curriculum for school, and pre-school education have been raised. The Joint Commission is also interested in issues of preservation and development of minority schools network.

The Joint Commission has repeatedly discussed the historical issues regarding relations between Polish State and national and ethnic minorities. Particularly important in this regard is the issue of commemorating of the memorials that repeatedly has been the subject of lively discussion. The subject of intense discussion among members of the Joint Commission was, among others the evaluation of the consequences of Operation "Vistula". The Joint Commission in the scope of its work is also interested in the activities of the Institute of National Remembrance in matters of national and ethnic minorities.

The Joint Commission expresses also keen interest in the process of implementation of the *Act on National and Ethnic Minorities and Regional Language*. At the meetings there are also reports presented regarding performance of the Governors Plenipotentiary for the national and ethnic minorities.

The Joint Commission also deals with Poland's respect for the provisions of international conventions to protect minorities, and discusses the activities of the various ministries for national and ethnic minorities.

The inaugural meeting of the Joint Commission of Government and National and Ethnic Minorities was held on 21 September 2005. By the end of 2011, there were thirty meetings of the Joint Commission as a full court (in 2005 - 1, 2006 - 3, 2007 - 2, 2008 - 7, 2009 - 6, 2010 - 6, 2011 - 5, 2012, 6 sessions are scheduled). In addition, cochairman of the Joint Commission, who is representative of the minorities and communities using the regional language, repeatedly used the option of convening the meetings, in which took part in the only representatives of the minority side.

Comparing the Joint Commission to the previously acting Group for National and Ethnic Minorities Affairs, it should be noted that the Commission is a statutory empowered an advisory body to the Prime Minister, which gives it a much higher profile than had Group for National Minorities Affairs. Competences of the Joint Commission were clearly defined, and therefore government authorities are legally obliged to consult with the Joint Commission on minority issues. In addition, minorities and communities using the regional language have become the members of the Commission. However, formal members of the group were only representatives of the government, but representatives of minorities were invited to all the meetings of the Group and its Subgroups. Expansion of the Joint Commission compared with

the Group ensured the former greater representation, and in accordance with the principle of "nothing about us without us", representatives of minorities were formally included to work on government policy in relation to the matters concerning them.

Among the Joint Commission groups, special role of the Group for Roma has to be emphasized. It includes, in addition to representatives of the government, 20 people representing Roma minority organizations, indicated by the two representatives of this minority in the Joint Commission. In addition, External Experts from academia, civil society organizations and institutions working for the social inclusion of Roma are invited to the meetings of the Group. Group for Roma Affairs of the Joint Commission of Government and National and Ethnic Minorities serves as a forum for the exchange of information on matters concerning the problems of the Roma ethnic minority, it is an entity working on the elaboration of proposals for action, aiming to improve the situation of this minority in Poland. During the reporting period took place 12 meetings of the Group.

IV

Protection of the rights of national and ethnic minorities is one of the priorities of **the Ombudsman**. The Ombudsman pays particular attention to the realization of rights of national and ethnic minorities, to maintaining and developing their own identity. The Ombudsman is also the guardian of the principle of equal treatment in the field of social, economic and cultural life.

By the end of 2000, in the Office of the Ombudsman there was a separate post for national minorities and foreigners affairs. On 1 January 2001, was created Independent Department of Immigration and Protection of the Rights of National Minorities. In subsequent years, issues related to national and ethnic minorities belonged to the competences of substantive groups, operating under the Office of the Ombudsman. Since 2011, the issues of national and ethnic minorities in the Office of the Ombudsman are dealt with by the Team of Administrative Law and Economics. The Team, acting under the authority of the Ombudsman investigates complaints addressed to the Ombudsman on matters concerning national and ethnic minorities. It carries out the analysis of the rights of minorities on regular basis, and persons belonging to them. An important aspect of the activity of the Team is also undertaking field research, dedicated to the situation of minority communities or respect for minority rights by public authorities. In 2010 and 2011, the Office of the Ombudsman received 39 complaints, which were classified as relating to national or ethnic minorities. Regardless of the number complaints received by the Office of Ombudsman, the degree of

observance of the rights of national and ethnic minorities, and persons belonging to these minorities, is monitored by the Ombudsman's Office on an ongoing basis. For this purpose, any news and current affairs material, are collected and analyzed. Necessary knowledge of the situation of the minority the Ombudsman also derives from contacts with NGOs, bringing together members of the community. Ombudsman also works with the public authorities, competent in matters of national and ethnic minorities, with the Joint Commission of Government and National and Ethnic Minorities and the Commission on National and Ethnic Minorities of the Polish Parliament. Monitoring conducted by the Ombudsman's Office is particularly important in view of the fact that the interventions, both in individual cases and in General, the Ombudsman undertakes not only on the basis of a complaint sent by a person directly involved or affected. Appropriate action may also be taken by the Commissioner on his own initiative, after receiving information indicating the possibility of a breach of certain rights and freedoms.

V

In order to increase the effectiveness of government institutions for protection against discrimination, the Council of Ministers of 22 April 2008 *on the Government Plenipotentiary for Equal Treatment* (OJ No. 75, item. 450, as amended), the **Government Plenipotentiary for Equal Treatment** in the rank of Secretary of State in the Chancellery of the Prime Minister was established. Currently, the framework in which the Government Plenipotentiary for Equal Treatment functions is set by the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment (Journal of Laws No. 254, item. 1700), which entrusts performance of tasks related to the implementation of the principle of equal treatment to the Ombudsman and Government Plenipotentiary for Equal Treatment. Plenipotentiary is Secretary of State in the Chancellery of the Prime Minister, appointed by the Prime Minister, and to whom he is subordinate. Plenipotentiary is responsible for implementation of the government's policy of equal treatment, including anti-discrimination, in particular with regard to sex, race, ethnicity, nationality, religion, creed, belief, age, disability and sexual orientation.

The tasks of Plenipotentiary include in particular:

- preparing and reviewing draft legislation on equal treatment;
- carrying out the analysis and evaluation of legal solutions in view of respect of the principle of equal treatment, as well as submitting requests for issuing or changes of legal acts;

- taking actions to eliminate or limit the effects of violations of the principle of equal treatment;
- Carrying out an analyzes and assessments of the legal situation with regard to equal treatment, and initiating, implementing, coordinating and monitoring actions to ensure equal treatment and to protect against discrimination;
- cooperation with competent government bodies, non-governmental organizations, and other entities in the field of equal treatment;
- promoting, disseminating and propagating the issues of equal treatment;
- cooperation with foreign and international organizations and bodies active in the field of equal treatment;

Plenipotentiary shall prepare and submit to the Council of Ministers, the National Programme of Action for Equal Treatment that sets the objectives and priorities for actions promoting equal treatment. Plenipotentiary also chairs the Council for the Prevention of Racial Discrimination, Xenophobia and Intolerance, appointed by a decree of Prime Minister.

VI

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

VII

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

- coordination of the actions of the organs of government administration fulfilling tasks on behalf of the minorities within the Voivodeship;

- actions aimed at respecting the rights of minorities and counteracting the violation of these rights and discrimination of the minority members;
- actions aimed at solving problems of the minorities;
- actions aimed at respecting the rights of people using the regional language.

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

Act on *National and Ethnic Minorities and Regional Language* also enabled Voivodes to establish Plenipotentiary for national and ethnic minorities. In this case, Article 18 (1) of the Act of 23 January 2009, on *Voivode and government administration in the Voivodeship* (Journal of Laws No. 31, item. 206, with later amendments) does not apply. Currently, the plenipotentiaries of Voivodes for the national and ethnic minorities operate in all 16 Voivodeships.

VIII

Pursuant to Order No. 26 of the Director General of the Ministry of Internal Affairs of 23 December 2011 on the approval of the internal organizational regulations of the Department of Control, Complaints and Petitions of the Ministry of Internal Affairs, as amended under the Department of Control of Complaints and Petitions of Ministry of Internal Affairs, operates Group for the Protection of Human Rights. The scope of activities of the Group includes:

- analyzing the development of international human rights standards in relation to matters falling within the scope of government department, which is headed by the Minister, initiating and implementing programmes and strategies to protect human rights in this area, and initiating legislative and organizational changes to ensure compliance of Polish solutions with these standards;
- taking steps to ensure an adequate level of protection of human rights during the implementation of the tasks by the offices supporting the bodies and heads of organizational units subordinate to the Minister or supervised by him;
- conducting monitoring of cases related to the hate crimes, as well as taking steps to prevent this kind of occurrences;

- cooperation with the authorities and units subordinate to or supervised by the Minister, other governmental bodies, institutions and non-governmental organizations for the protection of human rights and preventing hate crimes;
- participation in the work of national and international institutions dealing with the protection of human rights and the fight against, and prevention of hate crimes;
- monitoring, and where appropriate, the coordination, and implementation in the Ministry of Home Affairs, in particular in the Police and Border Guard of training programmes in the field of human rights issues and the preparation and updating for these entities teaching materials in the field of protection of human rights;
- preparation of information for international reports on Poland's implementation of the provisions of international conventions in the field of action for the protection of human rights within the competence of the Minister;
- handling cases related to the supervision by the Minister of the performance of the Police and Border Guard activities, resulting from judgments of the European Court of Human Rights;
- handling cases related to the supervision by the Minister over the Police and the Border Guard in the field of transmission to Independent Institutions Examining Police Misconduct complaints and other information filed on these services.

Team for the Protection of Human Rights continues activities conducted before by the Team for Monitoring Racism and Xenophobia operating within the Department of Inspection, Complaints, and Petitions of Ministry of Internal Affairs and Administration.

IX

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

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

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

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

PART IV: DATA REGARDING CRIME

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

1. Extract from the provisions of the Criminal Code regarding offenses on racist or xenophobic grounds committed against persons belonging to national and ethnic minorities.

According to art. 53 of the Penal Code, racist or xenophobic motifs are considered an aggravating circumstance while issuing a sentence. The appropriate provisions state that:

Article 53 § 1 The court shall impose the penalty at its discretion, within the limits provided for by law, making sure that its severity does not exceed the degree of guilt, taking into account the **social harmfulness of the deed**, and taking into account the objectives of prevention and education, which are expected to be reached in relation to the offender, and the needs in the field of shaping of public legal awareness.

§ 2. In imposing sentence, the court takes into account in particular the **motivation and behavior of the offender**, committing criminal offense together with a minor, the nature and extent of violated duties imposed on the offender, the nature and size of the negative consequences of the crime, characteristics and personal circumstances of the offender, the way of life before commission of the offense, and behavior after its commission, and especially efforts to repair damages or to compensate in some form a sense of social justice, as well as the behavior of the victim.

Art. 115 § 2. In assessing social harmfulness of the deed, court takes into account the type and nature of the violated good, the size of caused or threat of harm, the manner and circumstances of the committed offense, the seriousness of violated duties by the offender, as well as the form of intention, **offender's motivation**, type of violated rules of prudence and the degree of their violation.

Art. 118. § 1. Whoever, with the intent to destroy in whole or in part, a national, ethnic, racial, political, or religious group, or group with a different ideology, commits murder or causes serious injury to a person belonging to such a group, shall be punishable by imprisonment for not less than 12 years, the penalty of 25 years imprisonment or life imprisonment.

§ 2. Whoever, for the purpose specified in § 1, provides for persons belonging to such group conditions of life threatening their biological destruction, implements measures aimed at preventing births within the group, forcibly removes children from persons constituting it, is punishable by imprisonment for not less of 5 years or penalty of 25 years imprisonment.

§ 3. Whoever makes preparations for the offense specified in § 1 or 2 shall be subject to imprisonment for not less than 3 years.

Art. 119. § 1. Whoever uses violence or unlawful threat against a group of persons or against particular persons because of their national, ethnic, racial, political, religious belonging or because of their lack of religious beliefs, is punishable by imprisonment from 3 months up to 5 years.

Art. 256. § 1. Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, racial, or religious denomination, is subject to a fine, restriction of liberty or imprisonment up to 2 years

§ 2. The same penalty shall apply to anyone who in order to distribute produces, preserves or imports, acquires, holds, possesses, presents, transports or transfers a print, record or other object containing the content specified in § 1.

§ 3. The offender is not committing offense specified in § 2, if the offense was committed under the artistic, educational, collectible or scientific activity.

§ 4. In the event of a conviction for an offense specified in § 2, the court shall order the seizure of items referred to in § 2, even if they did not constitute property of the offender.

Until June 7, 2010, the wording of the provision was as follows:

Art. 256. Whoever publicly promotes fascist or other totalitarian state system or incites to hatred on national, ethnic, racial or religious grounds or due to the lack of religious beliefs, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.

Art. 257. Whoever publicly insults a group of people or an individual person due to their national, ethnic, racial or religious identity or due to their lack of religious beliefs, or who violates the inviolability of such person(s), shall be subject to imprisonment of up to 3 years.

2. *Quantitative data on crime on racist or xenophobic grounds committed against persons belonging to national and ethnic minorities.*

When analyzing data on crime on ethnic or racial grounds, it should be noted that they are cumulative and largely relate to people who are not members of national and ethnic minorities. Presented below statistics do not allow to make accurate estimates of how much crime on ethnic grounds concerns national and ethnic minorities living in Poland.

Year 2007 (A final conviction)

The provision of the Criminal Code	Convictions and conditional redemptions in total	Convictions	Deprivation of liberty	Restriction of liberty	Solely-imposed fine	Solely-imposed punitive measure	Conditional discontinuance of proceedings
art.118	-	-	-	-	-	-	-
art.119§1	3	3	3	-	-	-	-
art.256	7	7	-	6	1	-	-
art. 257	8	4	4	-	-	-	4

Year 2008 (A final conviction)

The provision of the Criminal Code	Convictions and conditional redemptions in total	Convictions	Deprivation of liberty	Restriction of liberty	Solely-imposed fine	Solely-imposed punitive measure	Conditional discontinuance of proceedings
art.118	-	-	-	-	-	-	-
art.119§1	3	3	3	-	-	-	-
art.256	17	14	5	1	6	2	2
art. 257	17	16	12	1	2	1	1

Year 2009 (A final conviction)

The provision of the Criminal Code	Convictions and conditional redemptions in total	Convictions	Deprivation of liberty	Restriction of liberty	Solely-imposed fine	Solely-imposed punitive measure	Conditional discontinuance of proceedings
art.118	-	-	-	-	-	-	-
art.119§1	17	17	17	-	-	-	-
art.256	19	17	11	2	4	-	2
art. 257	22	22	13	6	3	-	-

Year 2010 (A final conviction)

The provision of the Criminal Code	Convictions and conditional redemptions in total	Convictions	Deprivation of liberty	Restriction of liberty	Solely-imposed fine	Solely-imposed punitive measure	Conditional discontinuance of proceedings
art.118	-	-	-	-	-	-	-
art.119§1	10	10	10	-	-	-	-
art.256	9	9	6	2	1	-	-
art. 257	21	16	13	0	3	-	5

Year 2011 (persons judged in the Court of First Instance)

The provision of the Criminal Code	Convictions and conditional redemptions in total	Convictions	Deprivation of liberty	Restriction of liberty	Solely-imposed fine	Solely-imposed punitive measure	Conditional discontinuance of proceedings
art.118	-	-	-	-	-	-	-
art.119§1	4	3	3	-	-	-	1
art.256	9	6	2	2	2	-	3
art. 257	59	50	34	7	9	-	9

3. *Examples of qualitative data on offenses committed on racist or xenophobic grounds against persons belonging to national and ethnic minorities.*

By judgment of 18 March 2009, issued in the case No. II K 133/09, the District Court in Jasło sentenced a 20-year-old woman for insulting Roma people, directing threats against them, for 10 months of restriction of liberty, consisting of performance of unpaid social work goals in the amount of 30 hours per month.

By order of 23 June 2009, issued in the case No. III Now 70/09, the District Court in Chrzanów obliged three 14-year olds, who overturned tombstones in the local historic Jewish cemetery, to participate in the museum lesson organized by the Museum that manages the cemeteries, to perform work in the cemetery, in the amount of 6 hours, and transferred them under the responsible supervision of parents.

By judgment of 14 July 2010, issued in the case No. II K 116/09, the District Court in Jasło sentenced a 35-year-old man for insulting Roma people, violation of bodily integrity and directing threats against them, for penalty of 1 year and 6 months imprisonment, with conditional suspension for a period of 3 years trial, and transferred him under custody of a probation officer.

By judgment of 14 December 2010, issued in the case No. III K 49/10, Wrocław Regional Court sentenced three men for having taken part in an organized group with a view to committing offenses against public order, including the promotion of a totalitarian political system, incitement to hatred on grounds of nationality, insulting groups of people on the background of their national, ethnic, racial, religious belonging, calling for violence against a group of people because of their racial and political belonging, and incitement to hatred on the grounds of nationality, and public insults against group of Jewish, Roma and other people because of their ethnic and religious belonging - for penalty of 1 year and 6 months, 1 year and 1 month, 1 year and 3 months in prison, all without a conditional suspension of the execution.

CONCLUSION

In the discussed in this report period, the legal situation of national and ethnic minorities and communities using the regional language remained stable. The basis of the existing legislation was the Act on National and Ethnic Minorities and Regional Language (thanks to its adoption in 2005, Polish legal system has implemented all the principles contained in the *Framework Convention*). During the discussed period, the process of improving the procedures for implementing the provisions of the Act was continued, so that the use of the rights shall be facilitated as much as possible for the persons concerned. A prime example illustrating the growing fuller use of the provisions of the document by communities of ethnic and national minorities, are consecutive signs with additional names of places in the languages of national and ethnic minorities and in the regional language, which, thanks to the initiative of non-governmental organizations and local authorities, as well as financial support from the state budget, were installed in few hundreds localities.

Cooperation of national and ethnic minorities organizations and the communities using the regional language with the state institutions, carried out under the framework of the Joint Commission of Government and National and Ethnic Minorities, was during the discussed period gradually improved and intensified (at present 6 meetings of the Joint Commission a year are held, although its charter requires to organize them only every six months). Thanks to this, the Joint Commission of Government and National and Ethnic Minorities has become a well-functioning forum on which the spirit of dialogue and understanding prevails, all issues are discussed and the ones important to communities and ethnic minorities resolved. Also in daily contact with the authorities implementing the government's policy towards minorities, special attention is given to solving the current problems and issues reported. These efforts are facilitated by the activities of Plenipotentiaries of Voivodes responsible for national and ethnic minority groups established in all 16 Voivodeships of the country. All issues notified to authorities by minorities are resolved in the spirit of dialogue and understanding, and individuals belonging to minorities have the ability to directly submit their problems to authorities dealing with them. Thanks to the joint efforts of government and the minority communities, finally it was possible to solve a few problems that for years were troubling minority communities. Among the most important issues of this type it is worth to mention the transfer to the Union of Ukrainians in Poland the former "People's House" building in Przemyśl, or resolving the matter of ownership of the building, "Ruska Bursa" in Gorlice.

As it was mentioned in the introduction of this Report, in the discussed period, despite difficulties with the budget, there was a significant increase in the amount of money transferred from the state budget for the implementation of tasks for the maintenance and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language, so that the number of activities carried out to the benefit of minorities undertaken with financial support from the state has increased. Thanks to the increased financial resources, minority communities can implement new, often innovative ideas for the preservation and development of their identity. Among many of these new initiatives, a few examples include: setting up by Lemko Association of private Internet Radio Ruska Bursa (now using the name Internet Radio of Ruska Bursa "LEM.fm"), the translation of the New Testament Gospel published for the first time in the Kashubian language and a comic book created from the beginning in that language, start of digitization of the archival heritage of Polish Armenians or the Centre for the Promotion of Education and Culture of Belarus in Szczyty-Dzięciołowo. Thanks to increased funding, it was also possible to implement a number of projects, notified by minority communities for a long time. An example of this type of activity can be the construction of the building of School Complex in Puńsk, the construction of the Slovak Cultural Center in Nowa Biała or modernization of buildings of Kashubian-Pomeranian Association in Wieżyca. While discussing the issues of financial support for efforts to the benefit of minorities, it should be noted that in the legislation on public finances made in the discussed period²³ a reservation has been made, extremely important from the point of view of national and ethnic minorities. Entities applying under the Act on National and Ethnic Minorities and the Regional Language for support from the state budget for investments aiming to maintain, preserve and develop the cultural identity of minorities do not have to provide their own contribution at a level higher than 10% (for entities implementing other type of investments with the budget support, a threshold is 50%). Introduced legislation may be particularly important for minority community organizations, realizing important investments with budget support aimed at maintaining the cultural identity of minorities.

During the discussed period, work was continued in order to help to further improve the functioning of the education system targeted at minorities. Any action taken in this regard took place in dialogue with social organizations and ethnic minorities. The crowning of the next stage of action was the adoption on 28 June 2011, the *Strategy for the development of*

²³ Article 66 of the Act of August 27, 2009. Regulations implementing the Act on Public Finances (Journal of Laws No. 157, item. 1241, as amended).

education of the Ukrainian minority in Poland. After strategies for Lithuanian (adopted in 2001) and German (adopted in 2006) minority education, this is the third such document. Currently, the works are underway to develop another strategy for the Belarusian minority education. Another sign of positive changes in the field of education is the initiation of works on additional weight in the system of subsidizing of education, which will allow an increase of support by the state budget for each student belonging to the minority, learning at a bilingual school or a school conducting teaching in the minority language. This type of actions are to stimulate the local authorities and community organizations to create such classes and schools, which should significantly increase the number of hours of classes conducted for students belonging to a minority in their language.

It is worth to note separately the continuation of the actions taken under the *Programme for the Roma community in Poland.* Actions taken under the Programme have been repeatedly positively assessed on the national and international level. They also serve as a model for similar arrangements in a number of countries cooperating with Poland. Within the framework of projects realized under the *Programme*, it is particularly important to award constant financial support for the emerging Roma intelligence, through the activities undertaken within scholarship systems for upper-secondary school students (scholarships introduced since 2011), artistically gifted students and students of Roma origin. Also worth mentioning are projects for the Roma ethnic minority within the framework of the Polish Presidency of the Council of the European Union. Therefore, on 1-2 August 2011, the celebrations have been organized to commemorate the liquidation of the so-called Gypsy camp "Zigeunerlager" in the former concentration camp of Auschwitz-Birkenau. As part of the celebrations, a solemn meeting of the Joint Commission for Roma Government and National and Ethnic Minorities was held, combined with an international seminar on the extermination of the Roma, and the presentation of the project of the European Network of Youth ternYpe, bringing together young Roma leaders. As a result of the initiative of the Group for Roma on 29 July 2011, the Parliament passed 2 August as the Day of Remembrance of the Holocaust of the Roma and Sinti. In November 2011, a meeting of the European Platform for Roma Inclusion was held in Brussels, thus undertaking the continuity of EU policy in the field of Roma inclusion, and continuing discussion on effective regional / state strategies to the benefit of this minority. The significant improvement of current actions for the Roma community was possible thanks to developing constant, complementary to the *Programme for the Roma community in Poland*, system of funding for the Roma community in the form of "Roma component" within the Human Capital Operational Programme (ESF).

During the discussed period, also notable was the role of minority issues in bilateral relations. Particularly noteworthy here is the so-called Polish-German "round table", established in 2011, which devotes a lot of attention to the issues of national minorities in both countries, and the Polish-Lithuanian working group on minority education, operating since 2011.

During the discussed period, it was not possible to solve all the problems reported by national and ethnic minorities. For example, work is still underway to develop an optimal model for state funding of education directed to children and young people belonging to minorities. In particular, it is discussed how to differentiate different amounts of subsidies in order to encourage local governments to create schools with minority language instruction and bilingual schools. Also underway are the discussions on improving the situation in the field of creation and distribution of textbooks for students belonging to minorities. As part of the ongoing discussion on the model of the functioning and funding of public service broadcasting is the question of increasing the presence of programmes directed to minorities on the antennas of branches of the Polish Radio and the Polish Television SA. There are also ongoing actions aimed at encouraging minority communities to a better use of the rights concerning presence of minority languages in the public sphere, inscribed in the Law on National and Ethnic Minorities and Regional Language. All the above-mentioned issues are challenges that minority communities and the Government of the Republic of Poland will jointly undertake in the near future.

The discussed period definitely indicates that the current Polish legislation serves well upholding and development of the cultural identity of national and ethnic minorities and the preservation and development of the regional language. Thanks to it, national and ethnic minorities and the community using the regional language may, with the support of state institutions, maintain and develop their culture, and resolve their problems in the spirit of dialogue and understanding, and any actions to the benefit of national and ethnic minorities are taken by the Polish government in the spirit of the provisions of the *Framework Convention for the Protection of National Minorities*.

Legal status

Polish legislation specifies in detail the rights of national minorities. All provisions of the Convention are reflected in the Constitution of the Republic of Poland, international agreements ratified by Poland, and Polish Laws.

The most important rights of national and ethnic minorities are regulated by the following provisions:

- freedom to maintain and develop their own language – Article 35 (1) of the Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, item 483, as amended), Article 8 and Chapter 4 of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141, as amended);
- freedom to maintain customs and traditions, and to develop their own culture – Article 35 (1) of the Constitution of the Republic of Poland, Articles 1-7 of the Act of 17 May 1989 on the Guarantees of the Freedom of Conscience and Faith, Chapter 3 of the Act on National and Ethnic Minorities and Regional Language;
- right to establish own educational and cultural institutions, institutions designed to protect religious identity – Article 35 (2) of the Constitution, Article 13 of the Act of 7 September 1991 on the System of Education (Journal of Laws of 2004 No 256, item 2572, as amended), Act on the Guarantees of the Freedom of Conscience and Faith;
- right to participate in the resolution of matters connected with their national identity – Article 35 (2) of the Constitution, Articles 23-30 of the Act on National and Ethnic Minorities and Regional Language;
- right to use freely their minority language in public and private life – Article 27 of the Constitution, Article 2 of the Act of 7 October 1999 on the Polish Language (Journal of Laws of 2011 No 43, item 224), Chapter 2 of the Act on National and Ethnic Minorities and Regional Language;

- right to spell their first and last names according to the spelling rules of their respective minority language – Article 7 of the Act on National and Ethnic Minorities and Regional Language;
- right to access to the public media - Article 54 of the Constitution, Article 21 (2) (9) of the Act on Radio and Television Broadcasting (Journal of Laws of 2011, No 43, item 226);
- right to unrestrained performing of religious practices – Article 53 of the Constitution, Act on the Guarantees of the Freedom of Conscience and Faith;
- right to free contact with compatriots both home and abroad - bilateral treaties with the Federal Republic of Germany, Ukraine, the Republic of Belarus, and the Republic of Lithuania;
- ban on discrimination and existence of organizations whose programmes or activities sanction racial or national hatred – Article 13 of the Constitution, Article 6 of the Act on the Guarantees of the Freedom of Conscience and Faith, Articles 119, 256, 257 of the Act of June 6 1997. Penal Code, Articles 5 and 6 of the Act on National and Ethnic Minorities and Regional Language, section 2 of the Act of 3 December 2010 on the Implementation of Certain Provisions of the European Union concerning Equal Treatment (Journal of Laws No. 254, item. 1700);
- electoral privileges for election committees of minority organisations – art 197 of the Act of January 5, 2011, the Election Code (Journal of Laws No. 21, item 112, as amended; Journal of Laws No. 217, item 1281);
- the right of association – Article 58 of the Constitution, Article 1 of the Act on Associations (Journal of Laws of 2011 No. 79, item; 855, as amended);

**EXTRACT OF KEY LEGAL REGULATIONS CONCERNING THE RIGHTS OF
NATIONAL MINORITIES IN THE REPUBLIC OF POLAND**

CONSTITUTION OF THE REPUBLIC OF POLAND

of 2 April 1997
(Journal of Laws No 78, item 483, as amended)

Article 5

The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage, and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.

Article 7

The organs of public authority shall function on the basis of, and within the limits of, the law.

Article 11

1. The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
2. The financing of political parties shall be open to public inspection.

Article 12

The Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations.

Article 13

Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of Nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or influencing the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

Article 25

1. Churches and other religious organizations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by law.

5. The relations between the Republic of Poland and other churches and religious organizations shall be determined by laws adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Article 27

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.

Article 31

1. Freedom of the person shall receive legal protection.
2. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.
3. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by law, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

Article 32

1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

Article 35

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

Article 52

1. Freedom of movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland shall be ensured to everyone.
2. Everyone may freely leave the territory of the Republic of Poland.

Article 53

1. Freedom of conscience and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48 (1) shall apply as appropriate.

4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of law and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.
6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

Article 54

1. The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone.
2. Preventive censorship of the means of social communication and the licensing of the press shall be prohibited. Laws may require the receipt of a permit for the operation of a radio or television station.

Article 57

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by law.

Article 58

1. The freedom of association shall be guaranteed to everyone.
2. Associations whose purposes or activities are contrary to the Constitution or Laws shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities.
3. Laws shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.

Article 60

Polish citizens enjoying full public rights shall have a right of access to the public service based on the principle of equality.

Article 70

1. Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by law.
2. Education in public schools is free; The law may allow the provision of certain services provided by public institutions of higher education against payment;
3. Parents shall have the right to choose schools other than public for their children. Citizens and institutions shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. The conditions for establishing and operating non-public schools, the participation of public authorities in their financing, as well as the principles of educational supervision of such schools and educational development institutions, shall be specified by law.
4. Public authorities shall ensure universal and equal access to education for the citizens. For that purpose, they create and support systems for individual financial and organizational assistance for students. The terms of assistance shall be specified by law.
The autonomy of higher education institutions is ensured pursuant to the law;

Article 79

1. In accordance with principles specified by law, everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgment on the conformity to the Constitution of a law or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution.

Article 80

In accordance with principles specified by law, everyone shall have the right to apply to the Commissioner for Citizens' Rights for assistance in protection of his freedoms or rights infringed by organs of public authority.

Article 87

1. The sources of universally binding law of the Republic of Poland shall be: the Constitution, laws, ratified international agreements, and regulations.
2. Enactments of local law issued by the operation of organs shall be a source of universally binding law of the Republic of Poland in the territory of the organ issuing such enactments.

Article 91

1. After promulgation thereof in the Journal of Laws of the Republic of Poland (Dziennik Ustaw), a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly, unless its application depends on the enactment of a law.
2. An international agreement ratified upon prior consent granted by law shall have precedence over laws if such an agreement cannot be reconciled with the provisions of such laws.
3. If an agreement, ratified by the Republic of Poland, establishing an international organization so provides, the laws established by it shall be applied directly and have precedence in the event of a conflict of laws.

Article 208

1. The Commissioner for Citizens' Rights shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts.
2. The scope and mode of work of the Commissioner for Citizens' Rights shall be specified by law.

Article 213

1. The National Council of Radio Broadcasting and Television shall safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television.

ACT
of 6 January 2005
on National and Ethnic Minorities and Regional Language
(Journal of Laws No 17, item 141, as amended)

Chapter 1
General provisions

Article 1

This Act shall regulate the issues connected with the maintenance and development of the respective cultural identity of national and ethnic minorities, the preservation and development of the regional language, and the observance of the principle of equal treatment of individuals irrespective of their ethnic descent; it also defines the tasks and powers of government administration agencies and of local government units in this regard.

Article 2

1. A national minority, as defined by this Act, shall be a group of Polish citizens who jointly fulfil the following conditions:

is numerically smaller than the rest of the population of the Republic of Poland;

significantly differs from the remaining citizens in its language, culture or tradition;

strives to preserve its language, culture or tradition;

is aware of its own historical, national community, and is oriented towards its expression and protection;

its ancestors have been living on the present territory of the Republic of Poland for at least 100 years;

identifies itself with a nation organized in its own state.

2. The following minorities shall be recognized as national minorities:

1) Byelorussians;

2) Czechs;

3) Lithuanians;

4) Germans;

5) Armenians;

6) Russians;

7) Slovaks;

8) Ukrainians;

9) Jews.

3. An ethnic minority, as defined by this Act, shall be a group of Polish citizens who jointly fulfil the following conditions:

1) is numerically smaller than the rest of the population of the Republic of Poland;

2) significantly differs from the remaining citizens in its language, culture or tradition;

3) strives to preserve its language, culture or tradition;

4) is aware of its own historical, national community, and is oriented towards its expression and protection;

5) its ancestors have been living on the present territory of the Republic of Poland for at least 100 years;

- 6) does not identify itself with a nation organized in its own state.
4. The following minorities shall be recognized as ethnic minorities:
 - 1) the Karaim;
 - 2) the Lemko;
 - 3) the Roma;
 - 4) the Tartar.

Article 3

Whenever the Act mentions:

- 1) minorities, it shall be construed as national and ethnic minorities referred to in Article 2;
- 2) a minority language, it shall be construed as own language of the national or ethnic minority referred to in Article 2.

Article 4

1. Every person belonging to a minority shall have the right to decide freely about being treated as belonging or not belonging to a minority, and the relevant choice or the enjoyment or non-enjoyment of the related rights shall not entail any adverse effects.
2. No-one shall be obligated, unless by virtue of a law, to reveal information on his/her belonging to a minority, origin, minority language or religion.
3. No-one shall be obligated to prove his/her belonging to a given minority.
4. Persons belonging to a minority may enjoy the rights and freedoms stemming from the principles set forth in this Act, both individually as well as together with other members of the minority.

Article 5

1. The use of measures aimed at assimilation of people belonging to a minority against their will shall be prohibited.
2. The use of measures aimed at a change of national or ethnic proportions on the territories populated by minorities shall be prohibited.

Article 6

3. Discrimination on account of one's belonging to a minority shall be prohibited.
4. Public authorities shall be obligated to take appropriate measures in order to:
 - 1) foster full and real equality in the sphere of economic, social, political and cultural life between persons belonging to a minority and persons belonging to the majority;
 - 2) protect persons who are an object of discrimination, hostility or violence because of their belonging to a minority;
 - 3) build up inter-cultural dialogue.

PROVISIONS CONCERNING PARTICIPATION IN PUBLIC LIFE

ACT

of 17 May 1989

on the Guarantees of Freedom of Conscience and Faith
(Journal of Laws of 2005 No 231, item 1965, as amended)

Article 1

1. The Republic of Poland shall guarantee every citizen the freedom of conscience and faith.
2. The freedom of conscience and faith shall include the freedom to choose religion and convictions and express them individually and collectively, in private and in public.
3. Citizens being believers of all faiths and non-believers shall have equal rights in state, political, economic, social and cultural life.

Article 2

Enjoying their freedom of conscience and faith, citizens may, in particular,

- 1) establish religious congregations and communities hereinafter referred to as “churches and other religious associations”, established for the purpose of practising and propagating religious faith, possessing their own system, doctrine and rites,
- 2) in accordance with the principles of their religion, participate in religious practices and ceremonies, fulfil their religious obligations and celebrate religious holidays,
- 2a) belong or not belong to churches and other religious associations,
- 3) profess their religion or faith,
- 4) raise children in accordance with their religious beliefs,
- 5) keep silence in matters connected with their religion or convictions,
- 6) maintain contacts with co-believers, also participate in the works of international religious organisations,
- 7) use sources of information concerning religion,
- 8) manufacture and purchase objects necessary for religious worship or practices and use them,
- 9) manufacture, purchase and own objects necessary to abide by religious rules ,
- 10) choose priesthood or ministry,
- 11) become members of secular organisations for the purpose of realisation of tasks resulting from the practised religion or religious beliefs,
- 12) be buried in accordance with the followed religious rules or religious beliefs.

Article 3

1. External expression, individually or collectively, of a person’s religion or convictions may only be subject to statutory limitations necessary for the protection of public security, order, health or public morals or fundamental rights and liberties of other persons.
2. Enjoyment of the freedom of conscience and faith may not lead to evading the performance of public obligations imposed by statutes.

3. On grounds of their religious beliefs and moral principles, citizens may apply to be delegated to do substitute military service, on the conditions specified in the Act on substitute military service (Journal of Laws No 223, item 2217 and of 2005 No 180, item 1496).

Article 4

1. The right, referred to in Article 2 (2) and the right to own and use objects necessary for religious worship and performance of religious practices, is also granted to persons:
 - 1) doing their military service or conscript military service in civil defence forces,
 - 2) staying in health care institutions (1) and social care institutions (2) and children and youth staying in domestic camps organised by state institutions,
 - 3) staying in penal institutions, correctional institutions and educational institutions, as well as in custody pending inquiry, social adaptation centres (3) and care centres for minors.
2. The method of exercising the rights specified in Paragraph 1 is regulated in separate laws and regulations issued on the basis thereof.

Article 5

Citizens have the right to freely make donations for churches and other religious associations and charitable institutions and care centres.

Article 6

1. No one may be discriminated against or privileged on grounds of religion or religious beliefs.
2. Citizens may not be forcibly prohibited from participating in religious practices or rites or forced to take part in them.

Article 7

1. Foreigners staying on the territory of the Republic of Poland may enjoy the freedom of conscience and faith equally with Polish citizens.
2. The provision of Paragraph 1 shall apply to stateless persons accordingly.

Article 42

1. Persons belonging to churches and other religious associations whose religious holidays are not public holidays, may, at their own request, be granted days off from work or school for the period of celebration of such holidays, in accordance with the requirements of their religion.
2. Minors may enjoy the right, referred to in Paragraph 1, at the request of their parents or legal guardians.
3. Days off from work or school, referred to in Paragraph 1 and 2, may be granted provided the time of absence is made up for without additional compensation for work on public holidays or in overtime hours.
4. The minister in charge of labour policy and the minister in charge of schooling and education, the minister in charge of higher education in co-operation with the minister in charge of religious beliefs⁽¹⁶⁾ shall, by way of a regulation, specify detailed conditions of granting days off from work or school, referred to in Paragraph 1 and 2.

ACT

of 7 April 1989

on Associations

consolidated text (Journal of Laws of 2001 No 79, item 855. Journal of Laws of 2011 No 112, item 654 as amended)

Article 1

1. Polish citizens shall enjoy the right of membership associations, in accordance with the provisions of the Constitution and laws.
2. The right of membership in associations may be subject to limitations specified in laws only, to the extent necessary to ensure the state security, state interests or public order as well as to protect health or public morals or protect rights and freedoms of other people.

Article 2

Associations have the right to express their opinion in public matters.

ACT

of 5 July 1990

Act on Assemblies

(Journal of Laws No 51, item 297, as amended)

Article 1

1. Each person may enjoy the freedom of peaceful assembly.
2. An assembly is a gathering of at least 15 people, convened in order to confer over an issue or with an aim to express jointly their position.

ACT

of 27 June 1997

on Political Parties

consolidated text (Journal of Laws of 2011, No. 155, item. 924)

Article 2

1. Citizens of the Republic of Poland who have attained the age of 18 may be members of political parties.
2. Prohibition of membership in political parties shall be specified in separate laws.

ACT

of 5 January 2011

Election Code

(Journal of Laws No 21, item 112, as amended Journal of Laws No. 217, item. 1281)

Article 197

§1. Electoral committees created by constituents being members of registered organisations of national minorities may enjoy the right of exemption for the lists of these electoral committees from the conditions specified in Article 133 (1), provided they submit a declaration in this respect to the State Electoral Commission, at the latest 5 days prior to holding the election. Apart from the declaration, referred to in the first sentence, the committee shall be obliged to submit a document issued by the competent statutory authority of the national minority organisation confirming the establishment of the committee by constituents being members of this organisation.

§2. The State Electoral Commission shall immediately acknowledge the receipt of the declaration, referred to in Paragraph 1. The acknowledgement of the declaration shall be binding.

ACT

of 6 January 2005

on National and Ethnic Minorities and Regional Language

(Journal of Laws No 17, item 141, as amended)

Article 23

1. There shall be appointed a Joint Commission of Government and National and Ethnic Minorities as the Prime Minister's consultative body, hereafter called "Joint Commission."

2. The tasks of the Joint Commission shall include:

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

3. In order to execute its tasks the Joint Commission shall:

- 1) cooperate with agencies of government administration and of local government, and with social organizations interested;
- 2) be free to seek the opinion, position, evaluation or information particularly from scientific institutions, centres and circles;

- 3) be free to seek cooperation of representatives of local government units, social organizations and scientific circles.

Article 24

1. The Joint Commission shall consist of:
 - 1) representatives of government administration agencies:
 - a) the competent minister in charge of religious denominations and national and ethnic minorities,
 - b) the competent minister in charge of public administration,
 - c) the competent minister in charge of culture and protection of national legacy,
 - d) the competent minister in charge of education,
 - e) the competent minister in charge of public finance,
 - f) the competent minister in charge of labour affairs,
 - g) the Minister of Justice,
 - h) the competent minister in charge of internal affairs,
 - i) the competent minister in charge of social security,
 - j) the competent minister in charge of foreign affairs,
 - k) the President of the Central Statistical Office,
 - l) the Council for Preservation of Monuments to Struggles and Martyrdom,
 - m) the Head of the Chancellery of the Prime Minister;
 - 2) minority representatives:
 - a) two representatives of the Byelorussian minority,
 - b) one representative of the Czech minority,
 - c) two representatives of the Lithuanian minority,
 - d) two representatives of the German minority,
 - e) one representative of the Armenian minority,
 - f) one representative of the Russian minority,
 - g) one representative of the Slovak minority,
 - h) two representatives of the Ukrainian minority,
 - i) one representative of the Jewish minority,
 - j) one representative of the Karaim minority,
 - k) two representatives of the Lemko minority,
 - l) two representatives of the Roma minority,
 - m) one representative of the Tartar minority;
 - 3) two representatives of the community using the language referred to in Article 19;
 - 4) the Joint Commission's secretary who shall be an employee of the office of the competent minister in charge of religious denominations and national and ethnic minorities.
2. The Prime Minister shall, on the motion of the competent minister in charge of religious denominations and national and ethnic minorities, appoint and dismiss members of the Joint Commission.
3. The competent minister in charge of religious denominations and national and ethnic minorities shall notify the agencies referred to in Paragraph 1 (1) and minority organizations and those of the community using the language referred to in Article 19 of his/her intention to put forward to the Prime Minister a motion referred to in Paragraph 2.

4. The agencies referred to in Paragraph 1 (1) shall put forward candidates for Joint Commission members to the competent minister in charge of religious denominations and national and ethnic minorities within 90 days from the day they received the notice referred to in Paragraph 3.

5. Particular minorities referred to in Article 2 and the community using the language referred to in Article 19 shall put forward their candidates for Joint Commission members, representing a given minority or community using the language referred to in Article 19, in the number settled for this minority or community in Paragraph 1 (2) or (3) respectively, to the competent minister in charge of religious denominations and national and ethnic minorities within 90 days from the day they received the notice referred to in Paragraph 3.

6. If within a deadline set in Paragraph 5, a minority or community using the language referred to in Article 19 does not put forward its candidates or puts forward a number of candidates different from the one settled for this particular minority in Paragraph 1 (2), and for the community—in Paragraph 1 (3), then the competent minister in charge of religious denominations and national and ethnic minorities shall ask for the opinion of this minority or community on his/her candidates for Joint Commission members, chosen from among representatives of this particular minority or community. In case this minority or community has not expressed its opinion within 30 days from the day the competent minister in charge of religious denominations and national and ethnic minorities put forward his/her candidates, the requirement to seek opinion shall be deemed satisfied.

7. In the motion referred to in Paragraph 2, the competent minister in charge of religious denominations and national and ethnic minorities shall put forward as candidates for members of the Joint Commission only persons nominated by the agencies referred to in Paragraph 1 (1), and by minorities or a community using the language referred to in Article 19, subject to Paragraph 6, and also a candidate for the post of the Joint Commission's secretary.

Article 25

1. The competent minister in charge of religious denominations and national and ethnic minorities shall put forward a proposal to the Prime Minister to dismiss a member of the Joint Commission in case where:

- 1) a member of the Joint Commission has handed in his/her resignation;
- 2) an agency or minority or community using the language referred to in Article 19, whose representative a given member is, has put forward to the competent minister in charge of religious denominations and national and ethnic minorities a well-substantiated proposal to dismiss a given Joint Commission member;
- 3) a member has been convicted by a valid judgment of a court for a crime committed intentionally.

2. In case of death, membership of the Joint Commission expires.

3. In case of the expiry of membership of the Joint Commission or of the dismissal of a member, the Prime Minister, on a motion of the competent minister in charge of religious denominations and national and ethnic minorities, shall appoint a new member of the Joint Commission. Provisions of Article 24 (2-7) shall apply accordingly.

Article 26

The Council of Ministers may, by way of regulation, include in the composition of the Joint Commission a representative of a government administration agency other than referred to in

Article 24 (1) (1). Article 24 (2), (3), and (7) and Article 25 shall apply accordingly to the appointment and dismissal of a member of the Joint Commission.

Article 27

1. A representative of the competent minister in charge of religious denominations and national and ethnic minorities and a representative of national or ethnic minorities and communities using the language referred to in Article 19, elected by the members of the Joint Commission referred to in Article 24 (1) (2) and (3), shall be the Joint Commission co-chairperson.

2. The co-chairpersons of the Joint Commission shall be appointed and dismissed by the Prime Minister on the motion of the competent minister in charge of religious denominations and national and ethnic minorities.

Article 28

1. Meetings of the Joint Commission shall take place at least once every six months.

2. Meetings shall be convoked by the co-chairperson of the Joint Commission being a representative of the competent minister in charge of religious denominations and national and ethnic minorities, on his/her own initiative or on the initiative of the co-chairperson being a representative of the minority and community using the language referred to in Article 19.

3. In order to elaborate a joint position of the minority and community using the language referred to in Article 19, the co-chairperson who represents a given minority and a given community may convoke meetings attended solely by those members of the Joint Commission who are referred to in Article 24 par. 1. items 2) and 3). The co-chairperson shall convey their position to the remaining members of the Joint Commission forthwith.

4. In order to assume a joint position of the government administration, the co-chairperson who represents the competent minister in charge of religious denominations and national and ethnic minorities may convoke meetings attended solely by those members of the Joint Commission who are referred to in Article 24 par. 1. item 1). The co-chairperson shall convey their position to the remaining members of the Joint Commission forthwith.

5. The positions referred to in Paragraph 3 and 4, and also the opinions referred to in Article 23 par. 2. shall be conveyed to the Prime Minister and to the Council of Ministers forthwith.

6. The Prime Minister shall, by way of regulation, draw up detailed regulations pertaining to the Joint Commission's work.

Article 29

1. Members of the Joint Commission shall not be entitled to remuneration on account of their Joint Commission membership.

2. The representatives of organizations of a minority and of the community using the language referred to in Article 19, who shall be engaged in the Joint Commission work, shall be entitled to reimbursement of travelling expenses and accommodation according to the principles defined in the relevant regulations concerning the amount and terms of fixing the dues to which an employee of a State or local-government unit financed by the State budget is entitled on account of an official travel within the country, issued on the basis of Article 77 Article 2 of the Labour Code.

Article 30

1. The office of the competent minister in charge of religious denominations and national and ethnic minorities shall ensure organizational and technical support to the Joint Commission's work.
2. The costs of the Joint Commission's operation shall be financed by the part of the State budget at the disposal of the competent minister in charge of religious denominations and national and ethnic minorities.

ACT

of 29 August 1997

on the Protection of Personal Data

(Journal of Laws of 2002 No 101, item 926, as amended)

Article 27

1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, religious, party or trade-union membership, as well as the processing of data concerning health, genetic code, addictions or sex life and data relating to convictions, judgments on penalty, fines and other decisions issued in court or administrative proceedings is prohibited.
2. Processing of the data referred to in Paragraph 1 above shall not constitute a breach of the law where:
 - 1) the data subject has given his/her written consent, unless the processing consists in erasure of personal data;
 - 2) the provisions of other specific law provide for the processing of such data without the need to request the data subject's consent and provide for adequate safeguards;
 - 3) processing is necessary to protect the vital interests of the data subject or of another persons where the data subject is physically or legally incapable of giving his consent until the establishing of a guardian or a curator;
 - 4) processing is necessary for the purposes of carrying out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit-seeking organisations or institutions with a political, scientific, religious, philosophical, or trade-union aim and on the condition that the processing relates solely to the members of those organisations or institutions or to the persons who have a regular contact with them in connection with their purposes and subject to providing suitable safeguards of the processed data;
 - 5) processing relates to the data necessary for the establishment of legal claims;
 - 6) processing is necessary for the purposes of carrying out the obligations of the controller with regard to employment of his employees and other persons, and the scope of processing is provided by the law;
 - 7) processing is required for the purposes of preventive medicine, the provision of care or treatment, where the data are processed by a health professional subject involved in treatment, other health care services, or the management of health care services and subject to providing suitable safeguards;

- 8) the processing relates to those data which are manifestly made public by the data subject;
- 9) it is necessary to conduct scientific researches including preparations of a thesis required for graduating from university or receiving a degree; any results of scientific researches shall not be published in a way which allows identifying data subjects;
- 10) data processing is conducted by a party to exercise the rights and duties resulting from decisions issued in court or administrative proceedings.

ACT

of 4 March 2010

on the National Population and Housing Census 2011

(Journal of Laws No 47, item 277)

Article 2

Whenever the Act refers to:

- 1) building - it is understood as a civil structure, in which there are one or more dwellings, and in particular the building, referred to in art 2 point c of the Regulation of the (EC) European Parliament and Council Regulation No 763/2008 of 9 July 2008 on the Population and Housing Census (EU Journal of Laws L 218, of 13.08.2008, p 14);
- 2) household - means all persons, related or unrelated, residing in a given apartment, supporting or not supporting each other;
- 3) country of birth - it is understood as a country in its current borders, in which:
 - a) person covered by the census was born or
 - b) the mother of the person lived at the time of birth of the person covered by the census;
- 4) number of live-born children - it is understood as the total number of live births, regardless of whether these children are alive and whether they live with the woman who gave birth to them;
- 5) apartment - means a dwelling within the meaning of Article 2 point b of the (EC) European Parliament and Council Regulation No 763/2008 of 9 July 2008 on the Population and Housing Census (EU Journal of Laws L 218, of 13.08.2008, p 14);
- 6) nationality - national or ethnic origin - it is understood as the declarative, based on a subjective feeling, individual feature of every human being, expressing the emotional, cultural connection or one related to the origin of the parents, specific nation or ethnic community;
- 7) disability - means that the person has a valid judgment concerning incapacity for work, disability, degree of disability, advisability of reclassification, inability to live independently, disability or inability to work on a farm, issued by an authorized authority, or the person declares disability;
- 8) inability to work - it is understood as the total or partial loss of earning capacity due to impairment of the body and the lack of prognosis of recovering the ability to work after retraining;

- 9) collective accommodation facility - means a set of premises (rooms and auxiliary rooms) located in one or more buildings, occupied by one single undertaking providing services: hotelier, care and education, health, or other services which are associated with a larger group of people residing in such a facility;
- 10) public administration information systems - it is understood as the public administration information systems as defined by Article 2 point 13 of the Act of 29 June 1995 on public statistics (Journal of Laws No 88, item 439, as amended);
- 11) apartment equipped with appliances and sanitary installations - it is understood as an apartment with bathroom facilities, waterworks, flushed lavatory, hot water, gas, central heating;
- 12) religion - religious affiliation - it is understood as a formal participation or emotional attachment of a person to a specific religious denomination, church or religious organization;
- 13) residential non-apartment space - it is understood as a space not used for residential purposes and occupied temporarily (especially an attic, a laundry room, a drier room), mobile object (in particular a crew wagon, caravan, boat) or other room that during the census is the only place of residence of a person covered by the census;
- 14) informal relationship - it is understood as two people living in the same household, who are not married in the form provided by Polish law, but the relationship of these people has the nature of a marriage.

Article 6

1. A detailed list of the data collected in the census is specified in the Annex to (EC) European Parliament and Council Regulation No 763/2008 of 9 July 2008 on the Population and Housing Census (EU Journal of Laws L 218, of 13.08.2008, p 14), hereinafter referred to as "Regulation No 763/2008".
2. A detailed list of topics and data collected in the census only for domestic needs, subject to paragraph 4, is specified in the Annex 1 to the Act
3. Only on a voluntary basis may data concerning the following be collected from individuals:
 - 1) remaining in an informal relationship;
 - 2) religion - religious affiliation;
 - 3) the number of live births and reproductive plans.
4. The data on disability, obtained from the public administration information systems may be supplemented on a voluntary basis in the course of a representative survey with the participation of a person covered by the census.

ANNEX No 1

DETAILED LIST OF THEMES AND DATA COLLECTED IN THE CENSUS EXCLUSIVELY FOR DOMESTIC USE

1. Theme - ethno-cultural characteristics:
 - 1) nationality - national or ethnic origin;
 - 2) the language spoken by people in contacts at home, including the use of regional language;
 - 3) mother tongue;
 - 4) national and ethnic minorities;

- 5) religion - religious affiliation.

ACT

of 3 December 2010

on the implementation of certain European Union provisions concerning equal treatment (Journal of Laws No. 254, item. 1700)

Chapter 2

The principle of equal treatment and legal measures for its protection

Article 6

The unequal treatment of individuals based on gender, race, ethnicity or nationality in terms of access and conditions of use of social security services, including housing services, the goods and the acquisition of rights or power, if they are offered to the public, is prohibited

Article 7

The unequal treatment of individuals based on race, ethnicity or nationality in health care as well as education and higher education is prohibited

Article 8

1. The unequal treatment of individuals based on gender, race, ethnicity, nationality, religion, creed, belief, disability, age or sexual orientation is prohibited with regard to:

- 1) undertaking vocational training, including further training, development, retraining, as well as professional practice;
- 2) conditions of taking up and pursuit of trade or business activities including, in particular, in the framework of labor relation or employment on the basis of a civil contract;
- 3) joining and functioning in trade unions, employers' organizations and professional associations, as well as the use of the powers accrued to the members of these organizations;
- 4) access and conditions of use of the instruments of the labor market and labor market services specified in the Act of 20 April 2004 on employment promotion and labor market institutions offered by labor market institutions and labor market instruments as well as labor market services offered by other operators in employment promotion, human resources development and counteracting unemployment

2. The difference of treatment on grounds of religion, belief, ideology, disability, age or sexual orientation, concerning undertaking the measures necessary in a democratic state for its public safety and order, health protection or protection of the rights and freedoms of others and for the prevention of criminal offenses, to the extent specified in other provisions is not a violation of the prohibition referred to in paragraph 1

Article 9

Encouraging the unequal treatment or imposing the unequal treatment referred to in Article 6, Art. 7 and art 8 Paragraph 1 is prohibited

Article 10

The unequal treatment of legal persons and organizational units which are not legal persons, the legal capacity of which is recognized by law, if the violation of the principle of equal treatment is based on race, ethnicity or nationality of their members is prohibited to the extent specified in Art. 6, Art. 7, Art. 8 paragraph 1 and Art. 9

REGULATION OF THE MINISTER OF SOCIAL POLICY AND THE MINISTER OF NATIONAL EDUCATION

of 11 March 1999

on days off work or school for persons belonging to churches and other religious associations for celebrating religious holidays other than public holidays

(Journal of Laws No 26, item 235)

Pursuant to Article 42 (4) of the Act of 17 May 1989 on the guarantees of the freedom of conscience and faith (Journal of Laws No 29, item 155, of 1990 No 51, item 297, No 55, item 321 and No 86, item 504, of 1991 No 95, item 425, of 1993 No 7, item 34 and of 1998 No 59, item 375), we hereby order as follows:

Article 1

1. Employee who is a follower of a church or another religious association whose religious holidays are not public holidays shall submit the application for a day-off referred to in Article 42 (1) of the Act of 17 May 1989 on the guarantees of the freedom of conscience and faith (Journal of Laws No 29, item 155, of 1990 No 51, item 297, No 55, item 321 and No 86, item 504, of 1991 No 95, item 425, of 1993 No 7, item 34 and of 1998 No 59, item 375), hereinafter referred to as "the Act", to the employer at least 7 days in advance. The employer shall notify the employee of the conditions of making up for the granted day-off not later than 3 days before the day-off.

2. The provision of Paragraph 1 shall not apply to the religious holidays falling on a fixed day of each week. In order to allow the employee to celebrate such holidays, the employer, at his request, shall establish an individual schedule of working hours for him.

Article 2

1. A higher education institution student or a school student who is a follower of a church or religious association whose religious holidays are not public holidays shall submit the application for a day off study referred to in Article 42 (1) of the Act, to the school (or other educational and pedagogical entity or guardian and pedagogical entity) or higher education institution, hereinafter referred to as the "school", according to the procedure adopted in that school at the beginning of a school (academic) year or during the course of study, but not later than 7 days before the planned day-off.

2. Upon granting a day-off study, the school shall also define the method of making up for the educational outstanding work caused by the day-off.

Article 3

On behalf of minors, the application for granting a day-off referred to in Article 1 (1) and in Paragraph 2 (1), shall be submitted by the parents or legal guardians.

Article 4

The Regulation of the Minister of Labour and Social Policy and the Minister of National Education of 12 November 1990 on days off work or school for persons who are followers of a church and other religious associations to celebrate religious holidays other than public holidays (Journal of Laws No 82, Item 481) shall hereby be revoked.

Article 5

This Regulation shall enter into force after 14 days from its publication.

PROVISIONS ON LANGUAGE

ACT

of 7 October 1999

on the Polish Language

consolidated text (Journal of Laws of 2011 No. 43, item 224, as amended Journal of Laws of 2011 No. 84, item 455)

Article 2

The Act is not in breach of:

- 1) the provisions of the laws on relations with or attitude towards churches and other religious associations, in particular concerning performing religious cult and practices;
- 2) the rights of national and ethnic minorities, as well as the society speaking a regional language.

ACT

of 6 January 2005

on National and Ethnic Minorities and Regional Language

(Journal of Laws No 17, item 141, as amended)

Chapter 2

The use of a minority language

Article 7

1. People belonging to a minority shall have the right to use and spell their first and last names according to the spelling rules of their respective minority language, in particular in the official register and identity documents.
2. The first and last names of persons belonging to a minority, written down in an alphabet other than Latin, shall be subject to transliteration.
3. The competent minister in charge of public administration, in consultation with the competent minister in charge of religious denominations as well as national and ethnic minorities, shall define, by way of regulation, the method of transliteration referred to in Paragraph 2, taking into consideration the spelling rules of the minority language concerned.

Article 8

Persons belonging to a minority shall have the right, in particular, to:

- 1) use freely their minority language in public and private life;
- 2) spread and exchange information in their minority language;
- 3) run information of a private nature in their minority language;
- 4) learn their minority language or to be instructed in this language.

Article 9

1. Before the municipal authorities, it shall be possible to use, as auxiliary, the minority language as well as the official one.
2. Supporting language might be used only in these municipalities where the number of minority residents, whose language is to be used as an auxiliary one, is no less than 20 per cent of the total number of the municipality residents and who have been entered into the Official Register of the communes, hereafter referred to as "Official Register", where auxiliary language is used.
3. The possibility to use supporting language shall mean that persons belonging to a minority, subject to Paragraph 5, shall have the right to:
 - 1) apply to the municipal authorities in the auxiliary language, either in a written or oral form;
 - 2) obtain, on his/her distinct request, an answer in the auxiliary language, either in a written or oral form.
4. Oral or written applications in auxiliary language shall be allowed. The submission of an application in auxiliary language shall not constitute a reason for turning the application down without examination.
5. The appeal proceedings shall take place in the official language only.
6. No-one shall avoid carrying out a lawful order or decision given in the official language if the circumstances require that it be carried out immediately if it is to achieve its purpose.
7. Doubts shall be resolved on the basis of a document drawn up in the official language.

Article 10

1. Entries into the Official Register shall be made by the Official Register keeper, i.e. the competent minister in charge of religious denominations and national and ethnic minorities, on the basis of a relevant application of a municipal council.
2. The motion referred to in Paragraph 1 shall contain, in particular, the official data concerning the number of the municipality residents, including the number of residents belonging to the minority whose language is to be used as an auxiliary one, and a resolution of the municipal council agreeing to the introduction of auxiliary language, and indicating which minority language is to be the auxiliary one.
3. Prior to making an entry into the Official Register, the competent minister in charge of religious denominations and national and ethnic minorities shall examine the motion referred to in Paragraph 1. If the motion does not meet the requirements specified in Paragraph 2, the competent minister in charge of religious denominations and national and ethnic minorities may refuse entry into the Official Register.
4. The competent minister in charge of religious denominations and national and ethnic minorities shall refuse entry into the Official Register if the number of the municipality residents belonging to the minority whose language is to be used as the supporting one is smaller than 20 per cent of the total number of the municipality residents.
5. The municipal council shall have the right to lodge a complaint to an administrative court against the refusal to make an entry into the Official Register.
6. Upon a motion of the municipal council, the competent minister in charge of religious denominations and national and ethnic minorities shall strike this municipality out of the Official Register.
7. The competent minister in charge of religious denominations and national and ethnic minorities shall, in consultation with the competent minister in charge of public administration,

by way of regulation, define the method of keeping the Official Register, and the specimen application mentioned in Paragraph 1, taking into consideration particularly those data which allow an unambiguous identification of the municipality (the name of the voivodeship, the poviat and the commune), and information referred to in Paragraph 2.

Article 11

1. The municipality entered into the Official Register may grant a salary supplement for the command of the auxiliary language, binding in this municipality, to the relevant employees of the municipality office, units and budgetary agencies. The rules of granting such supplement and its amount shall be defined by the regulations applying to the remuneration of self-government officials.
2. The command of supporting language shall be certified.
3. The competent minister in charge of religious denominations and national and ethnic minorities shall, in consultation with the competent minister in charge of public administration, by way of regulation, specify the list of certificates referred to in Paragraph 2, taking into account all minority languages.

Article 12

1. It shall be possible to use additional, traditional place-names alongside:
 - 1) official names of places and physiographical objects,
 - 2) street names
 - established in the Polish language, pursuant to separate regulations.
2. Additional names, referred to in Paragraph 1, shall be used solely on the territories of the municipalities entered into the Register of the communes where names are used in minority language, hereafter called "Register of the Communes", kept by the competent minister in charge of religious denominations and national and ethnic minorities. Entries into the Register of the Communes shall be made by the competent minister in charge of religious denominations and national and ethnic minorities, on the request of the municipal council of that commune on whose territory these names are to be used, subject to Paragraph 7 and Article 13 (1-7).
3. Additional names, referred to in Paragraph 1, shall not refer to the names used in the years between 1933—1945, given by the authorities of the German Third Reich or of the Union of Soviet Socialist Republics.
4. It is possible to introduce additional names, referred to in Paragraph 1, on the territory of the entire municipality or in particular localities.
5. The additional names, referred to in Paragraph 1, shall be placed after the respective Polish name, and shall not be used separately.
6. The establishment of an additional name in a given minority language shall take place in accordance with the spelling rules of the language concerned.
7. An additional name of a place or physiographical object in a minority language shall be established, provided that:
 - 1) the number of municipality residents belonging to a minority is no less than 20 per cent of the total number of this municipality residents or, in case of an inhabited place, in consultations held under the procedure established in Article 5a (2) of the Local Government Act of 8 March 1990 (Journal of Laws No. 142, 2001, item 1591, as amended), more than a half of its residents who have taken part in the consultations were in favour of the establishment of an additional place-name in the minority language;

- 2) the municipal council's application gained approval of the Committee on Names of Places and Physiographical Objects, formed in pursuance to the Act of 29 August 2003 on official names of places and physiographical objects (Journal of Laws No. 166, item 1612).
8. The relevant provisions of the Act referred to in Paragraph 7 (1) shall apply to the establishment of additional street names in a minority language.

Article 13

1. The municipal council shall lodge the application, referred to in Article 12 (7), on the motion of municipality residents belonging to a minority or on its own initiative. In case of an application concerning the name of an inhabited place, the municipal council shall be obligated first to consult the matter with residents of this place, within the procedure defined in Article 5a (2) of the Local Government Law.
2. The municipal council shall lodge the application referred to in Article 12 (7) to the competent minister in charge of religious denominations and national and ethnic minorities through the voivod's office.
3. The application referred to in Article 12 (7) shall contain:
 - 1) the municipal resolution concerning the establishment of an additional name for a place or physiographical object;
 - 2) the correct official name of the place or physiographical object in Polish;
 - 3) in case of a physiographical object, the relevant opinions of the voivodeship boards where the object is situated;
 - 4) the proposed additional name in the minority language;
 - 5) discussion of the results of the consultation referred to in Paragraph 1 and in Article 12 (7) (1);
 - 6) information regarding the costs of the introduction of the proposed change.
4. The prerequisite to seek an opinion shall be deemed satisfied if no opinion referred to in Paragraph 3 (3) was expressed within 30 days from the receiving of the request for such opinion.
5. The voivode shall be obligated to convey to the competent minister in charge of religious denominations and national and ethnic minorities the application, referred to in Article 12 (7), and his/her own opinion of it no later than within 30 days from the day the motion was introduced to him/her. The competent minister in charge of religious denominations and national and ethnic minorities shall submit the motion for approval of the Committee on Names of Places and Physiographical Objects. The Committee on Names of Places and Physiographical Objects shall express its opinion to the competent minister in charge of religious denominations and national and ethnic minorities through the agency of the competent minister in charge of public administration as soon as it examined the motion.
6. The additional name of a place or physiographical object in a minority language shall be deemed established if it has been entered into the Official Register.
7. The entry referred to in Paragraph 6 shall be made by the competent minister in charge of religious denominations and national and ethnic minorities upon being conveyed a favourable opinion of the Committee on Names of Places and Physiographical Objects.
8. The competent minister in charge of religious denominations and national and ethnic minorities shall refuse entering into the Official Register an additional name of a place or physiographical object in minority language or shall strike this name out of this Register if the name refers to the name used in the years between 1933—1945, given by the authorities of the German Third Reich or of the Union of Soviet Socialist Republics.

9. It shall be possible to lodge a complaint to an administrative court against the refusal to make such entry as referred to in Paragraph 8.

10. The competent minister in charge of religious denominations and national and ethnic minorities, in consultation with the competent minister in charge of public administration, shall define, by way of regulation, the municipal council's specimen applications:

- 1) for entering the municipality into the Official Register,
- 2) for establishing an additional name of a place or physiographical object in a minority language, taking into account a detailed scope of information given in the Official Register.

11. The competent minister in charge of religious denominations and national and ethnic minorities, in consultation with the competent minister in charge of public administration, shall describe, by way of regulation, the method of keeping the Official Register and a detailed scope of information to be given in this Register, taking into account the description of the voivodeship and the poviats on whose territory the municipality is situated, the name of the municipality, the official name of the place or physiographical object as well as the additional name in the minority language.

12. The competent minister in charge of transport, in consultation with the competent minister in charge of religious denominations and national and ethnic minorities and with the competent minister in charge of public administration, shall define, by way of regulation, the details regarding the placing of additional names in a minority language on signs and boards, considering in particular the type size and typeface to be used to give place names in both the Polish and the minority language.

Article 14

The number of municipality residents belonging to a minority, referred to in Article 9 (2), Article 10 (4) and Article 12 (7) (1), shall be construed as the number officially stated as a result of the latest census.

Article 15

1. The costs involved in the introduction and the use of supporting language on the territory of the municipality and the costs involved in the introduction of additional names, referred to in Article 12 (1), in a minority language, shall be borne by the municipality budget, subject to Paragraph 2.

2. The costs involved in the change of information boards, resulting from the adoption of an additional name of a place or physiographical object in the minority language shall be borne by the State budget.

Article 16

The competent minister in charge of religious denominations and national and ethnic minorities shall issue a directive on the translation of this Act into minority languages.

Chapter 4 Regional language

Article 19

1. For the purposes of this Act and in accordance with the European Charter for Regional or Minority Languages "a regional language" shall mean a language that is:

- 1) traditionally used within a given territory of a State by nationals of that State, who form a group numerically smaller than the rest of the State's population; and
 - 2) different from the official language of that State; it shall not include either dialects of the official language of the State or the languages of migrants.
2. The Kashubian language shall be a regional language within the meaning of the Act. The Articles 7-15 shall apply accordingly, provided that 'a number of municipality residents', as referred to in Article 14, should be understood as a number of persons using the regional language, established as a result of the latest national census.

Article 20

1. The right of the persons using the language referred to in Article 19, to learn or to be instructed in this language, shall be exercised in accordance with the principles and under the procedure specified in the Act referred to in Article 17.
2. Public authorities shall be obligated to take appropriate measures in order to support the activity aimed at preservation and development of the language referred to in Article 19. The provisions of Article 18 (2), (3) and (5) shall apply accordingly.
3. The measures referred to in Paragraph 2 may also include financial means transferred from the budget of a local government unit to organizations or institutions performing tasks conducive to the preservation and development of the language referred to in Article 19.

REGULATION OF THE MINISTER OF INTERIOR AND ADMINISTRATION

of 30 May 2005

on transliteration of forenames and surnames of persons belonging to national and ethnic minorities, written down in an alphabet other than Latin

(Journal of Laws No 102, item 855)

Pursuant to Article 7 (3) of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), I hereby order as follows:

Article 1

The method for transliteration of forenames and surnames of:

- 1) the Belarusian minority, written in the Belarusian alphabet, is laid down in Annex 1 hereto;
- 2) the Lemko minority, written in the Lemko alphabet, is laid down in Annex 2 hereto;
- 3) the Armenian minority, written in the Armenian alphabet, is laid down in Annex 3 hereto;
- 4) the Russian minority, written in the Russian alphabet, is laid down in Annex 4 hereto;
- 5) the Ukrainian minority, written in the Ukrainian alphabet, is laid down in Annex 5 hereto;
- 6) the Jewish minority:
 - a) written in the Hebrew alphabet, is laid down in Annex 6 hereto;

b) written in the Yiddish alphabet, is laid down in Annex 7 hereto;

Article 2

This Regulation shall enter into force after 14 days from its publication.

ANNEXES

ANNEX 1

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE BELARUSIAN MINORITY, WRITTEN IN THE BELARUSIAN ALPHABET

<i>Belarusian alphabet characters</i>	<i>Polish alphabet characters</i>
А, а	A, a
Б, б	B, b
В, в	W, w
Г, г	H, h
Д, д	D, d
Е, е	1) Je, je – at the beginning of a word, after vowels and after ъ, ь 2) e – after Л 3) ie – after other consonants
Ё, ё	1) Jo, jo – at the beginning of a word, after vowels and after ъ, ь consonants 2) o – after Л 3) o – after other consonants
Ж, ж	Ż, ż
З, з	Z, z
І, і	I, i
Ў, ў	J, j
К, к	K, k
Л, л	1) L, l – before e, я, ю, ь 2) 2) Ł, ł – in other cases
М, м	M, m
Н, н	N, n
О, о	O, o
П, п	P, p
Р, р	R, r
С, с	S, s
Т, т	T, t
У, у	U, u
Ў, ў	U, u
Ф, ф	F, f
Х, х	Ch, ch
Ц, ц	C, c

Ч, ч	Cz, cz
Ш, ш	Sz, sz
Ы, ы	Y, y
Б, б	
Э, э	E, e
Ю, ю	<ol style="list-style-type: none"> 1) Ju, ju – at the beginning of a word and after vowels 2) u – after Л 3) iu – after other consonants
Я, я	<ol style="list-style-type: none"> 1) Ja, ja – at the beginning of a word and after vowels 2) a – after Л 3) ia – after other consonants
	omit

ANNEX 2

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE LEMKO MINORITY, WRITTEN IN THE LEMKO ALPHABET

Lemko alphabet characters	<i>Polish alphabet characters</i>
А, а	A, a
Б, б	B, b
В, в	W, w
Г, г	H, h
Ґ, ґ	G, g
Д, д	D, d
Е, е	E, e
Є, є	<ol style="list-style-type: none"> 4) Je, je – at the beginning of a word, after vowels and after ь, ь 5) e – after Л 6) ie – after other consonants
Ж, ж	Z, z
З, з	Z, z
І, і	I, i
И, и	Y, y
Ы, ы	Y, y
Й, й	J, j
К, к	K, k
Л, л	<ol style="list-style-type: none"> 1) L, l – before е, я, ю, ь 2) Ł, ł – in other cases
М, м	M, m
Н, н	N, n
О, о	O, o

Ս, ս	P, p
Ր, ր	R, r
Շ, շ	S, s
Թ, Թ	T, t
Մ, մ	U, u
Փ, փ	F, f
Պ, պ	Ch, ch
Շ, շ	C, c
Չ, չ	Cz, cz
Ս, ս	Sz, sz
Ս, ս	Szcz, SzcZ
Յ, չ	4) Ju, ju – at the beginning of a word, after vowels and after ՚ 5) u – after Ղ 6) iu – after other consonants and ՚
Կ, կ	4) Ja, ja – at the beginning of a word, after vowels and after ՚ 5) a – after Ղ 6) ia – after other consonants
Բ, բ	1) omit – after լ, before a, y, e, я, ю 2) i – before o (after լ – also in the case when before o - omit)
Յ, չ	,

ANNEX 3

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE ARMENIAN MINORITY, WRITTEN IN THE ARMENIAN ALPHABET

Armenian alphabet characters	Polish alphabet characters
1	2
Ա, ա	A, a
Բ, բ	B, b
Գ, գ	G, g
Դ, դ	D, d
Ե, ե	1) Je, je - at the beginning of a word 2) E, e - when preceded by another character or at the end of a word
Զ, զ	Z, z
Է, է	E, e
Ը, ը	Y, y
Թ, ք	T, t
Ժ, ժ	Ż, ż
Ի, ի	I, i
Լ, լ	L, l
Խ, խ	Ch, ch
Մ, մ	C, c
Կ, կ	K, k
Հ, հ	H, h
Ջ, ձ	Dz, dz
Ղ, ղ	Gh, gh
Ճ, ճ	Cz, cz
Մ, մ	M, m
Թ, յ	J, j

ANNEX 4

**METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES
BELONGING TO THE RUSSIAN MINORITY, WRITTEN IN THE RUSSIAN
ALPHABET**

Russian alphabet characters	Polish alphabet characters
А, а	A, a
Б, б	B, b
В, в	W, w
Г, г	G, g
Д, д	D, d
Е, е	<ol style="list-style-type: none"> 1) Je, je – at the beginning of a word, after vowels, and after ъ, ь 2) e – after Л, Ж, Ш, Ч, Щ, Ц; in names of foreign origin, e after all consonants write as e 3) ie – after all other consonants
Ё, ё	<ol style="list-style-type: none"> 1) Jo, jo – at the beginning of a word, after vowels, and after ъ, ь 2) o – after Л, Ж, Ш, Ч, Щ 3) io – after all other consonants
Ж, ж	Ż, ż
З, э	Z, z
И, и	<ol style="list-style-type: none"> 1) I, i; also after Ч, Щ 2) ji – after ъ 3) y – after Ж, Ш, Ц
Й, й	J, j
К, к	K, k
Л, л	<ol style="list-style-type: none"> 3) L, l – before e, ё, я, ю, и, ь 4) Ł, ł – before consonants, before the following vowels a, o, u, y and at the end of a word
М, м	M, m
Н, н	N, n
О, о	O, o
П, п	P, p
Р, р	R, r
С, с	S, s
Т, т	T, t
У, у	U, u
Ф, ф	F, f
Х, х	Ch, ch
Ц, ц	C, c
Ч, ч	Cz, cz
Ш, ш	Sz, sz
Щ, щ	Szcz, szcz

Ђ, ђ	omit
Ы, ы	Y, y
Ь, ь	' - the softening character; is omitted if occurs after Л, Ж, Ш, Щ and before a vowel
Э, э	E, e
Ю, ю	1) Ju, ju – at the beginning of a word, after vowels and after Ъ, ь 2) u – after Л 3) iu – after other consonants
Я, я	1) Ja, ja – at the beginning of a word, after vowels and after Ъ, ь 2) a – after Л 3) ia – after other consonants
	omit

ANNEX 5

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE UKRAINIAN MINORITY, WRITTEN IN THE UKRAINIAN ALPHABET

<i>Ukrainian alphabet characters</i>	<i>Polish alphabet characters</i>
А, а	A, a
Б, б	B, b
В, в	W, w
Г, г	H, h
Ґ, ґ	G, g
Д, д	D, d
Е, е	E, e
Є, є	7) Je, je – at the beginning of a word, after vowels and after Ъ, ь 8) e – after Л 9) ie – after other consonants
Ж, ж	Ż, ż
З, з	Z, z
И, и	Y, y
І, і	I, i
Ї, ї	Ji, ji
Й, й	J, j
К, к	K, k
Л, л	5) L, l – before я, ю, ь 6) Ł, ł – in other cases
М, м	M, n
Н, н	N, n

О, о	O, o
П, п	P, p
Р, р	R, r
С, с	S, s
Т, т	T, t
У, у	U, u
Ф, ф	F, f
Х, х	Ch, ch
Ц, ц	C, c
Ч, ч	Cz, cz
Ш, ш	Sz, sz
Щ, щ	Szcz, szcz
Ъ, ъ	
Ю, ю	<p>7) Ju, ju – at the beginning of a word and after vowels</p> <p>8) u – after Ј</p> <p>9) iu – after other consonants</p>
Я, я	<p>7) Ja, ja – at the beginning of a word and after vowels</p> <p>8) a – after Ј</p> <p>9) ia – after other consonants</p>
	omit

ANNEX 6

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE JEWISH MINORITY, WRITTEN IN THE HEBREW ALPHABET

Hebrew alphabet characters	Polish alphabet characters
1	2
א	a
ב	b
בּ	w
ג	g
גּ	g
ג׳	dź
ד	d
דּ	d
ה	h
ו	w
וּ	u
וױ	o
ז	z
ז׳	ż
ח	ch
ט	t
י	j
כּ	k
כ, ך	ch
ל	l
מ, ם	m
נ, ן	n
ס	s
ע	Neglected
פּ	p
פּ ף	f
צ׳	c

ANNEX 7

METHOD FOR TRANSLITERATION OF FORENAMES AND SURNAMES BELONGING TO THE JEWISH MINORITY, WRITTEN IN THE YIDDISH ALPHABET

Yiddish alphabet characters	Polish alphabet characters
א	negleckted
א	a
א	o
ב	b
ג	g
ד	d
שזד	dź
ה	h
ו	u
ו	u
וי	w
וו	oj
ז	z
שז	ż
ח	ch
ט	t
שט	cz
י	1) j - at the biginning of a sylable (before a vowel) 2) i - in the middle or at the end of a syllable (following a consonant)
י	i
יי	ej
ני	aj
כ, כ	ch
כ	k
ל	l
מ, מ	m
נ, נ	n
ס	s
ע	e
פ, פ	p
פ, פ	f
צ, צ	c
ק	k
ר	r
ש	sz
ת	s

**REGULATION
OF THE MINISTER OF INTERIOR AND ADMINISTRATION¹⁾**

of 30 May 2005

on the Official Register of the Communes where auxiliary language is used
(Journal of Laws No 102, item 856)

Pursuant to Article 10 (7) of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), I hereby order as follows:

Article 1

This regulation lays down the method for keeping the Official Register of the Communes where auxiliary language is used, hereinafter referred to as the Official Register, as well as specimen application of the commune council for entering a commune in this Register.

Article 2

1. The Official Register shall be kept in the electronic form as a table.
2. The table referred to in Paragraph 1 shall have the following columns:
 - 1) subsequent item number;
 - 2) commune;
 - 3) poviat;
 - 4) voivodeship;
 - 5) total number of commune residents;
 - 6) number of commune residents belonging to minorities or speaking a regional language;
 - 7) auxiliary language;
 - 8) date of passing a resolution of the commune council giving consent to the introduction of auxiliary language;
 - 9) number of the resolution of the commune council giving consent to the introduction of auxiliary language;
 - 10) date of entry of the commune in the Official Register;
 - 11) date of deleting the commune from the Official Register.
3. The information entered in the columns referred to in Paragraph 2 (2-4) and (7-9) shall be entered in the Official Register on the basis of information contained in the application of the commune council for entering the commune in the Official Register.
4. The information entered in the columns referred to in Paragraph 2 (5) and (6) shall be entered there after the minister competent for religions and national and ethnic minorities has verified information about the total number of commune residents and the number of commune residents belonging to national or ethnic minorities whose language is to be used as supporting language or the number of commune residents speaking the regional language if this language is to be used as auxiliary language, contained in the application for entering the commune in the Official Register.

Article 3

The specimen application of the commune council for entering the commune in the Official Register is set out in the Annex hereto.

Article 4

This Regulation shall enter into force after 14 days from its publication.

ANNEX

**SPECIMEN
APPLICATION**

for entering a commune in the Official Register of the Communes where auxiliary language is used

Commune	..... (name)
Poviat	..... (name)
Voivodeship	..... (name)
Total number of commune residents¹	Number of commune residents belonging to the minority whose language is to be used as auxiliary language
.....
Auxiliary language	..... (name)
Date, number and title of the commune council's resolution	..........

Annexes:

- 1) resolution of the commune council giving consent to the introduction of auxiliary language, together with specification of the language of a national or ethnic minority or a regional language that is to be used as supporting language;
- 2) specification of the costs of introduction of auxiliary language in the period of the first year;
- 3) voivode's information about the validity of the commune council resolution.

.....
(signature and seal of the commune council chairperson)

¹ The number shall be construed as the number determined on the basis of up-to-date data of the Central Statistical Office.

² The number shall be construed as the number referred to in Article 14 and Article 19 (2) respectively, of the Act of 6 January 2005 National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), i.e. the number determined as the result of the last census – accordingly the number of commune residents belonging to a given national or ethnic minority or the number of commune residents speaking the regional language.

**REGULATION
OF THE MINISTER OF INTERIOR AND ADMINISTRATION**

of 30 May 2005

**on the Register of the communes where place-names in the minority language are used,
specimen applications for entering such a commune into this Register, and for
establishment of an additional name of a locality or physiographical object in the language
of a national or ethnic minority or in a regional language**

(Journal of Laws No 102, item 857)

Pursuant to Article 13 (10) and (11) of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), I hereby order as follows:

Article 1

This Regulation lays down the method of keeping the Register of the communes where place-names in the minority language are used, detailed scope of information collected in this Register, as well as specimen applications for entering a commune into this Register, and for establishment of an additional name of a locality or physiographical object in the language of a national or ethnic minority or in a regional language.

Article 2

1. The Register of the communes shall be kept in the electronic form.
2. The Register shall consist of:
 - 1) the Register of the communes where additional names of streets are used;
 - 2) the Register of communes where additional names of localities and physiographical objects are used.
3. Each commune entered in the Register shall be assigned a subsequent number in the Register beginning with the following respectively: "NU/nn" for communes entered in the Register referred to in Paragraph 2 (1), and "NM/nn" for communes entered in the Register referred to in Paragraph 2 (2), where "nn" shall mean a subsequent number of an item in a given Register.
4. In the Register referred to in Paragraph 2 (1), information is entered for each commune separately and it includes the following:
 - 1) number of item under which the commune is recorded;
 - 2) name of the voivodeship in whose territory the commune is located;
 - 3) name of the poviat in whose territory the commune is located;
 - 4) name of the commune;
 - 5) total number of commune residents;
 - 6) number of commune residents belonging to a national or ethnic minority in whose language additional names have been suggested, or the number of commune residents speaking a regional language, determined on the basis of the results of the last census;
 - 7) date of passing and the number of a commune council's resolution on establishing additional names of streets;

- 8) date of passing and the number of commune council's resolution on submitting an application for entering the commune in the Register of the communes where place-names in the minority language are used;
 - 9) date of entering the commune into the Register.
5. In the Register referred to in Paragraph 2 (2), information is entered for each additional name of a locality or physiographical object separately. Each additional name shall be assigned a number consisting of the commune number referred to in Paragraph 3, and item number resulting from the sequence of establishing additional names in a given commune.
6. The information entered in the Register referred to in Paragraph 2 (2) shall include the following:
- 1) number assigned to the additional name of a locality or physiographical object;
 - 2) name of the voivodeship where the commune is located;
 - 3) name of the powiat where the commune is located;
 - 4) name of the commune;
 - 5) date of passing and the number of commune council's resolution on submitting the application for entering the commune in the Register of the communes where place-names in the minority language are used;
 - 6) specification of name type (name of a locality, name of a physiographical object);
 - 7) total number of commune residents;
 - 8) number of commune residents belonging to a national or ethnic minority in whose language additional names have been suggested, or the number of commune residents speaking a regional language, determined on the basis of the results of the last census;
 - 9) in the case of an inhabited locality – the number of the locality's residents participating in the consultations and the number of the locality's residents who have taken part in the consultations and were in favour of the introduction of an additional name of the locality;
 - 10) official name of the locality or physiographical object;
 - 11) additional name of the locality or physiographical object written in the minority language concerned;
 - 12) annotations concerning the opinion of:
 - a) boards of voivodeships of the location of the physiographical object for which the additional name in the minority language or a regional language is established;
 - b) voivode;
 - c) Commission for Official Names of Localities and Physiographical Objects;
 - 13) date of entering the additional name of a locality or physiographical object in the Register of the communes;
 - 14) date of deleting the additional name of a locality or physiographical object from the Register of the communes.

Article 3

The specimen application for entering a commune in the Register of the communes is set out in Annex 1 hereto.

Article 4

Specimen application of the commune council for establishing an additional name of a locality or geographical object in a national or ethnic minority language or in a regional language is set out in Annex 2 hereto.

Article 5

This Regulation shall enter into force after 14 days from its publication.

ANNEXES

ANNEX 1

SPECIMEN

APPLICATION

for entering a commune in the Register of the communes where additional names of localities, geographical objects or streets are used

A. General information

Commune	..... (name)	
Poviat	..... (name)	
Voivodeship	..... (name)	
type of additional name¹:		
name of street □	name of locality □	name of geographical object □
Total number of commune residents²		Number of commune residents belonging to the minority in whose language additional names are to be used³
In the case of an inhabited locality:⁴		
Number of the locality's residents participating in the consultations 		Number of the locality residents who have taken part in the consultations and supported establishment of an additional name of the locality

B. Data on additional names of localities or geographical objects that the commune council applies for⁵

Name of locality	
Official name of locality	Suggested additional name
1.	1.
2.	2.
Names of physiographical objects	
Official name	Suggested additional name
1.	1.
2.	2.
Language in which the additional name is to be used	

C. Data on commune council's resolution:

Date, number and title of the commune council's resolution
--	----------------

Annexes:

- 1) the commune council's resolution on submitting an application for entering the commune in the Register of the communes where place-names in the minority language are used;
- 2) the commune council's resolution on the establishment of an additional name of a street⁶;
- 3) detailed cost table for the replacement of information boards referred to in Article 15 (2) of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141, as amended);
- 4) voivode's information about the validity of the commune council's resolutions enlisted in Subparagraphs 1 and 2;
- 5) application for establishing an additional name of a locality or physiographical object⁷.

.....
(signature and seal of the commune council chairperson)

1 Put x next to the type of the additional names that are to be used in the commune's territory.
2 The number shall be construed as the number determined on the basis of up-to-date data of the Central Statistical Office.
3 The number shall be construed as the number referred to in Article 14 and Article 19 (2), respectively, of the Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141, as amended), i.e. the number determined as the result of the last census – accordingly the number of commune residents belonging to a given national or ethnic minority or the number of commune residents speaking the regional language.
4 Fill in if the result of consultations carried out in the relevant locality was the basis for submitting the application.

- 5 Data should be entered if the commune submits, together with the application for entering the commune in the Register, also applications for establishing additional names of localities or geographical objects, taking into account all names that the commune applies for.
- 6 The resolution shall be attached only if the commune council submits an application for entering the commune in the Register in connection with the establishment of an additional street name.
- 7 It shall be attached only if the commune council submits an application for entering the commune in the Register in connection with establishment of an additional name of a locality or geographical object.

ANNEX 2

SPECIMEN

(signature and seal of the commune council chairperson)

APPLICATION

for establishing an additional name of a locality or geographical object

Commune	..... (name)	
Powiat	..... (name)	
Voivodeship	..... (name)	
specification of type of additional name:		
name of locality <input type="checkbox"/>	name of geographical object <input type="checkbox"/>	
Official name of the locality or geographical object		
Suggested additional name of the locality or geographical object*		

Annexes:

- 1) the commune council resolution on the establishment of an additional name of a locality or geographical object;
- 2) in case of a geographical object, the relevant opinions of the voivodeship boards where the object is located;
- 3) discussion of the results of consultations carried out as provided for in Article 5a (2) of the Act of 8 March 1990 on commune self-government (Journal of Laws of 2001, No 142, item 1591, as amended);
- 4) information about the costs of the introduction of the suggested change.

.....
(signature and seal of the commune council chairperson)

* Written in the alphabet of the language in which it is to be used.

**REGULATION
OF THE MINISTER OF INFRASTRUCTURE**

of 10 August 2005

**on placing additional names in national and ethnic minority languages or in a regional
language on signs and boards**

(Journal of Laws No 157, item 1320)

Pursuant to Article 13 (12) of the Act of 6 January 2005 National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), I hereby order as follows:

Article 1

This Regulation lays down details of placing additional names in national and ethnic minority languages or in a regional language, hereinafter referred to as “additional names”, on the signs and boards, next to official Polish names of localities, physiographical objects, and streets.

Article 2

1. If the signs and boards bear one name in Polish, the additional name in the minority language should be written in letters having the same size as the letters of the Polish name.
2. If the signs and boards bear more than one name in Polish, the additional names in the minority language should be written in letters smaller by one-fourth than the letters of the Polish name.

Article 3

The typeface of letters used for writing additional names shall be the same as the typeface of letters used for writing names in Polish.

Article 4

Additional names placed on the signs and boards shall be written using the alphabet specific to a given national or ethnic minority language or a regional language, with account taken of diacritics specific to that alphabet.

Article 5

Additional names are placed below the names in Polish in such a manner that the centre of the additional name and the centre of the name in Polish are vertically aligned.

Article 6

This Regulation shall enter into force after 14 days from its publication.

**REGULATION
OF THE MINISTER OF INTERIOR AND ADMINISTRATION**

of 16 June 2005

on diplomas, documents or certificates confirming the knowledge of auxiliary language
(Journal of Laws No 119, item 1013)

Pursuant to Article 11 (3) of the Act of 6 January 2005 National and Ethnic Minorities and Regional Language (Journal of Laws No 17, item 141 and No 62, item 550), I hereby order as follows:

Article 1. This Regulation lays down a list of diplomas, documents or certificates confirming the knowledge of languages of national and ethnic minorities and regional languages.

Article 2. The list of diplomas, documents and certificates is set out in the Annex hereto.

Article 3. This Regulation shall enter into force after 14 days from its publication.

ANNEX

**LIST OF DIPLOMAS, DOCUMENTS, OR CERTIFICATES CONFIRMING THE
KNOWLEDGE OF LANGUAGES OF NATIONAL AND ETHNIC MINORITIES AND
REGIONAL LANGUAGES**

- 1) diplomas if completion of
 - a) studies in the field of philology of a relevant language;
 - b) studies with specialisation in a relevant foreign language or applied linguistics in a relevant language;
 - c) foreign language teacher training college dedicated to the relevant foreign language;
- 2) secondary school leaving certificate confirming the knowledge of a relevant language, obtained after finishing a school teaching the language of a given national or ethnic minority or teaching a regional language;
- 3) document, issued abroad,:
 - a) confirming completion of higher education studies - lecturing language is acknowledged;
 - b) confirming completion of higher education studies in the field of philology of a relevant foreign language;
 - c) deemed to be equivalent to the secondary school leaving certificate - lecturing language is acknowledged;
- 4) document confirming passing a ministry exam:
 - a) in the Ministry of Foreign Affairs;
 - b) in the Ministry of Economy and Labour;¹⁾
 - c) in the Ministry of National Defence – from level 3333 according to STANAG 6001;
- 5) certificate confirming the knowledge of a foreign language issued by the National School of Public Administration as a result of the linguistic check procedure;
- 6) document confirming the entry in the list of sworn translators;
- 7) documents confirming the knowledge of the Kashubian language;

- a) certificate of completion of post-graduate pedagogic and methodological studies in teaching the Kashubian language organised by the Gdansk University;
 - b) document confirming the knowledge of the Kashubian language issued by the Association of Kaszuby and Pomorze for the needs of education or classes in schools enabling children to maintain their national, ethnic, and language identity, in accordance with the provisions on qualifications required from teachers;
- 8) documents confirming passing of exams testing the knowledge of German:
- a) Zertifikat Deutsch (ZD), Die Zentrale Mittelstufenprüfung (ZMP), Die Zentrale Oberstufenprüfung (ZOP), Das Kleine Deutsche Sprachdiplom (KDS), Das Grosse Deutsche Sprachdiplom (GDS) – exams organised by Goethe Institut,
 - b) Prüfung Wirtschaftsdeutsch International (PWD) – exams organised by Goethe Institut, German Industrial-Commercial Chamber and the Carl Duisberg Institute,
 - c) Österreichisches Sprachdiplom für Deutsch als Fremdsprache (ÖSD) – from the level Mittelstufe, Diplom Wirtschaftssprache Deutsch (DWD) – exams organised by the Austrian Institute,
 - d) Zertifikat Deutsch (B1), Zertifikat Deutsch Plus (B2), Zertifikat Deutsch für den Beruf (B2) - TELC exams (The European Language Certificates) administered by WBT (Weiterbildungs-Testsysteme GmbH),
 - e) Deutsches Sprachdiplom (DSD I), Deutsches Sprachdiplom (DSD II) – exams organised by Kultusministerkonferenz;
- 9) documents confirming passing of exams testing the knowledge of Russian:
- a) Русский Язык. Деловое Общение (Бизнес и Коммерция) – from the level Средний Уровень – issued by the Pushkin State Institute of Russian Language;
 - b) Европейские Сертификаты по языкам, Сертификат по русскому языку
 TELC exam (The European Language Certificates) administered by WBT (Weiterbildungs-Testsysteme GmbH)
- 10) documents confirming passing of exams testing the knowledge of Romani: diploma of completion of studies in the field of Romani philology in Section de langues et Civilization Romani organised by Institut National des Langues et Civilizations Orientales in Paris.

¹⁾ Document confirming passing a ministry exam carried out by the Ministry of Economy and Labour and all its legal predecessors and successors.

**REGULATION
OF THE MINISTER OF INTERIOR AND ADMINISTRATION**

of 18 March 2002

**on cases in which names and texts in Polish may be accompanied by versions translated into
a foreign language**

(Journal of Laws No 37, item 349, as amended)

Pursuant to Article 10 (2) of the Act of 7 October 1999 on the Polish language (Journal of Laws No 90, item 999 and of 2000 No 29, item 358), I hereby order as follows:

Article 1

This regulation specifies cases in which names and texts in offices and public institutions, as well as those intended for public reception and in public means of transport, drawn up in Polish, may be accompanied by versions translated into a foreign language.

Article 2

1. Names and texts in Polish located in:
 - 1) ⁽¹⁾ localities where there are circles of national or ethnic minorities or a community speaking a regional language;
 - 2) border zones;
 - 3) towns where there are representative offices of foreign states, registered offices of international organisations or foreign companies;
 - 4) places near to international transit roads;
 - 5) resort and spa localities and localities having recognised recreational and landscape values;
 - 6) ⁽²⁾ Polish foreign posts within the meaning of the Act of 27 July 2001 on foreign service (Journal of Laws No 128, item 1403 and of 2004 No 273, item 2703)
 - 7) ⁽³⁾ at airports within the meaning of the Act of 3 July 2002 - Aviation Law (Journal of Laws of 2006 No. 100, item. 696, as amended.)
 - 8) ⁽⁴⁾ on board of air ships registered in Poland within the meaning of the Act of 3 July 2002 - Aviation Law,
 - 9) ⁽⁵⁾ in integrated transfer nodes within the meaning of the Act of 16 December 2010 on public transport (Journal of Laws of 2011, No. 5, item. 13),
 - 10) ⁽⁶⁾ in ports and harbors within the meaning of the Act of 20 December 1996 on the ports and harbors (Journal of Laws of 2010 No. 33, item. 179),
 - 11) ⁽⁷⁾ on board of ships of Polish nationality within the meaning of the Act of 18 September 2001 - Maritime Code (Journal of Laws of 2009, No. 217, item. 1689, of 2010 No. 127, item. 857 and of 2011 No. 80, item. 432),
 - 12) ⁽⁸⁾ aboard Polish vessels within the meaning of the Act of 21 December 2000 on the inland waterway transport (Journal of Laws of 2006 No. 123, item. 857, as amended.)
 - 13) ⁽⁹⁾ at ATMs within the meaning of the Act of 12 September 2002 on electronic payment instruments (Journal of Laws No. 169, item. 1385, as amended.)
 - 14) ⁽¹⁰⁾ in vending machines
 - may be accompanied by versions translated in a foreign language.

2. Translation concerns names and texts:
 - 1) placed:
 - a) on the board of an office or public institution;
 - b) in another conspicuous place intended for informing;
 - c) in public means of transport;
 - 2) intended for public reception.
3. ⁽¹¹⁾ Translation is placed below the text prepared in Polish or in an annex to the text, or in any other way that complements names and texts prepared in the Polish language.
4. ⁽¹²⁾ In the case referred to in paragraph 1, point 1, a foreign language is in particular language of ethnic or national minority or regional language.
- 4a. ⁽¹³⁾ In the case referred to in paragraph 1 point 2, a foreign language should be in particular the official language of the neighboring country.
- 4b. ⁽¹⁴⁾ In the cases referred to in paragraph 1 point 3-14, a foreign language should be one of the official languages of the European Union.
5. Names and texts may be translated into more than one foreign language.

Article 3

1. The translation referred to in Paragraph 2 shall cover the following:
 - 1) name of an office or public institution;
 - 2) rules of access to the office or public institution;
 - 3) information allowing an interested person to direct a case to an adequate organisational unit of the office or public institution;
 - 4) other information facilitating benefiting from the activity of the entities referred to in Subparagraph 1.
 - 5) ⁽¹⁵⁾ information relevant to safety reasons and facilitating the use of structures and equipment referred to in Article 2 (1 point 7-14).
2. In public means of transport, translation shall cover:
 - 1) the most important provisions of the transport regulations;
 - 2) the manner the equipment placed in the means of transport should be used in;
 - 3) other information facilitating the use of public means of transport.

Article 4

This Regulation shall enter into force after 14 days from its publication.

Footnotes:

- ¹⁾ Article 2. 1 point 1 as amended by Article 1 point 1. a) of the Regulation of 19 April 2006 (Journal of Laws 2006.75.526) amending this Regulation on 19 May 2006
- ²⁾ Article 2. 1 point 6 added by Article 1 point 1. b) of the Regulation of 19 April 2006 (Journal of Laws 2006.75.526) amending this Regulation on 19 May 2006
- ³⁾ Article 2. 1, point 7 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ⁴⁾ Article 2. 1 point 8 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ⁵⁾ Article 2. 1 point 9 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ⁶⁾ Article 2. 1 point 10 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011

- ⁷⁾ Article 2. 1 point 11 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ⁸⁾ Article 2. 1 item 12 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ⁹⁾ Article 2. 1, point 13 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹⁰⁾ Article 2. 1, point 14 added by Article 1 point 1. a) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹¹⁾ Article 2. 3 amended by Article 1 point 1. b) of this Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹²⁾ Article 2. 4:
- amended by Article 1 point 2 of the Regulation of 19 April 2006 (Journal of Laws 2006.75.526) amending this Regulation on 19 May 2006
 - amended by Article 1 point 1. b) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹³⁾ Article 2. 4a added by Article 1 point 1. c) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹⁴⁾ Article 2. 4b added by Article 1 point 1. c) of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011
- ¹⁵⁾ Article 3. 1 point 5 added by Article 1 point 2 of the Regulation of 29 September 2011 (Journal of Laws 2011.224.1349) amending this Regulation on 3 November 2011

ACT
of 17 November 2008
on changing names and surnames
(Journal of Laws No. 220, item 1414)

Article 1

The Act sets out the rules for change of first or last name to other first or last name and the jurisdiction of public administration as well as procedures to be followed in matters of the first or last name change.

Article 2

The Act applies to:

- 1) Polish citizens;
- 2) foreign nationals without citizenship of any country, if they have a place of permanent residence in the Republic of Poland;
- 3) foreign nationals who have received the refugee status in the Republic of Poland, subject to article 4, paragraph 2

Article 3

Within the meaning of the Act:

- 1) name change means a change to another name or the change of the spelling of the name;
- 2) name change means a change to another name or the change of the spelling of the name or change of the name due to the form appropriate for a male or a female;

3) a family member is a spouse or an ancestor of the applicant for change of name or surname.

Article 4

1. Change of the first or last name can be made only for important reasons, especially when it refers to the change:

- 1) of the first or last name that is ridiculing or unbecoming of a human being;
- 2) to the used first or last name;
- 3) to the first or last name which has been unlawfully altered;
- 4) to the first or last name carried according to the regulations of the country the person holds the citizenship of.

2. Change of the first or last name of foreigner who has received the refugee status in the Republic of Poland can only be achieved due to particularly important reasons related to the risk to his right to life, health, liberty or personal security.

Article 5

Name change does not occur in the case of applying for a change to the name that is historical, famous in the field of culture, science, political activity, social or military, unless the person applying for the change of name has family members carrying this name.

Article 6

1. After the change of name, subject to Art. 4, paragraph 1 point 4, the name cannot consist of more than two elements.

2. After changing the name one can have a maximum of two names.

Article 7

1. Name change may refer to the name that is currently carried or the family name.

2. The change of the name carried after marriage, when it is identical with the family name, extends to the family name only at the express request of the applicant for change of name.

Article 8

1. Changing the names of both parents extends to the minor children and the children who will be born out of this marriage.

2. If the change of the last name of only one parent extends to cover minor children, it is conditioned on receiving a consent of the other parent unless such parent does not have full capacity to perform acts in law, is dead, is not identified or deprived of parental authority. If at the time of the change the child is aged 13 or more, also his/her consent is required for change of the last name.

3. In the case of lack of agreement among parents, each parent may turn to the guardianship court for giving consent to the change of the child's last name.

4. The consent of the child and the other parent to change the child's last name should be expressed in person before the authorities referred to in art. 12, or in writing with the notarized signature. Persons resident abroad may express their consent through the consul of the Republic of Poland.

Article 9

1. The change of the first or last name is on the written request of the person applying for a change, hereafter "the applicant".
2. The change of the name of a minor child shall be performed upon a written request of the representative of the statutory child. Article 8 paragraph 2-4 shall apply accordingly.

Article 10

1. The application for the change of the first or last name of the person is to be submitted personally to the authority referred to in art. 12.
2. Persons residing abroad may submit the request for change of the name via the Polish consul.
3. It is allowed to apply for change of the name without observing the requirements of paragraph. 1 and 2, provided it is done in writing with the notarized signature.

Article 11

1. The application for change of the first or last name includes:
 - 1) data of the person the change applies to:
 - a) first name (names), last name and the family name,
 - b) the address of permanent residence or last permanent residence,
 - c) in the absence of the place of registered residence referred to in points b, address of temporary stay lasting more than three months,
 - d) the number of the Universal Electronic System for Civil Registration, hereinafter referred to as "social security number";
 - 2) the first and last name to which the change is to take place;
 - 3) justification.
2. The application for change of name shall be accompanied by:
 - 1) a full copy of the birth certificate;
 - 2) a full copy of the marriage certificate;
 - 3) full copies of birth certificates of minor children, if the change of name extends to the children;
 - 4) other documents justifying the name change.
3. The application for change of name shall be accompanied by:
 - 1) a full copy of birth certificate;
 - 2) a full copy of the marriage certificate;
 - 3) other documents justifying the name change.
4. The application is not to be accompanied by the documents referred to in paragraph 2 points 1-3 and paragraph 3 points 1-2, if they were compiled in the registry office, where the person applies for the change of name.
5. In the cases referred to in article 10 paragraph 1 and 2, the applicant shall submit a document establishing his identity for review.
6. If the document referred to in paragraph 5, does not contain the social security number, the applicant shall also provide a notification of granting social security number or a certificate of receiving this number under the provisions of the Act of 10 April 1974 on the population register and identity cards (Journal of Laws of 2006, No. 139, item. 993, as amended²⁾).

Article 12

1. The decision regarding the consent to the change of the name or of the refusal to the change of the name is issued by the manager of the registry office with jurisdiction over the place of the applicant's permanent residence or his deputy, and in the absence of such a place - the manager of the registry office with jurisdiction over the last place of the applicant's permanent residence or his deputy.
2. If the local jurisdiction cannot be established in the manner indicated in paragraph 1, in the cases specified in the act, the decision is made by the manager of the registry office of the city of Warsaw or his deputy.

Article 13

1. The authorities referred to in article 12, shall immediately inform the following of the change of the name:
 - 1) the manager of the registry office that is competent due to the place of issuing of the birth and marriage certificate of the applicant and the place of issuing of birth certificates of his minor children, if the change of name extends to the children, passing the decision of change of the first or last name;
 - 2) the municipality authority conducting the population record with jurisdiction over the place of permanent residence of the applicant and his minor children, if the change of name extends to the children; in the absence of permanent residence of the persons – the municipality authority conducting population records with jurisdiction over their last place of permanent residence or the municipality authority conducting the population record with jurisdiction over the place of temporary stay for more than three months, if the applicant or his minor children are registered only for this stay, giving notice of the change of the first or last name;
 - 3) the competent Minister of Internal Affairs, who conducts the population records in the form of a set of personal data of the General Electronic Civil Registration System (Social Security), if the applicant or the minor children has never had a permanent residence and do not have a place of temporary stay for more than 3 months on territory of the Republic of Poland, giving notice of change of name or surname;
 - 4) the authority, who issued the identity card of the applicant and his minor children, if the change of name extends to the children, giving notice of the change of the first or last name.
2. The notice referred to in paragraph 1 point 2-4, includes:
 - 1) data referred to in Article 11 paragraph 1 point 1;
 - 2) the first or last name (s) to which the change occurs;
 - 3) name of the authority that issued the decision to change the first or last name;
 - 4) designation and the date of the decision.
3. The decision and the notice referred to in paragraph 1 and 2, may be transmitted by means of electronic communication or data carriers in the form of electronic documents.

Article 14

1. The tasks and responsibilities of the manager of the registry office and his deputy specified in the act are the tasks of the government administration.

2. Voivodes supervise the implementation of the tasks referred to in Article 12 and 13 paragraph 1, through the managers of the registry offices.

3. Voivod in cases conducted under the Act is a higher level authority.

4. The minister responsible for internal affairs shall exercise supervision over matters covered by this Act.

Article 15

In the Act of 10 April 1974 on census and identity cards (Journal of Laws of 2006 No. 139, item. 993, as amended³⁾) in art. 14:

1) paragraph 1 is replaced by the following:

“1. Data on changes in the civil status and other changes in the acts of the civil status registry office shall be immediately forwarded by the manager to the authority of the municipality with jurisdiction over the place of permanent residence of the person the data is relevant to, and in the case of lack of place of permanent residence - to the authority competent for the last place of permanent or temporary residence for more than three months and the authority that issued the ID card.”

2) after paragraph 1, the following paragraph 1a is inserted:

“1a. In submitting data regarding the change of the name made under the Act of 17 October 2008 regarding the change of the first or last name (Journal of Laws No. 220, item 1414) the provisions of this Act are used.”

3) paragraph 3 is repealed

Article 16

The Act of 16 November 2006 on stamp duty (Journal of Laws No. 225, item. 1635, as amended.⁴⁾) is amended as follows:

1) In Article 2 paragraph 1, point 6 is replaced by the following:

“6) performing an official act and issuing a certificate in cases of change of first or last name (s) of persons who had it changed unlawfully, as well as descendants and spouses of such persons;”

2) in part I of the annex paragraph 6 is repealed

Article 17

The Act of 15 November 1956 on the change of names (Journal of Laws of 2005 No 233, item. 1992 and of 2007 No. 21, item. 125) becomes void.

Article 18

This Act shall come into force after six months from the date of publication.

¹⁾ This Act amends the Act of 10 April 1974 on the population register and identity cards and the Act of 16 November 2006 on stamp duty.

²⁾ Amendments to the mentioned Act were published in the Journal. Laws of 2006, No. 144, item. 1043, of 2007 No. 21, item. 125 and of 2008 No. 70, item. 416, No. 171, item. 1056 and No. 195, item. 1198.

- 3) Amendments to the mentioned Act were published in the Journal. Laws of 2006, No. 144, item. 1043, of 2007 No. 21, item. 125 and of 2008 No. 70, item. 416, No. 171, item. 1056 and No. 195, item. 1198.
- 4) The amendments to the Act were published in the Journal. Laws of 2007 No 64, item. 427, No. 124, item. 859, No. 127, item. 880 and No. 128, item. 883 and of 2008 No. 44, item. 262, No. 63, item. 394, No. 182, item. 1121, No. 195, item. 1198 and No. 216, item. 1367.

ACT
of 29 August 2003
on official names of localities and physiographical objects
(Journal of Laws No 166, item 1612, as amended)

Chapter 1
General provisions

Article 1

1. The Act lays down the following:
 - 1) rules and procedure for determination, changing and cancellation of official names of localities and parts thereof as well as official names of physiographical objects;
 - 2) rules of the operation of the Commission for Names of Localities and Physiographical Objects;
 - 3) method of determination and publishing official lists of the names of localities, parts thereof, and physiographical objects.
2. The provisions of the Act shall not apply to determination, changing and cancellation of official names in the scope regulated by provisions of environment protection, and in cases where an official name is specified in a separate law.

Chapter 2
Commission for Official Names of Localities and Physiographical Objects

Article 4

1. A Commission for Official Names of Localities and Physiographical Objects, hereinafter referred to as the Commission, shall be established as an opinion-providing body for determination, changing and cancellation of the official names of localities and physiographical objects, hereinafter referred to as official names.
2. The Commission shall operate under the minister competent for public administration.
3. The tasks of the Commission shall include the following:
 - 1) providing opinions on applications for determination, changing or cancellation of official names;
 - 2) providing opinions on draft lists referred to in Article 9 (1);
 - 3) applying for determination, changing, or cancellation of official names of uninhabited localities and parts thereof;
 - 4) providing opinions on other issues concerning the implementation of the law.
4. The minister competent for public administration shall specify by way of regulation:
 - 1) the procedure for the Commission's work, taking into account the necessity to ensure efficient work of the Commission;

- 2) the amount of remuneration that the members are entitled to for the participation in the Commission's meetings, taking into account the fact that the maximum amount of remuneration cannot exceed 60% of the minimum wage laid down in separate provisions.

Article 5

1. The Commission shall be composed of:
 - 1) the chairperson, i.e. a representative of science from the field of linguistics appointed for a four-year term of office by the minister competent for public administration from candidates designated by the President of the Polish Academy of Sciences;
 - 2) deputy chairperson, appointed for a four-year term of office by the minister competent for public administration upon request of the Commission's chairperson from Commission's members referred to in Paragraph 4;
 - 3) secretary who is a representative of the minister competent for public administration;
 - 4) six members appointed for a four-year term of office by the minister competent for public administration from representatives of science designated by councils of departments of higher education institutions and scientific councils of committees and institutes of the Polish Academy of Sciences from the following fields: linguistics, history, geography, and cartography;
 - 5) one representative of each of the following: Minister of National Defence, minister competent for culture and protection of national heritage, Surveyor General of Poland, and the President of the Central Statistical Office, appointed for a four-year term of office by the minister competent for public administration;
 - 6) ⁽¹⁾ Secretary of the Joint Commission of Government and National and Ethnic Minorities, established pursuant to Article 23 of the Act of 6 January 2005 on regional and ethnic minorities and the regional language (Journal of Laws No 17, item 141).
2. The minister competent for public administration shall dismiss a Commission member before the expiry of the term of office in the following cases:
 - 1) filing a notice by the member;
 - 2) application of the body which designated the candidate to be a member.
3. The minister competent for public administration shall ensure administrative services for the Commission's work.
4. The costs of the Commission's operation shall be covered from the public budget from the part at the disposal of the minister competent for public administration.

ACT

of 17 July 2001

on Constitution of Common Courts (Journal of Laws No 98, item 1070)

Article 5

1. The Polish language is the official language.
2. Any person with insufficient command of Polish language has the right to testify before the court in a language known to him and to use, free of charge, the services of interpreter.
3. The court competent to consider the case in the first instance takes the decision to assign interpreter to the person referred to in Article 2. The application for assigning an interpreter, when submitted during the course of the case, shall be considered by the court of the instance in which the case is pending.

PROVISIONS ON CULTURE

ACT

of 29 December 1992

on Radio and Television Broadcasting

(consolidated text (Journal of Laws of 2011 No 43, item 226, as amended; Journal of Laws of 2011 No 85, item 459))

Article 2

1. The right to distribute radio and television programs is accrued to public radio and television entities as well as natural persons, legal persons and personal trading companies, which have been licensed to do so, or - in the case of television programs distributed only in ICT systems - were entered in the register of such programs.
2. The provisions of the Act shall not apply to:
 - 1) programme service transmitted or retransmitted solely for reception within a single building,
 - 2) programme service transmitted or retransmitted in a system, where transmitting and receiving equipment belongs to the same person engaged in business activity or other registered public activity, and where the content of the programme service is limited to matters relating to that activity and is addressed either to employees or another particular group of people connected to the broadcaster,
 - 3) programme service retransmitted in a cable network, where the number of individual receivers does not exceed 250.
 - 4) ⁽⁵⁾ radio programs distributed only in ICT systems, as well as audio-on-demand services;
 - 5) ⁽⁶⁾ correspondence exchanged with use of electronic means of communication;
 - 6) ⁽⁷⁾ electronic versions of newspapers, magazines and the press available in the ICT system, provided that they do not consist primarily of audiovisual programs;
 - 7) ⁽⁸⁾ gambling and betting services, unless they are part of a broadcast media service.

Article 18

1. Programmes or other items must not encourage actions contrary to law and Poland's *raison d'Etat* or propagate attitudes and beliefs contrary to the moral values and social interest. In particular, they may not include any discrimination on grounds of race, sex, religion or nationality.

Article 21

- 1a. Programmes in public radio and television broadcasting shall:
 - (8a) take into account the needs of national and ethnic minorities, as well as the community speaking the regional language, including broadcasting news in languages of national and ethnic minorities, and in the regional language.

ACT
of 6 January 2005
on National and Ethnic Minorities and Regional Language
(Journal of Laws No 17, item 141, as amended)

Article 18

1. Public authorities shall be obligated to take appropriate measures in order to support the activity aimed at protection, maintenance and development of cultural identity of the minority.

2. The measures referred to in Paragraph 1 may, in particular, include targeted grants and core grants to finance:

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

3. Grants, referred to in Paragraph 2, covered by the Public budget in part that is at the disposal of the competent minister in charge of religious denominations and national and ethnic minorities, may be appropriated without call for competition under the open tender procedure. Each year, the competent minister in charge of religious denominations and national and ethnic minorities shall announce the procedural principles in matters relating to the appropriation of grants referred to in Paragraph 2. Articles 14-18 of the Act of 24 April, 2003 on public benefit and volunteer work (Journal of Laws of 2003, No. 96, item 873 and of 2004, No. 64, item 593; No. 116, item 1203 and No. 210, item 2135) shall apply accordingly.

3a. ⁽¹⁾ The total amount of grants awarded in subsequent years to finance investments referred to in paragraph 2 point 2, not originating in the European Union budget, can not be higher than 90% of the planned investment estimate value.

4. The measures referred to in Paragraph 1 may also include financial means transferred from the budget of a local government unit to organizations or institutions performing tasks conducive to the protection, maintenance and development of the minority cultural identity.

5. ⁽²⁾ Minority organizations or cultural organizations of considerable significance for minority culture may accept core grants, referred to in Paragraph 2. The provision of Article 122, paragraph 4 of the Act of August 27, 2009 on public finances (Journal of Laws No 157, item. 1240) shall apply accordingly.

PROVISIONS ON EDUCATION

ACT
of 6 January 2005
on National and Ethnic Minorities and Regional Language
(Journal of Laws No 17, item 141, as amended)

Article 17

The exercise of the right of persons belonging to the minority to learn or to be instructed in the minority language, and also the right of these persons to education of the minority history and culture shall be performed in accordance with the principles and procedures specified in the Act of 7 September 1991 on the system of education (Journal of Laws of 2004, No. 256, item 2572; No. 273, item 2703 and No. 281, item 2781).

ACT

of 7 September 1991
on the System of Education
consolidated text (Journal of Laws of 2004 No 256, item 2572, as amended)

Article 13

1. Public schools shall enable pupils to retain their sense of national, ethnic and religious identity, and in particular shall make it possible for them to learn their own language, history and culture.
2. At the request of the parents, the educational instruction referred to in Paragraph 1 may be conducted in:
 - 1) separate groups, sections or schools;
 - 2) groups, sections or schools - with additional language lessons and lessons on their own history and culture;
 - 3) in inter-school teaching teams.
3. The Minister competent for the educational and pedagogical matters shall determine, by way of regulation, the way in which the schools and institutions should perform the tasks referred to in Paragraph 1 and 2, in particular minimum number of students for whom particular forms of education referred to in Paragraph 2 may be organised.
4. The teaching and educational work of public schools shall ensure the maintenance of culture and regional tradition.
5. Textbooks and auxiliary books intended to teach students to the extent necessary to sustain the sense of national, ethnic and linguistic identity may be co-financed from the public budget part administered by the minister competent for educational and pedagogical matters.
6. The minister competent for educational and pedagogical matters shall take measures to ensure the possibility to train teachers and to ensure access to textbooks needed by the public schools and facilities referred to in Paragraph 1.
7. The minister competent for educational and pedagogical matters shall take measures to popularise the knowledge of history, culture, language and religious traditions of the national and ethnic minorities speaking the regional language.

Article 58

1. The public school or facility shall be established pursuant to a memorandum of association specifying its type, name and seat.
2. The memorandum of association of a public school, in which compulsory education is introduced shall, next to data specified in Paragraph 1, determine its territorial scope (district), especially the names of the towns/villages (in towns - names of streets or their parts) belonging to its district, and in the case of a primary school also the reporting branches. District shall not be determined for the public school run by a natural person or a legal person other than territorial self-government unit, unless the person running the school requests it.
- 2a.⁽¹⁸⁸⁾ Districts shall not be determined for special needs schools, integration schools, schools for national and ethnic minorities as well as communities using the regional language, art schools and sports schools as well as athletic schools, schools in penitentiaries, youth detention centres, jails and arrests houses.
- 3.⁽¹⁸⁹⁾ The establishment of a public school or facility by a legal person other than territorial self-government unit or natural person shall require an authorisation of a competent body of the territorial self-government unit charged with the task to supervise public schools or facilities of a given type, issued upon obtaining a positive opinion of the chief education officer, and in the case of art schools – the authorisation of the minister competent for culture and protection of national heritage issued in respect of schools implementing general education upon obtaining a positive opinion of the chief education officer.
4. The application for the authorisation referred to in Paragraph 3 with the draft memorandum and articles of association should be submitted no later than by 30 September of the year preceding the year in which the school or the facility is start its operation. The deadline may be extended with the consent of the competent body of the territorial self-government unit referred to in Paragraph 3 or the minister competent for culture and protection of national heritage.
5. The minister competent for educational and pedagogical matters, and in respect of art schools – the minister competent for culture and protection of national heritage, shall specify, by way of a regulation, the detailed rules and conditions of granting and withdrawing a consent for the establishment of a public school or facility for the establishment of public schools by legal and natural persons to contribute to the improvement of the conditions of educating as well as to positively complement the network of public schools within a given area.
6. The body or the person referred to in Article 5 (2), establishing a school or a facility, shall sign a memorandum of association and produce the first articles of association.
7. The memorandum and articles of association of a public school or facility shall be sent to the competent chief education officer and other bodies competent for the pedagogical supervision of the school or the institution.

REGULATION OF THE MINISTER OF NATIONAL EDUCATION AND SPORT

of 14 November 2007

on conditions and methods of performing tasks allowing to sustain the sense of national, ethnic, linguistic and religious identity of students from national minorities and ethnic groups by public schools and educational facilities

(Journal of Laws No 214, item 1579, as amended; Journal Laws of 2010, No 109, item 712)

Pursuant to Article 13 (3) of the Act of 7 September 1991 on the System of Education (Journal of Laws of 2004 No 256, item 2572, as amended ²⁾) it is hereby ordained:

Article 1

1. Pre-schools, Public schools and educational facilities allow students from national minorities, ethnic groups and communities using the regional language, described in the Act of 6 January 2005 on national and ethnic minorities and the regional language (Journal of Laws No 17, item 141 and No 62, item 550) to sustain and develop the sense of national, ethnic, linguistic and religious identity as well as own history and culture through:

- 1) teaching the language of the national or ethnic minority group; hereinafter referred to as "minority language", and regional language;
 - 2) teaching own history and culture;
2. In order to enable the students belonging to national and ethnic minorities and communities using a regional language to support and develop a sense of national, ethnic and linguistic identity, including the knowledge of their own history and culture, kindergartens, schools and public institutions may teach geography of the country, the cultural area of which a national minority identifies with, art classes and other extra-curricular activities.

Article 2

1. Teaching the language of the national minority or the ethnic group as well as of history, geography and culture of the country of origin of the minority shall be organised by the headmaster of the school on the written request submitted – on a voluntary basis – by the parents or legal guardians of the child.

2. The application referred to in paragraph 1 is submitted to:

- 1) the Director of the preschool when registering the child in kindergarten;
- 2) the Director of the school when registering the student at school or in the course of the school education not later than 30 April.

3. The application referred to in paragraph 1 refers to the appropriate period for which the child is taken to the preschool, and the entire period of the student's education in school.

Article 3

1. In kindergartens the teaching of the language of national minority or ethnic group may be carried out:

- 1) in kindergartens or nurseries, where classes are taught in a minority or regional language, subject to paragraph 2;
- 2) in kindergartens or nurseries, where classes are taught in two languages: Polish and the minority or regional language;
- 3) in kindergartens or nurseries, where classes in minority or regional languages are taught 4 hours a week;
- 4) in the inter-kindergarten teams of educating minority or regional language.

2. For children meeting the requirement of the annual pre-school preparation in kindergartens and preschool classes in primary schools, where classes are taught in a minority or regional language, classes are also conducted in Polish 4 hours a week.

Article 4

In schools teaching minority or regional language may be organized:

- 1) in schools or departments of education in minority or regional language in which educational activities are conducted in that language, with the exception of activities including:

- a) ⁽¹⁾ in primary school: at the first stage of education - early childhood education (integrated teaching) in the field of Polish language learning; in the second stage of education - Polish and part of history and society regarding the history of Poland,
- b) in other types of schools - the Polish language, part of the history regarding the Polish history and the part of geography regarding the Polish geography;
- 2) in schools or departments, where educational activities are conducted in two languages: Polish and the minority or regional language, which is the second language of instruction;
- 3) in schools or departments, with additional minority language or regional language education, conducted in the form of separate classes, where educational activities are conducted in Polish, with the exception of classes in minority language or regional language;
- 4) in interschool teams of the minority or regional language teaching.

Article 5

Sections referred to in Article 3 Subparagraphs 1-3 and Article 4 points 1-3, are organized if:

- 1) in kindergarten at the level of the department - at least 7 children
 - 2) in primary and grammar school at the class level - at least 7 students
 - 3) in the post-secondary school at the class level - at least 14 students
- will apply for learning the minority language or regional language.

Article 6

Should the number of declared students be smaller than that set out in Article 5 point 2 and 3, teaching the language of the national minority or the ethnic group shall be conducted in inter-section or inter-class groups, and at the same time:

- 1) the inter-section group - made up from students of various sections of the same class – there cannot be less than 7 students in primary schools and lower-secondary schools and less than 14 students in upper-secondary schools;
- 2) the inter-class group - made up from students of various classes – is working on the basis of a combined classes principle and it cannot include less than 3 or more than 14 students.

Article 7

In appropriate cases, with the consent of the authority conducting the kindergarten or school, the number of students in the departments, interdepartmental or interclass groups may be smaller than that specified in Article 5 and 6

Article 8

- 1. If, due to the low number of declared students or the absence of a teacher it is not possible to organize lessons of minority or regional language as specified in Article 3. 1 point 1-3 and Article 4 points 1-3, the kindergarten or school authority, taking into account local conditions of communication, organizes inter-school or inter-kindergarten groups. The Director of kindergarten or school transfers the list of students declared for learning the minority or regional language to the conducting authority.
- 2. Number of pupils in the interschool or inter-kindergarten group cannot be smaller than 3 and higher than 20.
- 3. Teaching minority or regional language in inter-kindergarten or interschool groups is conducted 3 hours a week.

Article 9

(2) Minority language and the regional language teaching, native history, culture and geography of the country with the cultural area of which the national minority identifies itself, is based on the curricula approved for use in schools by the school director and textbooks approved for use in schools by the Minister of Education in accordance with provisions on entering the kindergarten programs and school curricula into use in schools, and admission of textbooks for use in school.

Article 10

The bodies running schools and facilities as well as headmasters of schools and facilities shall perform the tasks referred to in Article 1 in cooperation with the organisations of national minorities or ethnic groups and the community using the regional language.

Article 11

1. Schools shall, if necessary, take additional measures aimed at maintaining and developing a sense of ethnic identity of Roma pupils and supporting the education of these students, particularly through compensatory classes.
2. The school can hire a Roma education assistant teacher as a support. The Roma education assistant provides support to Roma students in dealing with the school environment and interacts with their parents and the school.

Article 12

The manner of organization of learning the language and culture of the country of origin for students who are not Polish citizens is determined by the rules on the admission of non-Polish citizens to public kindergartens, schools, teacher training institutions and establishments.

Article 13

Terms and methods of maintaining a sense of religious identity of the students shall be governed by the provisions on conditions and the manner of teaching religion in public schools and kindergartens.

Article 14

The Regulation of the Minister of National Education and Sport of 3 December 2002 on the conditions and the manner in which the schools and public institutions enable pupils belonging to national minorities and ethnic groups to retain the sense of national, ethnic, linguistic and religious identity becomes void (Journal of Laws No. 220, item. 1853).

Article 15

This Regulation shall enter into force after 14 days from the date of publication.

¹⁾ The Minister of Education manages the activities of the government administration - education and upbringing, on the basis of Article 1. 2 of the Regulation of the Council of Ministers of 18 July 2006 on the specific responsibilities of the Minister of National Education (Journal of Laws No. 131, item. 907).

²⁾ Amendments to the mentioned Act were published in the Journal. Laws of 2004, No. 273, item. 2703 and No. 281, item. 2781, of 2005 No. 17, item. 141, No. 94, item. 788, No. 122, item. 1020, No. 131, item. 1091, No. 167, item. 1400 and No. 249, item. 2104, of 2006 No. 144, item. 1043, No. 208, item. 1532 and No. 227, item. 1658 and of 2007 No. 42, item. 273,

No. 80, item. 542, No. 115, item. 791, No. 120, item. 818, No. 180, item. 1280 and No. 181, item. 1292.

Footnotes:

¹⁾ Article 4 point 1. a) as amended by Article 1 point 1 of the Regulation of 18 May 2010 (Journal of Laws 2010.109.712) amending this Regulation on 7 July 2010

²⁾ Article 9, as amended by Article 1 paragraph 2 of the Regulation of 18 May 2010 (Journal of Laws 2010.109.712) amending this Regulation on 7 July 2010

**REGULATION
OF THE MINISTER OF NATIONAL EDUCATION AND SPORT**

of 30 April 2007

**on conditions and method of grading, classifying and promoting students and conducting
examinations and tests in public schools**

(Journal of Laws No 83, item 562, as amended).

Pursuant to Article 22 (2) (4) of the Act of 7 September 1991 on the System of Education (Journal of Laws of 1996 No 67, item 329, as amended²⁾), I hereby order as follows:

Article 34

1. The guide, referred to in Article 9a (2) (1b) of the Act, which in particular includes a description of the scope of the test and lower-secondary school exam respectively and of the criteria of assessment and form of conducting the test and lower-secondary school exam, as well as sample tasks, shall be available not later than by 31 August of the year preceding the academic year in which the test or lower-secondary school exam are conducted.
2. The guide referred to in paragraph 1 shall also be available in languages of national minorities taught at schools or sections with the teaching language that of national minorities.

Article 36

1. Students of schools or sections with the teaching language that of a national minority, where classes are delivered in this language, shall take the test, lower-secondary school exam or the relevant part of this exam in Polish or in the language of a given national minority.
2. If a student intends to take the test, lower-secondary school exam or the relevant part of this exam in the language of a given national minority, the student's parents (legal guardians) shall submit a written declaration to the school principal that the student shall take the test, lower-secondary school exam or its relevant part in the language of a given national minority.
3. The declaration referred to in paragraph 2 shall be submitted not later than by 20 September of the academic year in which the test or lower-secondary school exam is conducted.
4. ⁽⁶⁵⁾The school principal shall submit a list of students who intend to take the test, lower-secondary school exam or the relevant part of it in the language of a given national minority, to the chairman of the regional examination commission, hereinafter "regional commission", not later than by 30 September of the academic year in which the test or lower-secondary school exam is conducted. The list includes: student's name, social security number, place of birth, date of birth, gender, information about specific learning difficulties, type of the set of tasks and the language of the national minority.
5. A student may resign from the test, lower-secondary school exam or the relevant part of this exam in the language of a given national minority. The student's parents (legal guardians) shall

inform the school principal of the resignation in writing, not later than 3 months before the date of the test or lower-secondary school exam; the school principal shall immediately inform the chairman of the regional commission of this fact.

Article 54

1. The matriculation examination shall consist of an oral part, graded at school, and a written part, graded by examiners entered in the register of examiners referred to in Article 9c (2) (7) of the Act.

2. ⁽⁹⁴⁾ The matriculation examination shall cover the following compulsory subjects:

1) in the oral part:

(a) Polish,

(b) a modern foreign language,

(c) a language of a national minority – for graduates of schools or sections with the teaching of the language of a given national minority;

2) in the written part:

(a) Polish,

(b) a modern foreign language,

(c) mathematics

(d) a language of a national minority – for graduates of schools or sections with the teaching of the language of a given national minority.

3. ⁽⁹⁵⁾ A graduate shall have a right to take the matriculation examination in in no more than six additional subjects:

1) in the oral part in:

(a) a modern foreign language,

(b) a language of an ethnic minority - with the exception of graduates of schools or departments concerned with the teaching of the language of a given national minority,

(c) an ethnic minority language

(d) a regional language

2) in the written part in:

a) biology,

b) chemistry,

c) philosophy,

d) physics and astronomy,

e) geography,

f) history,

g) the history of music,

h) the history of art,

i) Computer Science,

j) of the Latin language ancient culture,

k) the language an ethnic minority,

l) the language of a national minority,

m) a modern foreign language,

n) Polish language

o) regional language,

p) mathematics,

q) social studies,

r) knowledge about dance.

4. The choice of subjects taken at the matriculation examination shall not depend on the type of school which the graduate attended or on the subjects taught at that school.

Article 55

1. ⁽⁹⁶⁾ The matriculation examination in a modern foreign language may be taken in the following languages: English, French, Spanish, German, Russian, and Italian.

2. ⁽⁹⁷⁾ The matriculation examination in a modern foreign language as a compulsory subject or as an additional subject shall be taken in the same language both in the oral and in the written part.

2a. ⁽⁹⁸⁾ A graduate of a school or department teaching the language of a given national minority cannot choose the language of that national minority in the matriculation examination in a modern foreign language as a compulsory subject.

2b. ⁽⁹⁹⁾ The matriculation examination in a modern foreign language as an additional subject may be taken in the oral or written part or both of these parts.

3. ⁽¹⁰⁰⁾ (repealed).

4. ⁽¹⁰¹⁾ The matriculation examination in a language of a national or ethnic minority or the regional language as an additional subject may be taken in the oral part or in the written part, or in both parts.

Article 57

1. ⁽¹⁰²⁾ Matriculation examination in the written part in the compulsory subjects is taken at the basic level.

2. ⁽¹⁰³⁾ For the matriculation examination in the oral part in the compulsory subjects the level of the exam is not specified.

3. ⁽¹⁰⁴⁾ Matriculation examination in additional subjects may be taken at the basic level or at the advanced level, with the exception of items referred to in paragraphs 4-4c.

4. ⁽¹⁰⁵⁾ For the matriculation examination in the oral part in additional subjects the level of the exam is not specified.

4a. ⁽¹⁰⁶⁾ Matriculation examination in the written part of the subjects: Polish language and mathematics as optional subjects, is taken at the advanced level.

4b. ⁽¹⁰⁷⁾ Graduates of schools or departments, teaching the language of a given national minority, who chose the matriculation examination in the written part in the language of a given national minority as an additional subject, take the exam at the advanced level.

4c. ⁽¹⁰⁸⁾ If a graduate has chosen, as an additional subject, the same modern foreign language, which he took as a compulsory subject in the written part on the matriculation examination, he has to take the exam at the advanced level in the written part only.

5. ⁽¹⁰⁹⁾ Graduates of bilingual schools or departments who have chosen a modern foreign language, which is the second language of instruction as an additional subject, they can take the exam in that language in the oral or written part, or in both areas at the same level, defined in the requirements standards, referred to in Article 53 paragraph 1, hereinafter referred to as "the bilingual level".

Article 58

1. Graduates of schools or sections with the teaching language that of a national minority, where classes are held in that language, and of bilingual schools or sections, where the language of a national minority is the second teaching language, may take the matriculation examination in Polish or – with the exception of Polish and issues related to the history and geography of Poland

– in the language of a given national minority. The choice of the language in which a subject will be taken shall be indicated by the graduate in the declaration referred to in Article 63(1).

Article 63

1. An examinee who intends to take the matriculation examination shall submit a written declaration of the choice of:

- 1) subjects to be taken at the matriculation examination, including the language or languages, with the specification of the subjects to be taken as compulsory or additional;
- 2) ⁽¹¹⁷⁾ (repealed);
- 3) ⁽¹¹⁸⁾ the topic for the Polish language, the language of a national minority, the language of an ethnic minority or the regional language in the oral part of the matriculation examination, selected from the list of topics referred to in Article 69 (1);
- 4) the computer environment, applications and the programming language – in the case of those taking the matriculation examination in Information Technology; the list of computer environments, applications and programming languages from which the examinee makes the selection shall be published by the head of the Central Commission on the web site of the Central Commission not later than 10 months before the date of the matriculation examination;
- 5) ⁽¹¹⁹⁾ the language in which the matriculation examination is to be taken in the written part in a given subject or subjects and solving additional examination tasks – in the case of the graduates referred to in Article 58 paragraph 1.
- 6) ⁽¹²⁰⁾ level of matriculation examination in the oral part in a modern foreign language, taken as an additional subject - for graduates referred to in Article 57 paragraph 5, and the level of matriculation examination in the written part of the subjects taken additionally;
- 7) ⁽¹²¹⁾ accession to solving additional examination tasks - in the case of graduates referred to in Article 58a.

Article 65

1. In particular, the chairman of the examination board at a given school shall:

- 1) appoint the subject examination boards referred to in Article 68 (1), not later than 2 months before the date of the written part of the matriculation examination;
- 2) prepare and publish the school's schedule for conducting the oral part of the matriculation examination, not later than 2 months before the date of the written part of the matriculation examination, and send it without delay to the chairman of the regional commission;
- 3) ⁽¹²⁶⁾ assign to teachers referred to in Article 69 (1) the preparation of the list of topics for the oral part of the matriculation examination in the Polish language, the language of a national minority, the language of an ethnic minority or the regional language;
- 4) appoint supervisory boards which supervise the written part of the matriculation examination referred to in Article 81 (1), not later than one month before the date of the written part of the matriculation examination.

Article 69

1. ⁽¹³⁰⁾ For the oral part of the matriculation examination teachers of a given language at school shall prepare the list of topics in the Polish language, and in the case of schools or sections with the teaching of a language of a national minority, a language of an ethnic minority or the regional language – also a list of topics in a given language, within the period by 10 April of the academic year preceding the academic year when the matriculation examination is conducted.

2. One list of topics shall be prepared at a given school for the oral part of the matriculation examination in each subject referred to in paragraph 1. The list of topics may take account of topics suggested by students (participants).

Article 72

1. No telecommunications devices may be brought or used in the room where the oral part of the matriculation examination is being conducted.

2. ⁽¹³³⁾ Only one examinee may be present in the room during the oral part of the matriculation examination in the Polish language, a language of a national minority, a language of an ethnic minority or the regional language, and also in the modern foreign language taken at the basic level.

3. ⁽¹³⁴⁾ One examinee and one person preparing for the examination may be present in the room during the oral part of the matriculation examination in a modern foreign language taken at the advanced level or in a modern foreign language which is the second teaching language in bilingual schools or sections.

Article 73

1. ⁽¹³⁵⁾ The matriculation examination in the oral part in the Polish language, a language of a national minority, a language of an ethnic minority and the regional language shall last about 25 minutes and shall consist of two parts:

- 1) the presentation of a topic selected from the list of topics referred to in Article 69 (1), which shall last about 15 minutes;
- 2) a conversation between the examinee and the subject board, which shall be related to the topic presented.

2. Screening of a film or playing a record of an utterance or music may last up to 5 minutes within the time allocated to the presentation of the topic.

3. In the part allocated to the presentation of the topic the examinee shall not be interrupted.

4. The conversation referred to in paragraph 1 (2) shall be related to the topic presented and the literature used for elaborating the topic.

5. ⁽¹³⁶⁾ The student submits the bibliography used to develop the topic to the president of the examination team no later than 4 weeks before the beginning of the written part of the matriculation examination. The chairman of the examination team shall immediately forward the bibliography to the competent examination team

6. ⁽¹³⁷⁾ Submitting the bibliography within the period specified in paragraph 5 is a prerequisite for accession to the oral part of the matriculation examination in that language.

Article 85b ⁽¹⁴⁹⁾

1. The matriculation examination in the written part in a language of a national minority as compulsory is to be taken at the basic level, and as additional may be taken at the basic level or at the advanced level.

2. ⁽¹⁵⁰⁾ The examination at the basic level shall last 170 minutes and shall consist in checking the reading comprehension for a non-literary text and writing one's own text related to a literary text included in the examination sheet. Literary texts for the examination shall be indicated in the guide referred to in Article 58.

3. The examination at the advanced level shall last 180 minutes and shall consist in checking the reading comprehension for a non-literary text and the ability to write one's own text related to a literary text included in the examination sheet.

4. During the examination the examinee may use language dictionaries

Article 93b ⁽¹⁶²⁾

1. The matriculation examination in the written part in the language of an ethnic minority and the regional language shall be taken at the basic level or at the advanced level.
2. At the basic level the examination lasts 120 minutes and involves solving lexical-grammatical test as well as preparing a translation of the original text written respectively in a language of an ethnic minority or a regional language into Polish
3. The examination shall last 180 minutes and shall consist in solving a vocabulary and grammar test, translating an original text into Polish and writing one's own text in Polish with the use of the text and visual material included in the examination sheet.
4. During the exam the examinee may use, respectively, a language dictionary appropriate for the language of an ethnic minority or the regional language, in which the examination is taken.

Article 104

1. ⁽¹⁸¹⁾ The examinee who did not pass the matriculation examination in a given subject or subjects, in the oral part or the written part, or discontinued the matriculation examination, may retake the oral or written part of the matriculation examination in this subject or subjects within a period of 5 years from the date of the first matriculation examination, counting from October of the year, in which the examinee took the matriculation examination for the first time within its conduct, as defined in Article 61 (1). The provisions of Article 63 (1-7) shall apply accordingly.
2. ⁽¹⁸²⁾ The examinee, referred to in paragraph 1, re-taking the matriculation examination may, if it had not received a high school diploma, choose another modern foreign language than the modern foreign language, which he had taken previously, with the exception of a modern foreign language, which he took as an additional subject at the basic level.
3. ⁽¹⁸³⁾ After 5 years from the date of the first matriculation examination the graduate referred to in paragraph 1 shall take the matriculation examination in the full scope.
4. A graduate who did not pass the matriculation examination in the oral part in the Polish language or a language of a national minority or discontinued the oral part of the matriculation examination in a given language or languages, who retakes the oral part of the matriculation examination in a given language may indicate in the declaration referred to Article 63 (1) the topic selected previously or a new topic selected from the list of topics referred to in Article 69 (1).
5. ⁽¹⁸⁴⁾ The provisions of paragraph 4 apply accordingly to graduates who did not take the oral part of the matriculation examination in the Polish language, a language of a national minority, a language of an ethnic minority or the regional language.

Article 105

1. ⁽¹⁸⁵⁾ An examinee shall have a right to retake the matriculation examination, both in the oral part and in the written part, in one or more subjects referred to in Article 54 (2) and (3), in order to improve the result of the matriculation examination in those subjects or to take the matriculation examination in additional subjects selected from the subjects referred to in Article 54 (3). The provisions of Article 63 paragraphs 1-7 shall apply accordingly.
 - 1a. ⁽¹⁸⁶⁾ An examinee taking the matriculation examination in order to improve the results of the examination in a modern foreign language which he/she took in the oral part at the basic level may take the matriculation examination in this language in the oral part at the basic level or at the advanced level.

- 1b. ⁽¹⁸⁷⁾ The examinee, taking the matriculation examination in order to improve the results in the written part of the exam in an additional subject taken at the advanced level can take the exam in this subject in the written part at the advanced level.
2. ⁽¹⁸⁸⁾ (repealed).
3. ⁽¹⁸⁹⁾ (repealed).
4. ⁽¹⁹⁰⁾ The examinee taking the matriculation examination in order to improve the results of the oral part of the examination in the Polish language, a language of a national minority, a language of an ethnic minority or the regional language, may indicate in the declaration referred to in Article 63 (1) the topic selected previously or a new topic from the list of topics referred to in Article 69 (1).
5. ⁽¹⁹¹⁾ (repealed).
6. ⁽¹⁹²⁾ (repealed).
7. ⁽¹⁹³⁾ A graduate of a school or bilingual department, taking the matriculation examination in order to improve the results in the oral or the written part, or both parts of the examination in a modern foreign language, being a second language of instruction as an additional subject may take the exam in that language respectively in the oral part or in the written part, or both parts at the bilingual level, regardless of the level at which he had previously taken the examination in that language as an additional subject.
- 7a. ⁽¹⁹⁴⁾ A graduate of a school or bilingual department, taking the matriculation examination in order to improve the results in the oral or the written part, or both parts of the exam in a modern foreign language, being the second language of instruction, taken as an additional subject at the bilingual level, takes the examination in that language at the bilingual level.
8. ⁽¹⁹⁵⁾ (repealed).
9. ⁽¹⁹⁶⁾ A graduate of a bilingual school or section, in order to improve the result of the written part of the matriculation examination in subjects referred to in Article 51 (2) (2) (c) taught in a foreign language which is the second teaching language, may solve again the additional exam tasks referred to in Article 58a (1) and (2).

**REGULATION
OF THE MINISTER OF NATIONAL EDUCATION**

of 14 April 1992

**on the conditions and method of organisation of religious education in public pre-schools
and schools**

(Journal of Laws No 36, item 155, as amended)

Pursuant to Article 12 (2) of the Act of 7 September 1991 on the System of Education (Journal of Laws No 95, item 425 and of 1992 No 26, item 113), I hereby order as follows:

Article 1

1. In public pre-schools religious education shall be organised within the framework of pre-school curricular classes, at the request of parents (legal guardians). In public primary schools, lower secondary schools, post-primary and post-lower secondary schools, hereinafter “schools”, religious and ethics education shall be organised within the framework of school curricular classes:

- 1) in primary and lower secondary schools – at the request of parents (legal guardians),

- 2) in post-primary and post-lower secondary schools – at the request of either parents (legal guardians) or students themselves; after becoming of age, students themselves decide about participation in religious and ethics education.
2. The request mentioned in section 1 is expressed in the simplest form of declaration, which need not be renewed in the subsequent academic year but may be changed.
3. Participation or non-participation in pre-school or school religious and ethics education must not give rise to discrimination by anybody in any form.

Article 2

1. Pre-schools and schools shall be obliged to organise religious education classes for groups not smaller than 7 students from one class or section (students of pre-school group). For a smaller number of students in a class or section (students of pre-school group), religious education in pre-schools or schools should be organised in inter-section or inter-class groups.
2. If less than 7 students apply for religious education of a given denomination or religions teaching similar beliefs in a school or pre-school, the school governing authority for the pre-school or school, in agreement with the relevant church or religious association, shall organise religious education in an inter-school group or at an external religious education facility. The number of students in the group or at a religious education facility should not be smaller than 3.
3. If inter-school groups or groups at religious education facilities are attended by students of schools (students in pre-schools) governed by different authorities, then such authorities shall specify, by way of agreement, the principles for running groups or religious education facilities.
4. In specially justified cases, the authority governing a pre-school or school, within the funds at its disposal, may – at the request of a church or religious association – organise religious education of a specific denomination in a way different than defined in paragraphs 1 to 3.
5. It shall be allowed to make classrooms available, free of charge, on dates when no classes are held, for catechetical purposes to churches and religious associations, also in the case of those that do not organise religious education within the framework of the system of education.

Article 3

1. For students who express such an intention themselves or for whom such an intention is declared by their parents (Article 1 (1)), the school shall organise classes in ethics basing on the programs allowed for school use on the conditions defined in Article 22 (2) (3) of the Act on the System of Education.
2. Depending on the number of declared students, classes in ethics may be organised on the conditions specified in Article 2.
3. Schools shall be obliged to guarantee care or general educational classes for the period of religion or ethics classes for students who do not attend religious or ethics education at the school.

Article 4

Religious education shall be provided on the basis of programmes prepared and approved by the competent authorities of churches and other religious associations, submitted to the Minister of National Education for information. The same principles shall apply with respect to textbooks for religious education.

Article 5

1. Pre-schools or schools shall employ a teacher of religious education, a pre-school or school catechist (hereinafter “religion teacher”) exclusively on the basis of a written delegation to the specific pre-school or school, issued by:

- 1) in the case of the Catholic Church – the competent diocesan,
- 2) in the case of other churches and other religious associations – competent authorities of those churches and religious associations.

2. The cancellation of the delegation referred to in paragraph 1 shall be equivalent to the loss of the right to teach religious education in a given pre-school or school. Competent authorities of churches or religious associations shall notify the school or pre-school principal and the authority governing the school or pre-school about the cancellation of the delegation. For the period until the end of the school year, the church or other religious association may delegate another person for teaching religious education, covering all related costs.

3. A religion teacher who conducts classes for an inter-school group or at a religious education facility, or teaches at a number of schools or pre-schools shall be employed by the school or pre-school principal indicated by the school governing authority referred to in Article 2 (2), or by the authority indicated in the agreement referred to in Article 2 paragraph.

4. Religion teachers shall be employed in accordance with the Teacher’s Chart.

Article 6

Professional qualifications of religion teachers shall be defined respectively by the Polish Bishops Conference and competent authorities of other churches and religious associations – in agreement with the Minister of National Education.

Article 7

1. The religion teacher shall be a member of the school’s board of teachers. However, he/she shall not assume the tasks of class tutor.

2. The religion teacher shall have the right to organise meetings with parents of his/her students, also in addition to the general meetings appointed by the school or pre-school, after reaching an agreement with the school or pre-school principal concerning the date and place of the planned meeting.

3. The religion teacher may run social, religious and ecumenical organisations on the premises of the school, on conditions defined in Article 56 of the Act on the System of Education. The religion teacher shall not be entitled to additional remuneration for running organisations.

4. The religion teacher shall be obliged to complete the class record.

5. The religion teacher teaching in an inter-class (inter-section) or inter-school group or at religious education facility shall be obliged to keep a separate class record, containing identical entries as the school class record.

Article 8

1. Religious education in public pre-schools and schools of all types shall be realised adopting 2 preschool classes (adequately to a given level of teaching) or two class hours per week. This number of hours may be decreased only with the consent of the diocesan of the Catholic Church or of the authorities of other churches or religious associations.

2. The school principal shall define the weekly number of hours of classes in ethics.

Article 9

1. The grade for religious education or ethics shall be placed on school certificates directly following the grade for behaviour. In order to eliminate potential manifestations of intolerance, no information should be placed which would reveal the class of which religion or ethics a student attended.
2. The grade for religious education (ethics) shall have no impact on the student's promotion to next grade.
3. The grade for religious education (ethics) shall be awarded according to the scale of grades adopted in a given class.
 1. Students attending religious or ethics education organised by school governing authorities in accordance with the principles defined in Article 2 (2-4) shall receive the grade for religious/ethics education on the school certificate issued by their school on the basis of a certificate of the religion or ethics teacher.

Article 10

1. Students attending religious education classes shall be granted three subsequent days off from school in order to participate in the Lent Retreat, provided their religion or denomination to which they belong imposes such an obligation on its believers. In such case, students shall be under the care of the religion teacher. Detailed principles concerning organisation shall be subject to separate arrangements between the parties organising the retreat and the school.
2. The school principal should be notified at least one month in advance of the date of retreat.
3. If religious education classes for more than one religion are held in a school, churches and religious associations should attempt to agree on the common date for the Lent Retreat date.

Article 11

1. Inspectors appointed by diocesans of the Catholic Church and by competent authorities of other churches and religious associations, shall be entitled to inspect religious education classes. The list of such persons shall be passed for information to authorities performing pedagogical supervision.
2. With respect to teaching methodology and consistency with the curriculum, pedagogical supervision over religious and ethics education shall be conducted by the school (pre-school) principal and employees of pedagogical supervision, on the conditions specified in separate regulations.
3. In justified cases, conclusions from conducting pedagogical supervision may be passed, respectively, to the Catholic Church diocesan and competent authorities of other churches and religious associations.

Article 12

A crucifix may be placed in school classrooms. Also, prayers before and after the class may be held. Holding prayers at school should be the expression of common aspirations of students and of the tact and subtlety on the part of teachers and tutors.

Article 13

1. The following legal acts shall lose their validity:
 - 1) the instruction of the Minister of National Education of 3 August 1990 on the Return of Religious Education to Schools in the School Year 1990/91,

- 2) the instruction of the Minister of National Education of 24 August, 1990 on the Return of Religious Education to Schools in the School Year 1990/91, specifying the principles of co-operation with churches and religious associations other than the Catholic Church,
 - 3) the Decision No. 25 of the Minister of National Education of 31 August 1991, without prejudice to the provisions of paragraph 2.
2. The instructions listed in paragraph 1 concerning religious education in pre-schools and guardianship and pedagogical institutions shall remain in force until ordinances provided for in the provisions on the relation of the state to churches and other religious associations are issued.

Article 14

The Regulation shall enter into force fourteen days after publication, with the exception of Article 9, which shall enter into force on 1 September 1992.

REGULATION OF THE MINISTER OF NATIONAL EDUCATION

z dnia 20 grudnia 2011 r.

on the principles of distribution of the educational part of the general subvention for local self-government units in 2012

(Dz. U. Nr 288, poz. 1693)

Pursuant to Article 28 paragraph 6 of the Act of 13 November 2003 on income of local government units (Journal of Laws of 2010 No 80, item. 526, as amended ²⁾) it is provided as follows:

Article 1.

1. Educational part of the general subsidy for 2012 is divided among the different local government units, including the scope of educational tasks carried out by the units, set out in the Act of 7 September 1991 on the system of education (Journal of Laws of 2004, No. 256, item. 2572, as amended ³⁾).

2. Any reference in this Regulation to:

- 1) school tasks – it means the tasks connected with: conducting primary schools, middle schools, secondary schools, special schools, lifelong learning centers, practical training centers, training and vocational training centers, teacher training institutions, colleges of social service education, schools organized in medicinal units, art schools, units of economic and administrative support of schools and institutions, of 1 September 2012 providing the qualifying conditions for conducting vocational courses;
- 2) extracurricular tasks - means:
 - a) running special kindergartens (including special departments in open access kindergartens), special preschool departments organized in public primary schools and special schools, teacher training institutions, psycho-pedagogic counseling, including specialist clinics, special training and education centers, special education centers, youth educational centers, youth sociotherapy centers, rehabilitation and education centers, centers of lifelong learning, practical training centers and vocational training centers, within the scope of conducting extracurricular forms enabling realization of obligation to implement science education, institutions to enable the development of extracurricular interests and talents, and the use of various forms of recreation and leisure organizations, educational libraries, school day rooms for students and pupils, holiday camps,

- b) providing financial support for students,
- c) conducting dormitories and boarding houses and holiday houses for children,
- d) conducting school youth hostels;
- 3) educational part - means the educational part of the general subsidy to local government units, as set out in the Budget Act for the year 2012;
- 4) basic school year - means the school year 2011/2012;
- 5) FTE - means the number of teachers employed under the Act of 26 January 1982 – The Teacher’s Charter (Journal of Laws of 2006 No 97, item. 674, as amended ⁴⁾) in full-time and part-time classes (after converting to full-course), with the exception of the number of teachers on maternity leave and unpaid leave, determined on the basis of the data of the education information system for the basic school year as of September 30, 2011 and October 10, 2011.

Article 2

The division of educational part shall be made including in particular:

- 1) financing current expenditures (including salaries of employees including derivatives) of schools and institutions referred to in Article 1. 2, points 1 and 2, conducted by the local government;
- 2) subsidies to public and private schools and institutions referred to in Article 1. 2, points 1 and 2, conducted by legal entities other than local government units and by individuals;
- 3) financing of the tasks of training and professional development of teachers, including methodological advice referred to in Article 70a of the Act mentioned in Article 1. (2 point 5);
- 4) financing of expenses related to the individual teaching;
- 5) co-financing the costs related to the payment of severance pay to teachers on the basis of art. 20, paragraph 2 of the Act referred to in Article (1 point 5), and providing teachers with a leave for health reasons;
- 6) co-financing the education of students who are not citizens of Poland;
- 7) financing allowances and bonuses for internship tutors;
- 8) financing the early support of the development of children referred to in Article 71b paragraph 2a of the Act mentioned in Article 1. 1;
- 9) financing allowance for the employee benefit fund for teachers who are pensioners;
- 10) financing the salaries of teachers taking part in the conduct of the oral part of the matriculation examination.

Article 3

The division of the educational part, after deduction of the reserves, referred to in art. 28 paragraph 2 of the Act of 13 November 2003 on income of local governments, which is at the disposal of the minister responsible for public finances, is performed with the use of algorithm specified in the Annex to the Regulation.

Article 4

This Regulation shall enter into force on 1 January 2012⁵⁾

¹⁾ The Minister of Education manages the activities of the government administration - education and upbringing, on the basis of Article 1. 2 of the Regulation of the Council of

Ministers of 18 November 2011 on the specific responsibilities of the Minister of National Education (Journal of Laws No. 248, pos. 1480).

- 2) Amendments to the mentioned Act were published in the Journal of Laws of 2010, No. 127, item. 857, and of 2011, No. 139, item. 814, No. 207, item. 1230 and No. 234, item. 1385.
- 3) Amendments to the consolidated text of the mentioned Act were published in the Journal of Laws of 2004, No. 273, item. 2703 and No. 281, item. 2781, of 2005 No. 17, item. 141, No. 94, item. 788, No. 122, item. 1020, No. 131, item. 1091, No. 167, item. 1400 and No. 249, item. 2104, of 2006 No. 144, item. 1043, No. 208, item. 1532 and No. 227, item. 1658, of 2007 No. 42, item. 273, No. 80, item. 542, No. 115, item. 791, No. 120, item. 818, No. 180, item. 1280 and No. 181, item. 1292, of 2008 No. 70, item. 416, No. 145, item. 917, No. 216, item. 1370 and No. 235, item. 1618, 2009, No. 6, pos. 33, No. 31, item. 206, No. 56, item. 458, No. 157, item. 1241 and No. 219, item. 1705, of 2010 No. 44, item. 250, No. 54, item. 320, No. 127, item. 857 and No. 148, item. 991, and of 2011, No. 106, item. 622, No. 112, item. 654, No. 139, item. 814, No. 149, item. 887 and No. 205, item. 1206.
- 4) Amendments to the consolidated text mentioned Act were published in the Journal. Laws of 2006, No. 170, item. 1218 and No. 220, item. 1600, of 2007 No. 17, item. 95, No. 80, item. 542, No. 102, item. 689, No. 158, item. 1103, No. 176, item. 1238, No. 191, item. 1369 and No. 247, item. 1821, of 2008 No. 145, item. 917 and No. 227, item. 1505, 2009, No. 1, item. 1, No. 56, item. 458, No. 67, item. 572, No. 97, item. 800, No. 213, item. 1650 and No. 219, item. 1706 and of 2011, No. 149, item. 887 and No. 205, item. 1206.
- 5) This regulation was preceded by the Regulation of the Minister of National Education of 16 December 2010 on the allocation of the educational subsidy to local government units in 2011 (Journal of Laws No. 249, item. 1659).

ANNEX

THE ALGORITHM FOR THE DISTRIBUTION OF THE EDUCATIONAL PART OF THE GENERAL SUBVENTION FOR LOCAL SELF-GOVERNMENT UNITS IN 2012

1. Established in the Budget Act for the year 2012, after deduction of provisions referred to in art. 28 paragraph 2 of the Act of 13 November 2003 on income of local government, the educational part (SO) consists of a base amount (SOA), supplementary amount (SOB) and the amount for the extracurricular tasks (SOC):

$$\mathbf{SO = SOA + SOB + SOC}$$

where the meaning of individual symbols is as follows:

- 1) **SO** - the educational part, after deducting the reserve referred to in art. 28 paragraph 2 of the Act of 13 November 2003 on income of local government units;
- 2) **SOA** - the base amount of the educational part in accordance with the financial standard A of the division of the educational part for realization of the extracurricular tasks;
- 3) **SOB** - a supplementary amount of the educational part increasing the financial standard A for the implementation of school tasks in accordance with the weights P;
- 4) **SOC** - the amount of the educational part for the realization of the extracurricular tasks.

2. for each local self-government unit governing or subsidizing primary schools, lower secondary, post-lower secondary schools and post-primary schools as well as educational system institutions, a total calculative number of students (Up) for a model school year shall be obtained according to the formula below:

$$U_p = \sum_{i=1}^N U_{p,i} = \sum_{i=1}^N [(U_{r,i} + U_{u,i} + U_{z,i}) \cdot D_i]$$

where the symbols have the following meaning:

- (1) U_p - total calculative number of students;
 (2) $U_{p,i}$ - the calculative number of students in an i^{th} local self-government unit, taking into consideration the index $i = 1-2,479$ for communes (including cities with poviats rights within the scope of the performed tasks of a commune), $i = 2,480-2,544$ for cities with poviats rights, $i = 2,545-2,858$ for other poviats, $i = 2,859-2,874$ for self-governments of voivodships, for a model school year;
 (3) $U_{r,i}$ - the statistical number of students in an i -th local self-government unit, determined on the basis of educational information system data for the base school year as of September 30, 2011 and October 10, 2011, calculated according to the formula:

$$U_{r,i} = S_{a,i} + 0,7 \cdot S_{b,i} + 0,35 \cdot S_{c,i}$$

where:

- $S_{a,i}$ - is the number of students of public and private schools for children and youth, as well as teacher training colleges and colleges of social work students, leading in full-time education, in the i -th unit of local government,
 $S_{b,i}$ - is the number of students of public schools for adults, as well as and teacher training colleges of social work students, providing education in part - time or distance learning system, in the i -th unit of local government,
 $S_{c,i}$ - is the number of students of non-public schools for adults in the i -th unit of local government;
 index $i = 1 - 2.874$;
 (4) $U_{u,i}$ - the supplementary number of students in a model school year, for tasks in the field of schooling, calculated according to the formula:

$$U_{u,i} = P_1 \cdot N_{1,i} + P_2 \cdot N_{2,i} + \dots + P_{27} \cdot N_{27,i}$$

where:

- P_1 to P_{27} denote weights,
 - N_1 to N_{27} denote numbers of students in a local self-government units with the index $i = 1-2,874$, assigned to weights,
- defined as follows:

- $P_1 = 0.38$ for students of primary and lower secondary schools for youth, located in rural areas or cities of up to 5,000 residents - $N_{1,i}$,
 $P_2 = 1.40$ for students with mild mental retardation, socially maladjusted, with behavioural disorders, under the threat of addiction or social maladjustment, with chronic illnesses – requiring special organisation of instruction and working methods (on the basis of certificates referred to in Article 71b (3) of the Act referred to in Article 1 (1) of the Regulation) and for the special primary school, junior high and high school in the youth education centers and youth social therapy centers - that require special organization and working methods, who do not have rulings, referred to in Article 71b paragraph 3 of the Act referred to in Article 1 paragraph 1 of the Regulation- $N_{2,i}$,
 $P_3 = 2.90$ for blind and visually impaired students, with motor disability, with psychological disorders – requiring special organisation of instruction

- and working methods (on the basis of certificates referred to in Article 71b (3) of the Act referred to in Article 1 (1) of the Regulation) - N3,i,
- P4 = 3.60 for deaf and audibly impaired students, with moderate and significant mental retardation (on the basis of certificates referred to in Article 71b (3) of the Act referred to in Article 1 (1) of the Regulation) - N4,i,
- P5 = 9.50 for children and teenagers with profound mental retardation who receive compulsory education or compulsory schooling through the participation in rehabilitation and educational sessions organised in primary and lower secondary schools, for students with cumulative impairments and with autism (on the basis of certificates referred to in Article 71b (3) of the Act referred to in Article 1 (1) of the Regulation) - N5,i,
- P6 = 0.80 additionally for disabled students at integration sections in primary, lower secondary and post-lower secondary schools (on the basis of certificates referred to in Article 71b (3) of the Act referred to in Article 1 (1) of the Regulation) - N6,i,
- P7 = 0.082 for students of post-lower secondary schools and art schools (except for general primary music schools and primary music schools) – N7,i,
- P8 = 0.19 for students at colleges of social workers and students at post-lower secondary schools offering vocational training, including – for the carrying out the practical vocational training, as well as for students of specialized secondary schools and special schools preparing the students with moderate or severe mental retardation and students with multiple disabilities for work (weight does not include students of art schools) - N8,i,
- P9 = 0.20 for students of sections and schools for national and ethnic minorities as well as the community using the regional language, as well as for students of Roma origin, for whom a school takes up additional educational activities, as well as for students benefiting from additional free Polish language classes, referred to in Article 94a paragraph 4 and 4b of the Act referred to in Article 1 paragraph 1 of the regulation - N9,i,
- P10 = 1.50 for students at sections and schools for national and ethnic minorities as well as the community using the regional language, as well as for students of Roma origins, for whom a school takes up additional educational activities; as well as for students benefiting from additional free Polish language classes, referred to in Article 94a paragraph 4 and 4b of the Act referred to in Article 1 paragraph 1 of the regulation; this concerns primary schools where the total number of students attending classes for a national or ethnic minority, the community using the regional language or the students of Roma origins, as well as for students benefiting from additional free Polish language classes, referred to in Article 94a paragraph 4 and 4b of the Act referred to in Article 1 paragraph 1 of the regulation, does not exceed 84, and lower secondary and post-lower secondary schools where the total number of students attending classes for a national or ethnic minority, a community using the regional language or students of Roma origins, as well as for

students benefiting from additional free Polish language classes, referred to in Article 94a paragraph 4 and 4b of the Act referred to in Article 1 paragraph 1 of the regulation, does not exceed 42 (weight P10 is mutually exclusive with weight P9) - N10,i,

- P11 = 0.20 for students of sports forms - N11,i,
 P12 = 1.00 for students at mastery sports forms- N12,i,
 P13 = 1.00 for students studying for medical professions (weight P13 is mutually exclusive with weight P8) - N13,i,
 P14 = 1.01 for students of lower-level music schools –N14,i,
 P15 = 1.70 for students of higher-level music schools –N15,i,
 P16 = 2.01 for students of comprehensive lower-level music schools –N16,i,
 P17 = 3.36 for students of comprehensive higher-level music schools – N17,i,
 P18 = 0.92 for students of higher secondary schools of arts - N18,i,
 P19 = 1.35 for students of comprehensive schools of fine arts–N19,i,
 P20 = 3.42 for students of ballet schools –N20,i,
 P21 = 1.00 for students at teacher training institutions (P21 weight is mutually exclusive with the weight of P8) - N21,i,
 P22 = 1.00 for students of primary, lower-secondary and post-lower secondary schools, organised at health care institutions, - N22,i,
 P23 = 1.84 for students at groups for extracurricular educational classes provided at primary, lower-secondary and post-lower secondary schools organised at health care institutions, - N23,i,
 P24 = 0.60 for students of therapeutic or compensatory classes at primary and lower secondary schools - N24,i,
 P25 = 0.17 for students of bilingual classes (weight P25 is mutually exclusive with weights P9 and P10) - N25,i,
 P26 = 0.04 for students of lower secondary schools for youth – N26,i,
 P27 = 3.00 for students of schools educating in basic professions for maritime and inland navigation, implementing in the teaching process the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, of 1978, drawn up in London on 7 July, 1978 (Journal of Laws of 1984, No 39, item 201 and of 1999, No 30, item 286) and bearing the certificate of recognition for the teaching process, obtained in compliance with separate provisions - N27,i;

5) **U_{z,i}** - conversion number of pupils or children and young people entitled to or benefiting during the basic school year, in the scope of extracurricular tasks, calculated according to the formula:

$$U_{z,i} = P_{28} \cdot N_{28,i} + P_{29} \cdot N_{29,i} + \dots + P_{41} \cdot N_{41,i}$$

where:

- P₂₈ to P₄₁ mean weights,
- N₂₈ to N₄₁ indicate the number of students assigned to weights in a unit of local government with the index i = 1 - 2874,

defined as follows:

P₂₈ = 4,000 for deaf, hard of hearing, blind, visually impaired children, children with physical disabilities, including aphasia, mild, moderate, severe or profound mental retardation, who are included in special education in kindergartens, preschool department classes in primary schools, as

well as other forms of pre-school education (based on the decisions referred to in art. 71b paragraph 3 of the Act referred to in Article 1. 1 of the Regulation) and for children in kindergartens and preschool department classes, in primary schools organized in medical entities - $N_{28,i}$,

$P_{29} = 1,500$ for children from boarding schools and dormitories - $N_{29,i}$,

$P_{30} = 0,500$ in addition to pupils from dormitories and boarding schools, who are students in special schools - $N_{30,i}$,

$P_{31} = 3,640$ for children from boarding schools of art - $N_{31,i}$,

$P_{32} = 0,200$ for children from children's holiday home - $N_{32,i}$,

$P_{33} = 6,500$ for children from special education and training centers, special education centers and youth sociotherapy centers, who use accommodation in these centers (P_{33} weight excludes the P_{29} and P_{30} weights) - $N_{33,i}$,

$P_{34} = 11,000$ for children from youth educational centers, who use the accommodation in these centers (P_{34} weight excludes the P_{29} and P_{30} weights) - $N_{34,i}$,

$P_{35} = 1,500$ for pupils of the youth sociotherapy centers, who are not accommodated in these centers - $N_{35,i}$,

$P_{36} = 9,500$ for pupils of rehabilitation and educational centers and children with multiple disabilities and autism, including Asperger's syndrome, who are pupils of kindergartens, special preschool departments in primary schools, as well as other forms of pre-school education (based on the decisions referred to in art. 71b paragraph 3 of the Act referred to in Article 1. 1 of the Regulation) - $N_{36,i}$,

$P_{37} = 0,020$ for the people using the school youth hostels by the actual number of seats and the number of months of use - $N_{37,i}$,

$P_{38} = 0,840$ for children included in the early-assisted development in kindergartens, preschool classes in primary schools, primary schools, special training and education centers, special education centers, rehabilitation and education centers, psychological and pedagogical counseling center (based on the opinion referred to in art. 71b paragraph. 3 and 3a of the Act referred to in Article 1. 1 of the Regulation) - $N_{38,i}$,

$P_{39} = 0,001$ for institutions conducting extracurricular tasks according to the actual number of students in schools operated or funded by the i -th municipality - $N_{39,i}$,

$P_{40} = 0,030$ for institutions realizing extracurricular tasks, including the obligation to implement science in non-school forms, according to the actual number of students in schools located in the i -th district and operated or subsidized by local governments - $N_{40,i}$,

$P_{41} = 0,008$ for institutions realizing extracurricular tasks according to the actual number of students in schools located in the i -th region and operated or subsidized by local governments - $N_{41,i}$;

6) D_i - correcting indicator for the i -th local government unit, calculated according to the formula:

$$D_i = W_r + (1 - W_r) \cdot W_{a,i}$$

where:

W_r - the average in the country expenditure indicator of tangible costs and the expenses for administrative and service staff salaries, uniformly amounting to 0.2 for all local government units,

$W_{a,i}$ - wage rate structure of employment of teachers in schools and institutions for which the competent organ is the i-th unit of local government, including the increased expenditures due to employment of teachers in rural areas or in cities up to 5,000 residents, is calculated with the use of the following formula:

$$W_{a,i} = \frac{P_{ks} \cdot W_{s,i} + P_{kk} \cdot W_{k,i} + P_{km} \cdot W_{m,i} + P_{kd} \cdot W_{d,i}}{P_{ks} \cdot W_{s,k} + P_{kk} \cdot W_{k,k} + P_{km} \cdot W_{m,k} + P_{kd} \cdot W_{d,k}} \cdot \left(1 + R \cdot \frac{L_{w,i}}{L_i} \right)$$

where:

- P_{ks} - the average salary of a trainee teacher,
- P_{kk} - the average salary of a contract teacher
- P_{km} - the average salary of an appointed teacher,
- P_{kd} - the average salary of a chartered teacher,

determined in accordance with Article 30 Paragraph 3 of the Act referred to in Article 1 paragraph 2, point 5 of the Regulation;

$W_{s,i}$ - indicator of the share of the number of posts of trainee teachers in the total number of teacher posts in the i-th unit of local government,

$W_{k,i}$ - indicator of the share of the number of posts of contract teachers in the total number of teacher posts in the i-th unit of local government,

$W_{m,i}$ - indicator of the share of the number of posts of appointed teachers in the total number of teacher posts in the i-th unit of local government,

$W_{d,i}$ - indicator of the share of the number of posts of chartered teachers in the total number of teacher posts in the i-th unit of local government,

$W_{s,k}$ - indicator of the share of the number of posts of trainee teachers in the total number teacher posts in the country,

$W_{k,k}$ - indicator of the share of the number of posts of contract teachers in the total number teacher posts in the country,

$W_{m,k}$ - indicator of the share of the number of posts of appointed teachers in the total number teacher posts in the country,

$W_{d,k}$ - indicator of the share of the number of posts of chartered teachers in the total number teacher posts in the country,

R - weight due to the employment of teachers in schools or institutions located in rural areas or in cities up to 5,000 residents, taking into account the increased expenses related to allowances payable, referred to in Article 54 paragraph 3 and 5 of the Act referred to in Article 1 paragraph 2, point 5 of the Regulation - amounting to 0.12 uniformly for all local government units,

$L_{w,i}$ - the total number of students of high schools, located in rural areas or in cities up to 5000 people in the i-th unit of local government, established on the basis of the data from the educational information system for the base school year as of September 30, 2011 and October 10, 2011,

L_i - the total number of students in the i-th unit of local government, established on the basis of the data from the educational information

system for the base school year as of September 30, 2011, and the day of October 10, 2011 r.

3. The financial A standard of distribution of the educational section per pupil is determined by the following formula:

$$A = SO / Up$$

The financial A standard represents the imputed unit amount per pupil, used for determining the amounts of SOA, SOB and SOC due to the local government unit of the educational part SO. The financial A standard is determined on the basis of the data from the base school year

4. The SOA base amount of the educational part is determined for each unit of local government operating or supporting schools according to the following formula:

$$SOA = \sum_{i=1}^N SOA_i = \sum_{i=1}^N [A \cdot (U_{r,i} \cdot D_i)]$$

where $U_{r,i}$ is determined in the manner specified in paragraph 2

5. The SOB supplementary amount of the educational part is determined for each unit of local government operating or supporting schools according to the following formula:

$$SOB = \sum_{i=1}^N SOB_i = \sum_{i=1}^N [A \cdot (U_{u,i} \cdot D_i)]$$

where $U_{u,i}$ is determined in the manner specified in paragraph 2

6. The SOC amount of the educational part for extracurricular tasks is determined for each local government unit according to the the conversional number of tasks U_z , and in relation to the financial standard A of the distribution of the educational part per pupil, according to the following formula:

$$SOC = \sum_{i=1}^N SOC_i = \sum_{i=1}^N [A \cdot (U_{z,i} \cdot D_i)]$$

where U_z is determined in the manner specified in paragraph 2

7. The total amount of the educational part for local government units, net of reserves, as referred to in Article 28 Paragraph 2 of the Act of 13 November 2003 on the income of local government units, is:

$$SO' = \sum_{i=1}^N SO_i = \sum_{i=1}^N (SOA_i + SOB_i + SOC_i)$$

8. When calculating the $S_{a,i}$, $N_{1,i}$, $N_{16,i}$, $N_{39,i}$, $N_{40,i}$, $N_{41,i}$, $L_{w,i}$, L_i numbers, referred to in paragraph 2, the number of pupils in primary schools for children and youth, and the number of students of primary music schools, determined based on the data from the educational information system for the base school year as of September 30, 2011, increases by 4.7%.

9. The statistical number of students ($U_{r,i}$) referred to in paragraph 2, together with the complementary number of students ($U_{u,i}$), and set numbers of pupils or children and young people qualified or using ($U_{z,i}$), subject to review to the current state resulting from education information system data for the base school year as of September 30, 2011 and October 10, 2011, after adjusting for the amount of the educational part (SOI). Children and youth with mental illness coupled with disabilities meeting compulsory education or compulsory education outside the classroom - in a rehabilitation and educational center - are not included in numbers of $N_{5,i}$ students and P5 converted weight.

10. The measures from the adjustments referred to in paragraph 9 are charged to the provisions referred to in Article 28 paragraph 2 of the Act of 13 November 2003 on the income of local governments.

PROVISIONS FROM CODES

ACT

of 23 April 1964

Civil Code

(Journal of Laws No 16, item 93, as amended)

Article 23

The personal interests of a human being, in particular health, freedom, dignity, freedom of conscience, surname or pseudonym, image, secrecy of correspondence, inviolability of home, and scientific, artistic, inventor's and rationalizing achievements, shall be protected by civil law independent of protection envisaged in other provisions.

ACT

of 17 November 1964

Code of Civil Procedure

(Journal of Laws No 43, item 296, as amended)

Article 256

The court may require translating the document in a foreign language by a sworn translator.

Article 265

1. The court may summon an interpreter for the purpose of hearing of witness who does not have sufficient command of the Polish language.

ACT

of 6 June 1997

Penal Code

(Journal of Laws No 88, item 553, as amended)

Article 57

1. In the event of the concurrence of several independent grounds for the extraordinary mitigation or enhancement of a penalty, the court may mitigate or enhance the penalty only once, considering jointly the concurrent grounds for mitigation or enhancement.

2. In the event of the concurrence of the grounds for extraordinary mitigation and enhancement, the court may adopt an extraordinary mitigation or enhancement of the penalty.

Article 118

1. Whoever, acting with an intent to destroy in full or in part, any ethnic, racial, political or religious group, or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

2. Whoever, with the intent specified under Paragraph 1, creates, for persons belonging to such a group, living conditions threatening its biological destruction, applies means aimed at preventing births within this group, or forcibly removes children from the persons constituting it, shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years.

3. Whoever makes preparations for the offense specified in § 1 or 2 shall be subject to imprisonment for a minimum term of 3 years.

Article 118a

1. A person, who takes part in a mass attack or even in one of recurring attacks directed against a group of people, undertaken to implement or support the state policy or organization policy:

- 1) commits homicide;
- 2) causes severe damage to human health,
- 3) provides, living conditions threatening the biological existence for members of a population, especially by depriving them of access to food or medical care, which are calculated for their destruction,

is liable to imprisonment for a minimum term of 12 years, a penalty of 25 years imprisonment or life imprisonment.

2. A person, who taking part in a mass attack or even in one of recurring attacks directed against a group of people, undertaken to implement or support the state policy or organization policy:

- 1) causes committing a person into a state of slavery or keeps that person in this state,
- 2) deprives a person of liberty for more than 7 days or with particular torment,
- 3) engages in torture or subjects a person to cruel, or inhuman treatment,
- 4) perpetrates rape or by using violence, unlawful threat or deception in any other way violates sexual freedom of a person,
- 5) using or threatening unlawful violence makes a woman pregnant in an attempt to influence the ethnic composition of a population or perpetrate other grave violations of international law,
- 6) deprives a person of liberty, and refuses to provide information relating to the person or the place of his/her residence or provides false information about the person or the place of his residence, with intent to deprive that person of legal protection for an extended period of time, is liable to imprisonment for a minimum term of 5 years or the penalty of 25 years imprisonment.

3. A person, who taking part in a mass attack or even in one of recurring attacks directed against a group of people, undertaken to implement or support the state policy or organization policy:

- 1) violating international law forces people to change their lawful place of residence,
- 2) perpetrates severe persecution of a population for the reasons recognized as impermissible under international law, in particular political, racial, national, ethnic, cultural, religious, or due to lack of religious beliefs, worldview or gender, resulting in deprivation of fundamental rights, is liable to imprisonment for not less than 3 years.

Article 119

Whoever uses violence or makes unlawful threat towards a group of persons or a particular individual because of their national, ethnic, political or religious affiliation, or because of their

lack of religious beliefs, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 126a

Whoever publicly incites to commit an act referred to in Article 118, 118a, 119 § 1, art. 120-125 or publicly commends the commission of an act specified in those provisions, is liable to imprisonment from 3 months to 5 years.

Article 126b

1. A person, who by failing to fulfill the obligation of adequate control, allows for performing the act specified in Article 117 § 3, art. 118, 118a, 119 § 1, art. 120-126a by a person remaining under his factual authority or control is subject to the penalty provided for in these regulations.
2. If the perpetrator acts unintentionally, he is liable to imprisonment from 3 months to 5 years

Article 194

Whoever restricts another person from exercising the rights vested in the latter, for the reason of this person affiliation to a certain faith or their religious indifference, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 195

1. Whoever maliciously interferes with the public performance of a religious ceremony of a church or another religious association with regulated legal status shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.
2. The same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites.

Article 196

Whoever offends the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 256

1. Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.
2. The same penalty shall apply to anyone, who in order to distribute produces, preserves or imports, acquires, stores, possesses, presents, transports or transfers a print, recording or other object containing the content specified in § 1 .
3. No offense is committed if the offender commits the prohibited act specified in § 2, within the framework of artistic, educational, collector's or scientific activity.
4. In the event of a conviction for the offense specified in § 2, the court shall order the seizure of items referred to in § 2, despite it not being the property of the perpetrator.

Article 257

Whoever publicly insults a group within the population or a particular person because of his national, ethnic, race or religious affiliation or because of his lack of any religious denomination or for these reasons breaches the personal inviolability of another individual shall be subject to the penalty of deprivation of liberty for up to 3 years.

ACT

of 6 June 1997

Code of Criminal Procedure

(Journal of Laws No 89, item 555, as amended)

Article 72

1. The accused has the right to receive free assistance of an interpreter if he does not speak the Polish language to a sufficient degree
2. Interpreter must be summoned for activities with the participation of the accused, referred to in § 1
3. The defendant referred to in § 1 receives the order of presentation, supplement or amendment of the charges, the bill of indictment and the judgment subject to appeal or terminating the proceedings shall be delivered together with a translation; with the consent of the accused, it may be limited to announcing the decision concluding the proceedings if it is not subject to appeal.

Article 204

1. An interpreter shall be summoned whenever it is necessary to examine:
 - (1) a deaf or dumb person, with whom attempts at communication in writing have not sufficed,
 - (2) a person without a command of Polish.
2. An interpreter shall also be summoned whenever it is necessary, to translate into Polish, a document written in a foreign language, or to translate a Polish document into a foreign language or to acquaint the accused with the contents of the evidence examined.
3. Provisions relating to court experts shall be applied to interpreters accordingly.

ACT

of 14 June 1960

Code of Administrative Procedure

(Journal of Laws of 2000 No 98, item 1071, as amended)

Article 69

1. Transcript of testimony should be read and submitted for signing by the person offering testimony immediately after providing testimony.

2. Transcripts of testimony which was offered in a foreign language must include the identity and address of the interpreter who rendered the translation; the interpreter must also sign the court transcript.

ACT

of 26 June 1994

Labour Code

(Journal of Laws of 1998 No 21, item 94, as amended)

Article 11³

Any discrimination, direct or indirect, in employment, particularly in respect of sex, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religious convictions, sexual orientation or due to employment for a definite or an indefinite period, or on full-time or part-time basis, shall be inadmissible.

Article 18^{3a}

1. Employees shall be treated equally as regards the establishment and termination of employment relationships, the conditions of employment, promotion and access to training in order to raise occupational qualifications, particularly regardless of sex, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religious convictions, sexual orientation or due to employment for a definite or an indefinite period or on full-time or part-time basis.
2. Equal treatment in employment shall mean lack of any discrimination, direct or indirect, based on any of the reasons referred to in Paragraph 1.
3. Direct discrimination exists when an employee, due to one or several reasons provided in Paragraph 1, has been or could be treated in any comparable conditions less favourably than other employees.
4. ⁽¹¹⁾ Indirect discrimination exists when, due to a seemingly neutral regulation, applied criteria or commenced action there are disproportions or a particularly unfavourable situation concerning the establishment and termination of the employment relationship, conditions of employment, promotion and access to training aimed at raising professional qualifications concerning all or a significant number of employees who belong to a group distinguished due to one or several of the reasons listed in Paragraph 1, unless the provision, criterion or practice is objectively justified by a legitimate objective to be achieved and the means of achieving that aim are appropriate and necessary.
5. For the purposes of Paragraph 2 the following shall also be understood as manifestations of discrimination:
 - 1) encouraging or commanding any other person to breach the principle of equal treatment in employment;
 - 2) behaviour aimed at or resulting in violation of dignity or humiliation or abuse of an employee (molesting).
6. ⁽¹³⁾ Sex discrimination shall also include any unacceptable sexual behaviour or any behaviour related to employee's sex aimed at or resulting in violation of dignity or humiliation or abuse of an employee; such behaviour may be manifested by physical, verbal or non-verbal elements (sexual molesting).

7. ⁽¹⁴⁾ The employee's submission to harassment or sexual harassment, as well as the actions taken to oppose the harassment or sexual harassment may not cause any negative consequences concerning the employee.

Article 18^{3b}

1. Infringement of the principle of equal treatment in employment, subject to Paragraphs 2 to 4, shall be construed as employer's differentiation of employees' situation based on one of the reasons as provided in Article 18^{3a} (1), resulting in, without limitation:

- 1) refusal to establish or continue an employment relationship;
- 2) disadvantageous fixing of remuneration for work or specification of other conditions of employment or being neglected in promotion or in the award of other work-related benefits;
- 3) being neglected in designation to participate in training to improve professional qualifications;

-- unless the employer proves that it acted objectively.

2. ⁽¹⁵⁾ None of the following actions shall be considered as breach of equal treatment in employment:

- 1) refusal to hire an employee due to one or several of the reasons defined in Article 18^{3a} (1), if justified due to the type of work and the conditions of performance thereof or the professional requirements to be satisfied by the employees;
- 2) noticing the termination of conditions of employment to an employee within the scope of the amount of working time, provided that it is justified by reasons independent of employees;
- 3) application of means which differentiate employee's legal situation due to protection of employee's parenthood, age or disability;
- 4) establishment of conditions of employment and dismissal of employees, terms of remuneration and promotions as well as access to training to improve professional qualifications, subject to employment duration criterion.

3. No actions shall be considered as breach of the principle of equal treatment in employment if taken for a limited time and aimed at equalization of opportunities of all or a substantial number of employees distinguished due to one or several reasons provided for in Article 18^{3a} (1), by decreasing, in favour of such employees, the actual inequalities within the scope defined in such regulation.

4. ⁽¹⁶⁾ Differentiating employees due to religion or religious convictions shall not be considered as breach of the principle of equal treatment in employment if in relation to the type and character of activities conducted within the scope of churches or other religious societies as well as organizations the objective of which is directly related to religion or denomination, the employee's religion or denomination constitutes a material, reasonable and justified professional qualification, proportionate to achieving the legitimate aim of diversifying the situation of that person; this also applies to requiring the employees to act in good faith and loyalty to the ethics of the church other religious associations and organizations with an ethos based on religion, creed or belief.

Article 18^{3c}

1. Employees shall have the right to the same remuneration for the same work or for work of the same value.

2. The remuneration referred to in Paragraph 1 shall include all components of remuneration, regardless of their name and character, as well as other work-related benefits granted to employees in cash or in other forms than cash.

3. Work of the same value shall be work whose performance requires from the employees comparable occupational qualifications, confirmed by documents envisaged in separate provisions or by professional practice and experience, as well as comparable responsibility and effort.

Article 18^{3d}

A person in relation to whom the employer has infringed the principle of equal treatment in employment shall have the right to indemnity in an amount not lower than the minimum remuneration for work determined under separate provisions.

Article 18^{3e}

1. Employee's exercise of the rights resulting from infringement of the principle of equal treatment in employment may not be the basis for adverse treatment of the employee, and may not cause any negative consequences to the worker, especially may not constitute the grounds for the employer's submitting of a notice of termination of the employment relationship or terminating such a relationship without notice.
2. The provision of § 1 shall apply accordingly to an employee who has given any form of support to an employee who exercises the powers originating from the violation of the principle of equal treatment in employment.

REGULATIONS CONTAINED IN BILATERAL AGREEMENTS

AGREEMENTS CONCLUDED WITH THE REPUBLIC OF BELARUS

Treaty between the Republic of Poland and the Republic of Belarus on Good Neighbourliness and Friendly Cooperation

of 23 June 1992
(Journal of Laws of 1993 No. 118 item 527)

Article 13

The Contracting Parties undertake to respect international principles and standards concerning protection of rights of national minorities, in particular those contained in international pacts on human rights, the Final Act of the Conference on Security and Cooperation in Europe, the Document of the Copenhagen Meeting on the Human Dimension and the Charter of Paris for a New Europe.

Article 14

1. The Contracting Parties confirm that persons belonging to the Polish national minority in the Republic of Belarus and persons belonging to the Belarusian national minority in the Republic of Poland shall have the right, individually or together with other members of their group, to freely retain, develop and express their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law.
2. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences.

Article 15

The Contracting Parties guarantee that the persons mentioned in Article 14 shall have, in particular, the right, individually or together with other members of their group:

- to use freely the native language in private and public life, to have access to information in this language, to disseminate and exchange such information and to use their names and surnames in the wording accepted in the native language;
- to establish and operate their own educational, cultural and other institutions, organisations and associations that would be eligible for voluntary financial assistance or other assistance, including assistance from public funds, in accordance with the national legislation, to have access to mass media and to participate in activities of international non-governmental organisations;
- to confess and practice their religion, including to acquire and use religious materials and to conduct educational activities in the field of religion in their native language;
- to establish and to maintain undisturbed contacts with each other on the territory of their country as well as trans-border contacts with citizens of other states sharing their ethnic or national origin, cultural heritage or religious beliefs;
- to make use of legal means provided for in the internal regulations of the State of residence, for the purpose of realising and protecting their rights.

Article 16

1. The Contracting Parties shall develop constructive cooperation in the scope of protection of rights of persons belonging to national minorities, treating them as the factor strengthening mutual understanding and good neighbourly relations between the Polish and the Belarusian nations.
2. The Contracting Parties, in realisation of regional development, shall take into consideration social and economic interests of the persons mentioned in Article 14 and their organisations and associations.
3. The Contracting Parties shall attempt to provide the persons mentioned in Article 14 with adequate opportunities of learning their native language or instruction in this language in educational institutions and, where possible and necessary, using their native language in contacts with public authorities. In educational programs, history and culture of national minorities shall be taken into account more extensively in the educational institutions frequented by the persons mentioned in Article 14.
4. The Contracting Parties shall respect the right of the persons mentioned in Article 14 to participate in public affairs, in particular in the field of protection and strengthening their identity, and, when needed, shall conduct consultations with organisations or associations grouping these persons.

Article 17

The Contracting Parties agree that the persons mentioned in Article 14 should observe legal regulations of the state of their residence.

Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on Cooperation in the Area of Culture, Science and Education

of 27 November 1995
(Journal of Laws of 1996 No. 76 item 365)

Article 13

The Contracting Parties shall provide persons belonging to the Polish national minority in the Republic of Belarus and to the Belarusian national minority in the Republic of Poland with conditions conducive to retaining, developing and expressing their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law. The Contracting Parties, within the framework of their internal legal regulations, shall comprehensively support activities of social, educational and cultural organisations of the above-mentioned persons and shall create the conditions allowing them to obtain financial assistance from the territory of the State of the other Contracting Party.

Article 14

Each Contracting Party, in accordance with its internal legal regulations, shall provide the persons referred to in Article 13 of this Agreement with conditions for instruction of the native language. For this purpose, each of the Contracting Parties shall:

- provide the interested persons, on a voluntary basis, with the access to instruction of the native language and instruction in the native language in kindergartens, primary schools

- and secondary schools, in educational systems of the Republic of Poland and the Republic of Belarus, and shall also undertake actions aiming at offering the opportunity of university education in the native language;
- favour teaching and improvement in the quality of teaching of language, history and culture of the other Contracting Party at all levels of education outside the state education system;
 - provide relevant vocational training and skill improvement programs for teachers from the national minority schools;
 - offer, following obtaining mutual consents, the opportunity of employment to the teachers delegated to schools by the other Contracting Party.

Article 29

The Contracting Parties shall support their cooperation in respect of radio stations, including:

- the exchange of information;
- the production of programmes targeted at national minorities as well as their broadcasting.

AGREEMENT

between the Government of the Republic of Poland and the Government of the Republic of Belarus on the Protection of Graveyards and Memorial Sites of Victims of Wars and Repression

of 21 January 1995
(Journal of Laws of 1997 No. 32 item 185)

The Government of the Republic of Poland and the Government of the Republic of Belarus, hereinafter referred to as Parties,

- acting in the interest of both Nations and their mutual understanding,
- wishing to commemorate, with due respect, memorial sites and final resting places of soldiers and civilians died, killed and murdered as a result of struggle for independence, warfare or repression, which are located on the territories of Poland and Belarus,
- considering the provisions of Article 25 of the Treaty between the Republic of Poland and the Republic of Belarus on Good Neighbourliness and Friendly Cooperation of 23 June 1992,
- following the respective provisions of the Geneva Conventions on the Protection of War Victims of 12 August 1949 and Additional Protocols thereto, have agreed as follows:

Article 1

In this Agreement the following expressions shall have the following meaning:

“memorial sites and final resting places” shall mean places connected with struggle for independence, warfare or repression,

“arrangement of memorial sites and final resting places” shall mean fixing of their limits, raising of tombstones, monuments and commemorating burial places and displaying of commemorative plaques,

“preservation of memorial sites and final resting places” shall mean maintenance, in due order, of graves, tombstones, monuments, commemorating burial places and commemorative plaques.

Article 2

1. This agreement shall govern the Parties' cooperation in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and final resting places – Polish ones in the Republic of Belarus and Belarusian ones in the Republic of Poland – of soldiers and civilians that died, were killed or murdered as a result of struggle for independence, warfare or repression. The provisions of this Agreement shall apply to matters related to the exhumation of remains of the dead and their repeated burial with due respect.
2. The Parties shall exchange any information they may have related to the location of memorial sites and final resting places, their number and size and personal data of the dead, killed and murdered as well as any other information related to those persons, connected with the realisation of this agreement. Each Party shall prepare and submit to the other Party lists of all memorial sites and final resting places.
3. In the case of identification of new memorial sites and final resting places, the Party on whose territory they are located, shall undertake immediate measures aimed at their protection. Such places, against the Parties' mutual agreement, shall be included in the lists, referred to in paragraph 2 of this Article.

Article 3

1. Each Party, on the territory of its state, shall ensure the preservation of the memorial sites and final resting places of persons listed in Article 2(1) in accordance with the relevant provisions of the Geneva Conventions on the Protection on War Victims and Additional Protocols thereto.
2. Each Party shall immediately inform the other Party about any cases of desecration, damage or destruction of memorial sites and final resting places and shall undertake immediate measures aimed at restoring due order in those places, punishing the perpetrators and preventing of similar acts in the future.
3. The Parties shall endeavour to remove from the area surrounding the memorial sites and final resting places of all objects in disaccord with the noble character of such places.
4. With the Parties' consent, the method of arrangement and preservation of memorial sites and final resting places may be further agreed upon. Apart from the already existing one, other forms of commemorating the dead, killed and murdered may be used.
5. In the fulfilment of their undertakings referred to in this Article, the Parties shall take account of national and religious traditions.

Article 9

1. Citizens of the state of the one Party shall be ensured free access to the memorial sites and final resting places located on the territory of the other Party.
2. Each Party shall facilitate the visiting of those places, especially on days of major holidays and anniversaries, by persons wishing to commemorate the dead, killed and murdered.

AGREEMENTS CONCLUDED WITH THE CZECH AND SLOVAK FEDERATION
REPUBLIC (APPLYING TO BOTH THE CZECH REPUBLIC
AND THE SLOVAK REPUBLIC)

Treaty between the Republic of Poland and the Czech and Slovak Federation Republic on Good Neighbourliness, Solidarity and Friendly Cooperation

of 6 October 1991
(Journal of Laws of 1992 No. 59 item 296)

Article 8

1. The Contracting Parties confirm that persons belonging to the Czech and Slovak national minority in the Republic of Poland and persons belonging to the Polish national minority in the Czech and Slovak Federation Republic shall have the right, individually or together with other members of their group, to freely express, retain and develop their ethnic, cultural, linguistic and religious identity, and to develop their culture in all directions, without any attempts at assimilation against their will.

The Contracting Parties shall respect the rights and fulfil the obligations concerning national minorities in accordance with the international standards, in particular the European standards.

2. The Contracting Parties declare that the persons mentioned in paragraph 1 of this Article shall have the right, individually or together with other members of their group:

- to use freely the native language in private and public life, and – in addition to the need to have command of the official language or official languages of the given State – to use the native language in state offices in accordance with the domestic legal regulations;
- to use the native language in state offices in accordance with national law;
- to have access to information in this language, to disseminate and exchange such information;
- to adequate possibilities of instruction of the native language and teaching in the native language;
- to establish and operate their own economic, educational, cultural and religious institutions, organisations and associations.

3. Belonging to a national minority is a matter of individual choice of each citizen. This choice may not involve any negative consequences.

4. Belonging to a national minority does not release the citizen from the obligation to act with loyalty with respect to its State, to observe its legal regulations and to exercise their rights in accordance with the domestic legal regulations.

AGREEMENT

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

concluded in Bratislava on 23 March 2000
(Official Journal “Monitor Polski” of 5 February 2002 No. 6 item 123)

Article 21

The Contracting Parties shall support members of the Polish minority in Slovakia and the Slovak minority in Poland in their activities aimed at cultivating their language, traditions and national culture.

The Contracting Parties shall create appropriate possibilities to learn their native language and receive education in their native language to members of the Polish minority in Slovakia and the Slovak minority in Poland. For this purpose, each of the Contracting Parties shall:

- a) ensure the possibility of teaching the minority language and receiving education in the language of the Polish minority in Slovakia and the Slovak minority in Poland in state-owned schools, as well as employing teachers from the country of the other Contracting Party in line with current needs,
- b) provide substantive and methodological support while modernising, improving and widening the scope of curricula to teach Polish in Slovakia and Slovak in Poland as native languages,
- c) support authors' cooperation while devising textbooks, didactic materials and aids used to teach the minority language, literature, culture, history and geography to national minorities: the Polish minority in Slovakia and the Slovak minority in Poland.

The Contracting Parties shall support publications in the language of the Polish minority in Slovakia and the Slovak minority in Poland as well as the cooperation between Polish and Slovak associations and institutions publishing in the languages of these minorities.

Each of the Contracting Parties shall accept persons belonging to the minority originating from the country of the other Contracting Party to university studies (full or partial) as well as doctoral studies every year.

PROGRAMME OF COOPERATION

between the Minister of Culture of the Republic of Poland and the Ministry of Culture of the Slovak Republic for the Years 2005-2007

signed in Warsaw on 14 October 2005

(Official Journal "Monitor Polski" of 24 February 2006 No. 14 item 187)

Article 11

The Parties shall ensure favourable conditions for cultural activity and the presentation of the Slovak minority in the Republic of Poland and the Polish minority in the Slovak Republic.

AGREEMENT

between the Government of the Republic of Poland and the Government of the Czech Republic on Cooperation in the Area of Culture, Education and Science

signed in Prague on 30 September 2003

(Journal of Laws of 16 November 2004 No. 244 item 2449)

Article 11

The Contracting Parties shall provide members of the Polish national minority in the Czech Republic and the Czech national minority in the Republic of Poland with conditions conducive to sustaining, developing and expressing their national, religious, cultural and linguistic identity within the framework of their internal legal regulations in force on the territory of the State of the other Contracting Party.

PROGRAMME OF COOPERATION

**between the Minister of National Education of the Republic of Poland and the Ministry of Education, Youth and Physical Education of the Czech Republic for the Years 2006-2009,
signed in Prague on 12 April 2006**

(Journal of Laws of 30 October 2006 No. 197 item 1449)

Article 9

1. The Contracting Parties shall, in accordance with internal legal provisions, ensure the possibility for members of the Polish national minority in the Czech Republic and Czech national minority in the Republic of Poland to learn their native language and to receive education in their native language. For this purpose, the Contracting Parties shall support the operation of schools teaching the native language and conducting instruction in the native language for the Polish national minority communities in the Czech Republic and the Czech national minority communities in the Republic of Poland as well as mutual employment of Polish teachers in the Czech Republic and Czech teachers in the Republic of Poland.

2. In order to ensure conditions for sustaining and development of national and cultural identity as well as the knowledge of the Polish language, the Polish Party shall, according to the internal legal provisions, accept youth of Polish origin from the Czech Republic to state-owned universities in the Republic of Poland within yearly quotas.

AGREEMENTS CONCLUDED WITH THE REPUBLIC OF LITHUANIA

Treaty between the Republic of Poland and the Republic of Lithuania on Friendly Relations and Neighbourly Cooperation

of 26 April 1994

(Journal of Laws of 1995 No. 15 item 71)

Article 13

1. The Contracting Parties undertake to respect international principles and standards concerning protection of rights of national minorities, in particular those contained in the Universal Declaration of Human Rights, international pacts concerning human rights, relevant documents of the Conference on Security and Cooperation in Europe and in the European Convention on Human Rights and Fundamental Freedoms, together with supplementary protocols accepted by both parties.

2. The persons belonging to the Polish minority in the Republic of Lithuania, i.e. persons with the Lithuanian citizenship, being of Polish origin or declaring Polish nationality, culture or tradition and regarding the Polish language as the native language, as well as the persons belonging to the Lithuanian minority in the Republic of Poland, i.e. persons with the Polish citizenship, being of Lithuanian origin or declaring Lithuanian nationality, culture or tradition and regarding the Lithuanian language as the native language, shall have the right, individually or together with other members of their group, to freely retain, develop and express their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law.

3. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences. Nobody may be forced to prove his/her nationality or to renounce it.

Article 14

The Contracting Parties declare that the persons mentioned in Article 13(2) shall have, in particular, the right:

- to use freely the native language in private and public life;
- to have access to information in this language, to disseminate and exchange such information and to hold their own mass media;
- to learn the national minority's native language and to receive education in this language;
- to establish and operate, in accordance with the national law, the minority's own institutions, organisations and associations, in particular cultural, religious and educational institutions, organisations and associations, including schools of all levels, that would be eligible for voluntary financial assistance, both domestic and foreign, and assistance from public funds, and to participate in activities of international non-governmental organisations;
- to confess and practice their religion, including to acquire, hold and use religious materials and to conduct educational activities in the field of religion in their native language;
- to establish and to maintain undisturbed relations within the minority inside the State, as well as trans-border contacts with citizens of other states sharing their national origin;
- to use their names and surnames in the wording accepted in the national minority's native language; detailed regulations concerning spelling of names and surnames shall be defined in a separate agreement;
- to participate in public life directly or through their freely elected representatives on the levels of central and local authorities, and to be admitted to public service on equal footing with other citizens.

Article 15

The Contracting Parties shall protect, on their territories, the national, cultural, linguistic and religious identity of the persons mentioned in Article 13(2) and shall create the conditions of its development. In particular, the Parties shall:

- take into consideration allowing the use of languages of national minorities in contacts with the offices, especially in those administrative and territorial entities in which the national minority constitutes a large proportion of population;
- ensure national minorities' access to public mass media;
- ensure the adequate opportunities of learning the national minority's native language and receiving education in this language in kindergartens, primary and secondary schools;
- take necessary actions to protect the identity of the national minority, after consultations, including contacts with the organisations or associations of groups mentioned in Article 13(2);
- take into account the history and culture of the groups mentioned in Article 13(2) in connection with teaching history and culture in educational institutions;
- refrain from any actions that might lead to assimilation of members of the national minority against their will, and – in accordance with the international standards, shall refrain from the actions that would lead to changes as far as nationality is concerned on the areas inhabited by the national minorities.

Article 16

1. No provision included in Article 14 may be interpreted as conferring the right to conduct any activity or to perform any acts incompatible with the Charter of the United Nations, the

international law provisions, in particular with the principle of respect for territorial integrity of the state and the documents of the Conference on Security and Cooperation in Europe.

2. Each member of the Polish national minority in the Republic of Lithuania and Lithuanian national minority in the Republic of Poland should be loyal towards his/her state of residence as all other citizens and obey the duties resulting from legal regulations of this state.

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Cooperation in the Area of Culture, Science and Education

of 17 December 1998
(Polish Monitor of 2002 No 31, item 491)

Article 9

The Contracting Parties shall provide persons belonging to the Polish national minority in the Republic of Lithuania and to the Lithuania national minority in the Republic of Poland with conditions conducive to retaining, developing and expressing their ethnic, cultural, linguistic and religious identity.

For this purpose, the Contracting Parties shall, each on its own territory, support the operation of educational and cultural institutions and social organisations of the national minority and shall favour preserving cultural links with their compatriots on the territory of the other State.

The Contracting Parties shall, each on its own territory, provide the above-mentioned persons with access to the public mass media, and, on a voluntary basis, access to education in the national minority's native language on the kindergarten level and the level of primary and secondary school.

The Contracting Parties shall ensure training and supplementary training for teachers of the national minority schools, the possibility of employment of teachers delegated by the other Party in the national minority schools, the possibility of dissemination of knowledge of the native language, history, geography and culture of the national minority and improvement of the quality of teaching these subjects. The Contracting Parties shall cooperate in respect of preparing school curricula and textbooks to teach Polish language and literature, history and geography of Poland for primary and secondary schools with the Polish language of instruction in Lithuania, as well as school curricula and textbooks for the Lithuanian language and literature, history and geography of Lithuania for primary and secondary schools with the Lithuanian language of instruction in Poland.

Programme of Cooperation between the Ministry of National Education of the Republic of Poland and the Ministry of Education and Science of the Republic of Lithuania for the Years 1998-2001

of 16 November 1998
(not published)

Article 1

The Parties shall exchange information related to education systems of their countries, plans of development and directions of reforms as well as normative acts in the field of education.

Article 2

The Parties shall support direct cooperation between schools of all levels, in particular, in border areas. The cooperation shall be coordinated by local education authorities. Conditions of exchange programmes shall be individually agreed upon by partners.

Article 3

The Parties shall, as far as possible, offer teaching guidance to schools and kindergartens located on the territory of the other country where teaching of the language of the other Party and education in the language of the other Party is provided.

Article 4

The Parties shall cooperate in preparation of textbooks and instruction curricula of the Polish language and literature, history and geography of Poland for schools with the Polish language of instruction in Lithuania as well as textbooks and curricula of instruction of the Lithuanian language and literature, history and geography of Lithuania for schools with the Lithuanian language of instruction in Poland.

Article 6

1. The Parties shall continue to organise additional training courses for teachers of native languages in both countries – of Polish language in schools in Lithuania and Lithuanian language in schools in Poland. The Parties shall recognise qualifications acquired in this way.
2. The Parties shall annually agree upon the subjects whose teachers will be sent and admitted to additional training courses in both countries.

Article 15

The Bilateral Commission to Research Problems Connected with Teaching History shall extend its works by including issues from the scope of geography and literature. For this purpose, the Parties shall appoint experts in these fields to the Polish and Lithuanian part of the Commission. Meetings of the Commission shall be held in Vilnius, in accordance with the Protocol of the Ministry of National Education of the Republic of Poland and the Ministry of Culture and Education of the Republic of Lithuania signed on 21 February 1992.

Protocol of the Ministry of National Education of the Republic of Poland and the Ministry of Culture and Education of the Republic of Lithuania on the Establishment of a Bilateral Commission to Research Problems Connected with Teaching History
of 21 February 1992

Article 2

The Commission shall:

1. exchange information on teaching history in primary and secondary schools in Poland and Lithuania, familiarise both Parties with textbooks for those types of schools;
2. discuss the content of history textbooks; submit appropriate comments and propositions to the Contracting Parties, textbook authors and publishing houses;
3. study the problems associated with history teaching in schools in Poland where instruction is conducted in Lithuanian and in schools in Lithuania where instruction is conducted in Polish; submit appropriate comments and propositions to the Contracting Parties;
4. propose the manner of supplying primary and secondary schools in Poland and Lithuania with history textbooks.

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on Polish and Lithuanian Youth Exchange Fund of 1 June 2007

Article 2

1. The objective of the Fund is to support the cooperation between Polish and Lithuanian youth which would be conducive to building friendly cooperation between the Polish and Lithuanian Nations.
2. The Fund shall attain its objectives through supporting and financing the following measures:
 - 1) exchanges of Polish and Lithuanian youth;
 - 2) projects developed and conducted by organisations that inspire the exchanges and other initiatives by Polish and Lithuanian youth, in the scope of this Agreement;
 - 3) events, meetings and other initiatives by Polish and Lithuanian youth;
 - 4) informational projects aimed at inspiring cultural cooperation, promoting tolerance, improving understanding and mutual knowledge between Polish and Lithuanian youth;
 - 5) projects aimed at the exchange and promotion of examples of good practice between organisations implementing policy for youth and working with youth;
 - 6) publications aimed at promoting closeness between the Polish and Lithuanian Nations.

AGREEMENTS CONCLUDED WITH THE FEDERAL REPUBLIC OF GERMANY

Treaty between the Republic of Poland and the Federal Republic of Germany on Good Neighbourliness and Friendly Cooperation

of 17 June 1991
(Journal of Laws of 1992 No. 14 item 56)

Article 20

1. Members of the German minority in the Republic of Poland, i.e. persons holding Polish citizenship, being of German origin or declaring German language, culture or tradition, as well as the persons belonging to the Polish minority in the Federal Republic of Germany, i.e. persons holding German citizenship, being of Polish origin or declaring Polish language, culture or tradition, shall have the right, individually or together with other members of their group, to freely express, retain and develop their ethnic, cultural, linguistic and religious identity, without any attempts made at their assimilation against their will. The said minority members shall have the right to exercise, fully and effectively, human rights and fundamental freedoms without any discrimination and in conditions of full equality before the law.

2. The Contracting Parties are realising the rights and obligations in accordance with the international standards concerning minorities, in particular in accordance with the United Nations Universal Declaration of Human Rights of 10 December 1948, the European Convention on Human Rights and Fundamental Freedoms of 4 November 1950, the Convention on Elimination of All Forms of Racial Discrimination of 7 March 1966, the International Pact on Civil and Political Rights of 16 December 1966, the Final Act of the Conference on Security and Cooperation in Europe of 1 August 1975, the Document of the Copenhagen Meeting on the Human Dimension of the Conference on Security and Cooperation in Europe of 29 June 1990, as well as the Charter of Paris for a New Europe of 21 November 1990.

3. The Contracting Parties guarantee that the persons mentioned in paragraph 1 shall have, in particular, the right, individually or together with other members of their group:

- to use freely the native language in private and public life, to have access to information in this language, to disseminate and exchange such information;
- to establish and operate their own educational, cultural and religious institutions, organisations and associations that would be eligible for voluntary financial assistance or other assistance, including assistance from public funds, in accordance with the national law, and that would have equal access to mass media in its region;
- to confess and practice their religion, including to acquire, hold and use religious materials and to conduct educational activities in the field of religion in its native language;
- to establish and to maintain undisturbed relations within the minority inside the State, as well as trans-border contacts with citizens of other states sharing their ethnic or national origin, cultural heritage or religious beliefs;
- to use their names and surnames in the wording accepted in the native language;
- to establish and operate organisations or associations inside their state, and to participate in activities of international non-governmental organisations;
- to make use, on equal footing with other citizens, of the effective legal means aimed at exercising their rights, in accordance with the internal legal regulations.

4. The Contracting Parties confirm that belonging to the groups mentioned in paragraph 1 is a matter of individual choice made by persons and may not involve any negative consequences.

Article 21

1. On their territories, the Contracting Parties shall protect ethnic, cultural, linguistics and religious identity of the groups mentioned in Article 20 (1) and create conditions to strengthen this identity. The Parties understand the special significance of constructive cooperation in this area. Such cooperation should strengthen peaceful cohabitation and good neighbourliness of the Polish and German nations and be helpful in reaching an understanding and reconciliation.

2. The Contracting Parties shall, in particular:

- within the framework of the effective acts, enable and facilitate undertaking the actions aimed at supporting members of the groups mentioned in Article 20(1) or their organisations;
- despite the necessity of learning the official language of the relevant State, undertake acts, in accordance with the internal legal regulations, aiming at providing members of the groups mentioned in Article 20(1) with the adequate opportunities of instruction of their native language or of receiving instruction in their native language, in public educational institutions and also, when needed and necessary, of using the native language in contacts with public authorities;
- take into account history and culture of the groups mentioned in Article 20(1) in connection with teaching of history and culture in educational institutions;
- respect the right of members of the groups mentioned in Article 20(1) to effectively participate in public affairs, including participation in the matters related to the protection of national minorities and supporting their identity;
- undertake necessary actions to that effect, after due consultations and in accordance with the procedure of decision-making in the given State, including contacts with organisations or associations of the groups mentioned in Article 20(1).

2. The Contracting Parties shall apply the provisions of Article 3 with reference to the matters referred to in this Article and in Articles 20 and 22.

Article 22

1. No obligation under Article 20 and 21 may be interpreted as involving the right to engage in any activity or to undertake any actions incompatible with the Charter of the United Nations, other obligations resulting from the international law, or incompatible with the provisions of the Final Act of the Conference on Security and Cooperation in Europe, including the principle of territorial integrity of states.

2. Each person belonging to the groups mentioned in Article 20(1) in the Republic of Poland or in the Federal Republic of Germany shall be obliged, in accordance with the above-mentioned provisions, should be loyal towards his/her state of residence as all other citizens and obey the duties resulting from legal regulations of this state.

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Cultural Co-operation

of 14 July 1997
(Journal of Laws of 1999 No. 39, item 379)

Article 4

1. The Contracting Parties shall endeavour to provide all interested persons with wide access to the culture, language, literature and history of the other country. With this aim, they shall support state and non-state initiatives and institutions.

The Contracting Parties shall make all necessary efforts to enable, expand and favour projects aimed at supporting, in their respective countries, instruction and propagation of the language of the other country in colleges and universities, schools and other educational institutions as well as within the framework of non-school forms of language instruction.

The Contracting Parties shall encourage the creation of bilingual schools and classes, especially in border areas.

The Contracting Parties shall endeavour to extend the possibilities of taking up the studies of the Polish language and literature and the studies of the German language and literature at colleges and universities of both countries.

2. The Contracting Parties shall enable and facilitate in their respective countries the execution of supporting projects of the other Party, in particular such projects as:

- (a) delegating teachers, language teachers and counsellors – consultants,
- (b) participation of teachers and students in training courses and additional training courses organised by the other Party, as well as exchange of experience in the field of modern methods and techniques of foreign language teaching,
- (c) circulation of textbooks and teaching materials and resources and co-operation in the preparation of textbooks,
- (d) use of possibilities provided by the radio and television to learn and promote the language of the other Contracting Party.

Article 5

Within the framework of their co-operation, the Contracting Parties shall endeavour to present history, geography and culture of the other country in their textbooks in such a way as to favour their better mutual understanding and knowledge; they shall encourage to take account of the recommendations of the Independent Polish and German Commission for School Textbooks.

Article 6

The Contracting Parties shall support co-operation, in all forms and at all levels, in the field of science, schooling and education, in particular, in the domain of colleges and universities and scientific organisations, comprehensive schools and vocational schools, organisations and institutions of non-school education and further education for adults, school system administration and vocational training and other educational and scientific institutions.

The Parties shall encourage institutions operating in those fields in their respective countries to:

- 1) develop co-operation in all the fields being the object of common interest;
- 2) establish partnership relations between colleges and universities and other scientific and educational institutions of both countries;
- 3) carry out joint educational and research projects;
- 4) delegate persons for the purpose of exchanging information and experience and participation in conference and scientific symposia;
- 5) carry out exchange programmes of scientists, post-graduate students, administration officials of colleges and universities, teachers, instructors, students and pupils under scientific grants and scholarships,

- 6) exchange scientific, pedagogical and didactical literature, teaching materials, informative materials and didactical and scientific film as well as organise specialised exhibitions.

Article 12

The Contracting Parties shall support direct contacts between social groups and associations, such as: trade unions, cultural associations, creative unions, churches, religious associations and non-governmental foundations and organisations in order to support cooperation, and shall encourage realisation of projects aimed at the purposes of this Agreement.

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on Graves of Victims of Wars and Totalitarian Violence

of 8 December 2003

(Official Journal "Monitor Polski" of 2005 No 55, item 749)

Article 1

This agreement shall govern all matters related to the identification, documentation, registration, arrangement, maintenance and due preservation and protection of final graves of victims of wars and totalitarian violence – Polish on the territory of the Federal Republic of Germany and German on the territory of the Republic of Poland – as well as all matters related to the exhumation of the bodies and their inhumation with due respect.

Article 3

1. The Contracting Parties agree that the graves of victims of wars and totalitarian violence shall be under legal protection of the state on whose territory they are located.

2. Memorials of victims of wars and totalitarian violence, which are not located in war cemeteries as defined by this Agreement, shall be under legal protection of the state on whose territory they are located.

Article 4

1. The Contracting Parties shall guarantee the protection of the existing and discovered graves of victims of wars and totalitarian violence, free access to them and the right to undisturbed repose for the fallen and deceased as a result of wars and totalitarian violence. The Contracting Parties shall make every effort to prevent buildings or facilities incompatible with the solemnity of these war cemeteries from being constructed in their vicinity.

2. The Contracting Parties shall be entitled to renovate, clean and preserve at their own expense war graves and cemeteries of victims of wars and totalitarian violence referred to in Article 2 of this Agreement which are located on the territory of the state of the other Contracting Party.

3. The Government of the Federal Republic of Germany shall guarantee to support, renovate and preserve at its own expense the Polish war graves and cemeteries defined in Article 2 of this Agreement on the territory of the Federal Republic of Germany.

4. The Government of the Republic of Poland shall guarantee to support, renovate and preserve at its own expense the German graves and war cemeteries located on the territory of the Republic of Poland of the fallen and deceased as a result of 1914-1918 war, according to the regulations on war graves and cemeteries on the territory of the Republic of Poland.

Article 5

The Contracting Parties shall support the creation of documentary and information centres or meetings near war cemeteries as the element of the education for mutual understanding and reconciliation.

Article 7

1. The Contracting Parties shall allow one another to merge the graves of victims of wars and totalitarian violence whose transfer is deemed necessary without incurring costs on this account and following the submission of plans for their approval.

2. The transfer of the remains of German victims of wars and totalitarian violence shall be performed by working groups designated by the German Party. The transfer of the remains of Polish victims of wars and totalitarian violence shall be performed by working groups designated by the Polish Party.

3. Following the completion of works related to the transfer of the remains, the protocol shall be made in which the former and the new location of the grave, personal details of the exhumed person, the ID caption message and other items found are entered which make the identification of remains possible. The protocol shall also constitute the basis for handing over the items found next to the remains.

4. In case former war cemeteries cease to exist due to infrastructural circumstances and the transfer of remains is not possible, the Contracting Party on whose territory the cemeteries are located shall allow the other Contracting Party at its own request and expense to erect memorial sites in the fittingly and in the form corresponding with local conditions. If it entails rendering the land available or receiving the permission of local authorities, both Contracting Parties shall support each other in submitting appropriate applications and the implementation of this commemorative event.

5. If provisional storage of the remains of victims of wars and totalitarian violence proves necessary to enable the definitive burial at war cemetery, the Contracting Party, on the territory of the state on which they are discovered, shall undertake actions to temporarily bury the remains and mark the graves, taking into account the regulations valid in the given state.

AGREEMENTS CONCLUDED WITH THE RUSSIAN FEDERATION

Treaty between the Republic of Poland and the Russian Federation on Neighbourly and Friendly Co-operation

of 22 May 1992

(Journal of Laws of 1993 No. 61, item 291)

Article 16

1. The Contracting Parties undertake to follow the internationally accepted standards, concerning the guarantee of observance of human rights and rights of national minorities, in particular those contained in the Universal Declaration of Human Rights, International Covenants on Human Rights, the documents of the Conference on Security and Co-operation in Europe, in particular related to human dimension.

2. The Parties believe that freedom of confession is one of the fundamental human rights and shall apply this principle, guaranteeing, in accordance with the effective legislation, the citizens of the Republic of Poland being of Russian origin and the citizens of the Russian Federation being of Polish origin, regardless of their nationality and confession, the right of free access to the objects and places of the religious cult and the right to religious education and upbringing.

3. The Parties shall assist the citizens of the Republic of Poland being of Russian origin and the citizens of the Russian Federation being of Polish origin in retaining and propagating their ethnic identity, own culture and teaching the native language on pre-school and school level.

Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Co-operation in the Area of Culture, Science and Education

of 25 August 1993

(Journal of Laws of 1994 No. 36, item 133)

Article 13

The Parties shall support the actions aimed at retaining and developing the ethnic, cultural, linguistic and religious identity of Poles resident in Russia and representatives of nations and ethnic groups of the Russian Federation resident in Poland.

For this purpose, the Parties shall support maintaining contacts of cultural minorities with their ethnic fatherland, preserving tradition, ensuring the opportunity of free contacts, including journey to the ethnic fatherland. The Parties shall provide comprehensive support for operations of social and cultural organisations of national minorities, and, within the framework of the internal legal regulations, shall enable them to receive financial assistance from the ethnic fatherland.

MEMORANDUM OF UNDERSTANDING

on Co-operation between the Minister of National Education of the Republic of Poland and the Ministry of Education and Science of the Russian Federation in the field of education

signed in Moscow on 28 October 2005

(Official Journal "Monitor Polski" of 10 February 2006 No. 10, item 132)

Article 1

The Parties shall co-operate in the following fields:

- exchange of information about education systems, development plans and reform directions,
- education and raising qualifications of teaching staff in specialities of mutual interest,
- development, support and raising the level of teaching the Polish language and literature in the Russian Federation and the Russian language and Russian literature at all levels of education,
- supporting co-operation between higher education institutions of Parties States in the field of science, especially mutual research on the history of Polish-Russian relations,
- conducting joint scientific events, conferences, symposiums as well as contests and competitions for pupils and students,

- development of direct contacts and co-operation between all types of educational institutions of Parties States.

Article 4

The Parties shall encourage the development and raising of the level of education of the Polish language and Polish literature in educational institutions of the Russian Federation and the Russian language and Russian literature in educational institutions of the Republic of Poland.

For this reason, the Parties shall organise each year:

- 1) courses increasing qualifications for teachers – the Polish Party for teachers of the Polish language from the Russian Federation, whereas the Russian Party for teachers of the Russian language from the Republic of Poland,
- 2) summer language courses - of the Polish language in the Republic of Poland and the Russian language in the Russian Federation - for students and Ph.D. students.

Each year the Parties shall consult the periods of stay, the conditions for accepting candidates and their number within this Article.

AGREEMENT

between the Government of the Republic of Poland and the Government of the Russian Federation the Protection of Graveyards and Memorial Sites of Victims of Wars and Repression

of 22 February 1994
(Journal of Laws No. 112, item 543)

The Government of the Republic of Poland and the Government of the Russian Federation, hereinafter the Parties, considering the provisions of article 17 of the Treaty between the Republic of Poland and the Russian Federation on Friendly and Neighbourly Co-operation of 22 May 1992 as well as the declaration signed therewith by the Presidents of the Presidents of the Republic of Poland and of the Russian Federation, have agreed as follows:

Article 1

1. This agreement shall govern the Parties' co-operation in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and repose places – Polish ones in the Russian Federation and Russian ones in the Republic of Poland – of soldiers and civilians dead, killed or murdered as a result of struggle for independence, warfare or repression, hereinafter referred to as “memorial sites and repose places”. The provisions of this agreement shall apply to the matters related to the exhumation of remains of the dead and their repeated burial with due respect.
2. In their co-operation, referred to in section 1 of this article, the Parties shall follow the provisions of this agreement and well as the goals and principles of the Geneva Conventions on the Protection of War Victims of 12 August 1949 and Additional Protocols thereto, as well as state, national and religious customs and traditions of the nations of Poland and Russia.
3. The provisions of this agreement shall apply to the graveyards of soldiers and civilians which go beyond the provisions of section 1 of this article which are nevertheless located within the repose places, referred to in section 1.

Article 2

1. The Parties shall exchange any information they have which relate to the location of memorial sites and repose places, their number and size and personal data of the fallen, murdered and tortured to death.
 2. On the basis of the information, referred to in section 1 of this article, each Party shall prepare a list of all memorial sites and repose places.
 3. Each Party shall include in the list and provide protection of all the identified memorial sites and repose places, notifying the other Party accordingly.
 4. Arrangement of memorial sites and repose places shall mean fixing of their limits, raising of tombstones, commemorative signs, monuments and other commemorating burial places.
- In particular cases, with the approval of the Parties, the manner of arrangement and preservation of memorial sites and repose places may be additionally specified. Apart from the existing ones, new monuments may be raised and other forms of commemorating the dead, killed and murdered may be introduced, if they are historically justified.

Article 10

1. Each Party shall, in accordance with the legislation of its State, ensure on the territory of its state, free access of citizens of both States to their respective memorial sites and repose places.
2. The Parties, as required, shall facilitate and favour the establishment and maintenance of museums and meeting places in the neighbourhood of the memorial sites and repose places, with a view of acquainting the interested persons, mainly youth, with the past and undertaking measures aimed at reconciliation of the nations.

JOINT DECLARATION OF THE MINISTRIES OF FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND AND THE RUSSIAN FEDERATION

In connection with the Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on Graveyards and Memorial Sites of Victims of Wars and Repression, signed in Cracow on 22 February 1994, and in their endeavours to build the Polish and Russian relations on the new quality basis, as well as to overcome the negative legacy of the past, conscious of the enormity of suffering caused by the Stalin regime as well as remembering the irreparable losses sustained by the nations of Poland and Russia, the Ministries of Foreign Affairs of the Republic of Poland and the Russian Federation wish to express their conviction that the memorial sites and repose places of victims of warfare and repression, Polish citizens on the territory of the Russian Federation and Russian citizens on the territory of the Republic of Poland, should enjoy special care and protection.

Guided by good will and humanitarian values, the Russian Party intends to start in May 1994 in Katyń and Miednoje the exhumation of the remains of victims of the totalitarian regime, including Polish Army officers, and participate in their burial with due respect. The Russian Party declares that it is ready to cover the costs connected with the above and provide assistance in the arrangement of graveyards – monuments in Katyń and Miednoje.

The Russian Party intends also to provide further assistance in the places of martyrdom of the Polish citizens on the territory of the Russian Federation.

The Polish Party declares that it is ready to strictly co-operate with the Russian Party in order to ensure due care about the repose places of soldiers not covered by this agreement, which are

located on the territory of Poland. Decisions involving change of status of such repose places shall be taken after prior notification of the Russian consular offices in Poland. Both Parties shall develop co-operation in order to preserve on their territories the memorial sites connected with the history of Poland and Russia.

AGREEMENTS CONCLUDED WITH THE REPUBLIC OF UKRAINE

Treaty between the Republic of Poland and Ukraine on Good Neighbourliness, Friendly Relations and Co-operation

of 18 May 1992
(Journal of Laws of 1993 No. 125, item 573)

Article 11

1. The Contracting Parties, in accordance with the generally effective international standards on the protection of national minorities, recognise the right of members of the Polish national minority in Ukraine and members of the Ukrainian national minority in the Republic of Poland, individually or together with other members of their group, to retain, express and develop their ethnic, cultural, linguistic and religious identity, without any discrimination and in conditions of full equality before the law. The Parties shall undertake necessary actions in order to realise this right, in particular the right to:

- teach and learn the native language and in the native language, to use the native language freely, to have access to information in this language, to disseminate and exchange information in this language;
- establish and maintain own educational, cultural and religious institutions and associations;
- confess and practice their religion;
- to use their names and surnames in the wording accepted in the native language;
- to establish and to maintain undisturbed relations within the State, as well as trans-border contacts among themselves.

2. The Contracting Parties confirm that belonging to a national minority is a matter of individual choice made by persons and may not involve any negative consequences. Each Party, on its own territory, shall protect the national identity of the minority of the other Party against any actions threatening such identity, and shall create the conditions for strengthening the said national identity.

3. Each person belonging to the Polish national minority in Ukraine and to the Ukrainian national minority in the Republic of Poland should be loyal with respect to the state of residence, similarly like all other citizens, bearing in mind the obligations resulting from the internal legal regulations effective in this State.

**Agreement between the Government of the Republic of Poland and the Government of
Ukraine on Co-operation in the Area of Culture, Science and Education**

of 20 May 1997
(Journal of Laws of 2000 No. 3, item 29)

Article 12

The Contracting Parties shall provide persons belonging to the Ukrainian national minority resident in the Republic of Poland and persons belonging to the Polish national minority resident in Ukraine with the conditions that favour retaining, developing and expressing their national, religious, cultural and linguistic identity, without any discrimination and in conditions of full equality before the law.

The Contracting Parties, on their territories, shall comprehensively support activities of national and cultural organisations of the mentioned above persons and shall create the conditions allowing them to obtain financial assistance from their ethnic fatherland; and shall favour preserving cultural links with their compatriots resident on the territory of the other State.

Article 13

Each Contracting Party, on its territory, shall provide the persons mentioned in Article 12 of this Agreement with conditions for instruction of the native language and instruction in the native language.

For this purpose, each of the Contracting Parties:

- shall provide the interested persons with the access to instruction in the native language and instruction of the native language in pre-schools, elementary schools and high schools, within the framework of educational systems of Poland and Ukraine, and shall attempt to improve quality of teaching of these subjects;
- shall provide relevant vocational training and skill improvement programs for teachers from the institutions teaching the national minority's native language or in the national minority's native language;
- shall offer the opportunity of employment to the teachers delegated to schools on the basis of Memorandum of Understanding accepted by the Contracting Parties.

Article 23

The Contracting Parties shall support television and radio cooperation under the Memorandums of Understanding between competent institutions of both countries, as well as the exchange of materials and information, while abiding by the copyright norms, creating programmes and their broadcasting for regional minorities which reside on the territory of the other Contracting Party.

MEMORANDUM OF UNDERSTANDING

on Co-operation between the Minister of National Education of the Republic of Poland and the Ministry of Education and Science of Ukraine

of 2 July 2001

(Polish Monitor of 2002 No 6, item 127)

Article 1

The Parties shall co-operate on the conditions of mutuality and equality before the law, with special care for the following issues:

- exchange of information on the systems of education, their development plans and directions of reforms;
- training of specialists in the areas being the subject of mutual interest;
- development and improvement of quality of teaching of the Polish language in Ukraine and of the Ukrainian language in the Republic of Poland;
- providing the national minorities – the Ukrainian national minority in the Republic of Poland and the Polish national minority in Ukraine – with the conditions for instruction of the native language and instruction in the native language on pre-school level, level of elementary and post-elementary school and at universities;
- supporting scientific co-operation between universities, in particular joint research in the field of history of the Polish-Ukrainian relations and Polish and Ukrainian language and literature;
- supporting organisation of joint scientific events, conferences, symposia and competition for youth;
- developing direct contacts and co-operation between the universities, elementary and post-elementary schools.

Article 6

The Parties shall provide the persons belonging to the Ukrainian national minority resident on the territory of the Republic of Poland and the persons belonging to the Polish national minority resident on the territory of Ukraine with the conditions for instruction in the native language and for instruction of the said native language as well as the minority's culture and history in pre-schools, elementary and post-elementary comprehensive schools, within the framework of systems of education of Poland and Ukraine, and shall favour the improvement of quality of teaching of these subjects.

The parties shall favour creating conditions for teaching of the native language at universities, and shall pay special attention to training of teachers of Polish language and Ukrainian language, to improving their qualifications and to perfecting the command of the national minority by teachers of other subjects lectures in this language.

Article 8

The Parties shall provide mutual assistance in the area of equipping schools and educational institutions with textbooks, methodical literature and teaching aids in order to meet the educational needs of members of national minorities.

AGREEMENT

between the Government of the Republic of Poland and the Government of Ukraine on the Protection of Memorial Sites and Repose Places of Victims of Wars and Political Repression

of 21 March 1994

(Journal of Laws No. 112, item 545)

The Government of the Republic of Poland and the Government of Ukraine, hereinafter the Contracting Parties,

In accordance with the endeavours of their nations to commemorate, with due respect, the memorial sites and repose places of the killed and murdered as a result of warfare or repression, both on the territories of Poland and Ukraine,

Considering the provisions of article 17 of the Treaty between the Republic of Poland and Ukraine on Neighbourliness, Friendly Relations and Co-operation signed in Warsaw on 18 May 1992,

Following the respective provisions of the Geneva Conventions on the Protection of War Victims of 12 August 1949 and Additional Protocols thereto,

In their endeavours to ensure free flow of information and full access to the source verified truth, Acting to the benefit of friendly relations between both nations and their mutual understanding in the future,

have agreed as follows:

Article 1

The Contracting Parties shall follow the provisions of this agreement in the resolution of matters related to the identification, registration, arrangement, maintenance and due preservation of memorial sites and graves of victims of warfare or political repression as well as to the exhumation of remains of dead bodies and their inhumation with due respect.

Article 2

In this Agreement the following expressions shall have the following meaning:

“memorial site” shall mean a places associated with struggle or martyrdom,

“arrangement of memorial sites and repose places” shall mean fixing of their limits, raising of tombstones, monuments and commemorating burial places and displaying of commemorative plaques,

“preservation of memorial sites and repose places” shall mean protection of graves, tombstones, monuments, commemorating burial places and their maintenance in due order.

Article 3

1. The Contracting Parties shall exchange any information they have relating to the location of memorial sites and repose places, their number and size and personal data of the fallen and murdered as well as any other information relating to those persons, connected with the realisation of this agreement. On the basis of this information, Parties shall prepare official lists of memorial sites and repose places.

2. In the case of identification of new memorial sites and repose places, the Contracting Party on whose territory they are located, shall undertake immediate measures aimed at their protection.

Such places, against mutual agreement of the Contracting Parties, shall be included in the official lists of the memorial sites and repose places.

Article 4

1. Each Party, on the territory of its state, shall ensure the preservation of the memorial sites and repose places of soldiers and civilians of the other Contracting Party, referred to in Article 1 of this agreement, in accordance with the relevant provisions of the Geneva Conventions on the Protection on War Victims and Additional Protocols thereto.
2. Each Contracting Party, on the territory of its state, shall favour the undertakings of the other Contracting Party connected with the arrangement of memorial sites and repose places and commemoration of the fallen and murdered; it may involve the use of national and religious symbols. In specific cases, with the consent of the Contracting Parties, also other forms of commemoration of the killed and murdered may be used.
3. The Contracting Parties shall notify each other about any cases of vandalism at memorial sites and repose places and shall undertake measures aimed at restoring of those places and preventing of similar acts in the future.
4. The Parties shall endeavour to remove from the areas on which memorial sites and repose places are located and from the adjacent areas, of all objects in disaccord with the status of such places.
5. In the fulfilment of their undertakings referred to in this article, the Contracting Parties shall take account, if necessary, of national customs and religious traditions of other nations.

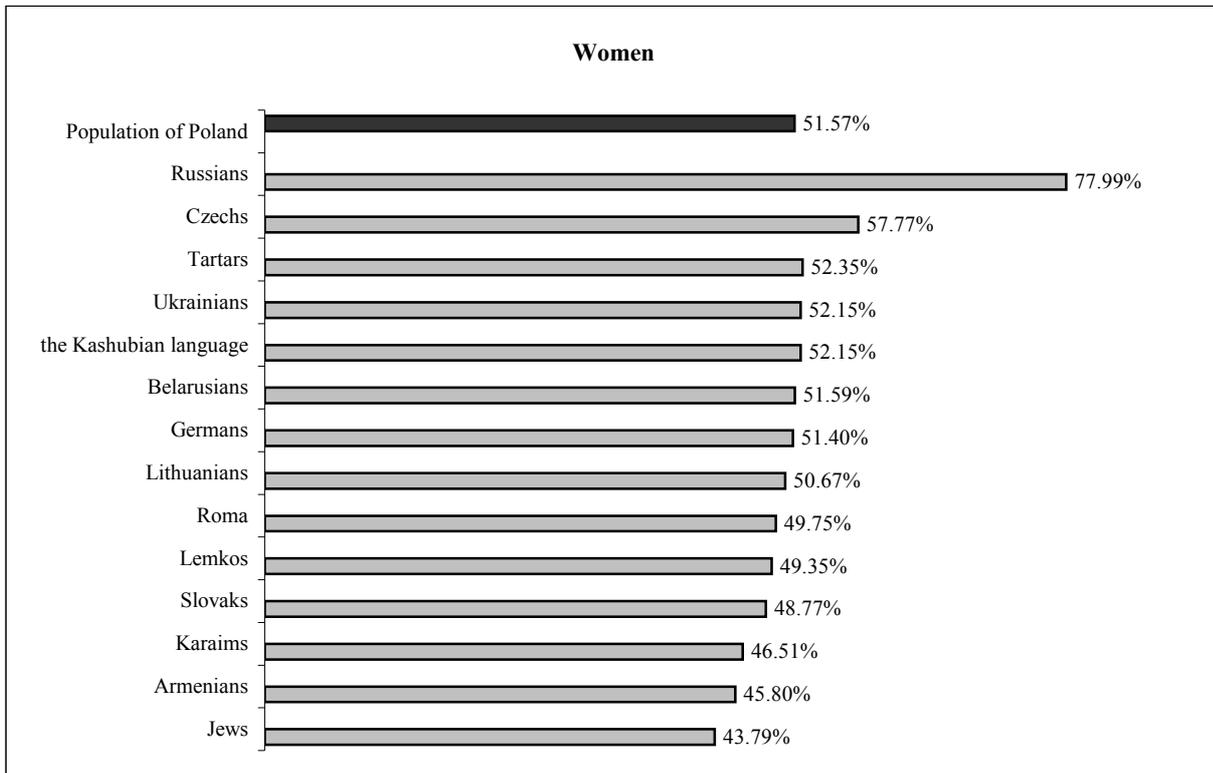
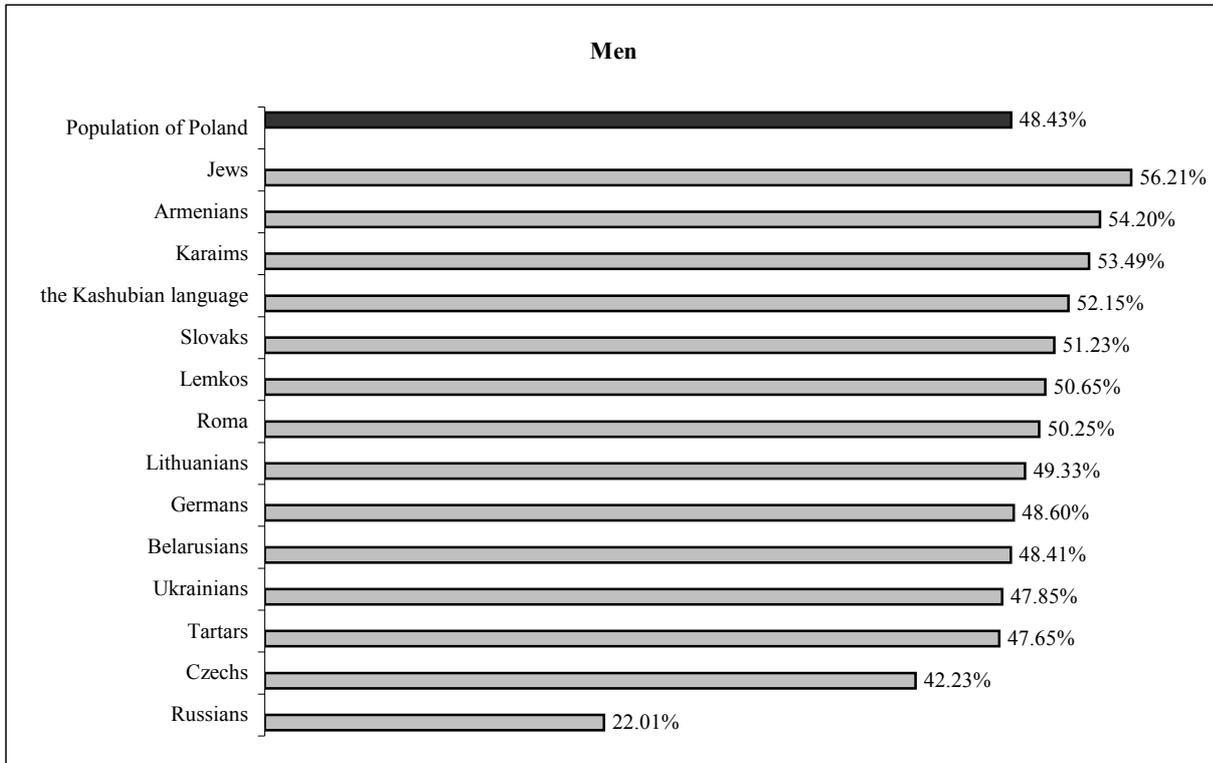
Article 10

1. Each Contracting Party shall, in accordance with the legislation of its State and the existing bilateral agreements, ensure citizens of the other Contracting Party free access to the memorial sites and repose places of the compatriots.
 1. The Contracting Parties shall favour the establishment and maintenance of museums and meeting places in the neighbourhood of the memorial sites and repose places.

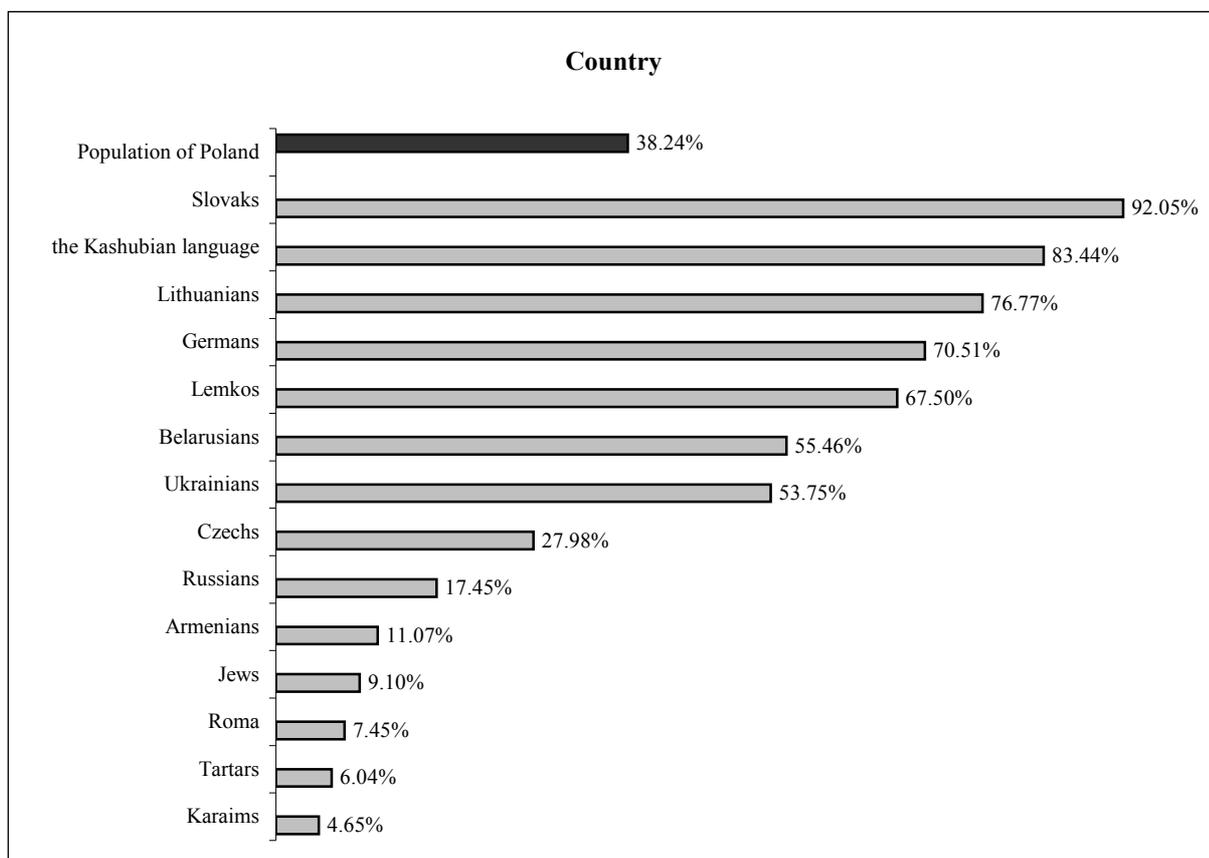
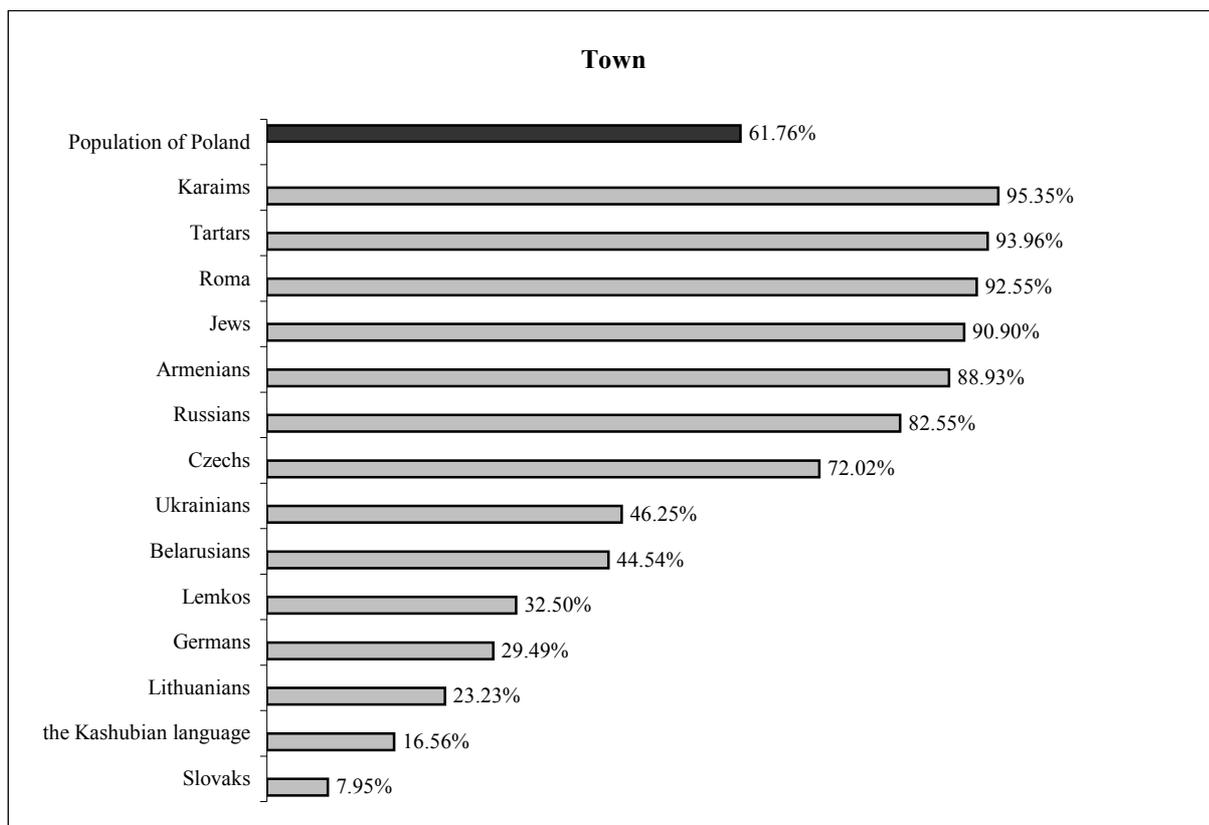
Annex No 2

General characteristics of national and ethnic minorities as well as the community using the regional language (According to the data of the National Population and Housing Census of 2002)

Sex

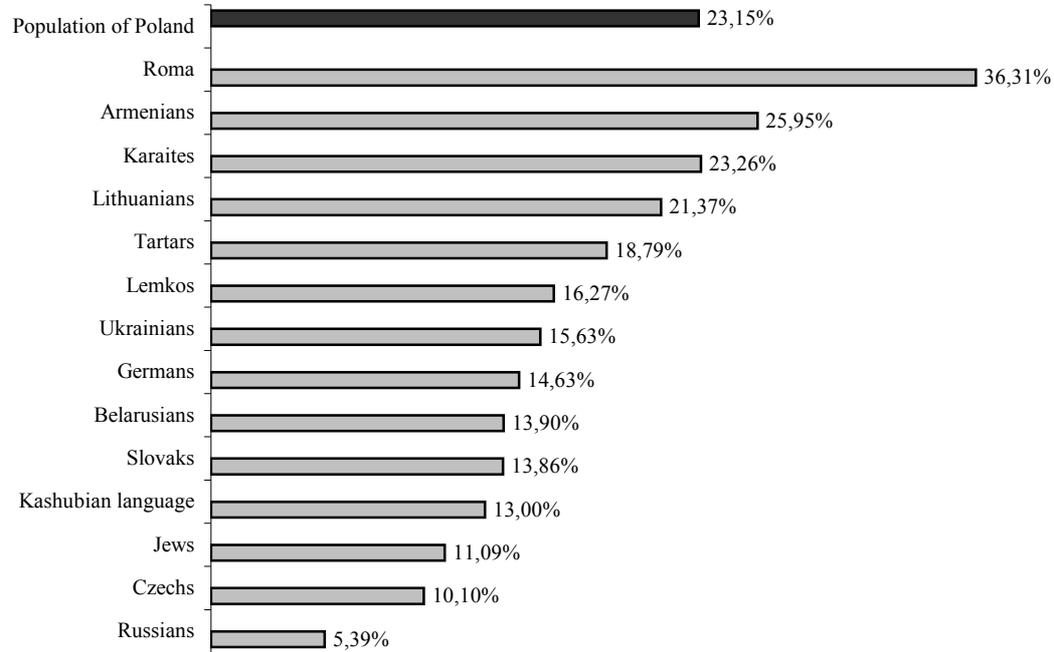


Type of place of residence

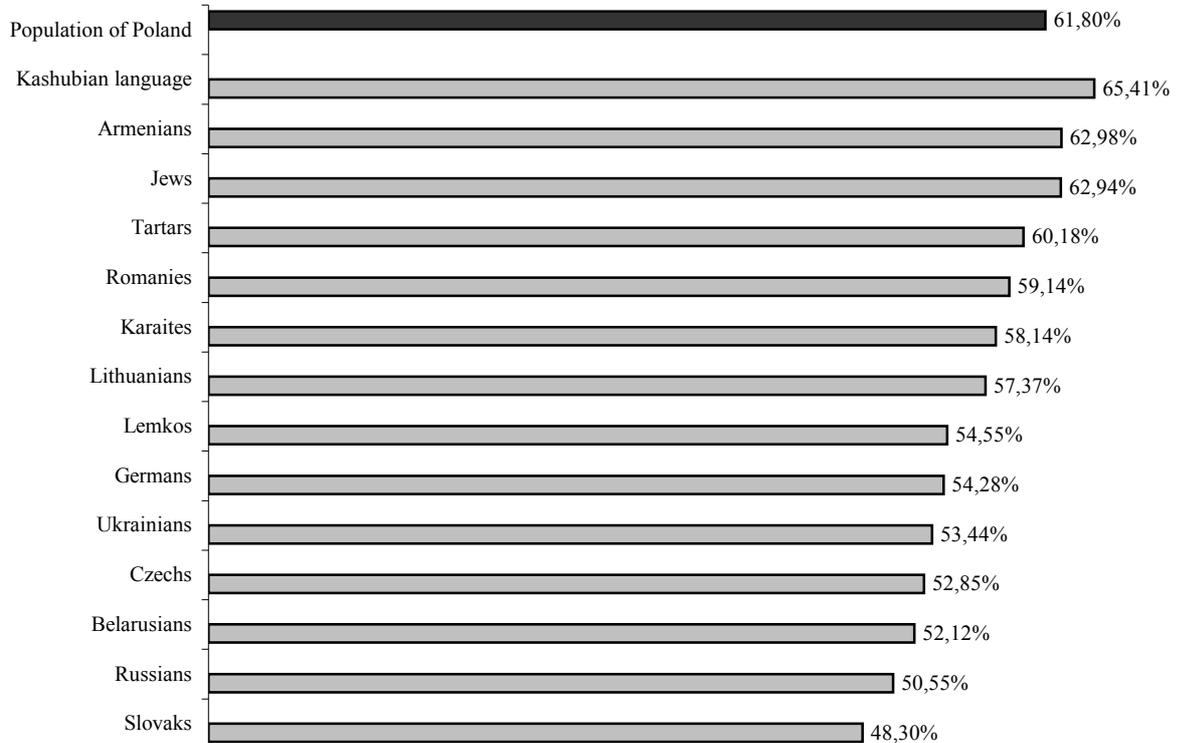


Economic age groups

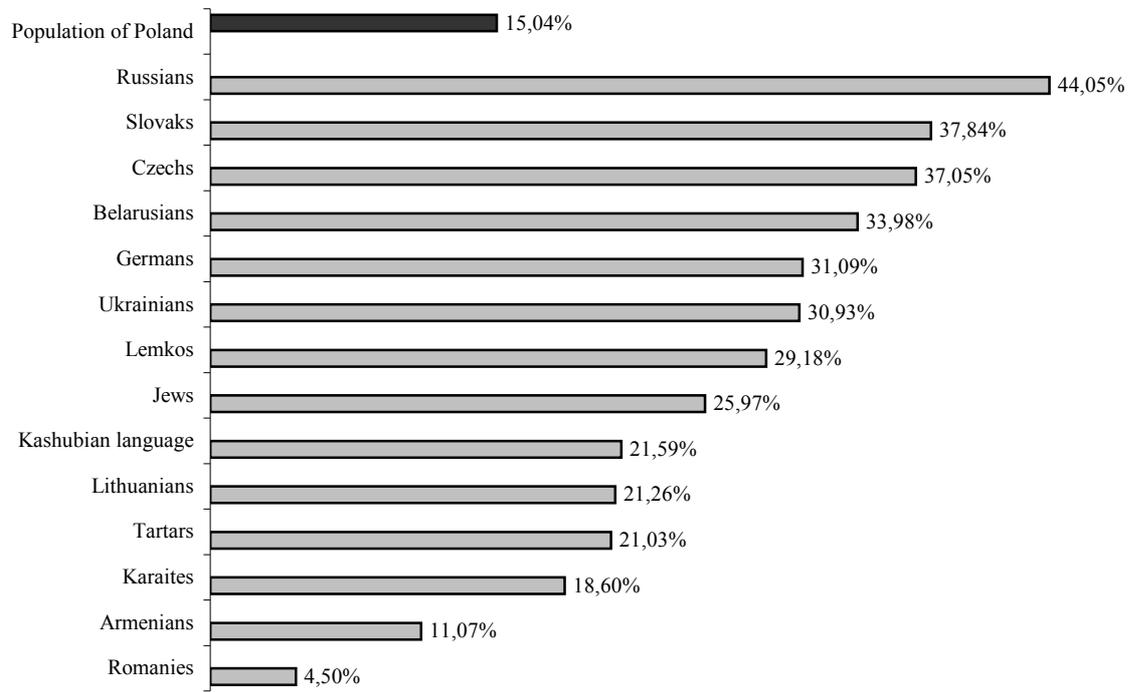
Pre-working age (0 -17)



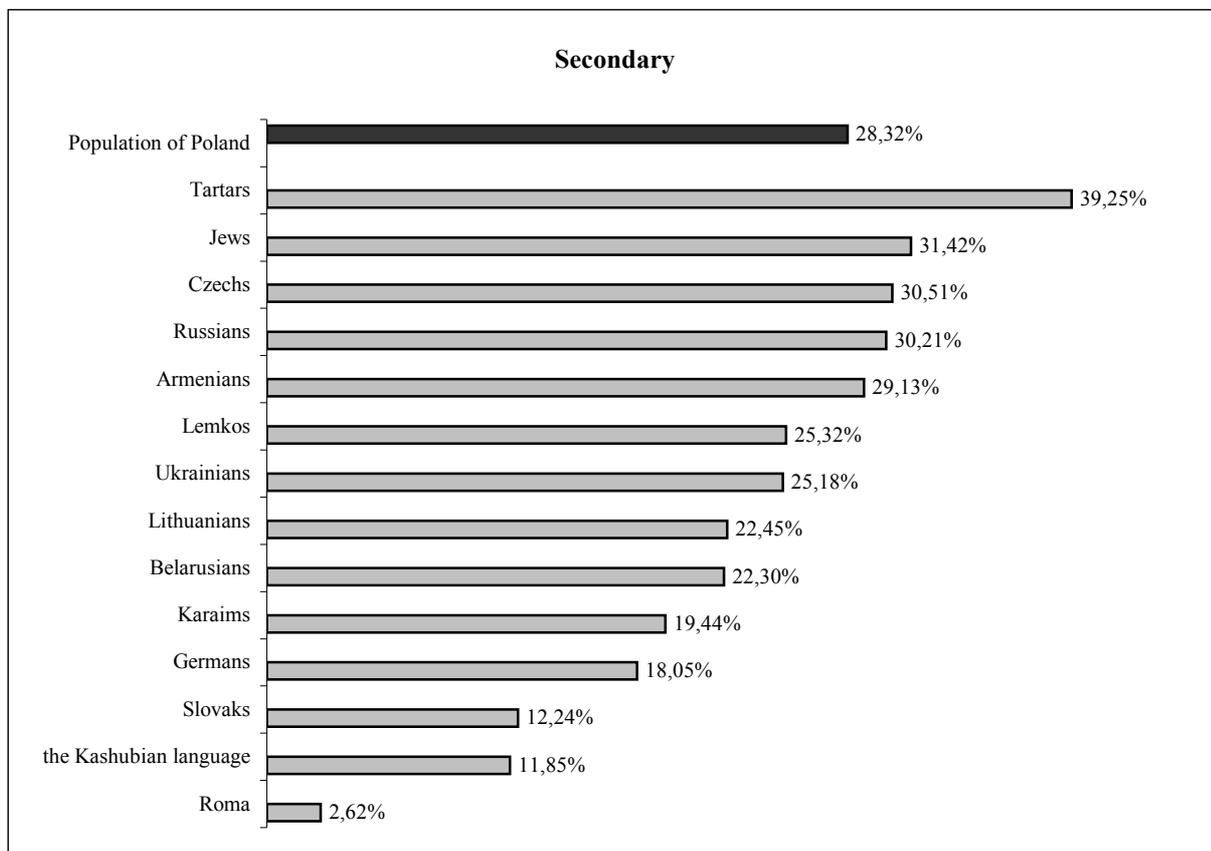
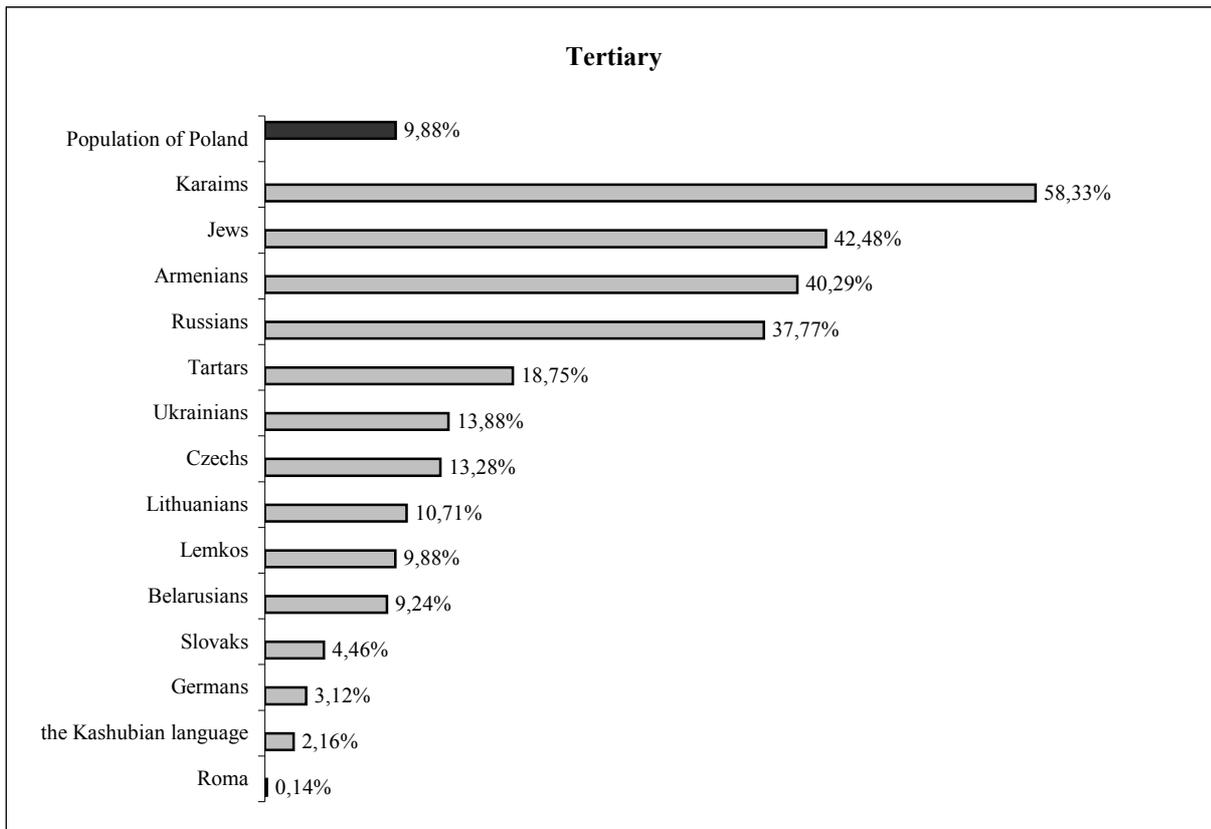
Working age total (18 - 59/64)



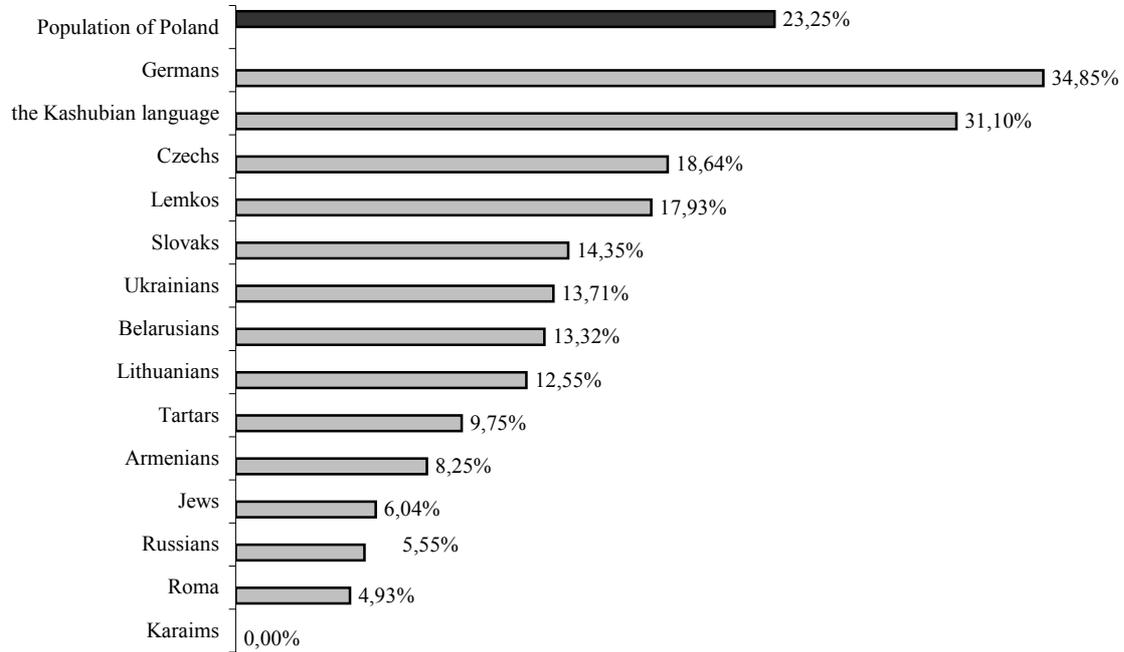
Post-working age (60/65 years and more)



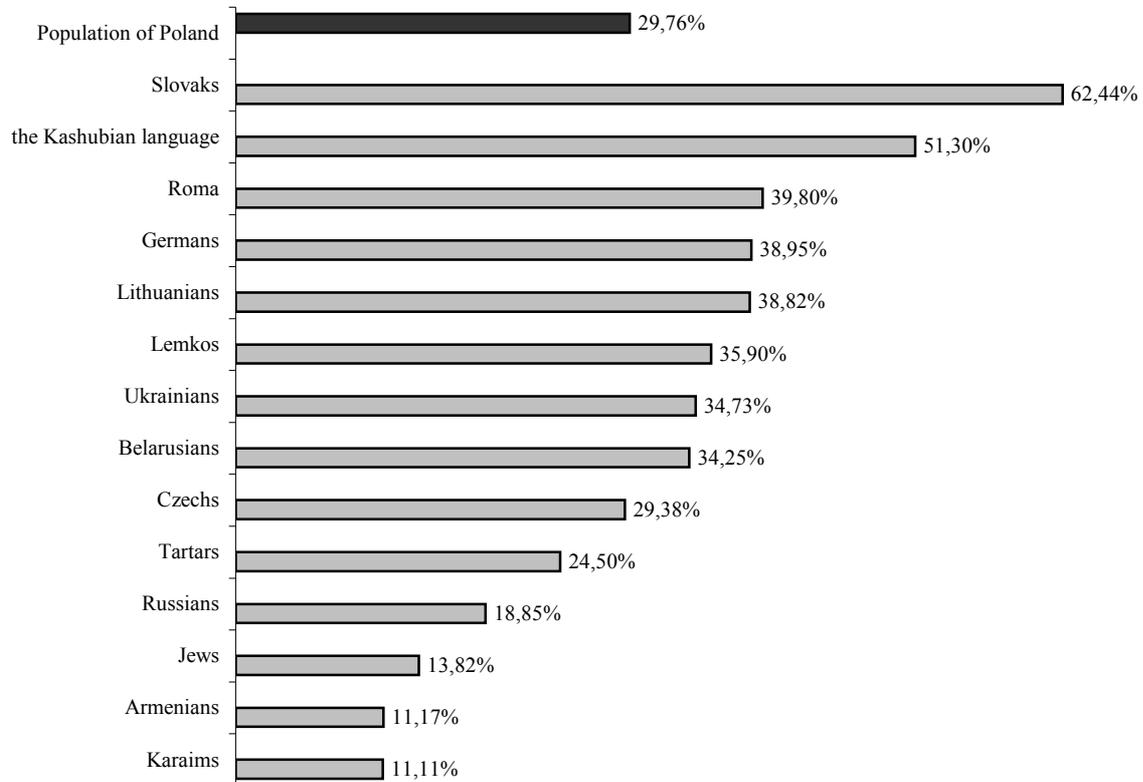
Educational level (for persons aged 13 years and more)



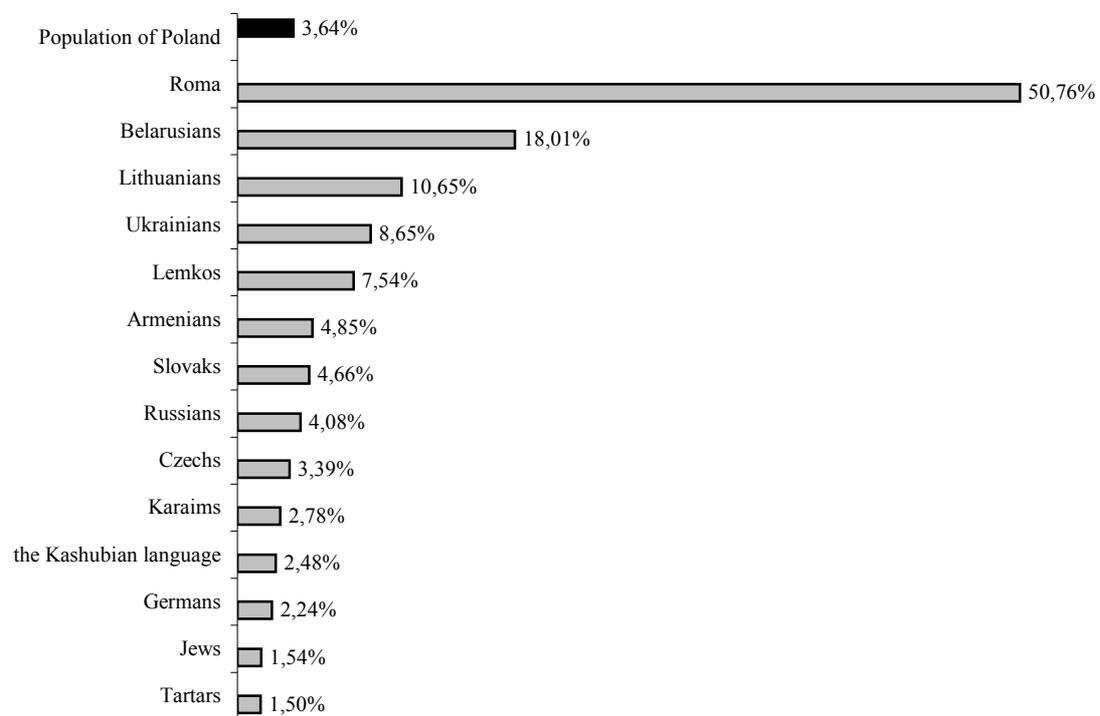
Basic vocational



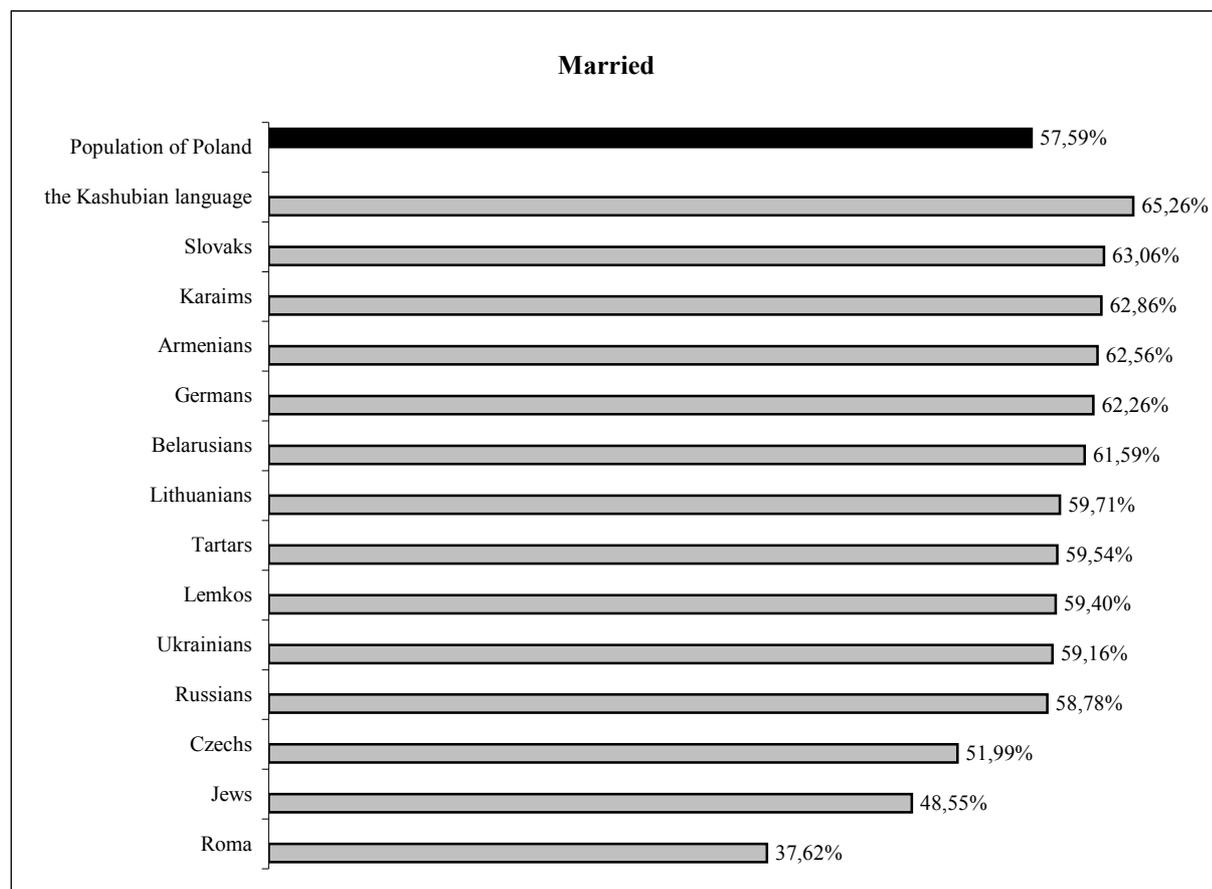
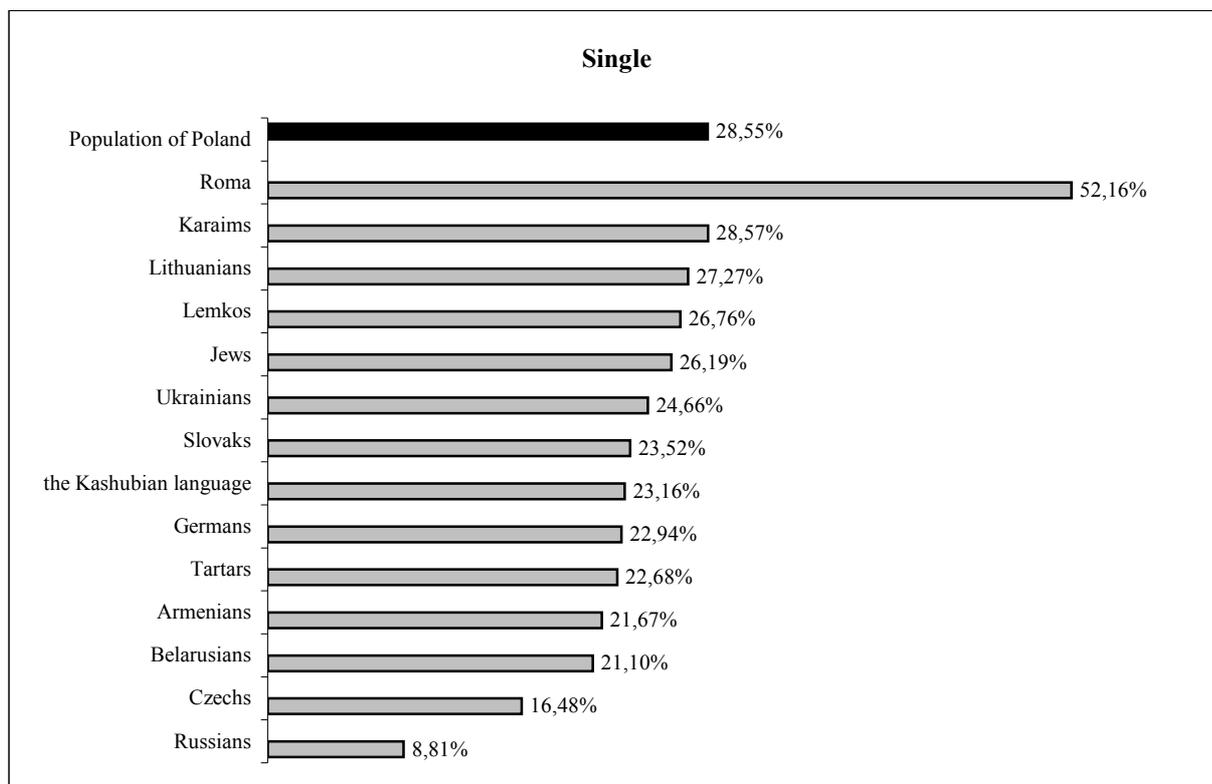
Complete primary



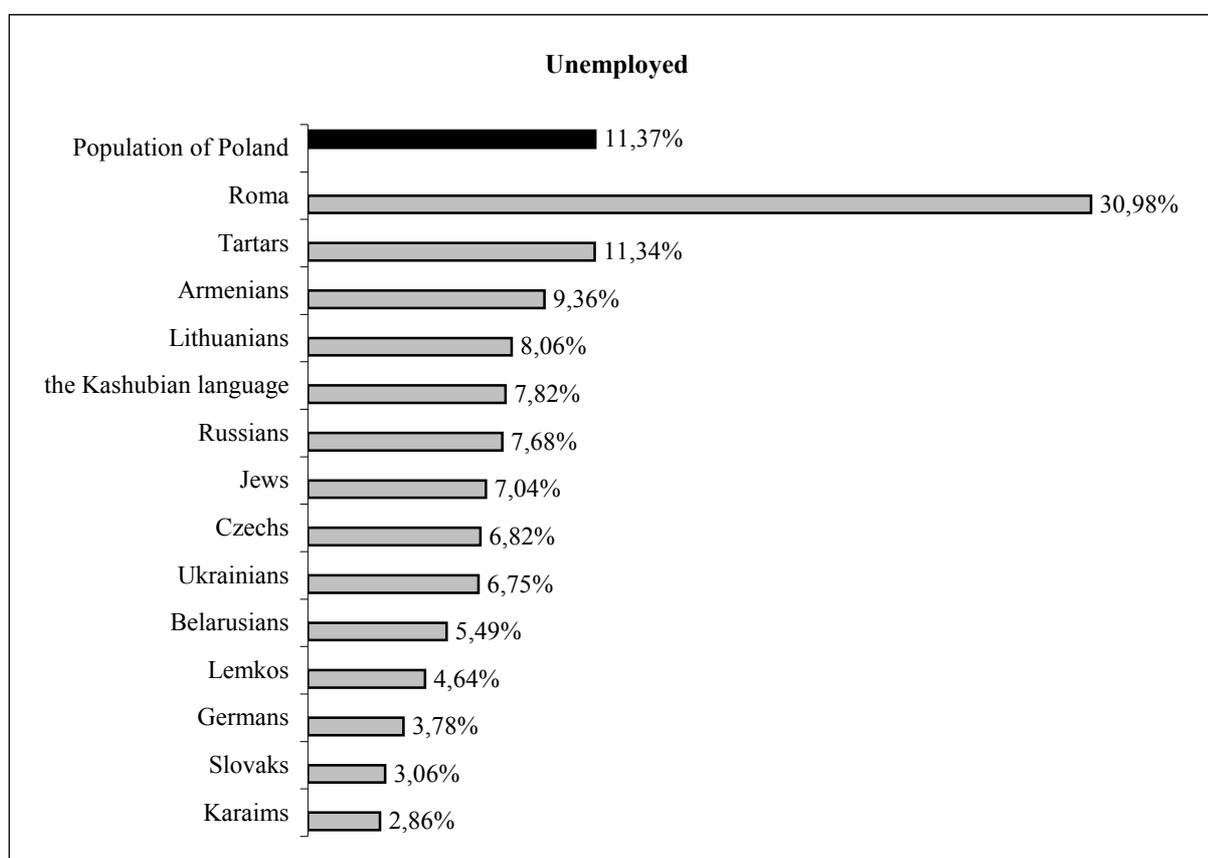
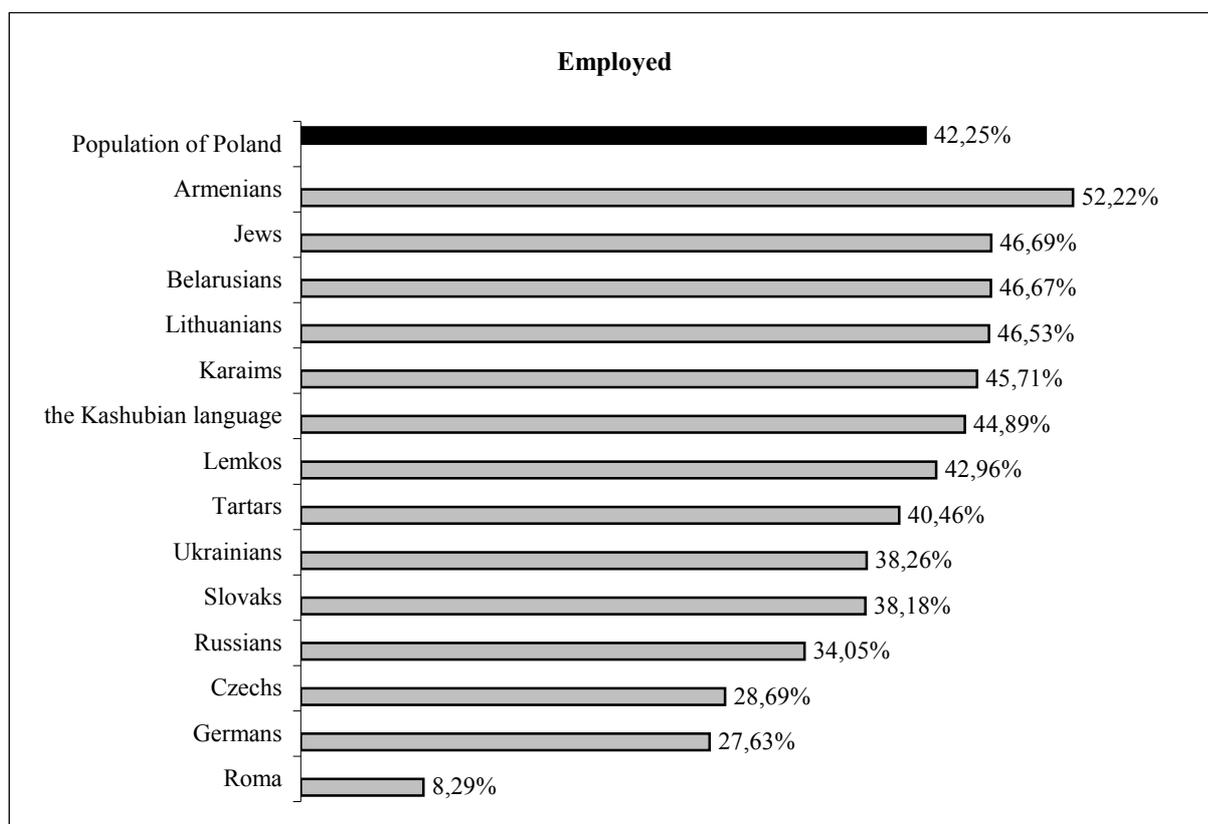
Incomplete primary and no education



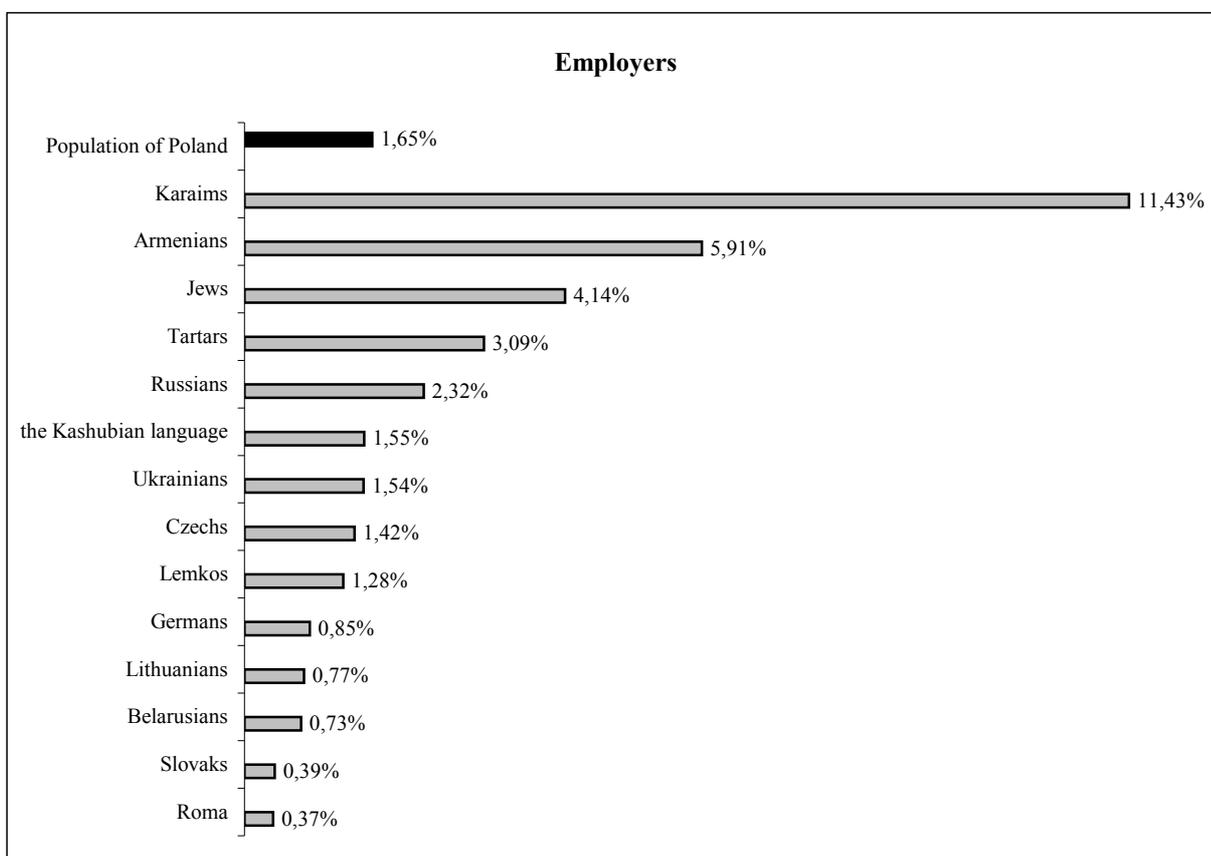
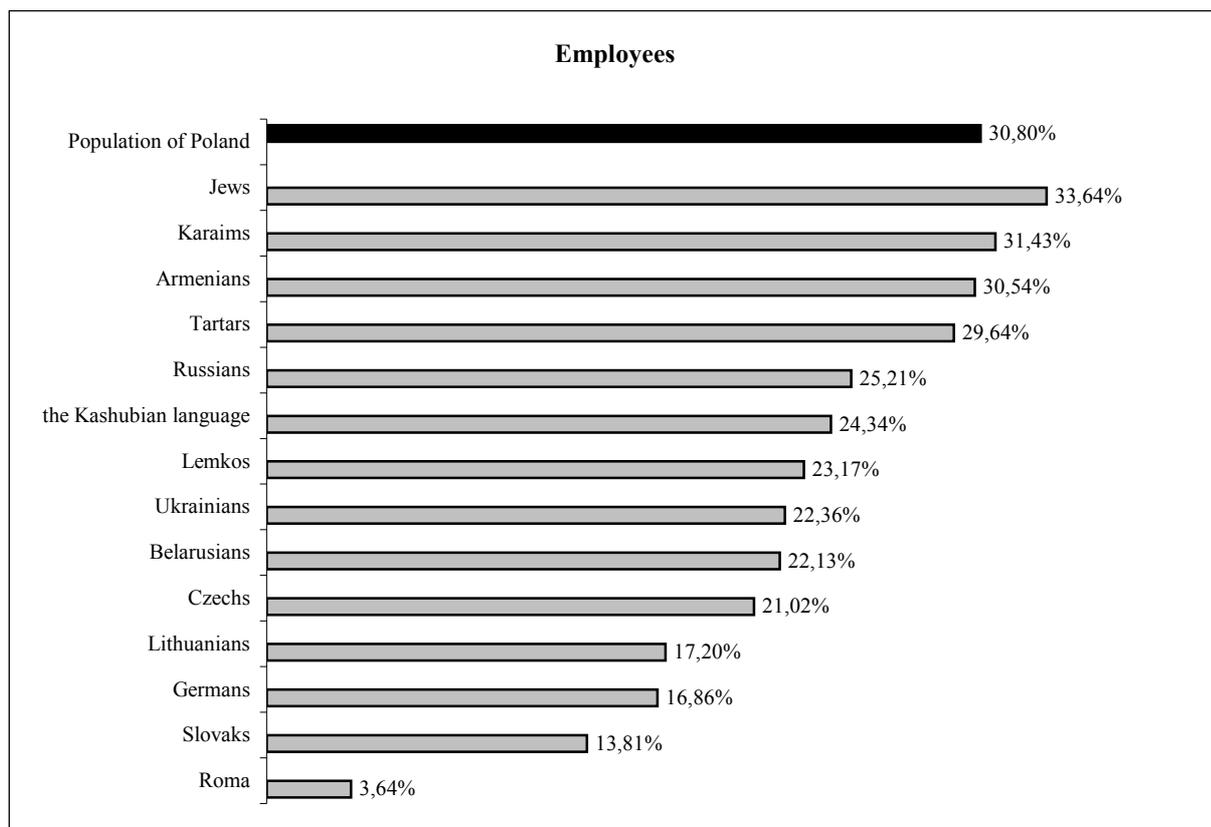
Marital status (persons aged 15 years and more)



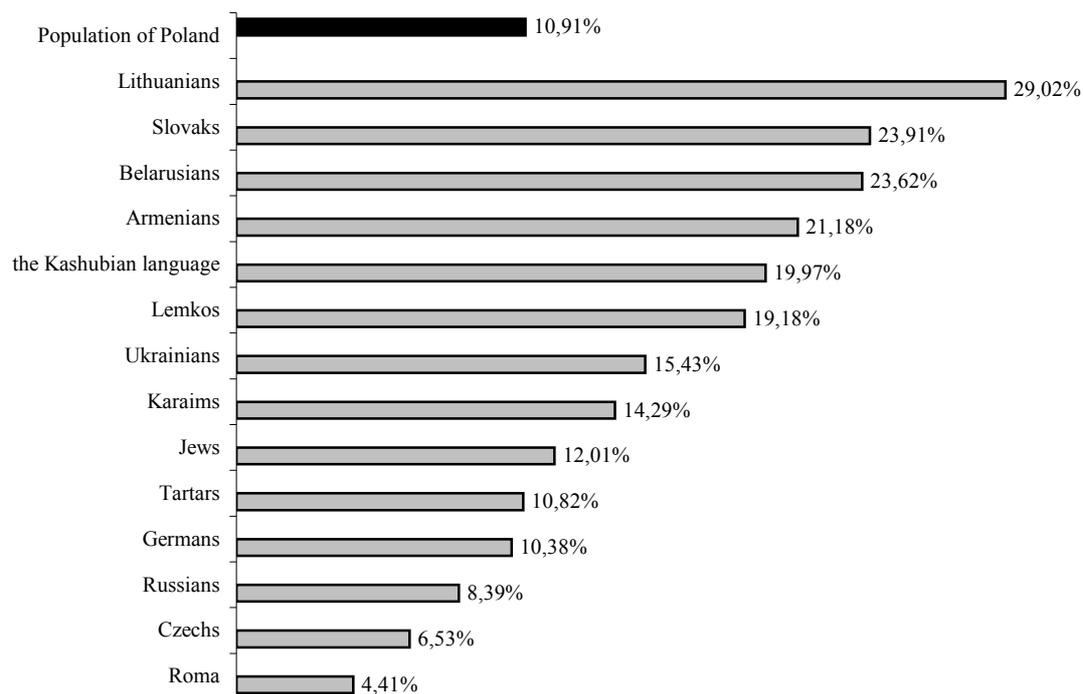
Economic activity (persons aged 15 years and more)



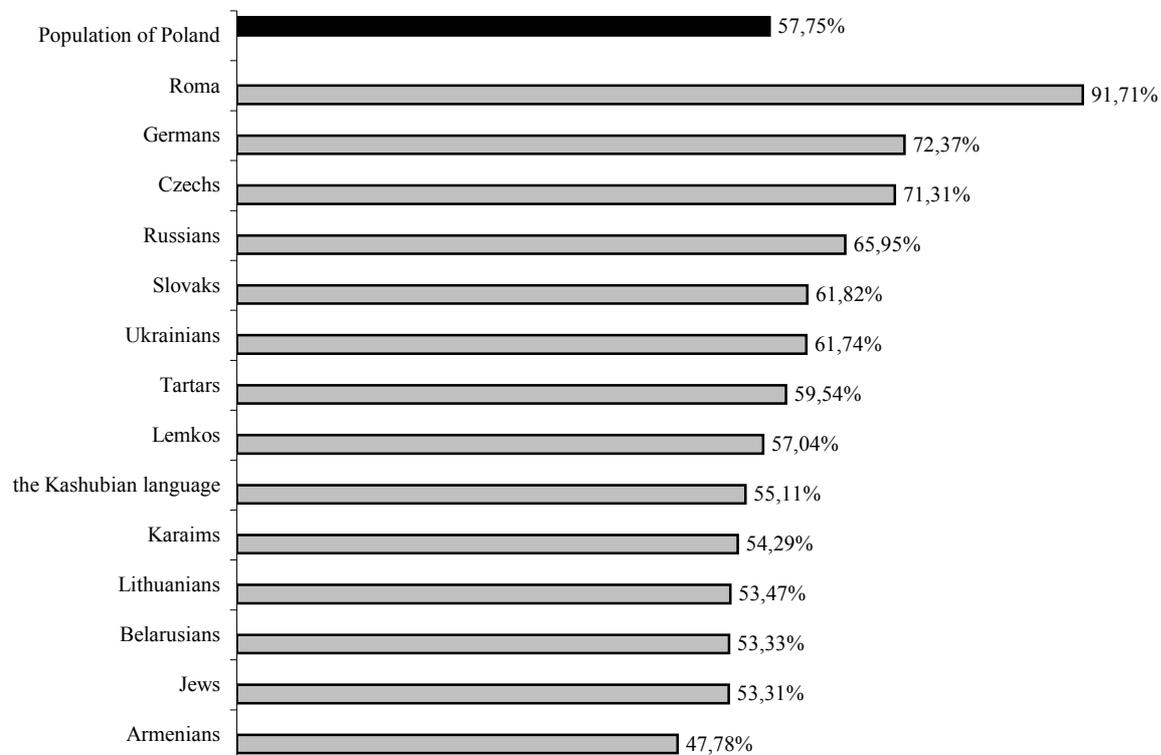
Status in the labour market (for persons aged 15 years and more)



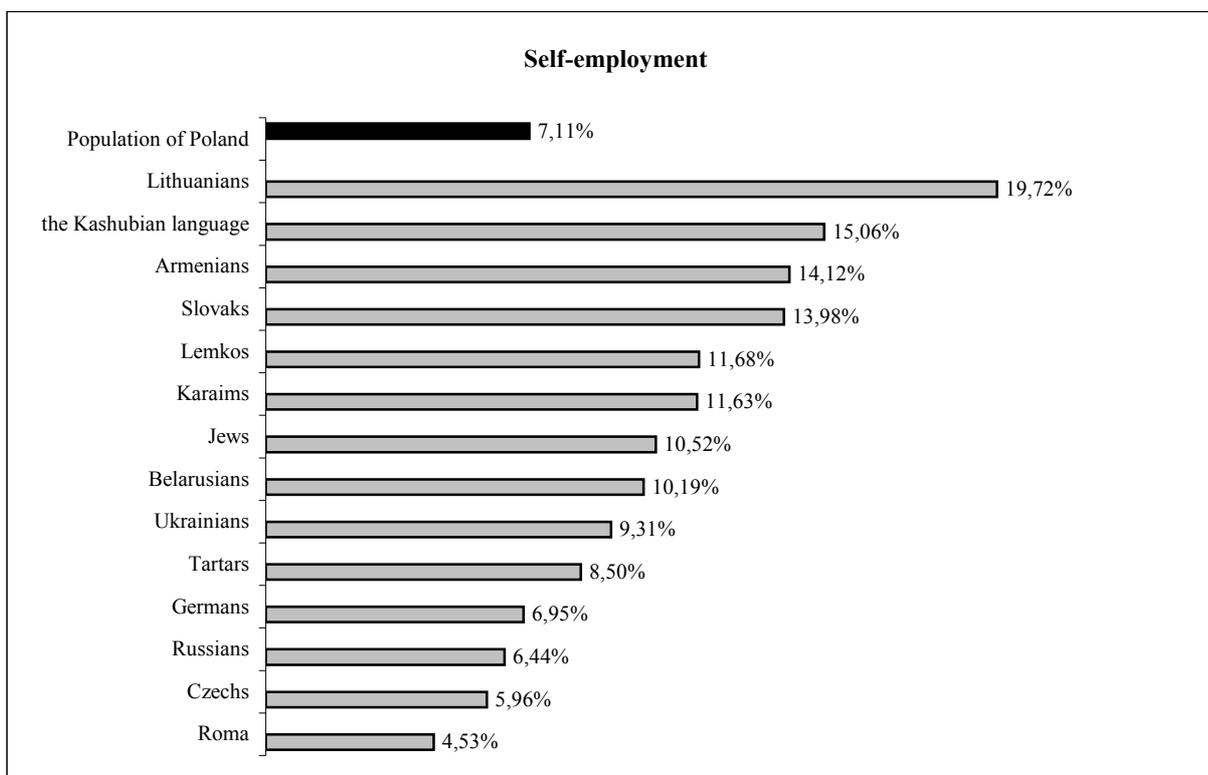
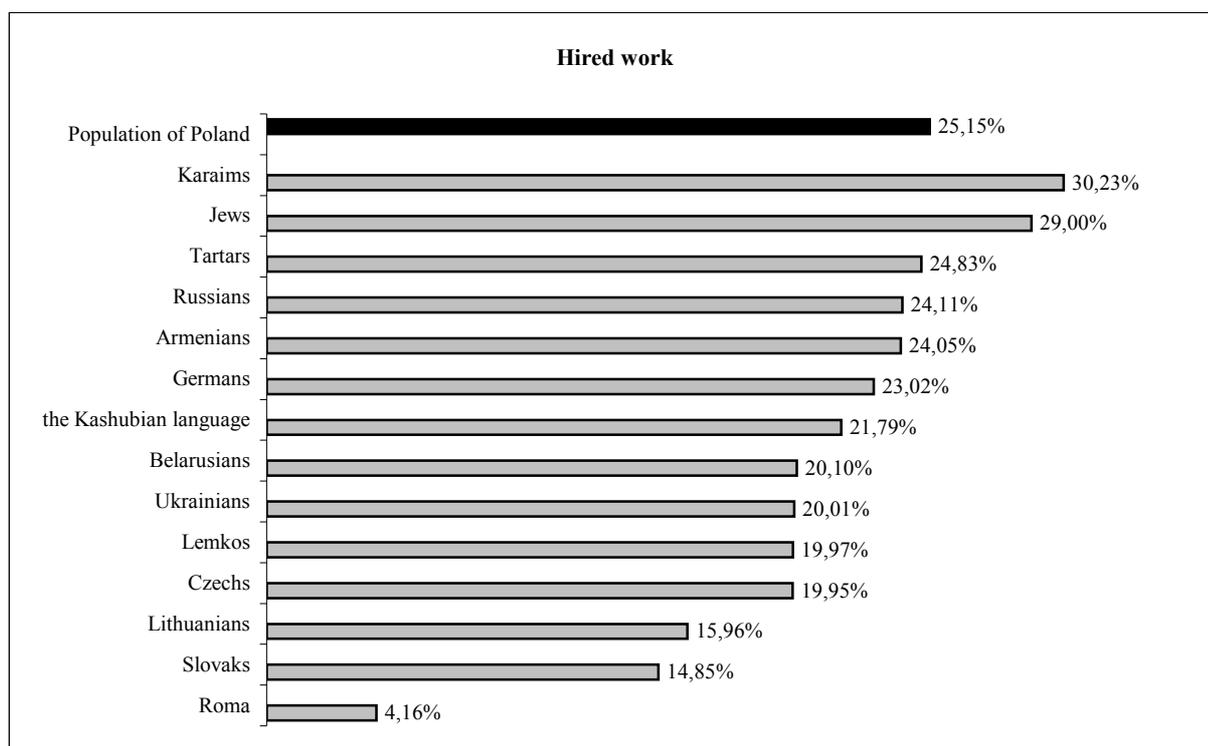
Self-employed, including contributing family workers



Not employed or with non-specified status in the labour market



Main source of maintenance



CLARIFICATION

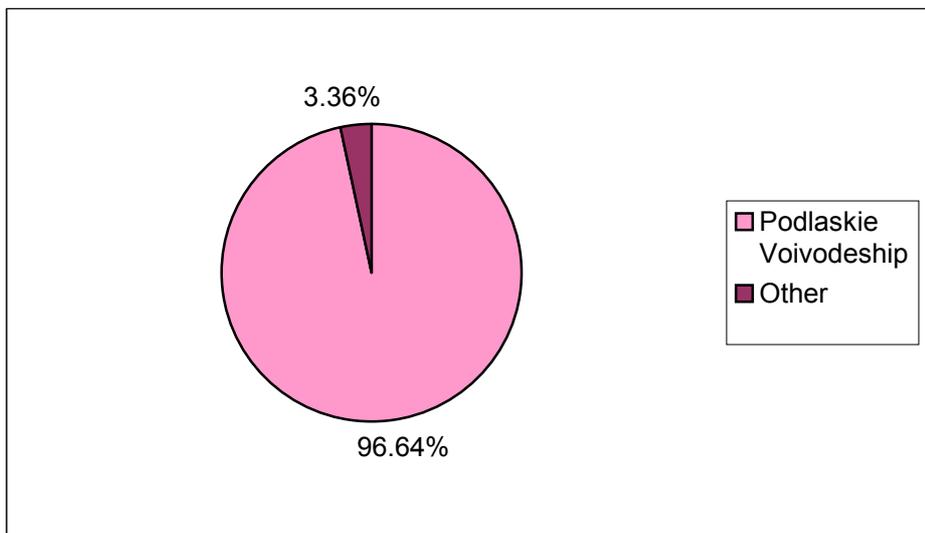
The category "the Kashubian language" covers persons who declared the use of the regional language at home during the National Population and Housing Census of 2002

**Distribution of national and ethnic minorities
and the community using the regional language**

(According to the data of 2002 National Population and Housing Census)

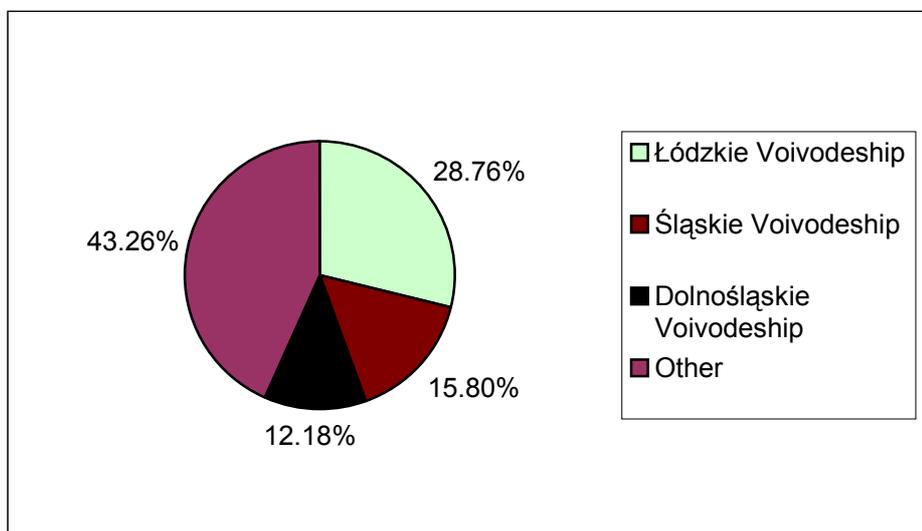
Belarusians

Podlaskie Voivodeship	96,64%
Other	3,36%



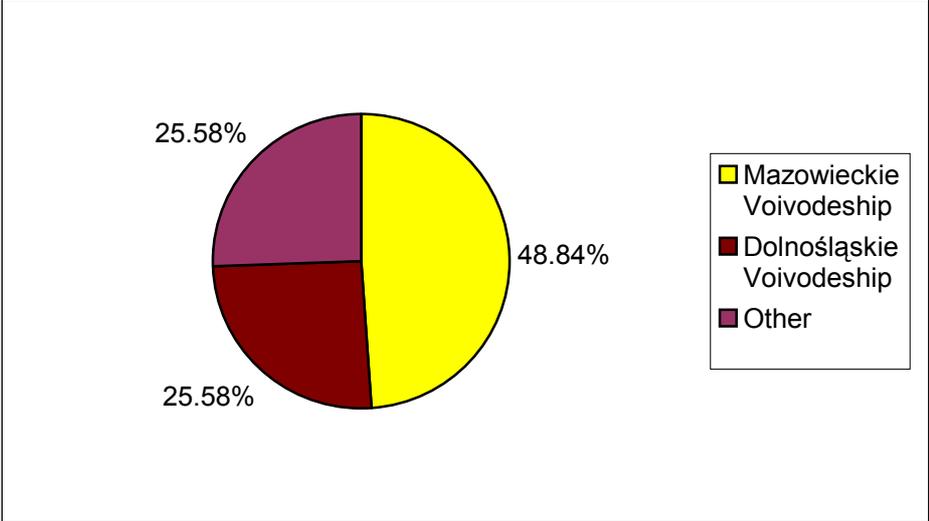
Czechs

Łódzkie Voivodeship	28,76%
Śląskie Voivodeship	15,80%
Dolnośląskie Voivodeship	12,18%
Other	43,26%



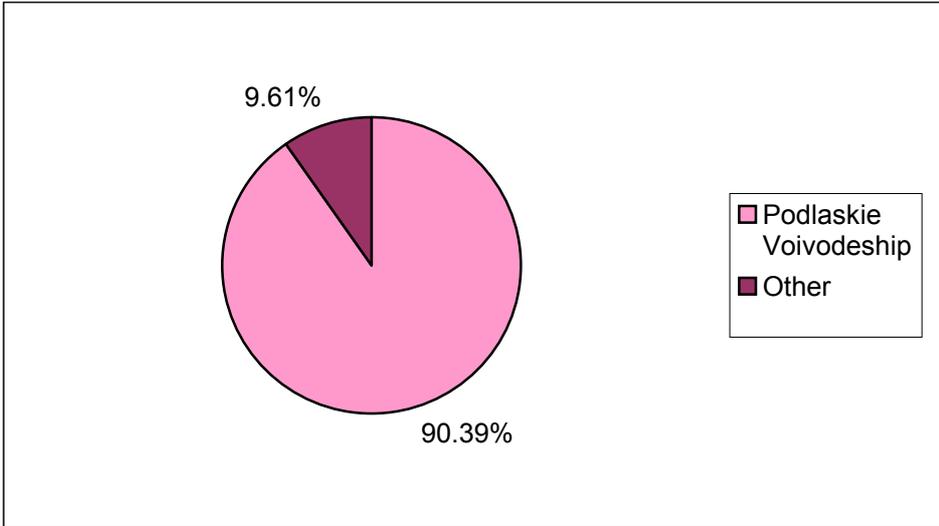
Karaims

Mazowieckie Voivodeship	48,84%
Dolnośląskie Voivodeship	25,58%
Other	25,58%



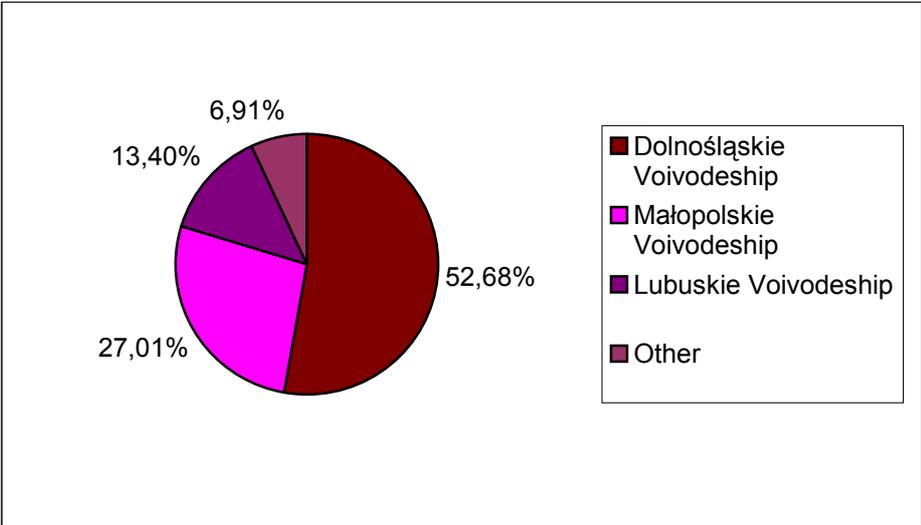
Lithuanians

Podlaskie Voivodeship	90,39%
Other	9,61%



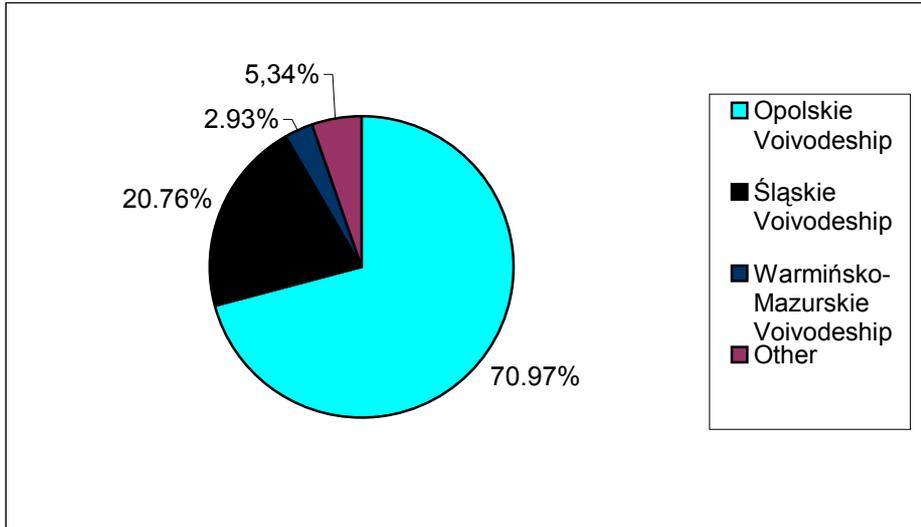
Lemkos

Dolnośląskie Voivodeship	52,68%
Małopolskie Voivodeship	27,01%
Lubuskie Voivodeship	13,40%
Other	6,91%



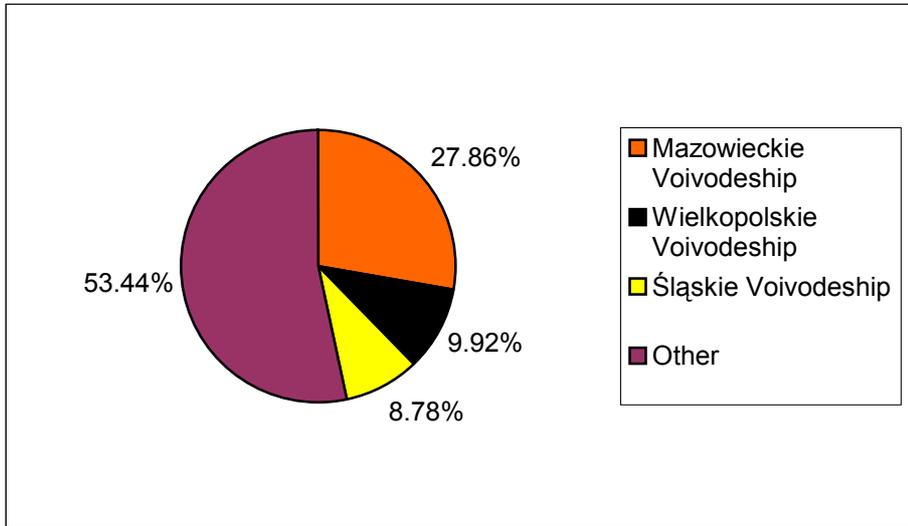
Germans

Opolskie Voivodeship	70,97%
Śląskie Voivodeship	20,76%
Warmińsko-Mazurskie Voivodeship	2,93%
Other	5,34%



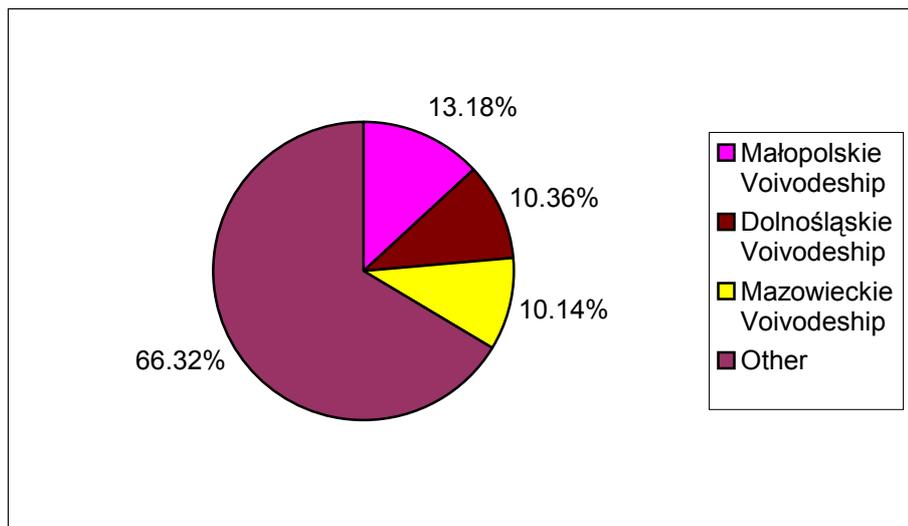
Armenians

Mazowieckie Voivodeship	27,86%
Wielkopolskie Voivodeship	9,92%
Śląskie Voivodeship	8,78%
Other	53,44%



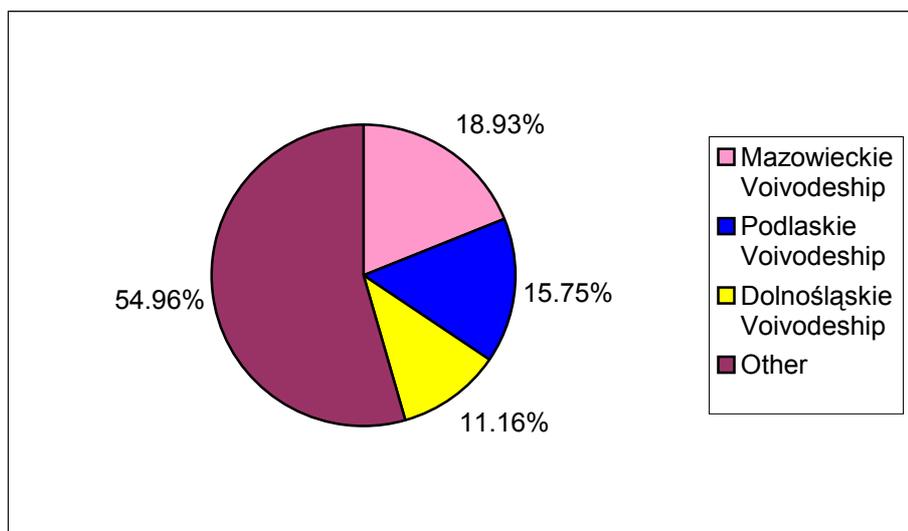
Roma

Małopolskie Voivodeship	13,18%
Dolnośląskie Voivodeship	10,36%
Mazowieckie Voivodeship	10,14%
Other	66,32%



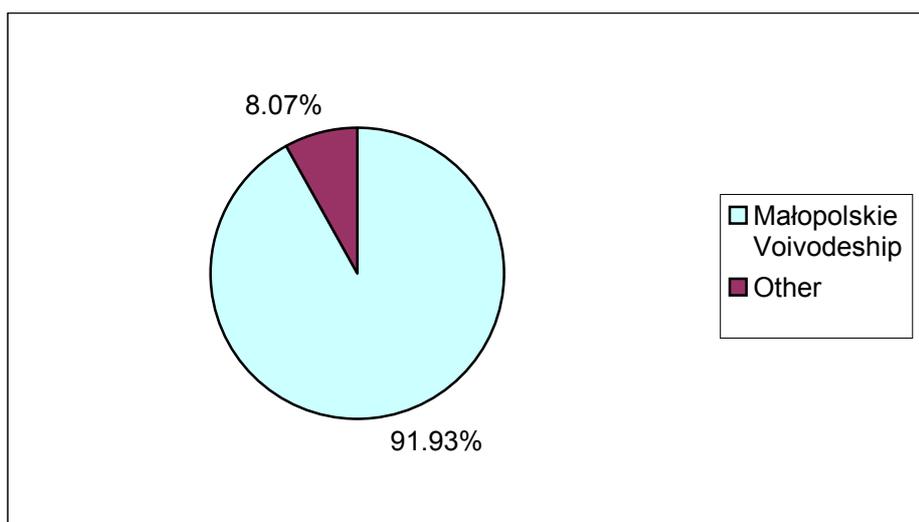
Russians

Mazowieckie Voivodeship	18,93%
Podlaskie Voivodeship	15,75%
Dolnośląskie Voivodeship	11,16%
Other	54,96%



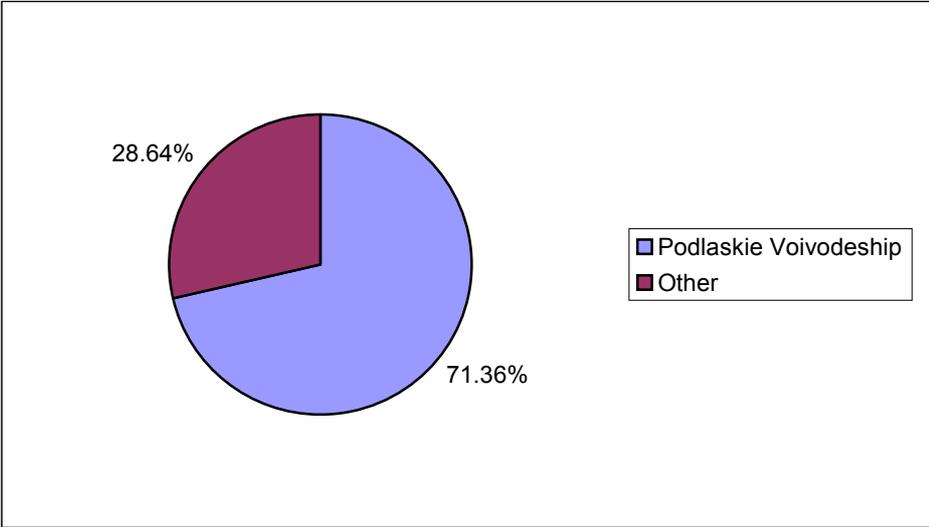
Slovaks

Małopolskie Voivodeship	91,93%
Other	8,07%



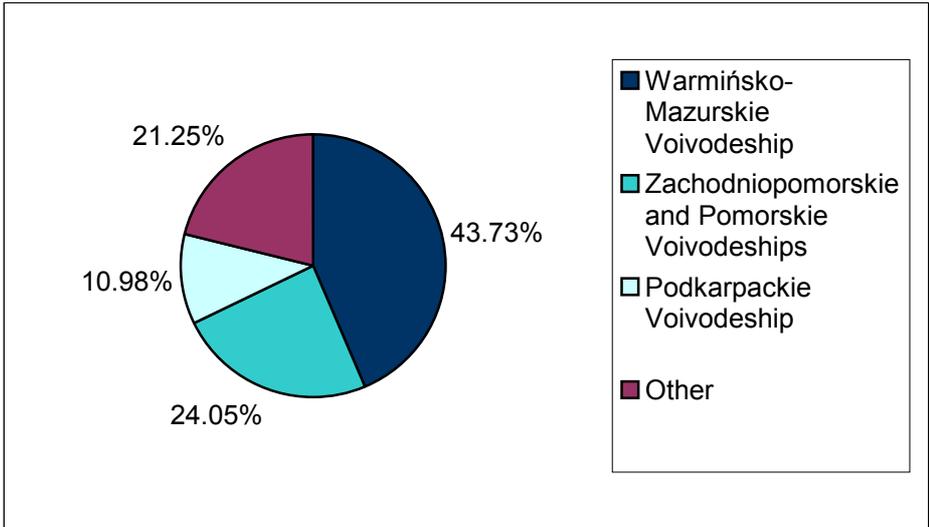
Tartars

Podlaskie Voivodeship	71,36%
Other	28,64%



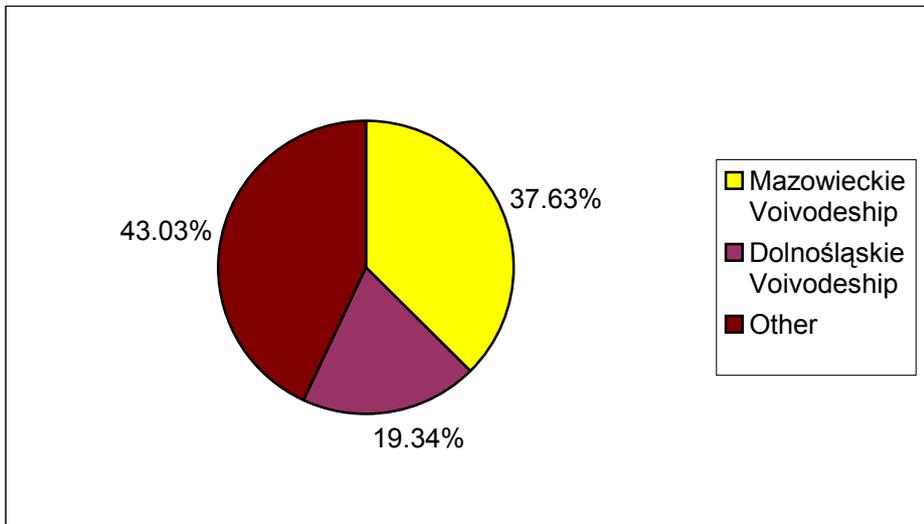
Ukrainians

Warmińsko-Mazurskie Voivodeship	43,73%
Zachodniopomorskie and Pomorskie Voivodeships	24,05%
Podkarpackie Voivodeship	10,98%
Other	21,25%



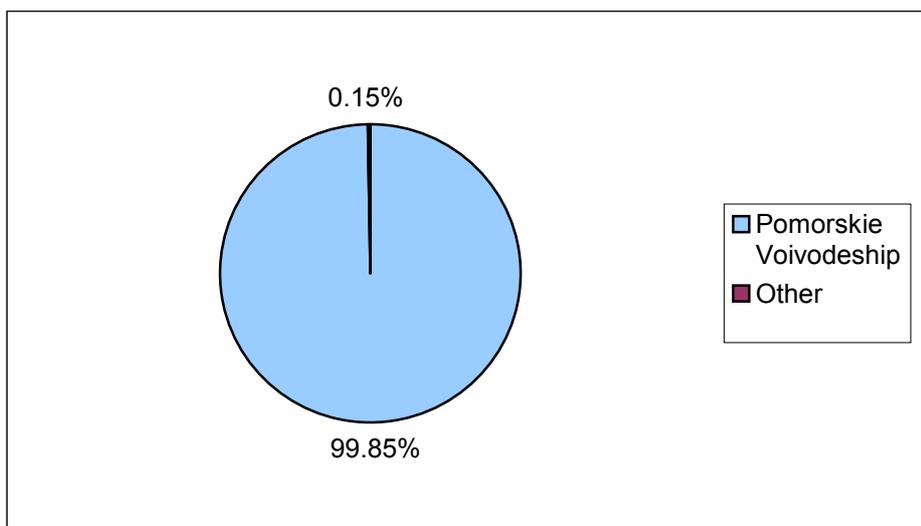
Jews

Mazowieckie Voivodeship	37,63%
Dolnośląskie Voivodeship	19,34%
Other	43,03%



Persons using Kashubian at home

Pomorskie Voivodeship	99,85%
Other	0,15%

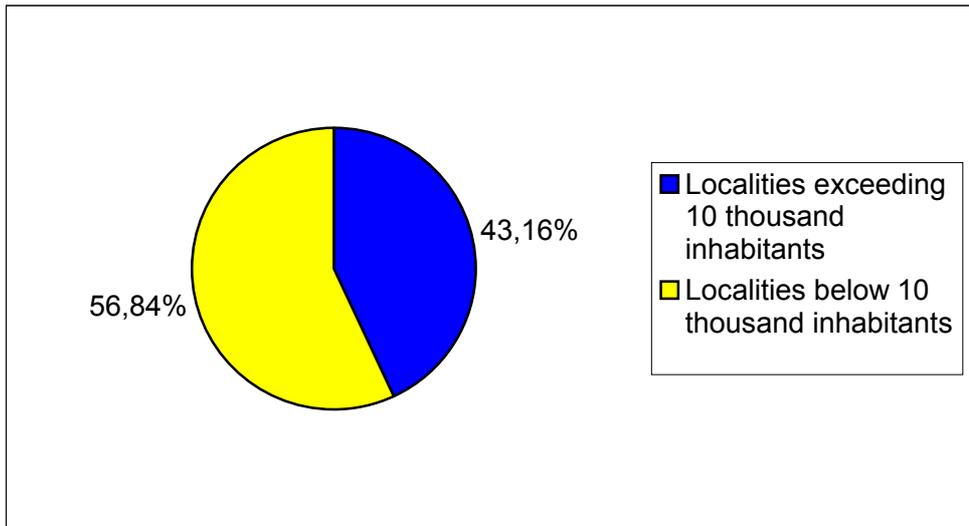


Annex 4

National and ethnic minorities and the community using the regional language broken down by place of residence (According to the data of 2002 National Population and Housing Census)

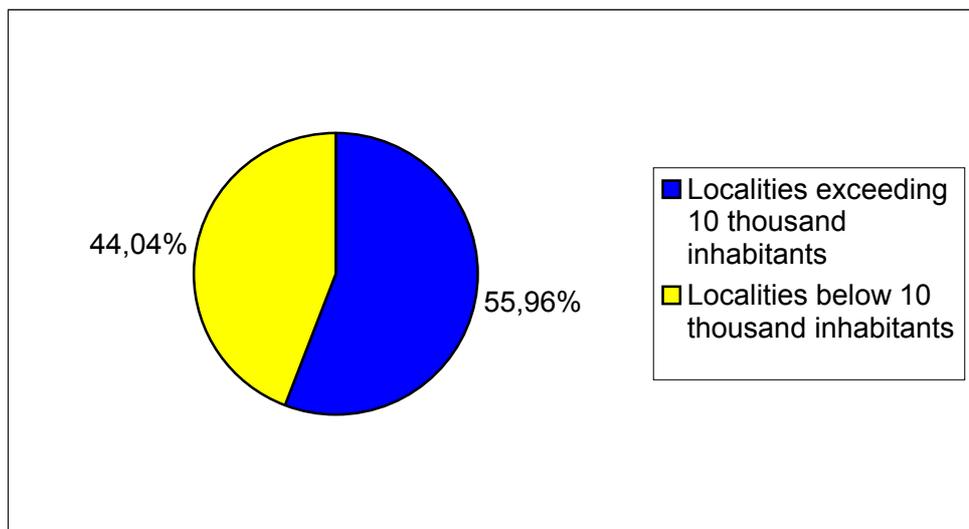
Belarusians

Localities exceeding 10 thousand inhabitants	43,16%
Localities below 10 thousand inhabitants	56,84%



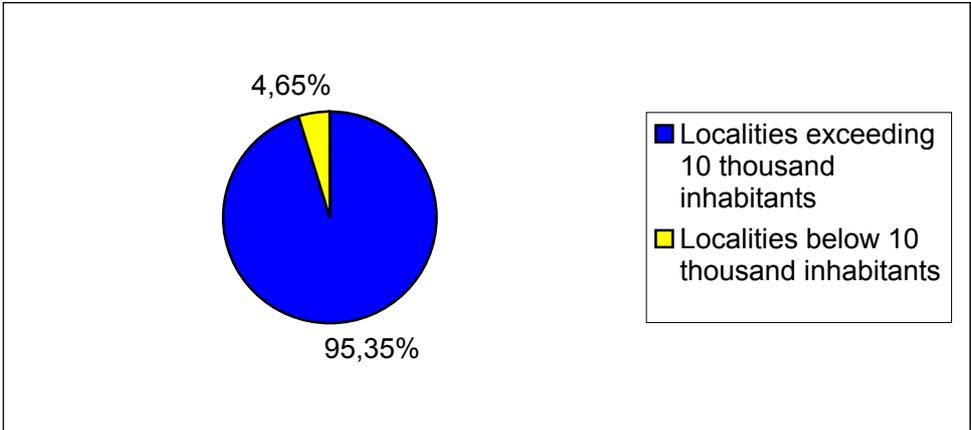
Czechs

Localities exceeding 10 thousand inhabitants	55,96%
Localities below 10 thousand inhabitants	44,04%



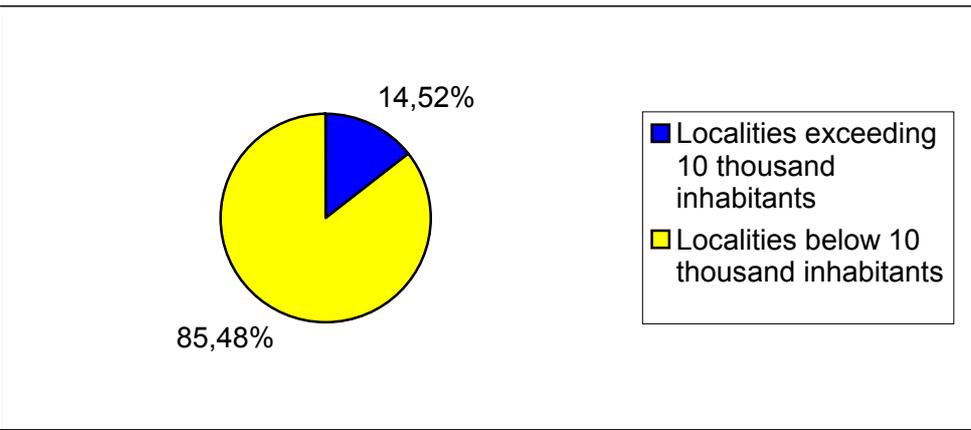
Karaims

Localities exceeding 10 thousand inhabitants	95,35%
Localities below 10 thousand inhabitants	4,65%



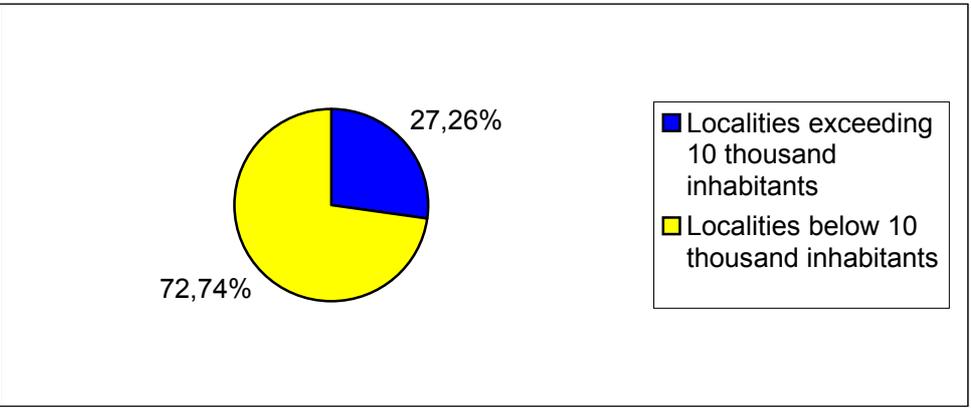
Lithuanians

Localities exceeding 10 thousand inhabitants	14,52%
Localities below 10 thousand inhabitants	85,48%



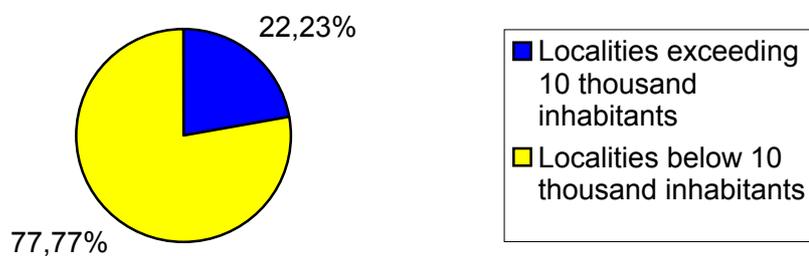
Lemkos

Localities exceeding 10 thousand inhabitants	27,26%
Localities below 10 thousand inhabitants	72,74%



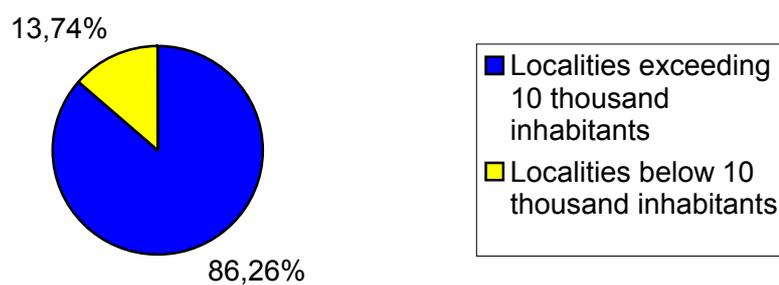
Germans

Localities exceeding 10 thousand inhabitants	22,23%
Localities below 10 thousand inhabitants	77,77%



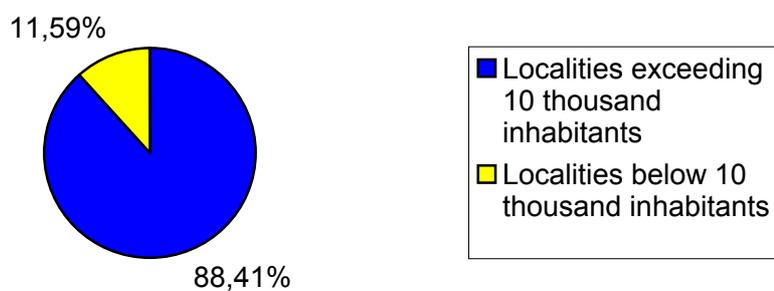
Armenians

Localities exceeding 10 thousand inhabitants	86,26%
Localities below 10 thousand inhabitants	13,74%



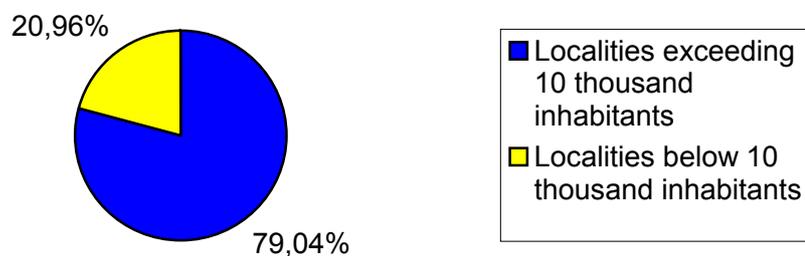
Roma

Localities exceeding 10 thousand inhabitants	88,41%
Localities below 10 thousand inhabitants	11,59%



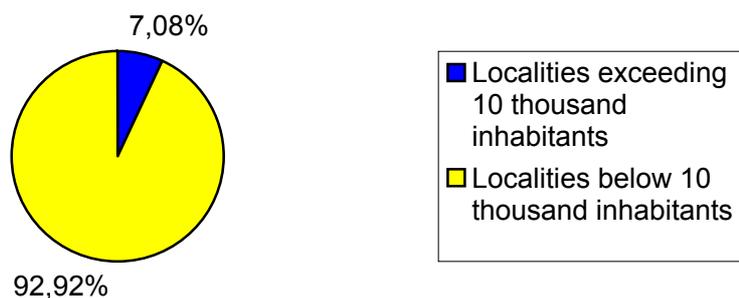
Russians

Localities exceeding 10 thousand inhabitants	79,04%
Localities below 10 thousand inhabitants	20,96%



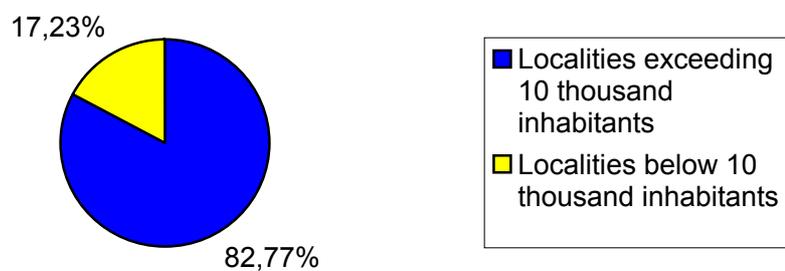
Slovaks

Localities exceeding 10 thousand inhabitants	7,08%
Localities below 10 thousand inhabitants	92,92%

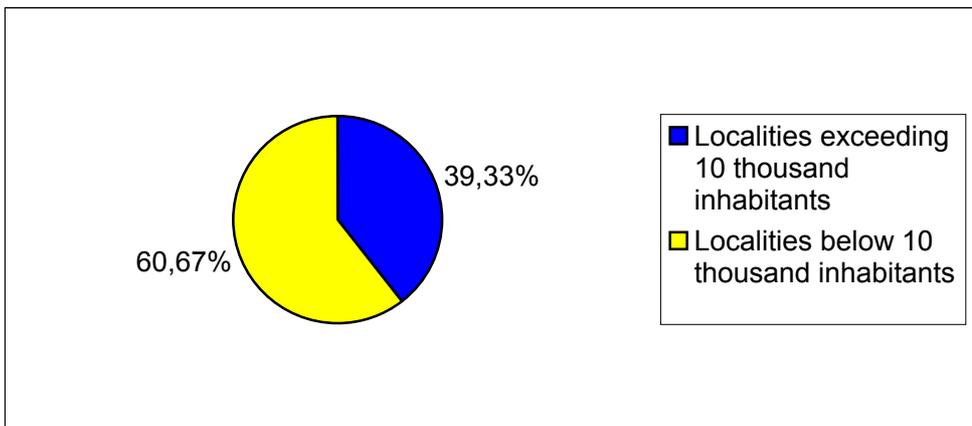


Tartars

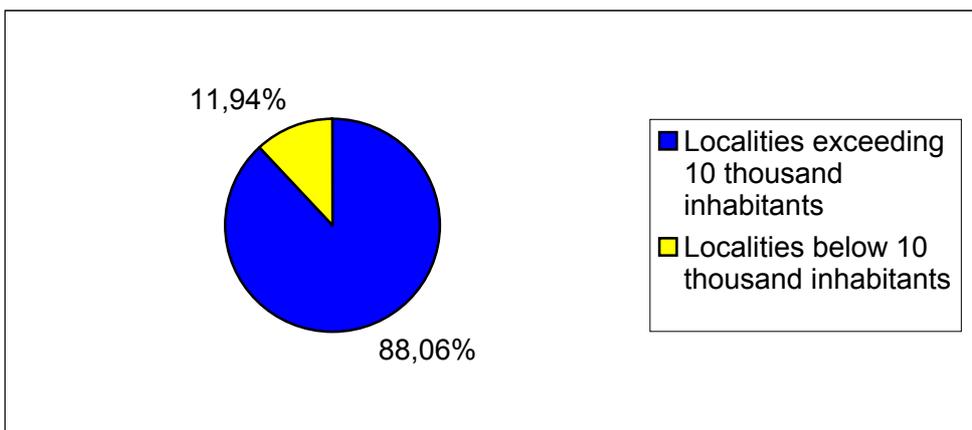
Localities exceeding 10 thousand inhabitants	82,77%
Localities below 10 thousand inhabitants	17,23%



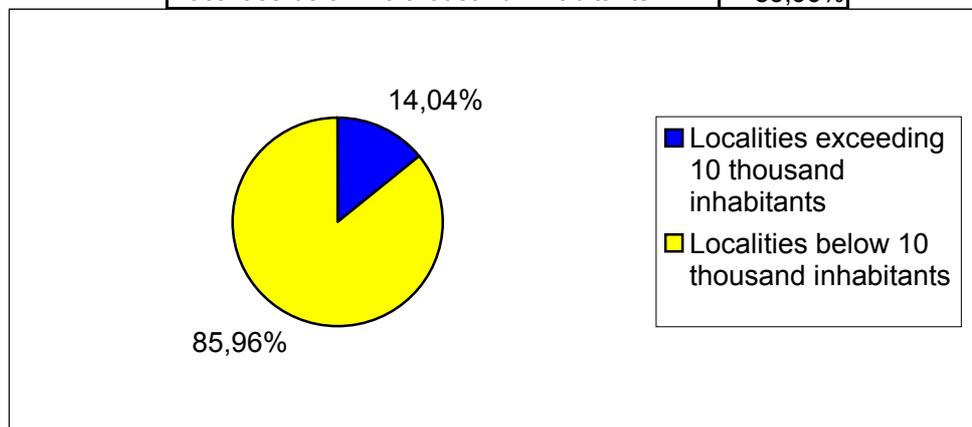
Ukrainians	
Localities exceeding 10 thousand inhabitants	39,33%
Localities below 10 thousand inhabitants	60,67%



Jews	
Localities exceeding 10 thousand inhabitants	88,06%
Localities below 10 thousand inhabitants	11,94%



Persons using Kashubian at home	
Localities exceeding 10 thousand inhabitants	14,04%
Localities below 10 thousand inhabitants	85,96%



Annex No 5 – Number of Polish citizens declaring membership of national or ethnic minority in individual voivodeships as well as number of persons declaring the use the Kashubian language at home in individual voivodeships
(According to the data of 2002 National Population and Housing Census)

<u>Voivodeship</u>	Number of Polish citizens who belong to minorities	Percentage of the voivodeship residents who belong to minorities	Percentage of persons who use Kashubian at home	Percentage of the voivodeship residents who use Kashubian at home
Dolnośląskie	8,429	0.28993	2	0.00007
Kujawsko-Pomorskie	1,615	0.07804	22	0.00106
Lubelskie	1,408	0.06403	3	0.00014
Lubuskie	2,433	0.24114	0	0
Łódzkie	1,851	0.07084	1	0.00004
Małopolskie	5,734	0.17739	4	0.00012
Mazowieckie	4,075	0.07953	16	0.00031
Opolskie	105,509	9.90655	1	0.00009
Podkarpackie	4,071	0.19350	1	0.00005
Podlaskie	53,807	4.45199	3	0.00025
Pomorskie	5,560	0.25506	52,588	2.41240
Śląskie	32,679	0.68901	7	0.00015
Świętokrzyskie	507	0.03908	0	0
Warmińsko-Mazurskie	17,096	1.19690	11	0.00077
Wielkopolskie	2,543	0.07587	5	0.00015
Zachodniopomorskie	5,956	0.35072	1	0.00006

List of communes entered on the basis of Article 10 of Act of 6 January 2005 on National and Ethnic Minorities and Regional Language (Dz.U. No 17, item 141, as amended) in the Official Register of the Communes where supporting language is used

No.	Commune	Powiat	Voivodeship	Supporting language	Date of entry
1	Radłów	Oleski	Opolskie	German	25.01.2006
2	Chrzastowice	Opolski	Opolskie	German	25.01.2006
3	Izbicko	Strzelecki	Opolskie	German	06.03.2006
4	Biała	Prudnicki	Opolskie	German	06.03.2006
5	Walce	Krapkowicki	Opolskie	German	04.04.2006
6	Strzelecki	Krapkowicki	Opolskie	German	17.05.2006
7	Leśnica	Strzelecki	Opolskie	German	17.05.2006
8	Puńsk	Sejneński	Podlaskie	Lithuanian	25.05.2006
9	Proszków	Opolski	Opolskie	German	11.07.2006
10	Parchowo	Bytowski	Pomorskie	Kashubian	16.08.2006
11	Jemielnica	Strzelecki	Opolskie	German	28.08.2006
12	Ujazd	Strzelecki	Opolskie	German	28.08.2006
13	Kolonowskie	Strzelecki	Opolskie	German	22.09.2006
14	Lasowice Wielkie	Kluczborski	Opolskie	German	18.10.2006
15	Reńska Wieś	Kędzierzyńsko-Kozielski	Opolskie	German	26.10.2006
16	Tarnów Opolski	Opolski	Opolskie	German	15.02.2007
17	Bierawa	Kędzierzyńsko-Kozielski	Opolskie	German	23.04.2007
18	Zębówice	Oleski	Opolskie	German	23.10.2007
19	Sierakowice	Kartuski	Pomorskie	Kashubian	23.10.2007
20	Hajnówka	Hajnowski	Podlaskie	Belarusian	03.12.2007
21	Turawa	Opolski	Opolskie	German	12.09.2008
22	Dobrzeń Wielki	Opolski	Opolskie	German	22.04.2009
23	Głogówek	Prudnicki	Opolskie	German	22.04.2009
24	Murów	Opolski	Opolskie	German	22.04.2009
25	Orla	Bielski	Podlaskie	Belarusian	07.05.2009
26	Dobrodzień	Oleski	Opolskie	German	13.05.2009
27	Komprachcice	Opolski	Opolskie	German	04.06.2009
28	Narewka	Hajnowski	Podlaskie	Belarusian	16.06.2009
29	Czyże	Hajnowski	Podlaskie	Belarusian	08.02.2010
30	Hajnówka	Hajnowski	Podlaskie	Belarusian	28.05.2010

Annex 7

List of communes entered on the basis of Article 12 of Act of 6 January 2005
on National and Ethnic Minorities and Regional Language
(OJ No 17, item 141, as amended)
in the Register of the Communes where place-names are in the minority language

No	Commune	Powiat	Voivodeship	Official name in Polish	Additional name in the minority language	Language of the national and ethnic minority or regional language	Date of entry
1.	Radłów	Oleski	Opolskie	Biskupice, village	Bischdorf	German	22.12.2006
				Colony Biskupska, village	Friedrichswille		
				Kościeliska, village	Kostellitiz		
				Ligota Oleska, village	Ellguth		
				Nowe Karmonki, village	Neu Karmunkau		
				Psurów, settlement	Psurow		
				Radłów, village	Radlau		
				Stare Karmonki, settlement	Alt Karmunkau		
				Sternalice, village	Sternalitz		
				Wichrów, village	Wichrau		
				Wolęcín, village	Wollentschin		

				Biskupskie Drogi, hamlet	Strassenkrug		29.10.2007
2.	Cisek	Kędzierzyńsko-kozielski	Opolskie	Błażejowice, village	Blaseowitz	German	11.10.2007
				Cisek, village	Czissek		
				Dzielnica, village	Dzielnitz		
				Kobylice, village	Kobelwitz		
				Landzmerz, village	Landsmierz		
				Łany, village	Lohnau		
				Miejsce Odrzańskie, village	Mistitz		
				Nieznaszyn, village	Niesnaschin		
				Podlesie, village	Podlesch		
				Przewóz, village	Przewos		
				Roszowice, village	Roschowitzdorf		
				Roszowicki Las, village	Roschowitzwald		
				Stebłów, village	Stóblau		
				Sukowice, village	Suckowitz		
3.	Stężycza	Kartuski	Pomorskie	Borucino, village	Boręceno	Kashubian	14.11.2007
				Kamienny Dół, part of the Borucino village	Kamianny Dół		
				Nowe Czaple, village	Nowé Czaple		
				Stare Czaple, village	Stôré Czaple		

				Czysta Woda, part of the Gapowo village	Czëstô Wôda		
				Gapowo, village	Gapòwò		
				Malbork, part of the Gapowo village	Malbòrg		
				Szczukowo, part of the Gapowo village	Szczukòwò		
				Mestwin, part of the Gołubie village	Mestwinowò		
				Bolwerk, part of the Kamienica Szlachecka village	Bùlwark		
				Ostrowo, part of the Kamienica Szlachecka village	Òstrowò		
				Przyrowie, village	Przërowié		
				Danachowo, part of the Klukowa Huta village	Donachòwò		
				Łączyno, village	Łączëno		
				Łączyński Młyn, part of the Łączyno village	Łączzińszci Młin		

			Dąbrowa, part of the Łosienice village	Dąbrowa		
			Nowe Łosienice, part of the Łosienice village	Nowé Łoseńce		
			Nowy Ostrów, part of the Łosienice village	Nowi Ôstrów		
			Stare Łosienice, part of the Łosienice village	Stôré Łoseńce		
			Pustka, part of the Niesiołowice village	Pùstka		
			Rzepiska, part of the Niesiołowice village	Rzepiska		
			Potuły, village	Pòtułë		
			Krzeszna, village	Krzeszna		
			Nowa Sikorska Huta, colony	Nowô Sëkòrskô Hëta		
			Sikorzyno, village	Sëkòrzëno		
			Stara Sikorska Huta, colony	Stôrô Sëkòrskô Hëta		
			Stężyca, village	Stãżëca		
			Delowo, colony	Délowò		

			Kucborowo, part of the Delowo colony	Kùcbòrowò		
			Pażęce, part of the Delowo colony	Pażãce		
			Pypkowo, part of the Steżyca village	Pipkòwò		
			Śnice, part of the Delowo colony	Snice		
			Zdrębowo, part of the Delowo colony	Zdrãbòwò		
			Steżycka Huta, village	Stãżëckô Hëta		
			Szymbark, village	Szimbark		
			Drozdowo, part of the Szymbark village	Drozdowò		
			Kolano, colony	Kòlano		
			Wieżyca, part of the Szymbark village	Wieżëca		
			Smokowo, village	Smòkòwò		
			Uniradze, part of the Smokowo village	Ùniredzé		
			Zgorzałe, village	Zgòrzałé		

				Chróstowo, part of the Żuromino village	Chróstowò		
				Dubowo, village	Dubòwò		
				Betlejem, part of the Gapowo village	Betlejem		
				Przymuszewo, part of the Delowo colony	Przëmùszewò		
				Czapielski Młyn, part of the Nowe Czaple village	Czapelsczi Mlin		20.05.2008
				Gołubie, village	Golëbie		
				Kamienica Szlachecka, village	Kamiénca Szlacheckò		
				Klukowa Huta, village	Klëkòwò Hëta		
				Wygoda Łączyńska, part of the Łączyno village	Łącznińskò Wigòda		
				Niesiołowice, village	Niesołejce		
				Nowa Village, village	Nowò Wies		
				Pierszczewko, village	Pierszczewkò		
				Pierszczewo, village	Pierszczewò		
				Żuromino, village	Žëromino		
4.	Chmielno	Kartuski	Pomorskie	Borzestowo, village	Bòrzeszewò	Kashubian	3.12.2007

			Grodzisko, part of the Borzestowo village	Grodzëskò		
			Stary Dwór, part of the Borzestowo village	Stôri Dwór		
			Zajezerze, part of the Borzestowo village	Zajezerzé		
			Borzestowska Huta, village	Bòrzestowskô Hëta		
			Chmielno, village	Chmielno		
			Babino, part of the Chmielno village	Babino		
			Bukowinki, part of the Chmielno village	Bùkòwinczi		
			Chmielonko, part of the Chmielno village	Chmielónkò		
			Osowa Góra, part of the Chmielno village	Òsowô Góra		
			Rekowo, part of the Chmielno village	Rekòwò		
			Węgliska, part of the Chmielno village	Wãglëska		

			Cegliska, part of the Cieszenie village	Ceglëska		
			Garcz, village	Gôrcz		
			Kożyczkowo, village	Kòżëczkòwò		
			Borczeni, part of the Kożyczkowo village	Bórczëczë		
			Młyn Dolny, part of the Kożyczkowo village	Dólny Młin		
			Młyn Górny, part of the Kożyczkowo village	Górny Młin		
			Rzym, part of the Kożyczkowo village	Rzim		
			Stanowisko, part of the Kożyczkowo village	Stónowiskò		
			Miechucino, village	Miechùcëno		
			Glinno, part of the Miechucino village	Glinno		
			Koryta, part of the Miechucino village	Kòrëta		

				Miechucińskie Chrósty, part of the Miechucino village	Miechùcczé Chróstë		
				Przewóz, village	Przewóz		
				Sznurki, colony	Sznërczi		
				Haska, settlement	Hôska		
				Maks, settlement	Maks		
				Dejk, part of the Reskowo village	Dejk		
				Lipowiec, part of the Reskowo village	Lëpówc		
				Zawory, village	Zôwòrë		
5.	Leśnica	Strzelecki	Opolskie	Czarnocin, village	Scharnosin	German	11.04.2008
				Dolna, village	Dollna		
				Góra Świętej Anny, village	Sankt Annaberg		
				Kadłubiec, village	Kadlubietz		
				Krasowa, village	Krassowa		
				Leśnica, town	Leschnitz		
				Lichynia, village	Lichinia		
				Łąki Kozielskie, village	Lenkau		

				Poreba, village	Poremba		
				Raszowa, village	Raschowa		
				Wysoka, village	Wysoka		
				Zalesie Silesian, village	Salesche		
6.	Rudnik	Raciborski	Silesian	Łubowice, village	Lubowitz	German	11.04.2008
7.	Tarnów Opolski	Opolski	Opolskie	Kąty Opolskie, village	Konty	German	14.04.2008
				Kosorowice, village	Kossorowitz		
				Miedziana, village	Kupferberg		
				Nakło, village	Nakel		
				Przywory, village	Przywor		
				Raszowa, village	Raschau		
				Tarnów Opolski, village	Tarnau		
				Walidrogi, village	Schulenburg		
8.	Chrzastowice	Opolski	Opolskie	Chrzastowice, village	Chronstau	German	20.05.2008
				Daniec, village	Danietz		
				Dąbrowice, village	Dombrowitz		
				Dębie, village	Dembio		
				Dębska Kuźnia, village	Dembiohammer		
				Falmirowice, village	Fallmirowitz		
				Lędziny, village	Lendzin		
				Niwki, village	Tempelhof		

				Suchy Bór, village	Derschau		
9.	Izbicko	Strzelecki	Opolskie	Borycz, village	Boritsch	German	20.05.2008
				Grabów, village	Grabow		
				Izbicko, village	Stubendorf		
				Krośnica, village	Kroschnitz		
				Ligota Czamborowa, village	Tschammer Ellguth		
				Otmice, village	Ottmütz		
				Poznowice, village	Posnowitz		
				Siedlec, village	Schedlitz		
				Sprzęcice, village	Sprentschütz		
				Suchodaniec, village	Sucho-Danietz		
				Utrata, village	Zauche		
10.	Puńsk	Sejneński	Podlaskie	Boksze-Settlement, village	Bokšiai	Lithuanian	20.05.2008
				Buda Zawidugierska, village	Vidugirių Būda		
				Buraki, village	Burokai		
				Dowiaciszki, settlement	Dievetišké		
				Dziedziule, village	Didžiuliai		
				Giłujsze, village	Giluišiai		

			Kalinowo, village	Kalinavas		
			Kompocie, village	Kampuočiai		
			Krejwiany, village	Kreivėnai		
			Nowiniki, village	Navinykai		
			Ogórki, village	Agurkiai		
			Oszkinie, village	Ožkiniai		
			Pełele, village	Peleliai		
			Poluńce, village	Paliūnai		
			Przystawańce, village	Pristavonys		
			Puńsk, village	Punskas		
			Rejsztokiemie, village	Raistiniai		
			Sankury, village	Sankūrai		
			Sejwy, village	Seivai		
			Skarkiszki, village	Skarkiškiai		
			Szlinokiemie, village	Šlynakiemis		
			Tauroszyzki, village	Taurusiškės		
			Trakiszki, village	Trakiškės		
			Trompole, village	Trumpalis		
			Widugiery, village	Vidugiriai		
			Wiłkopedzie, village	Vilkapėdžiai		
			Wojciuliszki, village	Vaičiuliškės		

				Wojtokiemie, village	Vaitakiemis		
				Wołyńce, village	Valinčiai		
				Żwikiele, village	Žvikeliai		
11.	Dobrodzień	Oleski	Opolskie	Dobrodzień, town	Guttentag	German	4.07.2008
				Bąki, hamlet of the Bzinica Stara village	Bonken		
				Błachów, village	Blachow		
				Bzinica Nowa, village	Wilhelmshort		
				Bzinica Stara, village	Bzinitz		
				Bzionków, part of the Rzędowice village	Bziunkau		
				Dąbrowica, colony	Dombrowitze		
				Główczyce, village	Glowtschütz		
				Gosławice, village	Goslawitz		
				Klekotna, village	Charlottenthal		
				Kocury, village	Kotzuren		
				Kolejka, village	Heine		
				Ligota Dobrodzieńska, village	Ellguth Guttentag		
				Liszcok, part of the Pietraszów village	Liszcok		

				Makowczyce, village	Makowtschütz		
				Malichów, hamlet of the Warłów village	Malchow		
				Myślina, village	Mischline		
				Pietraszów, village	Petershof		
				Pludry, village	Pluder		
				Rędzina, hamlet of the Klekotna village	Rendzin		
				Rzędowice, village	Rzendowitz		
				Szemrowice, village	Schemrowitz		
				Turza, village	Thursy		
				Warłów, village	Warlow		
				Zwóz, village	Zwoos		
12.	Jemielnica	Strzelecki	Opolskie	Barut, village	Liebenhain	German	14.11.2008
				Gąsiorowice, village	Gonschiorowitz		
				Jemielnica, village	Himmelwitz		
				Łaziska, village	Lasisk		
				Piotrówka, village	Petersgrätz		
				Wierchlesie, village	Wierschlesche		
13.	Kolonowskie	Strzelecki	Opolskie	Kolonowskie, town	Colonnowska	German	14.11.2008
				Staniszczce Małe, village	Klein Stanisch		

				Staniszczce Wielkie, village	Groß Stanisch			
				Sporok, village	Carmerau			
14.	Krzanowice	Raciborski	Silesia	Bojanów, village	Bojanow	German	19.11.2008	
				Borucin, village	Borutin			
				Krzanowice, town	Kranowitz			
				Pietraszyn, village	Klein Peterwitz			
				Wojnowice, village	Woinowitz			01.12.2009
15.	Ujazd	Strzelecki	Opolskie	Balcarzowice, village	Balzarowitz	German	19.11.2008	
				Jaryszów, village	Jarischau			
				Klucz, village	Klutschau			
				Niezdrowice, village	Niesdrowitz			
				Nogowczyce, village	Nogowschütz			
				Olszowa, village	Olschowa			
				Sieronowice, village	Schironowitz			
				Stary Ujazd, village	Alt Ujest			
				Ujazd, town	Ujest			
				Zimna Wódka, village	Kaltwasser			
16.	Zębowice	Oleski	Opolskie	Kadłub Wolny, village	Frei Kadlub	German	19.11.2008	

				Knieja, village	Kneja		
				Kosice, hamlet of the Radawie village	Koschütz		
				Łąka, village	Lenke		
				Osiecko, village	Oschietzko		
				Poczołków, village	Poscholkau		
				Prusków, village	Pruskau		
				Radawie, village	Radau		
				Siedliska, village	Schiedlisk		
				Zębowice, village	Zembowitz		
17.	Biała	Prudnicki	Opolskie	Biała, town	Zülz	German	24.11.2008
				Browiniec Polski, village	Probnitz		
				Brzeźnica, village	Bresnitz		
				Chrzelice, village	Schelitz		
				Czartowice, village	Schartowitz		
				Dębina, village	Dambine		
				Gostomia, village	Simsdorf		
				Górka Prudnicka, village	Ernestinenberg		
				Grabina, village	Grabine		
				Józefów, village	Josefsgrund		

			Kolnowice, village	Kohlsdorf		
			Krobusz, village	Krobusch		
			Żabnik, hamlet of the Krobusz village	Ziabnik		
			Ligota Bialska, village	Ellguth		
			Łącznik, village	Lonschnik		
			Miłowice, village	Mühlsdorf		
			Mokra, village	Mokrau		
			Nowa Village Prudnicka, village	Neudorf		
			Ogiernicze, village	Legelsdorf		
			Olbracheice, village	Olbersdorf		
			Otoki, village	Ottok		
			Pogórze, village	Pogosch		
			Frącki, hamlet of the Pogórze village	Fronzke		
			Prężyna, village	Groß Pramsen		
			Radostynia, village	Radstein		
			Rostkowice, village	Rosenberg		
			Solec, village	Altzülz		
			Śmicz, village	Schmitsch		

				Wasiłowice, village	Waschelwitz		
				Wilków, village	Wilkau		
18.	Gorlice	Gorlicki	Małopolskie	Bielanka, village	Білянка	Lemko	24.11.2008
19.	Strzeleczyki	Krapkowicki	Opolskie	Dobra, village	Dobrau	German	24.11.2008
				Nowy Bud, hamlet of the Dobra village	Neubude		
				Dziedzice, village	Sedschütz		
				Komorniki, village	Komornik		
				Nowy Młyn, hamlet of the Komorniki village	Neumühle		
				Kujawy, village	Kujau		
				Łowkowice, village	Lobkowitz		
				Moszna, village	Moschen		
				Urszulanowice, hamlet of the Moszna village	Ursulanowitz		
				Pisarzowice, village	Schreibersdorf		
				Buława, hamlet of the Pisarzowice	Buhlau		
				Raławiczki, village	Rasselwitz		
				Smolarnia, village	Pechhütte		

				Serwitut, hamlet of the Smolarnia	Servitut		
				Strzeleczyki, village	Klein Strehlitz		
				Ścigów, village	Schiegau		
				Kopalina, hamlet of the Ścigów village	Kopaline		
				Wawrzyńcowice	Lorenzdorf		
				Zielina, village	Zellin		
20.	Murów	Opolski	Opolskie	Bukowo, village	Georgenwerk	German	31.03.2009
				Dębiniec, village	Dambinietz		
				Grabice, village	Zedlitz		
				Kały, village	Podewils		
				Młodnik, village	Süssenrode		
				Murów, village	Murow		
				Nowe Budkowice, village	Neu Budkowitz		
				Okoły, village	Tauenzinow		
				Radomierowice, village	Plümkenau		
				Stare Budkowice, village	Alt Budkowitz		

				Morcinek, hamlet of the Stare Budkowice village	Morczinek		
				Święciny, village	Neuwedel		
				Zagwiździe, village	Friedrichsthal		
21.	Walce	Krapkowicki	Opolskie	Brożec, village	Broschütz	German	03.06.2009
				Ćwiercie, village	Schwärze		
				Dobieszowice, village	Dobersdorf		
				Grocholub, village	Grocholub		
				Kromolów, village	Kramelau		
				Rozkochów, village	Rosnochau		
				Stradunia, village	Straduna		
				Walce, village	Walzen		
				Zabierzów, village	Zabierzau		
22.	Głogówek	Prudnicki	Opolskie	Biedrzychowice, village	Friedersdorf	German	01.12.2009
				Błazejowice Dolne, village	Blaschewitz		
				Dzierżysławice, village	Dirschelwitz		
				Kierpień, village	Kerpen		
				Leśnik, village	Leschnig		
				Mionów, village	Polnisch Müllmen		

			Mochów, village	Mochau		
			Nowe Kotkowice, village	Neu Kuttendorf		
			Rzepcze, village	Repsch		
			Stare Kotkowice, village	Alt Kuttendorf		
			Twardawa, village	Twardawa		
			Malkowice, hamlet of the Twardawa village	Malkowitz		
			Wierzch, village	Deutsch Müllmen		
			Wróblin, village	Fröbel		
			Zawada, village	Zowade		
			Zwiastowice, village	Schwesterwitz		
			Golczowice, hamlet of the Zawada village	Golschowitz		
			Mucków, hamlet of the Zawada village	Mutzkau		
			But, hamlet of the Zawada village	Neuvorwerk		
			Sysłów, hamlet of the Zawada village	Syblau		
			Głogówek, town	Oberglogau		
						30.04.2010

				Chudoba, hamlet of the Nowe Kotkowice village	Schekai		
23.	Sierakowice	Kartuski	Pomorskie	Ameryka, part of the Leszczynki village	Amerika	Kashubian	01.12.2009
				Bączka Huta, village	Bączkô Hëta		
				Borowy Las, village	Bòrowi Las		
				Bór, part of the Szopa village	Bór		
				Bukowo, colony	Bùkòwò		
				Ciechomie, part of the Kamienica Królewska village	Cechòmié		
				Dąbrowa Puzdrowska, part of the Puzdrowo village	Dąbrowa Pùzdrowskô		
				Długi Kierz, village	Dłudzi Czerz		
				Dolina Jadwigi, part of the Smolniki village	Dolëzna Jadwidzi		
Gowidlino, village	Gòwidlëno						

			Jagodowo, part of the Leszczynki village	Jagòdowò		
			Janowo, part of the Sierakowska Huta village	Janowò		
			Jelonko, part of the Sierakowska Huta village	Jelónkò		
			Kamienica Królewska, village	Kamińca Królewskò		
			Kamienicki Młyn, village	Kamieniczci Młin		
			Kamienicka Huta, part of the Leszczynki village	Kamienickò Hëta		
			Kamionka Gowidlińska, part of the Borowy Las village	Kamiónka Gòwidlińskò		
			Karczewko, part of the Sierakowice village	Karczëwkò		
			Karłowo, part of the Tuchlino village	Karłowò		
			Karwacja, part of the Mojusz	Karwacjò		

				Kawle, part of the Gowidlino village	Kawle		
				Koryto, part of the Kamienica Królewska village	Kòrëto		
				Kowale, settlement	Kòwôle		
				Kujaty, village	Kùjôtë		
				Kukówka, part of the Kamienicki Młyn village	Kùkówka		
				Lemany, village	Lémanë		
				Leszczyнки, village	Leszczinczi		
				Lisie Jamy, part of the Długi Kierz village	Lësé Jamë		
				Łączki, part of the Szopa village	Łączczy		
				Łyśniewo Sierakowickie, village	Łësniwò Serakòwsczé		
				Migi, colony	Mëdzy		
				Moczydło, part of the Puzdrowo village	Mòczëdło		

				Mojusz, village	Mòjsz		
				Mojuszewska Huta, village	Mòjszewskô Hëta		
				Mrozy, village	Mrozë		
				Nowa Ameryka, part of the Leszczyнки village	Nowô Amerika		
				Nowalczyso, part of the Kamienica Królewska village	Nowalcëskò		
				Olszewko, part of the Załakowo village	Òlszëwkò		
				Paczewo, village	Paczewò		
				Pałubice, village	Pałëbice		
				Patoki, part of the Sierakowska Huta village	Patoczi		
				Piekiełko, part of the Sierakowice village	Pieczelkò		
				Poljańska, part of the Mojuszewska Huta village	Pòliańskò		

			Poreby, part of the Sierakowice village	Pòràbë		30.04.2010
			Przylesie, part of the Szklana village	Przëlesé		
			Puzdrowo, village	Pùzdrowò		
			Sierakowice, village	Serakòjce		
			Sierakowska Huta, village	Serakòwskô Hëta		
			Skrzeszewo, village	Skrzeszewò		
			Smolniki, village	Smólniczi		
			Sosnowa Góra, part of the Sierakowice village	Sosnowô Góra		
			Srocze Góry, part of the Leszczyнки village	Sroczé Górë		
			Stara Huta, village	Stôrô Hëta		
			Stara Maszyna, part of the Mrozy village	Stôrô Maszina		
			Szklana, village	Szklanô		
			Szopa, village	Szopa		

				Szramnica, part of the Leszczynki village	Szramnica		
				Tuchlinek, colony of the Tuchlino village	Tëchlink		
				Tuchlino, village	Tëchlëno		
				Welk, part of the Sierakowska Huta village	Welk		
				Wygoda Sierakowska, part of the Sierakowice village	Wigòda Serakòwskò		
				Zarębisko, part of the Kujaty village	Zarãbiskò		
				Kokwino, part of the Kamienica Królewska village	Kòkwino		
				Rębienica, part of the Tuchlino village	Rãbiénica		
				Załakowo, village	Załkòwò		
24.	Komprachcice	Opolski	Opolskie	Chmielowice, village	Chmiellowitz	German	01.12.2009
				Domecko, village	Dometzko		

				Dziekaństwo, village	Dziekanstwo		
				Komprachcice, village	Comprachtschütz		
				Ochodze, village	Ochotz		
				Osiny, village	Rothhaus		
				Polska Nowa Village, village	Polnisch Neudorf		
				Pucnik, hamlet of the Domecko village	Simsdorf		
				Wawelno, village	Bowallno		
				Żerkowice, village	Zirkowitz		
25.	Dobrzeń Wielki	Opolski	Opolskie	Borki, village	Borrek	German	01.12.2009
				Brzezie, village	Finkenstein		
				Chróścice, village	Chroszczütz		
				Czarnowąsy, village	Czarnowanz		
				Dobrzeń Mały, village	Klein Döbern		
				Dobrzeń Wielki, village	Groß Döbern		
				Krzanowice, village	Krzanowitz		

				Kup, village	Kupp		
				Świerkle, village	Horst		
26.	Bytów	Bytowski	Pomorskie	Bory, forest settlement	Bòrë	Kashubian	01.12.2009
				Bytów, town	Bëtowò		
				Dąbie, village	Dąbié		
				Dąbki, settlement	Dąbczi		
				Gostkowo, village	Gòstkòwò		
				Leśno, forest settlement	Lesno		
				Mała Village, hamlet of the Pomysk Wielki village	Môłò Wies		
				Mądrzechowo, village	Mądrzechòwò		
				Mokrzyn, village	Mòkrzëno		
				Niezabyszewo, village	Niezabëszewò		
				Pomysk Mały, village	Môłi Pòmësk		
				Pomysk Wielki, village	Wiôldzi Pòmësk		

				Pyszno, hamlet of the Sierzno village	Pëszno		30.04.2010
				Pomyski Młyn, hamlet of the Pomysk Wielki village	Pòmësczi Młin		
				Rekowo, village	Rekòwò		
				Rzepnica, village	Rzepnica		
				Szarzyn, hamlet of the Pomysk Wielki village	Szarzëno		
				Świątkowo, village	Swiãtkòwò		
				Świerkówko, forest settlement	Swiërkòwkò		
				Międzygórze, hamlet of the Pomysk Mały village	Midzëgòrzé		
				Płotowo, village	Wiòldzé Płòtowò		
				Płotówko, part of the Płotowo village	Mòlé Płòtowò		
				Sierzno, village	Sërzno		
27.	Szemud	Wejherowski	Pomorskie	Będargowo, village	Bãdargòwò	Kashubian	30.04.2010

			Bojano, village	Bòjano		
			Częstkowo, village	Czãstkówó		
			Dobrzewino, village	Dobrzewino		
			Donimierz, village	Dolmiérz		
			Głazica, village	Glôzëca		
			Grabowiec, village	Grabówc		
			Jeleńska Huta, village	Jeleńskô Hëta		
			Kamień, village	Kamién		
			Kielno, village	Czelno		
			Koleczkowo, village	Kòleczkòwò		
			Kowalewo, village	Kòwòlewò		
			Leśno, village	Lesno		
			Łebno, village	Łebno		
			Łebieńska Huta, village	Łebińskô Hëta		
			Przetoczyno, village	Przetoczëno		

				Rębiska, part of the Warzno village	Rãbiska		
				Szemud, village	Szëmôłd		
				Szemudzka Huta, village	Szëmôłdzkô Hëta		
				Warzno, village	Wôrzno		
				Zęblewo, village	Ząblewò		
				Karczemki, part of the Dobrzewino village	Karczemczì		
				Kieleńska Huta, village	Czelińskô Hëta		10.01.2011
28.	Linia	Wejherowski	Pomorskie	Cieszonko, part of the Miłoszewo village	Ceszónkò	Kashubian	30.04.2010
				Dargolewo, part of the Strzecz village	Dargòlewò		
				Dąbrówka, part of the Linia village	Dąbrówka		
				Dąbrówka, part of the Poblocie village	Dąbrówka		
				Głodnica, part of the Strzecz village	Głodnica		

			Igrzyczno, settlement	Jigrzëcznô		
			Jastrzębiec, hamlet of the Miłoszewo village	Jastrzëbiôk		
			Karpaty, hamlet of the Miłoszewo village	Karpatë		
			Kętrzyno, village	Kãtrzëno		
			Kobylasz, village	Kòbëlôsz		
			Kopce, part of the Lewino village	Kòpce		
			Kukówka, settlement of the Kobylasz village	Kùkówka		
			Leobór, hamlet of the Lewino village	Léobòra		
			Lewinko, village	Lewinkò		
			Lewino, village	Lewino		
			Linia, village	Lëniô		
			Lipki, part of the Tłuczewo village	Lëpczi		

			Malinowy Rów, part of the Miłoszewo village	Malënowi Rów		
			Miłoszewo, village	Miłoszewò		
			Niedźwiadek, part of the Poblócie village	Miedwiedzòk		
			Niepoczółowice, village	Niepòczółowice		
			Osiek, village	Òsek		
			Poblócie, village	Pòblócé		
			Porzecze, part of the Tłuczewo village	Pòrzéczé		
			Potęgowo, colony	Pòtãgòwò		
			Rosochy, hamlet of the Lewino village	Rosochë		
			Smażyno, village	Smażëno		
			Starowiejski Rów, part of the Poblócie village	Stòromieszczi Rów		
			Strzecz, village	Strzécpcz		
			Szeperia, part of the Poblócie village	Szeperiò		

				Tłuczewo, village	Tłuczewò		
				Wronia, part of the Tłuczewo village	Wronica		
				Zakrzewo, village	Zakrzewò		
				Zielony Dwór, part of the Strzepcz village	Zelony Dwór		
29.	Łubniany	Opolski	Opolskie	Biadacz, village	Biadacz	German	30.04.2010
				Brynica, village	Brinnitz		
				Dąbrówka Łubniańska, village	Lugnian Dombrowka		
				Grabie, village	Heinrichsfelde		
				Jelowa, village	Jellowa		
				Kępa, village	Kempa		
				Kobylno, village	Kobyllno		
				Kolanowice, village	Kollanowitz		
				Luboszyce, village	Luboschütz		
				Łubniany, village	Lugnian		

				Masów, village	Massow		
30.	Prószków	Opolski	Opolskie	Boguszyce, village	Boguschütz	German	30.04.2010
				Chrzęszczyce, village	Chrzumczütz		
				Chrzowice, village	Chrzowitz		
				Folwark, village	Follwark		
				Górki, village	Gorek		
				Jańkowice, village	Jaschkowitz		
				Ligota Prószkowska, village	Ellguth Proskau		
				Nowa Kuźnia, village	Neuhammer		
				Prószków, town	Proskau		
				Winów, village	Winau		
				Zimnice Małe, village	Klein Schimnitz		
				Zimnice Wielkie, village	Gross Schimnitz		
				Złotniki, village	Zlattnik		
				Żlinice, village	Zlönitz		

				Przysiecz, village	Przyschetz		17.11.2011
31.	Gogolin	Krapkowicki	Opolskie	Zakrzów, village	Sakrau	German	30.04.2010
				Dąbrówka, village	Dombrowka		
				Górażdże, village	Goradze		
				Chorula, village	Chorulla		
				Malnia, village	Malnie		
				Odrowąż, village	Oderwanz		
				Kamionek, village	Klein Stein		
				Kamień Śląski, village	Gross Stein		
				Obrowiec, village	Oberwitz		
32.	Lasowice Wielkie	Kluczborski	Opolskie	Chocianowice, village	Kotschanowitz	German	16.08.2010
				Chudoba, village	Kudoba		
				Ciarka, village	Schiorke		
				Gronowice, village	Grunowitz		
				Jasienie, village	Jaschine		
				Laskowice, village	Laskowitz		

				Lasowice Małe, settlement	Klein Lassowitz		
				Lasowice Wielkie, village	Gross Lassowitz		
				Oś, village	Marienfeld		
				Szumirad, village	Sausenberg		
				Trzebiszyn, village	Trebitschin		
				Tuły, village	Thule		
				Wędrynia, village	Wendrin		
33.	Kartuzy	Kartuski	Pomorskie	Bącz, village	Bącz	Kashubian	16.08.2010
				Borowo, village	Bòrowò		
				Brodnica Dolna, village	Dólnô Brodnica		
				Brodnica Górna, village	Górnô Brodnica		
				Dzierżąžno, village	Dzérżąžno		
				Głusino, village	Głëszëno		
				Grzybno, village	Grzëbno		
				Kaliska, village	Kalëska		
				Kartuzy, town	Kartuzë		
				Kiełpino, village	Kôłpino		

			Colony, village	Kòloniô		
			Kosy, village	Kòsë		
			Łapalice, village	Łapalëce		
			Mezowo, village	Mézowò		
			Mirachowo, village	Mirochòwò		
			Nowa Huta, village	Nowô Hëta		
			Prokowo, village	Prokòwò		
			Ręboszewo, village	Rãbòszewò		
			Sianowo, village	Swiònowò		
			Sianowska Huta, village	Swiònowskô Hëta		
			Sitno, village	Sëtno		
			Smętowo Chmieleńskie, village	Chmieleńszcë Smãtowò		
			Staniszewo, village	Stajszewò		
			Stara Huta, village	Stôrô Hëta		
			Strycza Buda, village	Strëszô Bùda		
			Pomieczyńska Huta, village	Pòmieczińskô Hëta		29.04.2011

34.	Bierawa	Kędzierzyńsko-kozielski	Opolskie	Bierawa, village	Birawa	German	10.01.2011
				Brzeźce, village	Brzezetz		
				Goszyce, village	Goschütz		
				Grabówka, village	Sackenhoym		
				Kotlarnia, village	Jakobswalde		
				Lubieszów, village	Libischau		
				Ortowice, village	Ortowitz		
				Stara Kuźnia, village	Klein Althammer		
				Stare Koźle, village	Alt Cosel		
				Dziergowice, village	Oderwalde		24.05.2011
35.	Brusy	Chojnicki	Pomorskie	Antoniewo, village	Antóniewò	Kashubian	10.01.2011
				Asmus, village	Asmùs		
				Blewiec, forest settlement of the Lubnia village	Bléwc		
				Broda, colony	Broda		
				Brusy, town	Brusë		

			Brusy-Jaglie, village	Brusë-Jagle		
			Brusy-Wybudowanie, village	Brusë-Pùstczi		
			Chłopowy, settlement	Chłòpòwò		
			Czapiewice, village	Czòpiewice		
			Czapiewice-Wybudowanie, settlement of the Czapiewice village	Czòpiewice- Pùstczi		
			Czarniż, village	Czòrnéz		
			Czarnowo, village	Czòrnòwò		
			Czernica, village	Czerznica		
			Czyczkowy, village	Czëczkòwë		
			Czyczkowy-Wybudowanie, settlement of the Czyczkowy village	Czëczkòwë- Pùstczi		
			Dąbrówka, village	Dąbrówka		
			Dębowa Góra, forest settlement of the Męcikał village	Dąbòwò Góra		

			Gacnik, village	Gacnik		
			Giełdon, village	Dźełdón		
			Główczewice, village	Główczëce		
			Huta, village	Hëta		
			Kaszuba, village	Kaszëba		
			Kinice, village	Czinice		
			Kosobudy, village	Kòsobùdë		
			Kosobudy-Wybudowanie, settlement of the Kosobudy village	Kòsobùdë- Pùstczi		
			Krównia, village	Krówniô		
			Kruszyn, village	Krëszëniô		
			Lamk, village	Lamk		
			Laska, village	Lôska		
			Lendy, village	Lãdë		
			Leśnictwo Giełdon, forest settlement of the Czarniz village	Lesyństwò Dźełdón		

			Lešno, village	Lesno		
			Lešno-Wybudowanie, forest settlement of the Lešno village	Lesno- Pùstczi		
			Lubnia, village	Lubniô		
			Lubnia-Wybudowanie, settlement of the Lubnia village	Lubniô- Pùstczi		
			Małe Chełmy, village	Môlé Chelmë		
			Małe Chełmy-Wybudowanie, settlement of the Małe Chełmy village	Môlé Chelmë- Pùstczi		
			Męcikał, village	Măcëkôł		
			Męcikal-Struga, part of the Męcikał village	Măcëkôł-Strëga		
			Młynek, forest settlement	Młink		
			Okreǳlik, village	Òkrăǳlëk		
			Orlik, village	Òrlik		
			Parowa, settlement	Pôrowa		

			Parzyn, village	Pôrzin		
			Peplin, village	Peplin		
			Pokrzywno, colony	Pòkrziwno		
			Przymuszewo, village	Przëmùszewò		
			Rolbik, village	Rólbiék		
			Rudziny, village	Rëdzënë		
			Skoszewo, village	Skòszewò		
			Spierwia, forest settlement of the Męcikał village	Spiérwiô		
			Turowiec, colony	Turówc		
			Warszyn, forest settlement of the Kaszuba village	Warszëno		
			Widno, village	Widno		
			Wielkie Chełmy, village	Duzé Chelmë		

				Wielkie Chełmy- Wybudowanie, settlement of the Wielkie Chełmy village	Dużé Chelme- Pùstczy		
				Windorp, village	Windorp		
				Wysoka Zaborska, village	Wësokô Zòbòrskô		
				Zalesie, village	Zôles		
				Zalesie-Wybudowanie, settlement of the Zalesie village	Zôles- Pùstczy		
				Żabno, village	Żòbno		
				Małe Glišno, village	Głësno		
36.	Parchowo	Bytowski	Pomorskie	Bawernica, colony	Bawernica	Kashubian	10.01.2011
				Chośnica, village	Chòsznica		
				Chałupa, settlement	Chalëpa		
				Folwark, settlement	Fòlwark		

			Grabowo Parchowskie, village	Grabòwò Parchòwsczi		
			Jamno, village	Jòmno		
			Ceglarnia, hamlet of the Jamno village	Ceglarniô		
			Jamnowski Młyn, hamlet of the Jamno village	Jómsczi Młin		
			Jeleńcz, village	Jeléncz		
			Mirosław, part of the Jeleńcz village	Mirosłôw		
			Nakla, village	Nôklô		
			Glinowo-Leśniczówka, part of the Nakla village	Glënowszé Lesyństwò		
			Józefata Dolina, part of the Nakla village	Dolëzna Jozefata		
			Klótница, part of the Nakla village	Klótница		
			Skrobacz, part of the Nakla village	Skrobôcz		

			Wola, part of the Nakla village	Wòlò		
			Wygoda, hamlet of the Nakla village	Wigòda		
			Nowa Wieś, village	Nowo Wies		
			Baranowo, hamlet of the Nowa Wieś village	Baranowò		
			Parchowo, village	Parchòwò		
			Frydrychowo, hamlet of the Parchowo village	Fridrichòwò		
			Karłowo, part of the Parchowo village	Karłowò		
			Parchowski Bór, hamlet of the Parchowo village	Parchòwsczi Bór		
			Parchowski Młyn, hamlet of the Parchowo village	Parchòwsczi Młin		
			Wiślany, part of the Parchowo village	Wiszlónë		
			Zielony Dwór, part of the Parchowo village	Zelony Dwór		

				Garbacz, hamlet of the Sylczno village	Garbôcz		
				Soszycza, hamlet of the Bukówko village	Soszëca		
				Struga, settlement	Strëga		
				Gołczewo, village	Gôłczewò		24.05.2011
				Gołcewo, part of the Gołczewo village	Gôłczewò		
				Sylczno, village	Sélczo		
				Sumin, settlement	Sumino		
				Żukówko, village	Żukówkò		
				Bylina, hamlet of the Bukówko village	Bëlëno		
37.	Orla	Bielski	Podlaskie	Antonowo, colony	Антоново	Belarussian	11.01.2011
				Baranowce, colony	Бараноўцы		
				Czechy Zabłotne, village	Чэхі Заболотны		
				Dydule, village	Дыдулі		
				Gregorowce, village	Рыгороўцы		

				Koszele, village	Кошэлі		
				Koszki, village	Кошкі		
				Kruhłe, colony	Круглэ		
				Krywiatycze, village	Крывятычы		
				Malinniki, village	Маліннікі		
				Malinniki-Kolonia, colony	Маліннікі-Колёнія		
				Mikłasze, village	Міклашы		
				Moskiewce, village	Москоўцы		
				Oleksze, village	Олекшы		
				Orla, village	Орля		
				Paszkowszczyzna, village	Пашкоўшчына		
				Pawlinowo, village	Паўліново		
				Reduty, village	Рудуты		
				Spiczki, village	Спічкі		
				Szczyty-Dzięciołowo, village	Шчыты-Дзенцёлово		

				Szczyty-Nowodwory, village	Шчыты-Новодворы		17.11.2011
				Szernie, village	Шэрні		
				Topczykały, village	Топчыкалы		
				Wólka, village	Волька		
				Wólka Wygonowska, village	Волька Выганоўска		
				Gredele, village	Грэдэлі		
				Gredele-Kolonia, colony	Грэдэлі-Колёнія		
38.	Reńska Wieś	Kędzierzyńsko-kozielski	Opolskie	Bytków, village	Pickau	German	11.01.2011
				Dębowa, village	Dembowa		
				Długomiłowice, village	Langlieben		
				Gieraltowice, village	Gieraltowitz		
				Kamionka, village	Kamionka		
				Komorno, village	Komorno		
				Łężce, village	Lenschütz		
				Mechnica, village	Mechnitz		

				Naczysławki, village	Klein Nimsdorf		
				Poborszów, village	Poborschau		
				Pociękarb, village	Potzenkarb		
				Pokrzywnica, village	Nesselwitz		
				Radziejów, village	Juliusburg		
				Reńska Wieś, village	Reinschdorf		
				Większyce, village	Wiegenschütz		
39.	Sulęczyno	Kartuski	Pomorskie	Amalka, part of the Podjazy village	Amalka	Kashubian	13.01.2011
				Bielawki, part of the Kistowo village	Biélôwczì		
				Borek Kamienny, village	Kamiany Bòrk		
				Borowiec, part of the Węsiory village	Bòrówc		
				Bukowa Góra, village	Bùkòwô Góra		
				Chojna, part of the Kistowo village	Chòjna		

				Czarlino, part of the Węsiory village	Czôrlëno		
				Kistowo, village	Czistowò		
				Kistówko, part of the Kistowo village	Czistówkò		
				Kołodzieje, village	Kòłodzeje		
				Mściszewice, village	Mscëszejce		
				Nowe Pole, part of the Sucha village	Nowé Pòle		
				Nowy Dwór, settlement	Nowi Dwór		
				Ogonki, village	Ògónczi		
				Ostrowite, settlement	Òstrowité		
				Podjazy, village	Pòdjazë		
				Sucha, village	Sëchò		
				Sulęczyno, village	Sëlëczëno		
				Węsiory, village	Wãsorë		
				Widna Góra, part of the Podjazy village	Widnô Góra		

				Zdunowice, settlement	Zdënejce		
				Żakowo, village	Žòkòwò		
				Skoczkowo, part of the Mściszewice village	Skòczkòwò		
				Lewinowo, part of the Mściszewice village	Lewinowò		
				Przemielnica, part of the Kistowo village	Przmiélnica		
				Bębny, part of the Mściszewice village	Bãbnë		
				Golica, part of the Mściszewice village	Gòlëca		
40.	Polska Cerekiew	Kędzierzyńsko-kozielski	Opolskie	Cięzkowice, village	Czienskowitz	German	29.04.2011
				Dzielawy, village	Dzielau		
				Grzędzin, village	Grzendzin		
				Jaborowice, village	Jaborowitz		
				Ligota Mała, village	Klein Ellguth		
				Łaniec, village	Łanietz		
				Mierzęcin, village	Mierzenzin		

				Polska Cerekiew, village	Groß Neukirch		
				Połowa, village	Puhlau		
				Witosławice, village	Witoslawitz		
				Wronin, village	Wronin		
				Zakrzów, village	Sakrau		
41.	Somonino	Kartuski	Pomorskie	Borc, village	Bórcz	Kashubian	29.04.2011
				Egiertowo, village	Egertowò		
				Goreczyno, village	Gòrãczëno		
				Hopowo, village	Hopòwò		
				Kamela, village	Kaméla		
				Kaplica, village	Kaplëca		
				Ostrzyce, village	Òstrzëce		
				Piotrowo, village	Piotrowò		
				Ramleje, village	Ramleje		
				Rąty, village	Rątë		
				Rybaki, village	Rëbackô Hëta		
				Sławki, village	Słówczi		

				Somonino, village	Somònino		17.11.2011
				Starkowa Huta, village	Starkòwô Hëta		
				Pòłączyno, village	Pòłączëno		
				Wyczechowo, village	Wiczëchòwò		
42.	Uście Gorlickie	Gorlicki	małopolskie	Blechnarka, village	Бліхнарка	Lemko	17.11.2011
				Gładyszów, village	Гладышів		
				Konieczna, village	Конечна		
				Kunkowa, village	Кункова		
				Nowica, village	Новиця		
				Regietów, village	Регетів		
				Ropki, village	Ріпки		
				Zdynia, village	Ждыня		

Summary of comments to the Third Report for the Secretary General of the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities by the Polish Republic¹

The location	The author	Contents
General remark	Open Republic Association Against Anti-Semitism and Xenophobia	Open Republic joyfully welcomes the report information in regard of taking action to counter discrimination and racial hatred. We regretfully state that the report is not based on the most recent Census data from the year 2011, especially that it contained the question of nationality and ethnicity, and for the first time, respondents had the opportunity to give more than one answer to this question
Part I, Section 4.2	Open Republic Association Against Anti-Semitism and Xenophobia	In the light of Article 3 of the Convention and Article 53 of the Constitution of the Republic of Poland, the characterization of individual members of national and ethnic minorities by professed religion and belonging to the church is incomprehensible. Contrary to the proviso contained in 1.1. that the report "is limited to the assessment of the facts", the evaluation with uncertain criterion was used here. These estimates concern people (Ukrainians, Roma, Slovaks) and are reflected in the terms: "... mostly belong to the ... church", "are mostly of ...religion", "usually are ...", "traditionally they are ... ". The authors do not indicate religious affiliation of Russians and Tatars, and the Karaims are described as being "distinguished by Karaim religion derived from the Judaism", whereas the Jews - "are the followers of the Mosaic religion". The following sentence also raises doubts: "People who at home are using a regional language are mostly faithful to the Roman Catholic Church." Using similar assessments based on stereotypes and generalizations in a government document does not appear appropriate.
Part II, Art. 3	The Helsinki Foundation for Human Rights	In relation to the Government explanations on pages 37 - 38 of the Report HFHR would like to point out a problem with the relation to prohibition of forcing the citizens to disclose their minority status and origin. The Foundation's experience shows that conducting investigations in cases of violence motivated by hatred of a particular group, victims are required to disclose their

¹ All of the following notes are from the authors of the reported comments.

		nationality or ethnicity. The Foundation wishes to point out that such a situation occurred in two cases included in the "Article 32" Programme – in the already cited above case of Tomasz Pietrasiewicz and Andrzej S., which regarded beating a man because of his alleged Jewish origin ² . In determining the legal classification of the offense, the two victims were interviewed by law enforcement officials about their origin and possible minority affiliation. According to the Foundation, such practices are inconsistent with the obligation of the public authorities to refrain from intrusion into the area of self-identification, resulting from the wording of Article 3 of the Framework Convention.
Part II, Article 4, paragraph 1	Open Republic Association Against Anti-Semitism and Xenophobia	Recalling on the page 43 the fact of the Act of implementation of certain EU provisions on the equal treatment entering into force on 1 January 2011, the Report does not mention that in its adoption the objections and comments submitted by the non-governmental organizations representing minorities were omitted.
Part II, Article 4, paragraph 1	Open Republic Association Against Anti-Semitism and Xenophobia	We gladly acknowledge the information regarding the commitment of the Government Plenipotentiary for Equal Treatment to the preparation of the National Action Plan for Equal Treatment; however, we miss the fact that the guidelines of the National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance for the years 2004-2009, arising from Poland's international obligations were not actually executed.
Part II, Article 4 and Article 6	The Helsinki Foundation for Human Rights	(The following suggestions apply to information posted by the Government on pages 39 - 43 and 61 - 62). With regard to the part of the Report which discusses the legal regulations concerning the rights of persons belonging to national minorities and ethnic groups, the Foundation would like to draw the Government's attention once more to the issues related to the need of guaranteeing the representatives of ethnic and national minorities the effective mechanisms of protection against discrimination and hate-motivated violence. According to HFHR, in the context of the rights of persons belonging to national minorities and ethnic groups there are important issues related to the current shape of the provisions of the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment (Journal of Laws No. 254, item. 1700; later referred to as "the Act"). According to the Foundation, it is impossible to agree with

² Full description of the case of Andrzej S. is available on the "Article 32" Programme HFHR website.

		<p>the Government that the act "organizes the legal situation and fully implements the provisions of the existing European Union's anti-discrimination directives"³. As part of its activities, HFHR repeatedly pointed out that this act does not contain any legal arrangements relating to the phenomena of "multiple discrimination" and "discrimination by association", which very often affect the representatives of the national and ethnic minorities. An example of "multiple discrimination" is the problem of discrimination against the Roma women, where the basis for the exclusion is not only their ethnicity, but also gender. With regard to the phenomenon of "discrimination by association", we should mention a situation in which a person falls victim to discrimination, because he or she is associated with a person-carrier of the characteristics protected by law (for example, is in relationship with the representative of a national minority). HFHR wishes to draw the Government's attention to the serious legal consequences of this legislative omission, which significantly reduces the possibility of claiming compensation for violation of the principle of equal treatment under the law. It should also be noted that the Act does not specify the method of determining the amount of compensation in these specific situations. According to HFHR, the way in which the Act was designed is also a major problem - in our opinion, understanding the content of the provisions may pose serious difficulties for recipients and thus discourage them from taking legal action. The procedure of claiming compensation under the provisions of the Act also requires elaboration - the current solution included in art. 13 of the Act is too general and creates a risk that the legislation will not be used in practice. It should be emphasized that the Act does not provide the possibility of claiming redress for harm from a person who violated the principle of equal treatment.</p>
<p>Part II, Article 5, paragraph 1</p>	<p>Open Republic Association Against Anti-Semitism and Xenophobia</p>	<p>In connection with article 5 of the Convention, on page 48 it is stated that the Constitution guarantees, and "the Polish education system gives the possibility of preservation of identity ... expressed in the professed religion. (...) in 2 public schools or kindergartens a confessional religious education is organised. We believe that the report should contain information on the actual implementation of this law.</p>

³ The Third Report to the Secretary General of the Council of Europe on the implementation by the Republic of Poland of the Framework Convention provisions for the Protection of National Minorities, page 43 verse 21 and 22 of the Report.

<p>Part II, Article 6</p>	<p>The Helsinki Foundation for Human Rights</p>	<p>(The following information refers to information published by the Government on pages 58 - 61 of the Report). With regard to the issue of criminal-law protection of national and ethnic minorities HFHR wishes to draw the Government's attention to the issue of the proper application of the provisions of Article 119 and 257 of the Penal Code⁴ by the judiciary and law enforcement agencies. The Foundation's experience shows that in conducting the preparatory proceedings in a case involving violence motivated by hatred, law enforcement agencies face problems of determining the proper legal classification of the act. The problem with the proper application of Art. 119 of the Penal Code appeared on the outline of the repeatedly discussed by HFHR case of Tomasz Pietrasiewicz, who systematically for almost two years now has been falling victim of anti-Semitic attacks. Intervening in this matter for the first time, the Foundation observed that law enforcement did not perform the legal classification taking into account the anti-Semitic nature of the event and decided that throwing bricks with swastikas painted on them to the apartment occupied by the person engaged in the subject of the history of Jews in Lodz, but not being a Jew himself, did not fulfil the feature of the act specified in Article 119 of the Penal Code⁵. As part of the undertaken activities, the Foundation intervened also in a case involving improper application of Art. 257 of the Penal Code. The case concerned a person detained by supermarket security personnel on a charge of theft. During the detainment, the guards noticed the necklace with the Star of David on the detainee's neck and repeatedly insulted him using derogatory terms referring to the Jewish descent. Refusing to investigate the case, the prosecution pointed to the lack of public interest in including the offence to be prosecuted ex officio. Similar position was taken by the court hearing the complaint of the victim⁶. According to the Foundation, the analysis of these cases shows that it is necessary to continue the educational activities among the judiciary and law enforcement agencies in the field of anti-discrimination matter.</p>
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⁴ OJ of 1997 No 88, item. 553

⁵ Description of the case of Tomasz Pietrasiewicz can be found on the website of the HFHR "Article 32" Programme: <http://www.hfhrpol.waw.pl/dyskryminacja/litygacja/dyskryminacja-pochodzenie-narodowe-i-etniczne/>

⁶ Full description of the case is available on the website of the HFHR "Article 32" Programme.

Part II, Article 12	The Helsinki Foundation for Human Rights	(The following suggestions apply to information posted by the Government on pages 106 - 108 of the Report). With reference to the measures outlined by the Government in reference to the education of the Roma minority representatives, HFHR wishes to point out that the report refers to the problem of directing students of ethnic Roma descent to special schools in too general terms. From the signals received by the HFHR it appears that currently applicable formula of the test under which children are sent to special schools is constructed in a defective manner. The described phenomenon is diagnosed and analysed by psychologists at the Jagiellonian University in co-operation with the Union of Roma in Poland, who suggest that achieving a good result on the test does not depend on the level of intelligence of the child, but on the level on which it speaks Polish ⁷ . It should also be noted that this problem was also considered by the Grand Chamber of the European Court of Human Rights (hereafter "the ECHR") on the Orsus v. Croatia case ⁸ . In its decision, the ECHR noted that for historical reasons, the representatives of the Roma minority became a specific type of minority, which is particularly vulnerable to harm. For these reasons, the Roma require a special legal protection, which also covers the sphere of education ⁹ . Discussing the problem of Roma children being directed to special classes because of the lack of knowledge of the language of the country, the ECHR pointed out that the use of such a measure does not constitute a violation of art. 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms ¹⁰ , insofar as it is absolutely necessary, and the test on the basis of which the children are directed to the relevant institutions is consistent, objective and comprehensively examines the child's language skills ¹¹ .
Part II, Article 12	The Helsinki Foundation for Human Rights	(The following suggestions apply to information posted by the Government on pages 136 - 137 of the Report). HFHR also wants to maintain the current opinion on the legal status of the Government Plenipotentiary for Equal Treatment that was presented in a letter of 20 December 2011, while at the same time stress the need to give the person carrying out that function fully independent authority, which does not require the consent of the Prime Minister or agreeing the

⁷ The results are described in the article of Gazeta Wyborcza entitled "Roma children unjustly sent to special schools", article available at: http://www.google.pl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEsQFjAA&url=http%3A%2F%2Fwyborcza.pl%2F1%2C75478%2C10543315%2CRoms_kie_dzieci_bezpodstawnie_wysylane_do_szkol_specjalnych.html&ei=pvkYUMb-E43FtAbWwoCoBg&usq=AFQjCNH0sus1fZzc0N6OOZQ3yxhxdaqVPg

⁸ The Orsus v. Croatia case, No. of complaint 15766/03; judgment of the Grand Chamber entered on 16 March 2010.

⁹ Orsus v. Croatia, No. of complaint 15766/03, judgment of the Grand Chamber of 16 March 2010, § 147

¹⁰ Journal of Laws of 1998. No 147, item. 962

¹¹ Orsus v. Croatia, No of complaint 15766, the judgment of the Grand Chamber of 16 March 2010, § 159

		position with the relevant ministers (Article 21 paragraph 4 and 5 of the Act). According to the Foundation, it is also appropriate to discuss the postulate of the formation of the legal status of the Government Plenipotentiary for Equal Treatment as a body completely independent from the executive powers.
Part II, Article 12, Sec. 3	Polish Roma Union	Speaking about the percentage of Roma children with the certificate of disability it is worth analysing in depth the extent to which these are actually the result of parental consent. It may turn out that Roma parents did not fully know the education law and therefore made such decisions regarding their children. It should also be considered whether a diagnosis of Roma pupils by teachers and sociologists is adequate to bicultural and bilingual children, which the little Roma undoubtedly are. Therefore, I do not agree with the contents of the last paragraph on page 108 of the III Report.
Part IV	Open Republic Association Against Anti-Semitism and Xenophobia	For several years, Open Republic has conveyed random surveys of court records and reported the violations of Articles 256 and 257 of the Penal Code to the prosecutor's offices. These data and the monitoring of press reports suggest that there are more crimes caused by racial hate and xenophobia than it is indicated in the statistics quoted in the Report. In addition, our data points out what the Report is silent about, that the prosecutor's offices are reluctant to initiate similar cases, as they are very often redeemed due to fact that the delinquents are undetected or the case is qualified as an act of hooliganism. Quoted in point 3 <i>Sample qualitative data on offenses committed because of racist or xenophobic motives...</i> cite only the sentencing provisions of the courts, despite the fact that all too often we are dealing with at least controversial provisions putting the judges' preparation to settle in such matters into question.