

Observations made by the minority representatives in the Joint Commission of the Government and National and Ethnic Minorities to the 3rd Report to the Secretary General of the Council of Europe on the Republic of Poland's implementation of the provisions of the European Charter for Regional or Minority Languages

<p>Representative of the Karaim minority</p>	<p>Re 6. No structured policy is being conducted concerning the Charter's application with regard to the minorities listed by the experts. All measures that are being implemented follow from the needs and capabilities of specific minorities and proceed solely based on grants. There is still no structured policy with respect to these languages.</p> <p>Re 34. The collected data on the lists of participants in artistic events, number of ensemble members or magazine circulation do not allow to create a proper indicator of the number of persons using these languages. They only allow to generate values that do not reflect reality. For example in the case users of the Karaim language, which the reports list as lost to the community, summing up the 100 people who attended the concert featuring the performance of <i>Dołstar</i> with 32 members of the Kashubian-Pomeranian Association and the 2800 circulation of magazines and of the calendar, results in an absurd value.</p> <p>Re 123, 349, 774 Only two languages were taught as minority languages as part of higher education in Poland – this applies to the Lemko minority language studies, which do not exist anymore, and the Kashubian minority language studies. The other language study faculties in Poland do not offer education aimed at Polish minorities, nor the native users of their languages, as part of their core curriculum. The presented examples are not related to teaching minority languages and the regional language, but to foreign languages – regardless of which university offers such education. And so, e.g. the phrase that is repeated across all reports: “Issues related to the Tatar and Karaim languages are taught as part of classes held by the staff members of the Department of Asian Studies of the Adam Mickiewicz University in Poznań. Students may attend such classes as “Karaim Language”, “Literature and Culture of Polish Karaims”, “Literature and Culture of Polish Tatars” and “Polish-Tatar Literature”, which may suggest that the Tatar and Karaim languages are (...) taught at the aforementioned Department, and that is not the case. The Karaim language was taught for one year – during the academic year of 2011/2012 – and only for the students of Hebrew Studies to be able to read manuscripts, while the Tatar language was never taught at all (sic!). Re 147, 259, 374, 479, 579, 684, 797 MIN LANG (2015) 18 rev A facetious comment that the Karaims did not request a Karaim name for Warsaw was taken seriously.</p>
<p>Comments of the Ministry of the Interior and</p>	<p>Re 34. The purpose of collecting the aforementioned data is to estimate the number of recipients of a given measure, and not to estimate the user population for a given language.</p>

Administration on the observations submitted

Representative of the German minority

Comments of the Ministry of the Interior and Administration on the observations submitted

1. The figures showing the amount of subsidies spent by the Polish government on minority education are not a response to the demand of the Council of Europe's Committee of Experts indicating that it is imperative to "enable education in Belarusian, German, Kashubian, Lemko and Ukrainian as languages of instruction in preschools, primary and secondary schools". Meeting this demand made by the Committee of Experts requires legislative and organisational measures to be taken, and no such measures have been taken during the reporting period or later. The campaign promoting the use of minority languages conducted in 2014 did not change anything in this regard, nor did it contribute anything new. In fact, it couldn't contribute anything new, as it was based on "theory" derived from the legislation, not on practice, which shows concrete obstacles standing in the way of developing minority education in Poland.
2. With regard to the recommendation made by the Committee of Experts calling for "Polish authorities to intensify their efforts with regard to spreading awareness and tolerance across Poland when it comes to regional or minority languages, as well as cultures that they represent." It's worth to observe here that the remark made by the Committee of Experts was directed to the Polish general public, meaning that the report should address measures taken with the general public in mind. Meanwhile, no other measures were implemented apart from the 2014 promotion campaign, with its promotional materials being disseminated only in locations inhabited by minorities (as evidenced by the number of communes and poviats that received the materials). We also regrettably observe that the website promoting minority languages has not had any updates since 2014!
3. As for publishing textbooks, minorities continue to struggle with the fact that large publishing houses are reluctant to undertake the effort of preparing textbooks for a small target group, while the minorities themselves do not have appropriate human resources and, more importantly, funds to be able to carry the burden of "pre-financing" publications of this type and this is the system under which minority textbooks are financed in Poland.
4. With regard to training teachers and the NIWKI programme shown in the report, which is aimed at teachers of German as a minority language. It should be noted however, that this programme receives 50% of its funding from the Government of the Federal Republic of Germany
5. As far as the 20% for the auxiliary language is concerned, it is worth noting that since the draft amendment was vetoed by the Polish President, no new attempts have been made to address this still relevant subject.

Representative
of the Slovak
minority

Representative
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(...)

1. The report consists of 105 pages + annexes and concerns the period from **1st January 2014 to 31st December 2016**. Already in the introduction to the 3rd report... one gets the impression that it is largely success propaganda, which is particularly visible in the statement: “...measures are being taken to implement the recommendations made by the Committee of Experts and the legislative recommendations made by the Committee of Ministers of the Council of Europe, an example of which is the cyclical drafting of amendments to the Regulation of the Minister of National Education on the division of the educational part of the general subsidy for local government units. These measures resulted in a systematic increase of the total subsidy amount...”¹, which is illustrated by a table exceeding the examined period – it covers the years 2010 –2016 – suggesting that the amount of the educational subsidy for local government units has nearly doubled. And that is not the case. In the reporting period, in the years 2014–2016, the topic at issue was discussed numerous times in the Joint Commission of the Government and National and Ethnic Minorities as well as in the Sejm National and Ethnic Minorities Committee. Only a small percentage of funds transferred to local governments pursuant to the *Regulation of the Minister of National Education of 4 April 2012, amending the Regulation on conditions and manner in which preschools, schools and public educational facilities implement tasks supporting national, ethnic and linguistic identity of students from national and ethnic minorities and the community using the regional language*² is in fact allocated for preserving national, ethnic and linguistic identity. This is clearly confirmed by the letter from the Małopolska Voivodeship Office in Kraków – the Office of the Voivode of 29 May 2017³, from which it ensues that in 2016, for the aim concerned, PLN 220,719.39 were spent on 166 students, while the commune of Bukowina Tatrzańska was not even capable of estimating the costs allocated for teaching 49 students.⁴ The support benefited a total of 215 children, amounting to an expenditure of up to PLN 250,000, and the report shows that in 2016 the subsidy totalled PLN 1,835,175.29.⁵ This is a grossly overstated amount. In the 3rd Report... no mention is made of any inappropriate use of funds when it comes to teaching the Slovak language. Things look similar when we look at the (indeed valuable) campaign promoting regional and minority languages that was conducted in 2014 by the ministry competent at the time to handle matters related to national minorities. It should be noted that only a small number of brochures were received by schools and were inaccessible for the Slovak national minority. The campaign did not have any impact on the community of local government officials, who do not possess any information on additional funds transferred from the budget of the Minister of National Education for teaching national and ethnic minorities’ languages and the regional language, and continue to claim that

¹ The 3rd Report to the Secretary General of the Council of Europe on the Republic of Poland’s implementation of the provisions of the *European Charter for Regional or Minority Languages*, page 8.

² Journal of Laws of 2014, item 263.

³ Archive of the Association of Slovaks in Poland, incoming mail, 15 June 2017

⁴ In its information on the allocation of the subsidy for the implementation of tasks supporting national, ethnic and linguistic identity of the students belonging to national and ethnic minorities and the community using the regional language, the commune of Bukowina Tatrzańska lists tasks which were not implemented, e.g. training for teachers holding Slovak language lessons, organisation of trips or civic centre care (the Slovak civic centre in Jurgów was closed by the Commune Office of Bukowina Tatrzańska in July 2006 by means of denying the right to the premises).

⁵ The 3rd Report to the Secretary General of the Council of Europe on the Republic of Poland’s implementation of the provisions of the *European Charter for Regional or Minority Languages*, page 31 and the *Appendix entitled: Financing the teaching of minority and ethnic minority languages and the regional language from the budget of the Minister of National Education*.

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they do not have resources to commit to teaching the Slovak language, as it is too expensive, and the commune does not have sufficient funds⁶.

2. **3rd report... in Part I:** General, in point 1. The population of people speaking minority languages and the regional language. The National Population and Housing Census 2011⁷ stated that 765 people declared using the Slovak language at home, while the next page goes on to state that 648 people⁸ named the Slovak language as their native language, with inaccuracies left unaddressed.
3. **3rd report... in Part I,** point 2 *Information concerning the measures taken by the Polish government aimed at implementing the recommendations made by the Committee of Ministers of the Council of Europe, adopted on 1 December 2015 – recommendation CM/RecChL(2015)* the Polish government claims to have taken a number of measures aimed at implementing the recommendations made by the Committee of Ministers with regard to Poland's implementation of the provisions of the European Charter for Regional or Minority Languages, which extended to legislative work, actions aimed to promote awareness with regard to minority languages and the regional language within the Polish society, as well as continued dialogue with persons using minority languages and the regional language, aimed at improving the way in which language rights are exercised, which is true only in part and exclusively with regard to the aforementioned promotion campaign. There was also no dialogue established with persons using the minority languages and the regional language, aimed at improving the way in which language rights are exercised. Claiming that a teacher holding a class... *has the right to freely apply methods of teaching and choose teaching aids, as well as pick a textbook from a selection of textbooks approved for use in schools...*⁹, with regard to the Slovak language borders on the bizarre. Although teachers "had the right", they were not able to exercise it, as **no textbook was published** during the period covered in the report, therefore no textbook for teaching the Slovak language was approved for use in schools.
4. The same could be said of... *education provided as part of educational activities based on the content and recommendations featured in the core curriculum ... which is... accompanied by various forms of support for the school in teaching the aforementioned content ... which depend on ... regional and local conditions and the size and diversity of linguistic groups residing in a given area.*¹⁰With respect to the Slovak language no measures were taken by school authorities of any level regarding the scandalous content used in the work of pupils of grade (...) at John Paul II Lower Secondary School in Krempachy: (...) *Do borders divide?*, prepared under the direction of (...), for the 17th competition 'Recent History' organised by the KARTA Centre Foundation, called '*Poles - Neighbours after World War II: against each other, next to each other, together*', positively assessed by four Polish scientists with professor titles: Prof. **Barbara Engelking** – sociologist, Prof. **Jerzy Kochanowski** – historian, Prof. **Hanna Palska** – sociologist

⁶ A statement by the Łapsze Niżne commune council of 19 March 2018 during the presentation of *Wędrówki po obu stronach Dunajca* (Wanderings on both sides of Dunajec) by J. Dudašová-Kriššáková et al. in Spišská Stará Ves.

⁷3rd Report..., Page 10 – 11.

⁸3rd Report..., Page 10-11.

⁹3rd Report..., Page 12.

¹⁰3rd Report..., Page 12.

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and Prof. **Andrzej Żbikowski**, and published by the KARTA Centre Foundation on its website, despite the fact that it contains chauvinistic content based on the opposition: *good Pole vs bad Slovak*.

5. The recommendation featured in the 3rd report... in Part I, point 2, Ad 3 (*Recommendation that the Polish authorities provide updated textbooks and other educational materials for teaching in a regional or minority language in accordance with the new core curriculum and enable basic and advanced training for a sufficient number of teachers able to teach in Belarusian, German, Kashubian, Lemko and Ukrainian*)¹¹ - has not been complied with in any way with regard to the Slovak minority. No textbook has been prepared that is in line with the new core curriculum, nor any other educational materials. Furthermore, no education was provided pertaining to own history, culture and geography of the country with the cultural area of which the Slovak national minority identifies itself, nor was any further training of teachers organised.
6. In Part I point 2 Ad 6 (*Recommendation that the Polish authorities establish a structured policy in close cooperation with the stakeholder group and take measures to facilitate the application of the Charter with regard to Armenian, Czech, Karaim, Roma, Russian, Slovak, Tatar and Yiddish languages.*)¹² Polish authorities did not establish any cooperation with the stakeholder group with regard to the Slovak language, aimed at taking measures to facilitate the application of the Charter. In fact they took opposite measures by limiting in 2015 the volume of funds allocated for the implementation of existing tasks, which caused the most important association of the Slovak national minority to start suffering from an acute shortage of funds. Funds allocated for the performance of tasks were systemically reduced despite the growing GDP. The policy has therefore not been structured to align with the Recommendation and no measures have been taken to facilitate the application of the Charter. In the years 2014–2016, the authority competent for matters of national and ethnic minorities - the Ministry of Administration and Digitization, and from 16 November 2015 the Ministry of Interior and Administration did not conduct any consultations with users of the Slovak language and did not prepare any strategy regarding the development of education of the Slovak minority in Poland. Citing other strategies is a clear example of unequal treatment of national minorities.
7. PART II: INFORMATION ON THE POLISH GOVERNMENT'S IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY THE COMMITTEE OF EXPERTS FOR THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES WITH REGARD TO ARTICLE 7 OF THE CHARTER

In point (f) on the provision of appropriate forms and means of teaching and learning of regional and/or minority languages at all relevant levels it is set out in point:

Re 59 *The list of school textbooks and ancillary books for national minorities, ethnic minorities and communities using the Kashubian language within the framework of the core curriculum applicable during the reporting period 2024-2016 (from December 2016, referred to as the old core curriculum) includes the following items* [<https://men.gov.pl/pl/zycie-szkoly/ksztalcenie-ogolne/podreczniki-i-programy-nauczania-do-starej-podstawy-programowej>]:

¹¹3rd Report..., Page 15.

¹²3rd Report..., Page 20.

- For grade “0”: one Slovak language textbook;
- For grades I-III: four Slovak language textbooks;
- For grades IV-VI: four Slovak language textbooks;
- For lower secondary school: six Slovak language textbooks;

The aforementioned list cannot include any of the aforementioned Slovak language textbooks, as none were published in the course of the last 10 years. The data is false.

Another failure was the initiative (not the decision!) of the Joint Commission of the Government and National and Ethnic Minorities launched on 28 May 2014 during its 44th meeting – on the basis of which a working group for textbooks for national and ethnic minorities and the regional language was established. Its activities did not bring any results, as representatives of the government administration (the Ministry of National Education) did not agree to sign publishing agreements that would enable starting work on textbooks, which was definitely declared by the Slovak Community in Poland.

8. PART III:

INFORMATION ON THE POLISH GOVERNMENT’S IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY THE COMMITTEE OF EXPERTS FOR THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES WITH REGARD TO ARTICLE 8, 10, 11, 12, 13 and 14 OF THE CHARTER

In Part III: on page 31 the table¹³ illustrating the amount of the educational subsidy transferred to the communes in 2014–2016, which, as discussed above, contains false data, is inserted once again, The amounts indicated have been grossly overstated. However, in the 3rd Report... no mention is made of any inappropriate use of funds when it comes to teaching the Slovak language. In none of the years of the 2014–2016 period did the subsidy for *performance by preschools, schools and public educational institutions of tasks supporting national, ethnic and linguistic identity of students from national and ethnic minorities and the community speaking the regional language* exceed the amount of PLN 250,000. Data provided with regard to 2014: PLN 1,327,614.97; 2015: PLN 1,463,487.90; 2016: PLN 1,835,173.29 are unreliable.

The claim that...*The Ministry of National Education monitors how local government units spend the subsidies for the teaching of minority languages and the regional language. And the Regional Audit Chambers and the Supreme Audit Office are entitled to control their spending. It is worth noting that the Polish system for subsidizing education causes the local governments to have a material interest in accommodating facilities where minority languages and the regional language are taught. Therefore, it is the best way to promote these languages...*¹⁴ it even bizarre, as no examples are given of inappropriate use of a sizeable part of funds and no explanation is offered for the discrepancies between the amount actually spent in 2016 and the amount that was declared.

¹³3rd Report..., Page 31.

¹⁴3rd Report..., Page 30–31.

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In point c) (i) of the 3rd report..., provide access to secondary level education in relevant regional or minority languages¹⁵, the authors wrongly assumed that lower secondary schools, which basically corresponded to higher grades of mandatory primary school, can be considered as secondary schools, thus illustrating their lack of understanding of the Polish education system. Indeed, secondary schools in Poland comprise specialised secondary schools, vocational secondary schools, artistic secondary schools and pedagogical secondary schools, or technical secondary schools, which end with a secondary school leaving examination conferring the right to take up higher education.

In point e) (ii) of the 3rd report..., to ensure the possibility of studying these languages as subjects in higher education at university and academic level¹⁶, it has not been stated that the Jagiellonian University's Philology Faculty as part of its "modern language studies" that includes the study of Slovak and Czech philology (first and second cycle studies) does not offer pedagogical studies.

In point h) of the 3rd report..., provide teachers with basic and further training necessary to implement points a) to g) adopted by the Party, it is stated that... Teachers teaching regional language or the language of a national or ethnic minority may engage in various forms of professional development prepared for them by specialists (educators, methodologists, advisors) from voivodeship-level teacher training centres.¹⁷ It was not stated however, that for many years there has been no Slovak language methodologist, as the position was cut as part of the savings by the voivodeship local government, despite the fact that § 15. 3 of the Regulation of the Minister of National Education of 19 November 2009 on inservice teacher training centres (Dz. U. No 200, item 1537 and of 2012, item 1196) includes this task among mandatory tasks of public improvement institutions run by the voivodeship local government, which is defined as follows: 1) organising and providing, as needed, methodological advisory services for teachers: b) employed in schools teaching languages of national and ethnic minorities and the regional language. However, within the scope referred to in paragraph 3(1)(1)(B) of the aforementioned Regulation, that... voivodeship level training centres cooperate with organisations of national and ethnic minorities and communities using the regional language...¹⁸ it should be stated that there are no recorded instances of cooperation with any organisation of the Slovak national minority.

There is also a false statement made in paragraph 5¹⁹ that... it is possible to obtain the necessary qualifications to teach Belarusian, German, Lemko, Lithuanian, Ukrainian, Armenian, Czech, Russian, Slovak and Hebrew in the course of language studies at universities ... which is not true of the Slovak language, as such studies do not currently exist.

Things look similar when we look at the (indeed valuable) campaign promoting regional and minority languages²⁰ that was conducted in 2014 by the ministry competent at the time to handle matters related to national minorities. Only a small number of brochures were received by schools and were inaccessible for the Slovak national minority. The campaign did not have any impact on the community

¹⁵3rd Report..., Page 39.

¹⁶3rd Report..., Page 46.

¹⁷3rd Report..., Page 49.

¹⁸3rd Report..., Page 49.

¹⁹3rd Report..., Page 51.

²⁰3rd Report..., Page 55.

of local government officials, who do not possess (or don't want to possess) any information on additional funds transferred from the budget of the Minister of National Education for teaching national and ethnic minorities' languages and the regional language.

In point g) of the 3rd report..., *to support or facilitate the creation of institutions responsible for collecting, storing copies and presenting or publishing works created in regional or minority languages*²¹, the government recognized the merit of the failed attempt to prepare conditions for the functioning of cultural institutions for national minorities, responsible for programme based promotion of the cultural heritage of each national minority, according to the promises made, or rather announcements communicated to the members of the Committee of Experts of the Council of Europe during their visit to Poland (Institutes of National and Ethnic Minorities and Regional Language) about the plans to create one institution per minority in charge of promoting its culture.

The subsidy system operating in 2014–2016 is not able to guarantee long-term functioning of the bodies involved in the promotion of a national minority's culture, which is all the more dramatic as the Polish government leaves all matters concerning care for the preservation of the Slovak minority's culture and cultural identity to NGOs, gradually withdrawing (measures taken by the Ministry of Education in 2016 regarding the division of public tasks), or limiting the amount of support (measures taken by the Ministry of Administration and Digitization in 2015, limiting the amount of support) in the form of grants. The claim made in the report that such support can be substituted with earmarked subsidies transferred to cover *...costs of providing financial, accounting and legal services, salaries of office employees as well as use and lease of premises for programme related activity...*²² is a very optimistic interpretation of the matter, because this amount, PLN 30,000 a year, in the case of the Slovak community is not sufficient to cover the functioning costs of cultural institutions, because it is not sufficient to cover the necessary costs of the association's administration, while only partially satisfying the necessary costs of accounting services, not to mention the *... remuneration of office employees and the use and lease of premises for programme related activity*.

The claim that *... The rule in the Polish system of supporting non-governmental organisations is that such grants are not awarded ... and that ... an exception to this rule was made for organisations of national and ethnic minorities and communities using the regional language...* is untrue. Earmarked subsidies for associations of national minorities were liquidated on the basis of the decision made by the Polish Ministry of Finance no. BP1-433/0s/53/89 of 16 October 1989 in connection with the fact that after the socio-political changes, due to ideological reasons, the financing of political parties was discontinued. The resumption of political party funding introduced by the Law of 27 June 1997 on political parties²³ did not result in the automatic restoration of funding for national minority associations. In this context, it should be noted that the Polish Government allocates very substantial amounts to various types of funds and foundations supporting the Polish identity in various dimensions, and in none of these cases does it take such a rigorous approach.

Finally, it should regrettably be observed that out of 38 commitments which the Republic of Poland has undertaken by ratifying the European Charter for Regional or Minority Languages, with regard to the Slovak language, only 4 are being implemented, with

²¹3rd Report..., Page 98.

²²3rd Report..., Page 98.

²³Journal of Laws of 1997, No 98, item 604. Consolidated text. Journal of Laws of 2011, No 155, item 924.

	<p>1 commitment only partially, which represents only 12% of all the commitments made²⁴. This means that essentially no significant progress has been made since the <i>Charter's</i> ratification until now.</p>
<p>Comments of the Ministry of the Interior and Administration on the observations submitted</p>	<p>Re 1. and 8. The report indicates the amounts allocated to the educational part of the general subsidy, transferred to local government units. In accordance with the applicable law, LGUs allocate this amount to locally diagnosed educational needs of students belonging to minorities. Apart from learning the minority language as a mother tongue, apart from learning the history and geography of the country of origin, apart from employing Roma education assistants (in the case of Roma students), the local government may allocate a part of this subsidy to construct a sports field, improve a school's standard, etc. - objectives related to education in general, not only directly impacting students or a given school. Therefore: the amounts indicated are true, although this does not mean that the total amount indicated was spent on e.g. hiring mother tongue teachers.</p> <p>Re 2. The report uses data: the difference is due to the fact that the number 765 refers to the number of people that declared <u>speaking the language at home</u> and 648 to the number of people <u>who indicated Slovak as their mother tongue</u>. Therefore, this is not a case of inaccuracy, but of two different data, albeit relating to a single language.</p>
<p>Representative of the Tatar minority</p>	<p>First of all, I find it surprising that in the Report the Ministry presents the "Życie Tatarskie" (Tatar Life) magazine as the main Tatar magazine, while this magazine has not been supported financially by the Ministry for two years!!!</p> <p>Secondly, I think that events should make mention of "Letnia Akademia Wiedzy o Tatarach" (Summer Academy of Knowledge about Tatars) event which has been organised and financed by the Ministry of the Interior and Administration for 20 years now.</p>
<p>Comments of the Ministry of the Interior and Administration on the observations submitted</p>	<p>Re 1. This observation concerns the part of the Report presenting overall characteristics of the minority; notwithstanding the financing or lack thereof, the magazine mentioned is published and is addressed to the representatives of this minority.</p> <p>Re 2. The observation was taken into account in the Report. The event was omitted inadvertently.</p>
	<p>General considerations</p> <p>It is understandable that reports are based on previous analogous reports, but unfortunately this also means that they reproduce the errors made in those reports, even though minority representatives had commented on those reports on previous occasions. New information added to the reports also occasionally raise doubts. That is why in the majority of cases the previously made observations should be repeated and new ones should be added.</p> <p>The general conclusion is that the reports are not indicative of the actual situation regarding national and ethnic minorities in Poland. From the outset we notice a bewildering statement featured in the accompanying letter to one of the previous reports, stating that</p>

²⁴ T. Wicherkiewicz: OP I N I O N on the Report of the Committee of Experts of the Council of Europe on the European Charter for Regional or Minority Languages from the initial cycle of monitoring the implementation of the Charter in Poland and the recommendations the Committee of Experts made on the application of the Charter by Poland of 7 December 2011. Available at: http://kaszebsko.com/uploads/Raport_Karty_PODSUMOWANIE_TWicherkiewicz.pdf

“no detailed descriptions of emerging issues, demands or assessments submitted by minority communities were provided, and judgements were limited in favour of facts”.

Preparing a comprehensive project analysis for all three reports would require considerable time and work from the expert group and goes beyond individual capabilities of the minority members sitting on the Joint Commission of Government and National and Ethnic Minorities who work there on a voluntary basis. Hence, the observations made are to serve only as examples.

For my part, due to time constraints, I will focus on observations concerning the Report to the Secretary General of the Council of Europe on the Republic of Poland’s implementation of the provisions of the *European Charter for Regional or Minority Languages*. Unfortunately, as already mentioned, this Report reproduces the errors and inadequate assessments included in previous such reports, making it necessary to largely restate the observations submitted to the previous Report.

The 2nd Report to the Secretary General of the Council of Europe on the Republic of Poland’s implementation of the provisions of the European Charter for Regional or Minority Languages, is a very important document that shows the language policy of the Polish state in the context of implementing the European Charter for Regional or Minority Languages. The tone of the document is understandable, as its objective is to indicate primarily the areas where the Republic of Poland effectively implements the Charter’s provisions. It seems however, that it would be very beneficial for improving the situation of minority languages and the regional language, as well for better application the Charter, to indicate these sections of the *Report* which would benefit from a more accurate or thorough presentation of the current progress on implementing the Charter’s provisions in Poland.

We very much welcome the statement made in the first sentences of the *Report* that the Polish authorities believe that “the European Charter for Regional or Minority Languages is an excellent tool for the protection of languages” (p. 9). However, a statement made somewhat earlier raises serious doubts, namely that “Poland tries to create the best possible conditions (both legal and practical) for this [use of the Charter by persons speaking in minority languages - author’s note] and to encourage the use of existing regulations and capitalising on created opportunities, **however, the activity of the users themselves remains a problem** and finding methods that would encourage them to widely adopt the use of minority languages in various aspects of public life” (p. 8). This invites the conclusion that the Polish state created all possible conditions conducive to exercising the Charter’s provisions and the only problem is the users of minority languages not showing interest in doing so. This conclusion is false and not supported by facts. The communities of minority and regional language users take up many initiatives to serve the functioning and development of their languages, which are not always met with understanding of public authority representatives. It would seem that formulating such claims as: “**however, the activity of the users themselves remains a problem**” is inappropriate and unacceptable in a document of this type, even when taking into account the understandable wish to present one’s state in a favourable light.

The statement “the Polish government constantly undertakes actions aimed at increasing the presence of minority languages and regional language in the public space” also raises doubts (p. 8). It seems that such a statement is an assessment of the situation that does not entirely correspond to reality. It is difficult to speak of constantly undertaken actions aimed at increasing the presence of minority languages and regional language in the public space”.

In my further remarks, I will address the individual parts of the Report..., and add my own commentary to them.

Part I
Chapter 1

It is understandable that state institutions use the official results of the latest census. However, it would seem appropriate to point out that during the preparation of the National Census of Population and Housing 2011, numerous doubts were raised during and after it was conducted, concerning the methodology adopted, and in particular how the results of the census conducted directly on a representative sample (covering only about 20% of the population) were combined with the results of the self-census conducted via the Internet. During the preparation of the census, the representatives of the institution carrying out the census (Statistics Poland) repeatedly stressed for example that the census was an instrument that gives minorities the opportunity to articulate their identity. After the census had been conducted it turned out that the self-census results, unless they concerned people who were in the representative sample, are only supportive and complementary in nature. These doubts concerning the census seem to be important for the assessment of the data calculated by Statistics Poland following from the results of the census concerning the number of users of particular languages.

The *Report...* stressed that during the census, “apart from the question about the language used in everyday household interactions with the closest relatives, respondents were also asked about their mother tongue, i.e. the language they learned first in their early childhood, e.g. from their mother”. It is worth noting here that this question was not included in all questionnaires of the census. The question about the mother tongue was one that only part of the census respondents answered (included in the representative sample), and not all persons participating in the census. The information that the number of people using minority or regional languages at home was calculated by Statistics Poland according to a different methodology than the number of people indicating minority or regional languages as their mother tongue, seems to be important. This causes incomparability of these data, for example. An example is the paradox that emerges from comparing the data on the language used at home and the mother tongue in relation to the Ukrainian and Belarusian languages provided in the *Report...* In both cases, according to these data, the number of people who currently use these languages at home is significantly higher than the number of people for whom they are the first languages learned in childhood (i.e. - according to the Statistics Poland definition - their mother tongues). This would mean that there is an increase in the use of these languages when people who did not learn them in their childhood start using them on such a scale. This is contrary to the facts, since the scope of the use of these languages is systematically decreasing.

In the light of the above, it seems that in the Report, instead of using the following phrases with regard to the results of the 2011 census calculated by Statistics Poland: “amounts to”, “constitutes”, “presents itself”, it would be more appropriate to use the conditional form, e.g. “according to Statistics Poland calculations on the basis of the 2011 census amounts to”, “according to Statistics Poland it constitutes”, etc. It will certainly be more in line with reality. For example, the sentence that “305,926 people residing in the territory of the Republic of Poland declared using minority languages or the regional language at home” is not true. The given number of people did not declare “using minority languages or the regional language at home”. This is the number of people calculated by Statistics Poland on the basis of partial data collected as a result of 2011 census. By analogy, the statement that the population of representatives -----of 13 national and ethnic minorities in Poland amounts exactly to 286,192 people is not true, this is also data calculated by the Statistics Poland on the basis of partial data collected according to different methodologies as a result of 2011 census. All these objections also relate to the table on p. 7 where “The population of people speaking minority languages and the regional language at home” was presented. It would stem from the heading of this table entitled “The declared use of minority languages and the regional language

at home” that exactly the number of people indicated in subsequent columns declared using the relevant languages. In fact, these are also calculations of Statistics Poland, which are inevitably approximate.

Notwithstanding the evaluation of National Census of Population and Housing 2011 and its reliability, it is also worth pointing out that every census is vitiated by error resulting both from objective and subjective factors. In addition, it is impossible to include the state of fact in any census if it was not reflected in the declarations of people participating in the census or was not taken into account in the adopted methodology. For historical and emotional reasons, this factor is extremely important in the case of minority languages and the regional language. There are whole areas where in Poland these languages are used, but it was not reflected in the data of Statistics Poland. Thus, in reality, the 2011 census could not show the actual language mosaic of Polish society, both due to the adopted methodology and objective factors. Of course, using the census data is understandable, if only because there is no other data; however, it seems necessary to point out that these are data calculated on the basis of the census, and not the state of fact.

Chapter 2

Re 1

The *Report...* presents theoretical assumptions related to including knowledge on minority languages in curricula. In practice, these issues are treated as marginal in the reality of school functioning, which results in poor knowledge about minorities in general, and about minority languages and the regional language in particular. In the future it would be worth – in addition to the description of formal and legal status – to present study results which would show effectiveness of such education, as well as the presence of this topic in curricula. The statement “the implementation of curriculum content (...) is decided on by the teacher” included in the *Report...* is very important. Unfortunately, sometimes the teacher decides that such content is not important.

Re 2

The statement opening the part of the *Report...* related to availability of education in minority languages and the regional language that “Provisions on education in Poland provide the users of minority languages and the regional language with the opportunity to maintain their linguistic and cultural identity” (p. 15) is totally accurate. However, it should be taken into account that relevant legal provisions are an insufficient (although necessary) factor for the opportunities of “maintaining their linguistic and cultural identity” to be fully exploited in practice.

It is true that “the State budget provides funding to support minority languages and the regional language in Poland” (p. 14). However, it is worth emphasising that in the case of additional funding provided under the educational part of the general subsidy for teaching minority languages and the regional language, this is not funding which is in its entirety used directly to support minority languages and the regional language, but funding at the disposal of local governments which may freely allocate it (more on the subject below). It also relates to the P12 weight which also is mentioned in this part of the *Report...*

The declaration that “In addition, Polish government has taken actions to increase the interest of users of minority languages and the regional language in the educational offer” (p. 14) sounds very promising. However, it seems that much still remains to be done in this regard. The connection between modification of rules on calculating the educational part of the general subsidy provided for local governments (including introduction of the new P12 weight) and an increase in interest of minority languages users in the educational offer

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does not seem quite direct. Rather, it was an action aimed at encouraging local governments to extend the educational offer and more comprehensively implement educational rights of users of minority languages and the regional language. It is also worth noting that the change in the method of calculating the educational subsidy (introduction of the P11 weight), although justified, in some situations was financially unfavourable for local governments providing teaching of minority languages and the regional language. However, when it comes to directly promoting teaching of minority languages and the regional language, a broader action of public authorities should be expected. So far, national authorities have focused on creating legal and financial conditions for teaching minority languages and the regional language (which of course is crucial), while the issue of promoting, i.e. active encouraging to exploit these rights and opportunities has not yet been addressed by national authorities on a larger scale. It is good to know that there is going to be a change here.

Re 3

The *Report...* very extensively presents issues concerning textbooks; however, it does not contain crucial information that due to the introduction of the new core curriculum, there is currently a lack of most textbooks for learning these languages at the different stages of education. This is a very serious problem currently faced by teachers and students learning these languages.

The *Report...* contains a statement that “In grades, which have not been covered by the new core curriculum, textbooks approved for school use for the previous core curriculum continue to be valid”. However, a problem exists also in this case, because these textbooks are often out of print and they are no longer available in distribution. In the case of the Ukrainian minority, there are actually no textbooks for teaching the minority language.

A separate part of the *Report...* was devoted to training of teachers. Unfortunately, no indication has been given here of the emerging problems related to the functioning of teachers’ development system which have been reported many times by minority representatives. A serious problem is that part of teachers of minority languages are not covered by constant methodological care. The issue of teachers’ development was transferred to voivodeship local governments whose approach to this issue is varied. There is no systemic solution for this issue; this particularly concerns languages whose users are dispersed. Initiatives complementing the teachers’ training system referred to in this part of the *Report...* are certainly valuable, however, this does not alter the fact that a well-functioning system that would provide all teachers with appropriate methodological support is lacking. Initiatives of non-governmental organisations should not replace systemic solutions. (More on the subject further in these observations.)

Re 4

An extremely important issue is improvement in the offer of minority language programmes in the media, as pointed out by the Committee of Ministers. The actions taken in the past by the National Council of Radio Broadcasting and Television to improve the situation of minority languages and the regional language in the public media were extremely important and valuable. However, in relation to the years covered by the report, the statement “the National Council of Radio Broadcasting and Television has a constant dialogue with representatives of people speaking minority languages and the regional language and takes actions aimed at implementing the submitted demands and requests with regard to taking into account the needs of users of the above-mentioned languages” (p. 18) does not correspond to reality. As a matter of fact, this sentence was copied in its entirety from the previous report.

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Unfortunately, to date a body specialising in the issues of minority languages and the regional language in the public media has not been established at the National Council of Radio Broadcasting and Television, as was planned.

This part of the *Report...* lacks important information on problems encountered by programmes in minority languages. The situation of programmes in minority languages is sometimes unstable, often the time of their broadcast, duration, broadcasting period depend on the decision of public media authorities, and do not result from substantive analysis. Instances have occurred where their broadcasting was discontinued, times of broadcasting were unexpectedly changed or determined in an irrational way making it difficult for users of languages to enjoy this offer of the public media. It has not been possible to work out a model for permanent monitoring of the fulfilment by the public media of the public mission in the scope of programmes in minority languages. The “new mechanism of planning and appraising the public mission” mentioned in the *Report...* could create better conditions than the previous system; however, it lacks permanent participation of users of minority languages and the regional language in identifying the needs for the presence of minority languages and the regional language in the media. These needs are often determined by broadcasters themselves who on that basis annually prepare financial and programming plans of projects in the scope of implementation of public broadcasters’ mission. Users of minority languages often play the role of supplicants in this context. It is worth noting that Polish Television JSC refused to appoint a relevant committee consisting of minority representatives, claiming that there was no such need.

Re 5

In relation to this recommendation, it should be highlighted that since October 2015, when the President of the Republic of Poland refused to sign the Act amending the Act on national and ethnic minorities and on the regional language and some other acts which provided for legislative changes called for by the Committee of Ministers, the authorities of the Republic of Poland have not taken any actions to implement this recommendation.

Re 6

The *Report...* states that “the Ministry of the Interior and Administration conducts continuous consultations with communities of users of regional language and minority languages within the Joint Commission of Government and National and Ethnic Minorities aimed at improving the extent of implementing the provisions of the Charter” (p. 20). It seems that a more accurate wording would be “the government side” or “the Polish government”, because the Joint Commission of Government and National and Ethnic Minorities is an advisory body of the Prime Minister and it consists of representatives of various ministries who represent the government side. It is also noteworthy that the wording “ongoing consultations” does not exactly correspond to the reality, because it is hard to consider 3 meetings of the Commission a year as continuous consultations, moreover devoted not only to language issues. It also seems that it would be good if the said “continuous consultations” were not limited in this regard only to the Joint Commission of Government and National and Ethnic Minorities.

An extremely important issue for users of minority languages was elaborating governmental strategies for education development with the participation of their representatives. Unfortunately, the existing strategies are out of date, moreover, they triggered little action of public institutions responsible for language policy. No monitoring of the strategy is carried out either, e.g. in relation to the *Education Development Strategy of the Ukrainian Minority in Poland* adopted in 2011 it consisted in one meeting in 7 years.

Chapter 3

Re 34

It seems that the response to the recommendation on p. 22 of the *Report...* does not correspond to what the recommendations of the Committee of Experts were about, while data presented here is only indirectly related to the substance of the matter. Therefore it seems that in this case the recommendation of the Committee of Experts was not carried out.

The recommendation of the Committee of Experts seems very important and necessary to implement. As mentioned before, each census is vitiated by error resulting both from objective and subjective factors. When it comes to the 2011 census, a much controversy has arisen concerning i.a. the methodology and way of conducting the census. Statistics Poland itself highlighted that the results of the 2011 census it has produced are true for large areas, while in the case of small territorial units they are vitiated by a considerable error. Therefore, it is highly recommended to take other actions aimed at obtaining reliable knowledge on the number of users speaking regional or minority languages and their geographical distribution, to which representatives of minorities have repeatedly drawn attention.

It is also noteworthy that there are areas on the territory of the Republic of Poland where users of languages covered by the protection under the Charter are present, who, for various reasons (historical, social, atmosphere of the society) do not perceive their languages as a value or even are not able to determine the language they speak. Inevitably, the results of the census could not reveal these users. However, in the spirit of the Charter, the State should take actions to promote the use of these languages also by such people.

There are tools allowing to carry out the above recommendations of the Committee of Experts. This will certainly require different actions than those previously taken by the government administration. With the participation of scientific communities and users of minority and regional languages, it is possible to collect more accurate data on the number of users of regional or minority languages and their distribution on the territory of the country.

Part II

Article 7

(c)

Re 54 The reference in the Report to the information campaign conducted several years ago consisting in the elaboration, publication and distribution of a brochure as the only way of following this recommendation indicates that there is a problem with implementing language policy consistent with the spirit of the Charter.

(f)

Re 59 It seems that the picture presented in the *Report...* relative to the textbooks for teaching minority languages does not fully convey the complexity of the situation. As already mentioned above, currently, for some minority languages, most textbooks for teaching these languages at the different stages of education are lacking. In the case of Ukrainian language teaching, the situation in relation to textbooks is dramatic at the moment.

Providing information in the Report about textbooks placed on the list of school textbooks and ancillary books for national minorities, ethnic minorities and communities using the Kashubian language without indicating that many of these textbooks are unavailable leads to a false image of the situation.

An efficient mechanism for issuing the lacking textbooks, corresponding to the actual possibilities, has not been developed. It seems that there was an omission on the part of the government on this matter, because no actions were taken in advance, in time to provide textbooks for teaching minority languages.

Re 62–63

As already mentioned above, the existing strategies are out of date, no monitoring of strategy is carried out either, e.g. in relation to the *Education Development Strategy of Ukrainian Minority in Poland* adopted in 2011 it consisted in one meeting in 7 years. It seems that these kind of strategies should be monitored on an on-going basis by dedicated bodies, e.g. those recommended by the Committee of Experts.

(g) The information included in the *Report...* on “facilities allowing adults not speaking a regional or minority language to learn it” relates only to four languages. It seems that a systemic solution to the problem addressed in this recommendation of the Committee of Experts is lacking. For normal functioning of minority languages and the regional language in the public space it is necessary to create systemic possibilities of learning them for people not speaking these languages, but living in areas where they function. Such possibilities should concern both those for whom the minority or regional language is their native language, but for different reasons they could not learn it, as well as those for whom it is simply a foreign language, but they wish to learn it.

Chapter 3.

Informing about minority languages and the regional language and their cultures in the mass media and mainstream education is an extremely important issue for their functioning in society. Actions in this regard referred to in this part of the *Report...* do not fully satisfy the recommendations of the Committee of Experts.

Part III

Article 8 A significant part of the text devoted to education relates to the algorithm for the distribution of the educational part of the general subsidy for local government units. It is worth noting that this issue may only indirectly (by the attitude of local governments and schools) influence promoting education in the scope of regional or minority language among parents and students. Especially, since the additional funding calculated in the educational part of the general subsidy for teaching minority languages and the regional language are not directly allocated for the teaching these languages, but are at the disposal of local governments that use them at their own discretion.

The promotion campaign for teaching minority languages and the regional language addressed to parents and children is certainly very much needed. Unfortunately, the campaign prepared several years ago by the Ministry of Administration and Digitisation (*nota bene* – the first in history) was not extensively consulted with the community of minority language users. It took the form of certain formal actions consisting solely in issuing brochures and leaflets and creating a website which is not updated.

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It was accurately stated in the *Report...* that “the Polish system for subsidizing education causes local governments to have a material interest in accommodating facilities where minority languages and the regional language are taught. Therefore, it is the best way to promote these languages”. However, it is worth noting that local governments are not necessarily interested in allocating the funding obtained from the State budget in connection with teaching minority languages or the regional language exactly for the purpose of teaching minority languages or the regional language in a situation where they can lawfully allocate it to other objectives.

It was stated in the *Report...* that “*The Ministry of National Education monitors how local government units spend the subsidies for the teaching of minority languages and the regional language.*” (p. 30). Maybe it is worth to supplement this part with the information on the result of the monitoring: to what extent is the funding obtained from the State budget in connection with teaching minority languages or the regional language allocated exactly for the purpose of teaching minority languages or the regional language? It is also worth noting that even if it was found by the monitoring that most of the funding is allocated for purposes other than teaching minority languages or the regional language, the Ministry of National Education cannot in any way influence this situation, because it is lawful.

It is true that “the amount of funding transferred to local government units under the educational part of the general subsidy in connection with teaching minority languages and the regional language is steadily growing every year” (p. 31). However, this does not mean that the amount of funding allocated by local governments for teaching minority languages or the regional language is growing. It is still problematic what part of the funding obtained by local governments “in connection with teaching minority languages” is allocated exactly for the purpose of teaching minority languages.

It seems that in this part of the *Report...* in subsequent paragraphs (p. 30) we encounter terminological inconsistency. The first paragraph refers to subsidies “allocated for teaching minority languages and the regional language”, while two paragraphs below (p. 31) to “educational part of the general subsidy in connection with organising teaching of minority languages and the regional language”. In the Polish legal system this is a significant difference. After all, in the State budget (and budgets of local governments) there is no funding dedicated for teaching minority languages and the regional language.

(a) The statement included in the *Report...* that “the Polish government creates legal and financial opportunities for pre-school education in minority languages and in the regional language” (p. 32). However, it is worth noting that unlike for school education, in connection with pre-school education in minority languages and in the regional language local governments do not obtain any additional funding from the State budget, therefore they lack all of these incentives to do it which exist for school education and are described on previous pages of the report.

(b)–(d) It is worth noting that it happens that data in the School Education Information System does not cover all students and facilities where the Ukrainian language is taught at the level of primary, secondary and upper secondary school.

(d) It seems worth highlighting here that teaching minority languages in the scope of technical and vocational education is more difficult to organise, because students using these languages are dispersed.

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(e) It appears that the picture of possibilities for studying minority languages as part of higher education presented in the report (p. 46–48) is overly optimistic. The great number of students studying all languages combined which are minority languages in Poland does not result from the fact that they are minority languages. It mainly stems from the fact that two of these languages are international languages, while other ones are taught as foreign languages of neighbouring countries. In the curricula of these language studies courses, the context of functioning of these languages as minority languages in Poland is often completely absent or present to a marginal extent. In most cases of language studies concerning languages which are minority languages in Poland, these are classical foreign language studies educating people whose mother tongue is Polish.

It seems that issues of retaining and developing the minority languages and the regional language, as well as the cultural identity of national and ethnic minorities are insufficiently apparent both in the curricula of universities, as well as in the actions of the minister competent for higher education.

The request made by representatives of national and ethnic minorities and communities speaking regional languages for creating a dedicated faculty allowing to study these languages as native ones, i.e. ethnophilology of national and ethnic minorities, faces serious problems with implementation. So far, an appropriate systemic solution, which would bring real possibilities for stable existence of such a faculty, failed to be created. It seems that it has not been possible so far to achieve a sufficient understanding in decision-making bodies of the importance of this issue. It also seems that there is a lack of full awareness of the need to create proper organisational and financial mechanisms (probably going beyond the current standards) making it possible to provide education in minority languages at the higher education level in a similar way as it takes place at the level of primary and upper secondary education.

The flexibility to create new faculties in the Polish system of higher education, mentioned in the *Report...*, does not bring real possibilities for creating faculties of ethnophilology of national and ethnic minorities without providing the appropriate financing. Universities exercising their autonomy will not make decisions to establish such faculties, if they generate losses, and in the current system they are doomed to it.

(g) It seems that a significant part of this section of the *Report...* does not relate directly to the issue raised by the Committee of Experts. The discussed part of the *Report...* refers to “educational activities that shape the ability to notice and appreciate heterogeneity, respect distinctiveness of other human beings and the ability to enter into dialogue and cooperate” (p. 49), “creation of a system of values and development of social skills which are necessary to establish proper relations with children and adults” (p. 49) etc.

All of this is of course extremely important for the development of children and shaping of proper attitudes, as well as for a normal functioning of users of minority languages in the society, because it will support shaping tolerance or acceptance towards them on the part of the majority society. However, the recommendations of the Committee of Experts relate to a different matter, namely a place for issues concerning history and culture of a community speaking a particular minority or regional language in the main curriculum. This topic was addressed very generally in the *Report...*, and it is extremely important for the overall functioning of minority or regional languages in the society. This stems perhaps from the fact that in core curricula and therefore in curricula, little space is devoted to the knowledge of history and culture of communities using minority languages and the regional language.

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(h) Representatives of communities using minority languages have repeatedly drawn attention to the deficiency of the current system of teacher training with regard to minority languages. These issues are transferred to voivodeship local governments which do not always recognise the importance of the problem. Frequently, the specific nature of education about minority and regional languages in comparison with other subjects taught at school is also not recognised. There is also a lack of solutions at a national level to this issue. This is particularly important for languages whose users are dispersed on the territory of different voivodships. There are regions where methodological advisory services and training for teachers of minority languages do not exist at all. This causes some teachers not to be covered by training at all or it is possible only due to bottom-up or informal initiatives. In the case of national minorities, it is worth to consider establishing central bodies (or one body) for teacher training, covering all teachers teaching minority languages and the regional language or in these languages.

The information included in the *Report...* that “it is possible to obtain the necessary qualifications to teach Belarusian, German, Lemko, Lithuanian, Ukrainian, Armenian, Czech, Russian, Slovak and Hebrew in the course of language studies at universities” ... should be supplemented with a statement that these are classical foreign language studies where a particular language is taught as a foreign language, and not as a native (minority) language. Therefore, during these studies, prospective teachers obtain qualifications and skills not fully corresponding to the specific nature of teaching a mother tongue.

(i) Minority communities welcomed with great hope the recommendation of the Committee of Experts for “establishing a supervisory body or bodies responsible for monitoring measures taken and progress achieved in the field of introduction or development of teaching regional or minority languages and for preparing interim reports on conclusions drawn by them”. The functioning of the system of minority education requires continuous monitoring and support.

As a member of a team developing one of the strategies for education development and a member of the Joint Commission of Government and National and Ethnic Minorities I was surprised to learn from the *Report...* that both of these committees to which I belong (or belonged) are the primary bodies implementing “Monitoring of activities and progress on development of teaching minority languages” (p. 51). It seems it is difficult to consider these committees, largely consisting of people working in them as volunteers (on the part of minority representatives) as “a body or bodies responsible for monitoring the measures taken and the progress achieved in the introduction and development of teaching regional or minority languages and for preparing interim reports on the findings made which will be made public”. Especially since their members (at least some of them) are not aware that they are members of primary bodies responsible for such monitoring.

Teams developing strategies for education with respect to the various languages, as indicated by their name itself, were established *ad hoc* and largely operated on a voluntary basis. They are certainly also not bodies operating on a continuous basis, therefore it is hard to consider that they monitor anything.

The Joint Commission of Government and National and Ethnic Minorities in turn is a consultative and advisory body of the Prime Minister handling all aspects of functioning of minorities in the country. The tasks of the Joint Commission enumerated in Article 23 of the Act of 6 January 2005 on national and ethnic minorities and the regional language (Journal of Laws, No 2005, item 141) do not include monitoring in the field of education. Similarly, the “Regulations governing the work of the Joint Commission of Government and National and Ethnic Minorities” do not contain provisions thus situating this body either. Moreover, the Joint Commission does not have the relevant

organisational instruments enabling it to handle the monitoring of educational issues with the necessary intensity. The Commission consists of one or two representatives of a particular community, who work in the Commission gratuitously alongside exercising their professional activity, therefore, it is physically and in terms of time impossible for them to carry out the monitoring referred to in the recommendations of the Committee of Experts. Moreover, most of its members do not specialise in education, which is necessary for a professional monitoring.

Creation of an adequate body or bodies monitoring education with respect to minority languages and the regional language, as requested by the Committee of Experts, is highly needed. It is difficult to consider that this request has been satisfied. To carry out the tasks it faces, it must be a professional body, active on an on-going basis (and not ad hoc) based on professional activity (not only voluntary work), having an appropriate expert background and legal and institutional instruments. Of course it may be linked to the Joint Commission of Government and National and Ethnic Minorities, e.g. subordinate to it. It seems that such body or separate bodies (or substructures under one body) for each language should be established by legislative procedure and have appropriate institutional legitimacy.

Article 10 Administrative authorities and public services

2.

(b) It should be highlighted that introduction of a minority language as an auxiliary language in Poland does not come into effect automatically when 20% of people belonging to the national and ethnic minorities residing in a unit of territorial division is exceeded, as could be inferred from the report. Exceeding the threshold only means the right to seek introduction of one's own language as an auxiliary language at local authorities, because a resolution of the municipality council is needed on this matter.

(g) It seems that the wording from the *Report...*: "The Act on national and ethnic minorities and on the regional language allows for the use of additional names in areas where a given language group was traditionally present, regardless of the current population" (p. 61) although true, is not completely precise. In order for the community speaking a minority language to use this opportunity it must obtain acceptance from the local majority, moreover double – from residents of the locality where this name would be used and from the local authority – the municipality council, therefore in fact it is a right that is very difficult to exercise when there is no full acceptance on the part of the majority of the presence of the minority community and its language in the public sphere. The real situation is shown by the statement from the *Report...*: "To this day no request to establish an additional name in Ukrainian has been submitted to the Ministry of the Interior and Administration" (p. 61). It is worth noting that such a request may be submitted to the Ministry of the Interior and Administration by the municipality council, i.e. the local government, not the minority community. It means that for the Ukrainian minority (but also for other minorities) the possibility to use "additional names in areas where a given language group was traditionally present, regardless of the current population" is purely theoretical for now. Considering that the Ukrainian minority is active and makes use of the possibilities established by legal provisions to act in view of maintaining its identity, it may be stated that such a situation does not result from the minority's inactivity, but from the lack of real possibility to exercise this right. After all, this depends to a large extent on the social atmosphere. The minority is apprehensive that in many cases such a formal request from the Ukrainian minority could meet with an unfavourable reaction from the majority and worsen the situation of the community using Ukrainian, in areas where its numbers are small.

This provision will remain theoretical to a large extent if public authorities do not start to intensive work in order to create a good atmosphere around minority communities and acceptance for minority languages in the public space. Thus, the fact that in 2013 the Ministry of Administration and Digitisation approached “municipalities [...] with the information on the possibility to introduce additional names in minority languages on the municipality territory” referred to in the Report... (p. 62) should be regarded as positive. Unfortunately, no activities in this regard have been indicated in the period covered by the *Report*... It seems that such activities, as well as conferences and training for representatives of local government on language rights of minorities and users of the regional language should be conducted systematically and form and element of regular activities of state bodies responsible for language policy.

Article 11

1.

(a) This part of the *Report*... lacks information on problems with broadcasting programmes in minority languages in certain public media. After all, it happens that programmes are cancelled or suspended without consulting the community they address. The times of broadcasting these programmes sometimes give rise to doubts. Efficient mechanisms for monitoring the performance of the mission of the public media in the scope of the use of minority languages have also not been developed.

However, the declaration that “Development of digital radio and television, both by public and licensed broadcasters, will help to fully meet the future programme needs of users of minority languages and the regional language” (p. 63) sounds extremely promising. The same statement was included in the previous Report, unfortunately these expectations have not been met so far.

Among minority programmes in Ukrainian, the *Report*... mentioned the programme of Radio Lublin *Przyszłość Ukrainy* (The Future of Ukraine), but this programme was created with Ukrainian migrants in mind and was addressed primarily to them. This programme also failed to meet the criteria of minority programmes established by the National Council of Radio Broadcasting and Television. It dealt with issues of the Ukrainian minority only incidentally. Similarly, *Wiadomości kulturalne w języku ukraińskim* (Cultural news in Ukrainian) (Radio Lublin) and *Wiadomości Ukraińców* (Ukrainians’ News) (Radio Rzeszów) are not minority programmes. Some of the programmes mentioned were broadcast in specific time brackets and not during the whole period covered by the Report. With regard to the *Od Niedzieli do Niedzieli* (From Sunday to Sunday) (Radio Olsztyn) programme, it was stated that it was edited by “members of the Socio-Cultural Association of Ukrainians in Poland” while an organisation with such a name does not exist.

(b) The Ukrainian version of the portal of the Christian Orthodox Internet Radio Orthodox.fm mentioned in the Report (p. 72) ceased to be active at the beginning of 2014.

(e) The wording: “However, financial support depends on the demand declared by the publishers concerned” (p. 73) may arouse some doubts. Of course, for the financial support to be granted, it must be requested by the organisation of a particular community, while the grant itself and its amount depends on the decision of the Minister of the Interior and Administration. Usually, the financial support is lower than the requested need, i.e. the amount of requested subsidy.

Article 12

1.

(a)–(c) Subsidies from the Minister of Administration and Digitisation / the Minister of the Interior and Administration were and are the primary source of financing cultural activities of minorities, including different forms of access to works created in languages of minorities, their translations into other languages or translations into minority languages of works created in other languages. It is worth noting that funding in the State budget allocated for supporting tasks related to minority culture have remained on a similar level for several years and most new projects presented by minority organisations receive co-financing. Organisations often resign from submitting requests for co-financing for new initiatives despite the fact that taking such actions is needed, because submitting them is an irrational workload where chances to obtain subsidies are low. Many requests, in turn, do not receive financing, which is worth noting in the *Report...* It may be concluded from the *Report...* that initiatives are financed, if only minorities declare such demand (“Financial support depends on the demand declared by the publishers concerned”, p. 77, 82, 95).

(d) Unfortunately, the extent to which the languages and cultures of minorities are taken into account by Polish cultural institutions does not reflect the needs and standards introduced by the Charter. The statement from the *Report...* that “Polish cultural institutions take minority languages and the regional language into account in cultural projects organised” (p. 96) is an euphemism, as Polish cultural institutions take minority languages into account to an insufficient extent.

(e) It is difficult to agree with the general statement from the *Report...* that “Cultural institutions conducting activity addressed inter alia to users of minority languages and the regional language employ people speaking the languages mentioned at varying levels of proficiency” (p. 113). Of course, such institutions exist, but cultural institutions often do not take into account the fact that cultures and languages of minorities function on a particular territory, frequently there are no employees speaking these languages. It is worth carrying out monitoring of this issue.

The provided example of the Auschwitz-Birkenau State Museum in Oświęcim is not very pertinent, because the fact that employees of this institution know languages that are also minority languages does not stem from the needs of minority language users, but mostly of other visitors.

(f) The thesis from the *Report...* that: “Users of minority languages and the regional language have the possibility to regularly participate in planning of cultural activities by taking part in the process of dividing funds allocated for the protection, preservation and development of cultural identity of national and ethnic minorities as well as for the preservation and development of the regional language” (p. 97) does not correspond to reality.

Users of minority languages and the regional language do not take part in the process of division of the above-mentioned funding. Users of minority languages and the regional language, and, more precisely, non-governmental organisations bringing them together and representing them, submit requests for subsidies to the Ministry of Administration and Digitisation / Ministry of the Interior and Administration according to the procedure established by the Ministry of Administration and Digitisation with an opinion by the Joint Commission of Government and National and Ethnic Minorities. The requests are processed by the Commission on Requests Processing. It is not true that this Commission “consists of representatives of users of minority languages and the regional language” (p. 97). Its

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members are three independent experts specialising in the issues of national and ethnic minorities and minority languages and the regional language. They are only appointed by the minority side of the Joint Commission of Government and National and Ethnic Minorities, none of them belongs to minority communities. Therefore it is difficult to consider them as representatives of “users of minority languages and the regional language” (p. 97). Moreover, the issue of rules of work and remuneration for independent experts who are members of the Commission on Requests Processing remains unregulated.

However, it is worth highlighting that the Commission on Requests Processing only proposes the division of subsidies between different projects, but the final decision on awarding subsidies is taken by the Minister of Administration and Digitisation / Minister of the Interior and Administration who is in no way restricted by the proposals of the Commission on Requests Processing. Such a position of the minister, as the administrator of subsidies, was repeatedly underlined by representatives of the government side when minority representatives raised their concerns that the opinion of the Commission on Requests Processing was not taken into account. The Joint Commission of Government and National and Ethnic Minorities is informed only after the minister takes the decision on subsidy distribution. It can only express an opinion on funding distribution (according to Article 23(2)(4) of the Act on minorities) without having any influence on the decision in this respect. To sum up: the statement that “Users of minority languages and the regional language have the possibility to regularly participate in planning of cultural activities by taking part in the process of funds division” is not justified.

The statement that “government administration ensures that users of minority languages and the regional language with participate directly in works aimed at creating cultural facilities as exemplified by the developing the project of Cultural Institution of National and Ethnic Minorities and the Regional Language under the working group of the Joint Commission” (p. 97) sounds unconvincing. More on the subject below. However, it is worth noting that it is difficult to consider “developing the project of Cultural Institution of National and Ethnic Minorities and the Regional Language” as significant “participation in works aimed at creation of cultural facilities” if only because these activities did not result in creation of any cultural facility or institution and there is no apparent perspective that this may happen.

(g) The issue that there are no cultural institutions of national and ethnic minorities and communities using regional language established and managed by users of minority languages and the regional language themselves and being public institutions continuously financed from public funds is the primary problem in the cultural life of national minorities in Poland. The culture of national and ethnic minorities and the community using the regional language is the only cultural sphere in Poland without adequate institutional safeguarding. There are many different cultural institutions in Poland provided with continuous financing from public funds and dealing with all cultural spheres. The only cultural sphere where the basic tasks are assigned to entities which are non-governmental organisations and not public cultural institutions is precisely the culture of national and ethnic minorities and the community using the regional language. This is an indicator of unequal treatment of citizens. In consequence, adequate conditions to maintain and develop minority languages and the regional language and related cultures are not provided.

Thus, representatives of national and ethnic minorities and of the community using regional language, including the undersigned, have repeatedly raised the need to establish such institutions. A working group was established within the framework of the work of the Joint Commission of Government and National and Ethnic Minorities. Unfortunately, the proposal for legal solutions presented by the government side was not accepted by the minorities side during the plenary of the Joint Commission of Government and National and Ethnic Minorities, because it did not provide adequate guarantees that representatives of minorities would have an influence on the

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functioning of such institutions, it also meant limitations on co-financing of cultural activity of non-governmental organisations representing minorities which would decide to establish such an institution. Only one representative of one minority (recently dismissed by her community) supported the government's proposal. Work undertaken to set up an Institute of the Lemko Minority on the basis of the model proposed by the government side have failed. It is difficult not to consider this as a confirmation that the assessment of this model made by the vast majority of minorities' representatives in the Joint Commission is valid.

No developed good model for cultural institutions of national and ethnic minorities and community using the regional language which would be acceptable for the communities of users of minority languages and the regional language has extremely negative effects on these languages and cultures.

The *Report...* draws attention to the importance of earmarked subsidies granted to non-governmental organisations of national minorities (p. 98). They are very important and provide the possibility for more stable functioning of these organisations which is very significant, because in fact they must substitute cultural institutions. However, such a form of financing does not ensure operating stability. This is because earmarked subsidies are granted in the form of one-year subsidies without the guarantee of financing continuity in subsequent years (although they usually are continued), their amount is relatively low, the decision on their awarding and amount is taken in the second half of December and first funds are received in the second half of January at the earliest. Also, there are no continuous subsidies for substantive activity. For each project it is necessary to submit separate one-year requests. All this does not guarantee a fully-fledged cultural life for communities of users of minority languages and the regional language.

If stable and publicly financed cultural institutions of national and ethnic minorities and of the community using the regional language existed, the current system would be sufficient to supplement institutional activities. Currently, when it is the primary source of public financing for culture of national and ethnic minorities and the community using the regional language, it certainly cannot be considered sufficient.

It seems necessary to find in the near future a model for operation of cultural institutions of national and ethnic minorities and the community using the regional language which would be satisfactory and acceptable both for the government side and the communities speaking minority languages and the regional language and would guarantee their stability at a level similar to other public cultural institutions in this country.

The last paragraph related to this point mentions that "Polish cultural institutions deal with collecting and presenting works created in minority languages and the regional language" (p. 98). It seems natural and even obvious that public cultural institutions also deal with cultures and languages functioning on the territory of the country. A very good example of the Centre "Borderland of Arts, Cultures and Nations" in Sejny was given here. This meritorious institution plays a huge role in building understanding in the Polish society for multiculturalism and for the need to accept cultural diversity. Many other Polish public cultural institutions that also deal with cultural and linguistic heritage of communities speaking minority languages and the regional language could be added here. At least one of the most important cultural institutions in Poland can be mentioned here – the National Library and network of 15 other libraries which have the statutory obligation to collect the whole publishing production published in Poland (including in minority languages and the regional language and on related cultures) and receive mandatory copies from publishers free of charge. However, it is worth to notice that all of this cannot to any extent substitute separate institutions acting in favour of minority languages and the regional language and related

cultures which will be created and managed by users of minority languages and the regional language themselves, and will be public institutions with regularly earmarked financing from public funds as is the case of most cultural institutions in this country.

3.

It is regrettable to conclude that it happens very rarely that the cultural policy of the Republic of Poland conducted abroad appropriately takes into account minority languages and the regional language and cultures to which they correspond. Therefore, the general statement that “Polish diplomatic posts, under the cultural policy conducted abroad, promote minority languages and the regional language” (p. 101) does not correspond to reality, which is confirmed by the lack of any examples of such activities.

Article 14 Transfrontier exchanges

(b) Unfortunately, the fact that a Ukrainian minority exists in Poland is not always taken into account under the transfrontier cooperation between local government entities, sometimes it is ignored, especially where the minority is smaller and does not function in the public space.

Annex 2

The title of the annex “Financing of teaching national and ethnic minorities’ languages and the regional language from the budget of the Ministry of National Education” does not correspond to reality, because the table also includes the additional funding transferred to local governments calculated in the educational part of the general subsidy in connection with teaching minority languages and the regional language. This funding is entirely at the disposal of local governments which can freely decide on its allocation. Therefore, it is not always spent for financing of teaching minority languages and the regional language, and even not for education purposes at all. Thus, it is unjustified to include it in a table with such a title which suggests that this is funding spent on teaching national and ethnic minority languages and the regional language. Without creating a system of monitoring or reporting it cannot be specified what proportion of this funding is actually allocated for financing of teaching minority languages and the regional language. This is impossible to determine without implementing detailed monitoring of the use of additional funding in connection with teaching minority languages and the regional language transferred to local governments under the educational part of the general subsidy.

Representatives of communities speaking minority languages and the regional language have repeatedly drawn attention to this paradox that enormous funding is allocated from the State budget in connection with teaching minority languages and the regional language which legally does not have to be spent on teaching minority languages and the regional language and its spending is not subject to strict monitoring. At the same time, as exemplified by the *Report...*, the government administration includes this funding in summaries of funding spent from the State budget on teaching minority languages and the regional language, where the amount of this funding may be impressive, but it is not known what proportion of it is spent precisely for this purpose.

The 3rd Report to the Secretary General of the Council of Europe on the Republic of Poland’s implementation of the provisions of the European Charter for Regional or Minority Languages is a key document for communities of users of minority languages and the regional language. It is understandable that it highlights the positive things the Polish government has done, and these are numerous. However,

<p>Representative of the Ukrainian minority</p>	<p>from the perspective of users of these languages, the things that have not yet been done for the full implementation of the Charter are no less important.</p> <p>In the Polish society, which for decades has functioned in the atmosphere of a mono-ethnic society, the use of minority languages and the regional language is not always perceived as a natural thing. Thus, good legal regulations, support from state structures for respecting language rights of minorities, as well as for educating society and creating a friendly atmosphere around minority languages and the regional language are important.</p>
<p>Comments of the Ministry of the Interior and Administration on the observations submitted</p>	<p>It is worth remembering that the Polish society functions as a mono-ethnic one as a result of the operations of two 20th century totalitarian regimes – since 1945 – but until that time – almost from the beginnings of its statehood – it functioned as a multi-ethnic, multicultural and multi-faith society.</p>