

EQUALITY IN LAW, PROTECTION IN FACT: MINORITY LAW AND PRACTICE IN POLAND

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Abstract

Systemic transformation in Poland has brought important changes for all parts of the population, including minorities. In the past ten years, most minority communities, with the exception of the German minority, have been further disenfranchised in economic terms. While some considerable improvements in minority protection have been made in Poland, the process towards achieving equality in law, as well as in fact, is nowhere near complete. For instance, there is no comprehensive anti-discrimination law in Poland. This chapter focuses on local management of multi-ethnic communities in Poland both in law and practice. It analyses the legal position of minorities after 1989, including Poland's obligations under international law, and then focuses on implementation of laws and policies at the local level and the management of multi-ethnicity and minority protection in practice. The chapter includes case studies as examples of good practices, and concludes with policy recommendations.

I. Introduction

1.1. *Ethnic diversity in Poland*

Today, national minorities in Poland make up between 2-3% (official estimate)¹ and 3.5-4.5% (unofficial estimates) of the population of 38,654,561. According to the Minority Rights Group's *World Directory of Minorities*, there are 750,000-1,100,000 Germans (1.9-2.8% of the population); 350,000-500,000 (0.9-1.3%) Ukrainians; 200,000-300,000 Belarussians (0.51-0.8%); Roma, whose estimated numbers vary from official estimate of

¹ The official estimates are according to Ministry of Interior and Administration, with the exception of Roma (see footnote 2). Post-WWII censuses have not included questions pertaining to ethnic identity.

² *World Directory of Minorities* estimates the number of Roma in Poland at 15,000. This is low, considering that Polish Ministry of Education estimates it at 30,000 (*Information Concerning the Education of Children and Youths of Roma Origin in Poland*, OSCE Human Dimension Implementation

30,000 to unofficial estimate of 50,000-60,000;² and smaller communities of Lithuanians, Slovaks, Czechs, Greeks, Macedonians, Kashubs, Lemko Ruthenians, Tatars and Jews.³

Until World War II, Poland had, for centuries, a high proportion of ethnic and religious minorities. In the 17th and 18th centuries, religious minorities—particularly Jews—fled to Poland to escape persecution. In 1795 Poland was partitioned between Austro-Hungary, Russia and Prussia, and it regained independence only in 1918. Still, in 1918, more than one-third of Polish citizens belonged to national minorities. In the 1931 census, 68.9% Polish citizens declared Polish nationality (22,000,000 inhabitants), 13.9% Ukrainian nationality (4,450,000), 8.6% Jewish (2,800,000), 5.3% Belarussian (1,700,000), 2.3% German (750,000), 1% others (350,000) among them Russians, Lithuanians, Slovaks, Czechs, Gypsies/Roma, Armenians, Tatars and Karaims.⁴ This diversity and high proportion of minorities posed a serious political problem in Poland and in relations with its neighbours. Minority protection was used as a pretext for justifying German and Soviet aggression against Poland in 1939.

The ethnic structure of Poland was changed considerably during and in the aftermath of World War II. During World War II, approximately 3,500,000 Polish Jews and hundreds of thousands of Roma, together with approximately 3,000,000 ethnic Poles, were murdered by the Nazis. Following WWII, the new Polish borders were moved about 500 kilometres westward to what had been German territory. As a result of the loss of territories in the east and on the basis of a bilateral repatriation agreement between Poland and the Soviet Union 490,000 of the 600,000 ethnic Ukrainian and 36,000 ethnic Belarussian Polish citizens were—often forcibly—moved to the Soviet Union in 1945-46. The remaining 160,000 ethnic Ukrainians who had been concentrated in southeast Poland were forcibly dispersed across northwestern Poland. ‘Operation Wisła’ was part of repression against what was perceived by the authorities to be a Ukrainian independence movement. There is no agreement about how many ethnic Germans were expelled from the new western territories during 1945-1949, but it is estimated that before WWII, 10,000,000 people lived on the lands which Poland acquired after the war. Minority Rights Group estimates that 3,200,000 ethnic Germans were expelled.⁵ Between 1944-1950 millions of ethnic Poles were repatriated; this included 2,100,000 Poles from the USSR; 2,100,000 from Germany; and 200,000 from other western countries.⁶ They settled main-

Meeting, October 2000, document 267; P. Liegois and N. Gheorghe put the figure at 50,000-60,000. See: Liegois and Gheorghe (1997) *Roma/Gypsies: A European Minority*, London: Minority Rights Group.

³ Minority Rights Group (ed.) (1997) *World Directory of Minorities*.

⁴ P. Eberhard (1996) *Miedzy Rosja a Niemcami. Przemiany narodowościowe w Europie Środkowo-Wschodniej w XX w* (Between Russia and Germany. Nationalities Changes in Central East Europe in 20th century), Warsaw, pp. 102-107.

⁵ *World Directory of Minorities*.

⁶ S. Łodźński (1989) ‘Repatriacja osób narodowości lub pochodzenia polskiego w latach 1989-1997. Problemy prawne i instytucjonalne’ (Repatriation of persons with Polish origins or Polish nationality between 1989-1997. Institutional and legal issues), in: *Repatriacja osób narodowości polskiej lub pochodzenia polskiego w latach 1989-1997*, Biuro Studiów i Ekspertyz Kancelarii Sejmu, Informacje i opinie, pakiet IP – 76S, Warsaw, p. 9.

ly in the newly acquired western territories. As a result of war extermination, forced and voluntary emigration, and assimilation policies, Poland has become one of the most ethnically homogeneous countries in Europe.

The communist government considered national homogeneity as one of the fundamental goals and achievements of the new state. Throughout the communist period, the Polish government did not have a uniform policy towards national minorities. The policies varied at different times and towards particular minorities, and hung on political movements. However, in general, from 1945 to 1989 minorities were excluded from public life on the basis of their ethnicity, had limited possibilities to maintain their own cultures and were subject to the assimilationist policies of the state. From 1945 to the early 1950s, the policies were overall the most repressive and extended to curtailing freedom of association as well as curtailing freedom to preserve minority cultures and speak minority languages. In the late 1950s and 1960s, the official attitude towards minorities was more open. Minorities were allowed to establish their own socio-cultural organisations and had limited opportunities to teach and learn their native languages, with the notable exception of the German minority who could not enjoy these rights. In practice, each minority could establish only one socio-cultural organisation. The Ministry of Internal Affairs strictly controlled minorities' activities. In 1968 most of the remaining Jews were expelled, and thus the authorities continued to fully realise the idea of a nationally uniform Poland. Throughout the communist period, the Polish government treated Roma appallingly; it tried to forcibly assimilate Roma, continued expelling Roma Polish citizens until the 1980s, and considered Roma to be a social problem and not part of society.

In the 1960s and 1970s, Poland underwent modernisation and industrialisation. This included an intensive migration movement from the countryside to cities and the promotion of mass culture in Polish (radio and television broadcasts). Migration into the cities meant that more members of minority communities became dispersed; this contributed to a reduction of opportunities for minority members to learn their mother tongues and to participate in indigenous, local cultural activities.

1.2. *The fall of the communist system in 1989*

The protection of minority rights became a key issue in Poland after the democratic changes of 1989. The most characteristic moment of this new attitude was the printing—in May 1989—of Lech Walesa's letters addressed to the public on national minority issues, where he declared that minorities should have rights not only to preserve but also to develop their own culture and language.⁷

The first non-communist government was established as a result of June 1989 elections. The government made some effort to change the situation of national minorities. A Department for National Minorities' Culture was established in the Ministry of Culture and National Heritage. The new department took over responsibility to support minority cultures from the Ministry for Internal Affairs. Still in 1989, the Polish Parliament adopt-

⁷ Lech Walesa (1989) 'Lech Wałęsa do wyborców w sprawie mniejszości' (Lech Walesa's letter to electors on minorities), *Gazeta Wyborcza*, No. 6, May 15, p. 1.

ed a new law on associations, which gave freedom to associate without any ethnic limitations. In 1997 more than 130 national and ethnic minorities associations were registered in Poland; this included 9 Belarussian organisations, 8 Roma, 4 Lithuanian, 5 Lemko/Ruthenian, 76 German, 9 Ukrainian, 6 Jewish and others.⁸

The new political space created more positive conditions for the public activity of minorities. Minority candidates took part in parliamentary elections in 1991, 1993 and 1997. In 1991-1993 parliamentary election laws were adopted which includes special measures for effective participation of minorities: namely, election committees of registered minority organisations are not bound by thresholds based on the nationwide number of votes cast. As a result, the German minority has been represented in the Parliament since 1991. Other minorities, such as Ukrainians and Roma, have not been able to benefit from this law because they do not live in compact settlements.

Although it is rarely acknowledged, prejudice, racism, discrimination and xenophobia are not uncommon within Polish society. Roma are, by far, the most marginalised group in Poland. There have been several recent violent attacks and demonstrations against Roma; in Mława in 1991, Sandomierz (1995), Kielce (1996) and Bielsko Biala (1998). These are not isolated 'disputes' but manifestations of persistent discrimination and racism. Furthermore, the incidents provoked little reaction from the general public. The Council of Europe's European Commission against Racism and Intolerance, in December 1999, expressed concern about violence against the Roma, including allegations of police violence, lack of appropriate response by the authorities to cases of violence, and the fact that prejudice in Polish society leads to discrimination in everyday life, including access to education and employment.⁹ While Roma are most often the victims, discrimination and prejudice extends to other ethnic groups. For example, in 1994 the Center for Research of Public Opinion (Centrum Badań Opinii Społecznej—CBOS) conducted research asking ethnic Poles about their feelings for members of particular minorities. The most negative feelings were towards Roma and Ukrainians: 54% of those polled said that they disliked them, 37% disliked Jews, 8% disliked Belarussians while 46% were indifferent, 28% liked Germans while 30% disliked them. A similar poll was conducted by CBOS in 1999, and more than one-third of those polled disliked Roma, Jews and Ukrainians.¹⁰ While this proportion is still high, it is lower than in 1994 and might indicate a trend towards greater tolerance.

Currently, two important trends related to the protection of minorities are emerging in Poland. For the first time in recent history, Poland is becoming a country of immigration. There are also many small religious movements emerging in this predominately Catholic country. It will be important to see what provisions are made for the protection of new minorities and small religious groups.

⁸ L. Adamczuk (1997) *Wyznania religijne. Stowarzyszenie narodowościowe i etniczne w Polsce 1993-1996* (Religion and National and Ethnic Associations in Poland 1993-1996), Warsaw, pp. 169-184.

⁹ European Commission Against Racism and Intolerance (2000) Second Report on Poland, June.

¹⁰ Sławomir Łodziński (2000) The Policy of Multiculturalism in Poland in the 1990s. National Minorities and Immigrants). Legal Solutions and Social Perceptions. Paper presented at World Conference Against Racism Regional Seminar, Warsaw, July 2000.

2. The Legal Position of Ethnic and National Minorities After the Democratic Transition in Poland

2.1. *The legal and institutional framework for minority protection in Poland*

Protection of minority rights is based on constitutional principles and relevant international legal and political instruments.¹¹

2.1.1. *Constitutional provisions*

The 1952 Constitution did not include minority rights provisions but solely general principles of equality and nondiscrimination (Articles 67 and 81). Such weak protection was due to lack of importance of the Constitution in the communist state, and to government policies which considered ethnic homogeneity as an asset.

The new Polish Constitution was adopted in 1997. Article 32 guarantees everyone equality before the law and includes a general anti-discrimination clause, stating that 'no one shall be discriminated against in political, social or economic life for any reason whatsoever'. National minorities are officially recognised by the Polish Constitution, as is the 'multi-cultural character' of the Polish state. The Polish Constitution takes an individual approach to minority protection, and restricts protection to Polish citizens. Specifically, Article 35 reads:

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

Article 60 ensures all citizens the right to equal access to public services. Significantly, Article 79 guarantees citizens the right to complain to the Constitutional Tribunal against the legal basis of administrative decisions that violate any human rights and freedoms written in the Constitution. It is too soon to assess the effectiveness of Article 79, but potentially it could prove a useful instrument for minority rights protection. Undoubtedly, the 1997 Constitution improved the position of national and ethnic minorities. But, while these steps are positive, the current level of legal protection is not sufficient (see draft law issue below).

Poland also has an Ombudsman for Human Rights. He has dealt with cases of minority protection on the basis of individual petitions.

¹¹ For a comprehensive overview of international minority rights instruments, see: Patrick Thornberry (1997) 'Contemporary Legal Standards on Minority Rights', in: Minority Rights Group (ed.) *World Directory of Minorities*. See also: Gudmundur Alfredsson and Goran Melander (1997) *A Compilation of Minority Rights Standards*, Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

2.1.2. *International obligations*

Poland has ratified a range of international human rights instruments that provide minimum standards for minority protection. This was primarily for two reasons: (1) a desire to join European institutions, such as the Council of Europe and the European Union, and (2) a desire for good relations with its neighbours. According to the Constitution, a ratified international treaty constitutes part of the domestic legal order to be applied directly, unless its application depends on enactment of a statute (Article 91). International law takes precedence over domestic legislation. International instruments ratified by Poland include the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified in 1993); the International Covenant for the Elimination of All Forms of Racial Discrimination (1968); and the Council of Europe's Framework Convention for the Protection of National Minorities, or FCNM (2001).¹² Poland has also adhered to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), and the OSCE Document of the Copenhagen Meeting of the Conference on the Human Dimension (1990). Poland has not signed the European Charter of Regional or Minority Languages.

Bilateral treaties are also an important element of minority protection in Poland. Poland has entered into bilateral treaties with all its neighbours, notably Germany and Ukraine, as well as other countries.¹³ All treaties confirm the main principle of international law: that it is a matter of choice of persons belonging to minorities whether to identify as such and exercise minority rights and no disadvantage may arise from the exercise or nonexercise of such choice. These treaties are important because they codify principles enshrined in OSCE documents and they address the use of minority languages in private and public, learning of the mother tongue, freedom of religion, freedom of association and rights to maintain peaceful contacts across frontiers.¹⁴ Weaknesses of such bilateral treaties are the fact that each treaty refers only to specific minorities and that different treaties offer different levels of protection. There is also the danger that minority protection might be provided on the basis of reciprocity and not as a matter of right.

In 1993 Poland signed a Concordat with the Holy See. As a result, religious celebration and teaching in minority languages can be organised in the Catholic Church.

2.1.3. *Draft Law on National and Ethnic Minorities*

There is no effective institutional framework for the protection of national minorities in Poland. Minority rights have been built into general legal provisions and this results in lack of consistency of provision in certain legal acts and a lack of co-ordination among

¹² Poland has entered a declaration that FCNM only applies to Polish citizens.

¹³ Poland has signed and ratified treaties on good relations with the following countries: Federal Republic of Germany (1991), Czech and Slovak Federal Republic (1991), Hungary (1991), Ukraine (1992), Russian Federation (1992), Belarus (1992), Latvia (1992), Estonia (1992), Spain (1992), Romania (1993), Bulgaria (1993), Lithuania (1994). Recently Poland signed treaties with Kazakhstan, Tajikistan and Turkmenistan.

¹⁴ For a detailed discussion see, A. Bloed and P. van Dijk (eds.) *Protection of Minorities through Bilateral Treaties: The Case of Central and Eastern Europe*, The Hague: Kluwer Law International.

different organs of state administration responsible for their implementation.¹⁵ This is why most minority organisations and other human rights NGOs advocate for the adoption of a comprehensive Law on National and Ethnic Minorities. Unfortunately, the Constitution does not refer to the adoption of a special statute. However, such a law is seen by minority representatives as a necessary condition for effective protection. It was also initiated in an attempt to improve the human rights protection system in Poland.

A Parliamentary Commission for National and Ethnic Minorities was established in 1989 and has drafted a Law on National and Ethnic Minorities, with the aim of providing effective protection for national minorities, which has been debated in the Parliament since 1993 (the newest Draft was submitted to the Sejm, or lower house, in 1998). The Draft defines an ethnic or national minority as a group of Polish citizens who wishes to preserve its language, culture, tradition and national (or ethnic) consciousness and who remains in minority in relation to the rest of society (Article 2).¹⁶

The Draft focuses on the protection of cultural identity, and it does not contain provisions on political representation or administrative autonomy, beyond recognising the right of persons belonging to national minorities to participate effectively in public life. It proposes the creation of a governmental Office for National Minorities, which would support minority cultures, propose and execute national policy towards minorities, liaise with minority organisations and co-ordinate the work of other governmental bodies in this respect. The government has proposed to create an Ombudsman for National Minorities instead. Both proposals may not effectively address issues of participation and institutional discrimination. The Draft also proposes the recognition of minority languages as auxiliary languages, specifically to be used in public, courts, names of cities and streets. It contains positive obligations of the state to support minorities' education and culture. The Draft Law also contains a provision guaranteeing access to information in minorities' mother tongues, and provides that one of the tasks of public broadcasting is promoting knowledge about life, history and culture of national minorities as well as producing and transmitting programmes in minorities' mother tongues. Since 1993, there has not been political will to adopt the Draft. Passing the Law on National and Ethnic Minorities is currently the most debated minority issue in the Parliament; the delay in preparation of this law is seen by many minority representatives as one of the most important legal barriers to the protection of their rights.

2.2. *Affirmative action or positive discrimination*

Poland has recognised the well-established principle of international law that the prohibition of discrimination is not sufficient for the effective protection of minorities. Where discrimination is entrenched, special measures are needed to ensure equality in law as

¹⁵ Jerzy Kranz (ed.) (1998) *Law and Practice of Central European Countries in the Field of National Minorities Protection after 1989*, Center for International Relations.

¹⁶ S. Lodzinski and P. Bajda (1995) *Ochrona praw osób nalezacych do mniejszosci narodowych* (Protection of persons belonging to national minorities groups), Warsaw, p. 164.

well as in fact. So far, Poland has only adopted special measures in three areas: (1) minority participation in public life, limited to minority representation in Parliament, (2) education, and (3) protection and promotion of minority cultures.

2.2.1. Electoral law and representation of minorities in the Parliament

The Parliament is the highest legislative body in Poland. It is bicameral. The Sejm (lower house) is made up of 460 members who are elected through a mixed system of proportional representation system and direct majority. The Senate (upper house) is made up of 100 members who are elected by direct majority. In 1991-1993 parliamentary election laws were passed which contained special measures to try to enable minority participation. Thresholds needed to be eligible for election, based on the nationwide number of votes cast, are set at 5% for all political parties and 8% for coalitions. Electoral committees of registered national minority organisations are exempt from the thresholds. As a result of 1993 and 1997 elections, only the German minority has held seats in Parliament (4 in the Sejm and 1 in the Senate from 1993 to 1997, and 2 in the Sejm since 1997). The consistent success of the German minority is possible mainly because ethnic Germans live in compact communities. Therefore, while the special measures enable some minority representation, they do not adequately address the needs of all minorities.

2.2.2. Access to education and the right to learn in mother tongue

Education in Poland is regulated by 1991 Act on the System of Education. Education is within the scope of activities of local governments. However, special legal measures to ensure equality between minority and majority children are detailed below.

The Education Act specifies that schools cannot make admission and teaching conditional upon a child's race, religion or nationality. There is a lack of data on whether minority children are discriminated in access to and quality of education in practice; indeed, in 1999 the European Commission Against Racism and Intolerance has recommended that the government develops a reliable monitoring system.¹⁷ It is, however, clear that Roma children face particular disadvantages and many do not complete primary education. This is likely due to a combination of factors, including exclusion and discrimination in the classroom, family poverty, teachers' lack of respect for Roma culture, children's poor health, children's poor knowledge of Polish and parents' lack of value for formal education.¹⁸ Thus, the nondiscrimination provision in the Education Act—even if it is effectively implemented, and of which we cannot be certain of given the absence of monitoring—is not sufficient to ensure equality in access and provision, at least for the Roma minority.

It must be iterated that education is one of the most important ways in which minority groups preserve and develop their identity, including the preservation of mother tongue.

¹⁷ European Commission Against Racism and Intolerance (1999) Second Report on Poland, December.

¹⁸ For a comprehensive analysis of why many Roma children perform poorly in schools or drop out in a number of European countries, see: N. Gheorghe and P. Liegois (1997) *Roma/Gypsies: A European Minority*.

Education in and of minority languages is regulated by the 1991 Education Act and by Minister of Education's Resolution on the Organisation of Educational Programmes Enabling Minority Pupils to Retain their Sense of National, Ethnic and Linguistic Identity (1992). The Resolution specifies that classes with minority language as medium of instruction may be organised when parents of at least seven children express interest at the primary level, and when at least fourteen students are interested at the secondary level. When there are not enough students establish a 'minority class', teaching of a minority language may be provided when at least three pupils in one locality express interest. If this is the case an 'interschool' group is established to teach the appropriate language. The Guidelines also provide for issuing bilingual certificates. Minority classes, minority schools and interschool groups were financed by the central government's budget until 1999. Between 1996-1999, responsibility for and financing of education, including minority education, was devolved to local governments. Currently, comprehensive education reform is under way in Poland.

In the 1996-1997 school year, minority languages were offered in 440 institutions, either in schools or interschool groups.¹⁹ In some of these institutions, instruction in minority languages was offered. This compared to 121 institutions offering minority language education in 1989.²⁰

With the notable exception of the Roma, the recent changes in minority language education can be seen as positive from the point of view of minority rights to preserve their identity. But there remain a glut of problems, which vary from region to region. These include finances, typical of the entire education sector in Poland. In addition, there is a lack of textbooks and qualified teachers for minority classes. Textbooks are imported from minorities' kin states and distributed among pupils for free; this is particularly the case in German, Lithuanian and Slovak minority primary schools. Teachers and writers from minority communities have also prepared textbooks and educational curricula for approval by the Ministry for Education. Within the Ministry, a Special Office for Minority Education and Bilateral Textbooks Committees was established to verify the contents of textbooks, particularly geography and history, and appoint experts to prepare books and curricula.

2.2.3. *Supporting minority culture and language*

The Department for National Minorities' Culture operates within the Ministry for Culture and Art. The Department provides support for cultural activities of minority communities, including newspapers and books. Until 1994, the Department was involved in a broader range of activities than those within its formal mandate, especially the political participation of minorities. However, over time, and partly as a result of the establishment of the Commission on National and Ethnic Minorities, the role of the Department has diminished. Now, the Department supports activities of minorities in

¹⁹ S. Lodziński (1998) 'The Protection of National Minorities in Poland', p. 151.

²⁰ Ministerstwo Edukacji Narodowej, Informacja o sytuacji edukacyjnej mniejszosci narodowych w Rzeczpospolitej Polskiej (Ministry of Education, Information paper on the education situation of national minorities in the Republic of Poland), Warsaw, 1994, table 1.

a narrow cultural sphere. Some claim that this leads to the ghettoisation of minority cultures.²¹ Furthermore, according to new finance regulations, governmental bodies are not allowed to support the permanent costs connected with functioning of non-governmental organisations (such as salaries for full-time workers, equipment, rents, telephone costs, etc.). Therefore, the Department support is limited to concrete activities and events. Minority NGOs are forced to look for additional financial sources to survive.

2.3. *Political and public debate on minorities issues*

Public debate on minority issues is relatively infrequent in Poland. But this is not because there is no discrimination and no problems; rather it is because national minorities make up a relatively small proportion of the population. The most important debates are on discrimination against the Roma, anti-semitism, immigrants and newly emerging religious minorities. At times, minorities are portrayed in a very negative light. For example, if a politician is Jewish, or is perceived to be Jewish, other politicians and some media frequently use their ethnicity to discredit them. An important political debate on rights took place during the drafting of the 1997 Constitution, and more recently in relation to the Draft Law on National and Ethnic Minorities. In addition, two cases are detailed below.

2.3.1. *Different interpretations of history: The Polish-Ukrainian case*

In southeast Poland, some members of the Ukrainian minority erected monuments which were perceived by some ethnic Poles as commemorating a guerrilla movement responsible for killing Poles in eastern Poland during WWII. The monuments, built without permission in 1994, met with strong opposition, mainly from WWII veterans' organisations. To resolve this conflict, voivodship (regional) authorities established a negotiation team made up of minority and majority representatives. The difficulties resulted from the conflict between the Ukrainian community's need to commemorate dead soldiers and the feelings of Poles about experiences during WWII. This disagreement, called by the mass media 'the battle for monuments', highlighted the different interpretations of history by the Polish and Ukrainian communities. The 'battle for monuments' showed that one main source of minority-majority conflicts in Poland is connected to cultivating the collective memory regarding modern history and its symbolic meaning.²²

2.3.2. *Dual citizenship and loyalty*

According to the German Constitution (Article 116), every displaced person that had German citizenship before WWI has the right to have their German citizenship recog-

²¹ Beata Klimkiewicz (1999) *Participation of National and Ethnic Minorities in the Public Sphere: Recommendations for Poland*, Open Society Institute, p. 6.

²² T. Kamusella (1996) 'Asserting Minority Rights in Poland', *Transition*, Vol. 2, No. 3, p. 17.

nised. This right is inherited by children of displaced persons.²³ At the same time the Law on Polish Citizenship (1962) neither recognises nor forbids dual citizenship. Dual citizens are treated as if they were Polish citizens only.²⁴ Approximately 170,000 persons have both German and Polish citizenship.²⁵ Some dual citizens stayed for an extended period of time in Germany, allegedly to evade military service in Poland. Some persons belonging to the majority have used the dual citizenship issue to question the loyalty of the German minority.

2.3.3. *Positive Developments*

Positive trends in the debate on minority issues should also be noted. As a result of democratic changes in 1989, minority questions are no longer a taboo subject. Many people in Poland agree that the protection of minorities is connected to everyone's rights, and should not be on the basis of reciprocity. One positive signal in political life is the fact that, in a few cases, members of minority groups are invited by mainstream political parties to represent the parties at the national and local levels. For example, a Ukrainian MP in the Sejm represents the Union of Freedom; another, a Belarussian, represents the Alliance of Social Democrats.

3. Local Authorities and the Managing of Ethnicity

3.1. *The local government system in Poland*

The aim of this section is to present an overview of the local government system and to focus on the competencies of local authorities that are important from the perspective of managing multi-ethnicity.

Poland's Constitution provides the legal basis for the local government system. It specifies that Poland is a unitary state and that public authority is decentralised through the local government (Articles 15 and 16). The Constitution also regulates relations between state administration and local government. The prime minister, voivodes (heads of regions) and regional accounting chambers supervise local government. Local government units are legal entities and have the right to own property. Importantly from the perspective of managing multi-ethnicity, the Constitution also stipulates that local governments have the right to form associations, participate in international associations of local and regional communities and work with other countries' local governments. The process of decentralisation and the reform of local government system in Poland began in the early 1990s and it is still under way.

²³ B. Johannes (1996) 'Podwójne obywatelstwo: szansa czy bariera we współpracy polsko-niemieckiej?' (Dual citizenship: a chance or obstacle on the road to a Polish-German co-operation?), in: P. Bajda (ed.) *Obywatelstwo w Europie Środkowo-Wschodniej* (Citizenship in central-east Europe), Warsaw, p. 72.

²⁴ J. Jagielski (1998) *Obywatelstwo polskie. Zagadnienia podstawowe* (Polish citizenship. Basic issues), Warsaw, p. 34.

²⁵ T. Kamusella, *ibid.*

Table 1. The Local Government System in Poland²⁹

Levels of self-government	Self-government bodies	Legislative executive	Competencies and tasks of the self-government connected with managing multi-ethnicity
Region / Voivodship (województwo)	Voivodship Assembly (sejmik wojewodzki)	Voivodship Board (zarząd województwa) headed by chair/speaker (marszałek)	· formulation and realisation of a strategy for regional development, in that a strategy of cultural and educational development
County (powiat)	County Council (rada powiatu)	County Board (zarząd powiatu) headed by chair (starosta)	· co-ordination of the popularisation of culture; · allocation of funds for cultural development of powiat; · protect some cultural institutions (museums, theatres); · running and controlling secondary schools;
Municipality (gmina)	Municipal Council (rada gminy)	Municipal Board (zarząd gminy) headed by the mayor (wojt/burmistrz/prezydent)	· including in the commune plans the tasks directed towards popularisation of culture; · allocation of commune funds for cultural development; · co-ordination of culture popularisation; · making investments of cultural character; · running elementary schools and gymnasiums, ensuring teachers and methodology do not discriminate; · preservation of monuments; · supervision over historic architecture; · assigning names to streets, localities and others

A three-tier local government system has been established by the 1990 Act on Local Self-Government,²⁶ the 1998 Act on County Self-Government and the 1998 Act on Voivodship Self-Government. The three tiers are municipality (*gmina*), county (*powiat*) and region/voivodship (*województwo*). The municipality (*gmina*) is the primary and the smallest unit of local government. There is no formal rural urban division of municipalities; there are approximately 2,500 municipalities in Poland which range in size from a few villages to the largest cities, with the exception of Warsaw.²⁷ The second tier is the county (*powiat*). There are more than 300 counties in Poland; each consists of several

²⁶ There have been several minor amendments to this Act throughout 1990s.

²⁷ Warsaw is governed by the Act on Local Self-Government of Warsaw (1994), which establishes a multi-layer system and is in need of reform.

municipalities. The third level of local government is the region or voivodship (*województwo*); there are 16 voivodships in Poland. Each level is governed by legislative councils and executive boards, with one person at the head of each board. Legislative authorities at all three levels are elected directly. An official appointed by the prime minister, the voivode (*wojewoda*) is the chief of state administration at the voivodship level.²⁸ A decentralised system of self-government also offers more opportunities for minorities to participate in decision-making processes. Minority representation in elected bodies and participation in decision-making processes is discussed later in this chapter and presented in Table 1.

The strength of local government in Poland is determined not only by administrative decentralisation but also by decentralisation of the budget and devolution of power. Approximately 40% of revenues collected locally are allocated to local authority budgets at different levels of local government.³⁰ A very important source of income for the local government is its share of personal and corporate income tax. These revenues are transferred to each local budget according to the budgetary power of the municipality via a central redistribution system. The implication for municipalities in the poorer eastern part of Poland—where Belarussian and Lithuanian minorities are concentrated and where many ethnic Ukrainians also live—is that they get less tax revenue than their counterparts in the richer western part of Poland, including the regions where the German minority is concentrated. While cross-regional subsidies may not be the way forward for political reasons, something has to be done to develop these lagging, underdeveloped regions. Other important sources of income include earnings from council rents, sale of communal property and property tax. In addition, local governments receive state grants, which in 1997 amounted to 38.7% of the total municipal revenue structure.³¹

According to the Constitution and the 1990 Local Self-Government Act, local governmental structures have *inter alia* the following tasks within their jurisdiction: health care, social services, housing and infrastructure (roads, water supply). Importantly from the perspective of managing multi-ethnicity, the self-government—particularly municipal authorities—has large competencies in the field of development of education, and protection and development of culture.

The most important tools which can be used by municipal authorities to create their own policy of managing multi-ethnicity are:

1. Protection of minority language rights by assigning names to streets and localities;
2. Protection of minority cultural rights by including in the commune plans the tasks directed towards maintaining and making accessible minority cultures; allocation

²⁸ For a detailed description of the local government system and analysis of its effectiveness, see: A. Kowalczyk (2000) 'Local Government in Poland', in: Tamás Horváth, *Decentralisation: Experiments and Reforms*, Budapest: LGI.

²⁹ Sources: Regional Self Government Act (1998) *Dziennik Ustaw*, No. 91, position 578, 5 June; Powiat's Self Government Act (1998) *Dziennik Ustaw*, No. 91, position 576, 5 June; Self-Government Act (1990) *Dziennik Ustaw*, No. 34, position 198, 17 May.

³⁰ *Ogólne założenia reformy ustrojowej państwa* (General guidelines on the reform political system in Poland) (1998) Warsaw, p. 19 and appendix 2.

³¹ A. Kowalczyk, *op. cit.*

of commune funds for cultural development; co-ordination of directions of culture popularisation to reflect the multi-cultural character of the municipality; investment in cultural activities. Municipalities are also responsible for graves and war cemeteries, preservation of monuments, register of monuments and supervision of historic architecture.

3. Protection of minorities' economic and social rights by ensuring equal access to employment and health services.
4. Protection of education rights—including the right to learn the mother tongue—by means of running elementary schools and gymnasiums and control of teachers and methodologies used in schools run by a commune do not discriminate or exclude pupils.³²

The competencies of county authorities are parallel to competencies of municipal authorities. The county co-ordinates the promotion of local culture, allocates funds for cultural development and protects some cultural institutions (museums, theatres). The county also plays an important role education because it is responsible for secondary secondary schools.³³

The main task of the regional/voivodship self-governmental authorities is to formulate and execute a strategy of regional development. One of the goals of the regional development strategy is 'to cultivate the Polishness and development of national, civic and cultural consciousness'.³⁴ Therefore, the voivodship authorities have an important role in determining whether 'Polishness' reflects the multi-cultural character of a region. This strategy also contains the development of education. The regional authorities cannot directly influence schools or cultural organisations. But if these authorities formulate their own regional policy of managing multi-ethnicity (in the framework of the regional strategy of development) they will affect the functioning of the lower levels of local self-government as well as allocate some funds for realising minorities' needs.

As detailed above, the scope of activities of municipalities somewhat overlaps with the scope of activities of the county and voivodship. Furthermore, the central government still has many territorial offices (*biura rejonowe*) which remain from the former centralised system and carry out some similar tasks. The territorial offices, however, are being phased out. Some changes in the local, county and voivodship acts are needed to clarify the competencies.

This presentation shows the significant role local government has (or rather will have) in improving inter-ethnic relations. Local government in Poland has not only decision-making powers but also owns resources to support minority education and culture. From 1990 to 1999, the local self-government functioned only at the level of municipality. Thus municipalities already have some experience managing multi-ethnicity. In contrast, we cannot say anything about such policies at the regional/voivodship level, because regional policies and plans are still being developed. Some municipalities have drawn up worse or better strategies for multi-cultural management. Therefore, if we want to examine the

³² See: Self-Government Act (1990) *Dziennik Ustaw*, No. 34, position 198, 17 May.

³³ See: Powiat's Self-Government Act (1998) *Dziennik Ustaw*, No. 91, position 576, 5 June.

³⁴ See: Regional Self-Government Act (1998) *Dziennik Ustaw*, No 91, position 578. 5 June.

management of multi-ethnicity in Poland, we must base it on the actions taken up on the level of municipality. The reform of public administration gives an opportunity to use these experiences by authorities on other levels.

Although there were no self-governments on the county and regional/voivodship level, the process of democratisation of the state offered possibilities for multi-ethnic management (in academia, journalism, some public institutions) as well as building inter-ethnic bonds in regional communities.

3.2. *Tensions between central and local authorities*

Using the examples below, we will attempt to illustrate the tensions between central and local government policies and their relevance to managing multi-ethnicity. These examples also show that both local and central authorities can have a positive or negative impact on intercommunal co-operation.

A crucial dispute between central and local authorities took place in Opole region in 1998. Central government experts—who prepared the reform of administrative structure which would cut the number of voivodships from 49 to 16—proposed that the Opole voivodship be dissolved. Opole is in western Poland, and it is one of the main regions where the German minority live; approximately 30% of the region's population are ethnic Germans. The proposal was to attach Opole Silesia to neighbouring Katowice Silesia. The reasons given were mainly economic (Opole is comparatively better-off than Katowice), but regardless of the motivation, the consequence of the restructuring would alter the ethnic proportions of the population. The percentage of ethnic Germans in the new larger voivodship would have been lower. Warsaw governmental officials and experts did not expect the response of people who lived in the Opole region. Poles and Germans together started a huge campaign against removing the Opole voivodship from the administrative map of Poland. The action was supported by Polish and German minority NGOs, representatives of local governments and even the central government's delegate to the Opole region. Identification with the Polish majority or the German minority within the region was replaced by identification with 'we'—the inhabitants of Opole region—and 'others'—representatives of central government and members of Parliament interested in dissolving the Opole voivodship. The inhabitants of the voivodship won their battle with the central government and preserved the voivodship in the new administrative system. Interestingly, co-operation between Poles and Germans did not finish with this lobbying campaign and the subsequent positive decision of the Polish Parliament. It has continued during local elections when a new multi-ethnic local majority was formed. In Opole, local identity combines with and complements ethnic identity.

The case of Przemyśl, however, shows that local authorities are, at times, unwilling or unable to promote co-operation between ethnic groups. Central government has occasionally played a positive role in this respect. Przemyśl is a city in southeast Poland where representatives of local government did not stop a campaign by residents against the Ukrainian minority. The conflict was concentrated on the case of an illegally erected monuments dedicated to the UPA (Ukrainian Uprising Army), which was active during WWII. Polish veterans' associations criticised the monuments and organised a media

assault against the Ukrainian minority. Complaints were mainly directed against the inscriptions on the monuments.

Animosity from this conflict finally immersed the local Ukrainian Cultural Festival, organised since 1995. The veterans' organisations saw the Festival of Ukrainian Culture as an attempt at re-Ukrainisation of the region. The local government did not react and allegedly secretly supported the veterans' demands. This caused Ukrainian minority-Polish majority relations to suffer.³⁵ The reluctant attitude of local authorities also was evident in 1997, when the next Ukrainian Cultural Festival was organised. The authorities of Przemyśl opposed and obstructed the organisation of the festival. It led to the direct intervention of the central government in support of the festival. In fact, there was an open conflict between central and local authorities.³⁶

While there are important similarities between Opole and Przemyśl, such as a relatively high proportion of minority residents and recent antagonism between the different communities, there are also important differences. One is that Opole is a wealthier region than Przemyśl. But the crucial difference in the way that these two disputes were handled has to do with minority participation in local government structures. The German minority is well represented at all levels of local government in Opole, while the Ukrainian minority is underrepresented in local government structures in Przemyśl. An important factor which enabled intergroup dialogue and co-operation in Opole was effective minority participation in local government.

3.3. *Participation of national minorities in local governments*

3.3.1. 1990-1998

There is no special provision for national minorities in the Local, County and Regional Election Laws (1990, 1998 and 1998 respectively). Nevertheless, candidates nominated by national minority NGOs were successful in the 1990 local elections and many won seats in local councils. The German minority in the Opole region was the most successful mainly because the Germans live in compact communities. They collected about 30% of valid votes in Opole voivodship (which corresponds with the proportion of ethnic German population) and gained 380 seats (out of 1440) which gave them majority in 26

³⁵ See M. Malikowski (1997) 'Polish-Ukrainian Relationship in the Province of Przemyśl in the Period of Political Transformation', in: M. S. Szczepanski (ed.), *Ethnic Minorities and Ethnic Majority. Sociological Studies of Ethnic Relations in Poland*, Katowice, pp. 203-223. See also K. Bachmann (1999) *Polska kaczka—europejski staw. Szanse i pułapki polskiej polityki europejskiej* (Polish duck—European pond. Chances and traps of Polish European policy), Warsaw, pp. 99-111.

³⁶ About relations between Poles and Ukrainians in that region see: G. Babinski (1997) *Pogranicze polsko-ukrainie*, Kraków. The attitude of authorities of Przemyśl is illustrated by the comment of president of Przemyśl, who said that he would rather organise an Eskimo Culture Festival in the city than the Ukrainian one.

³⁷ S. Łodziński (1992) *Aktywność społeczno-polityczna i działalność kulturalno-osiwiatowa mniejszości narodowych w Polsce w okresie 1989-1992* (Social, political, cultural and education activity of national minorities in Poland between 1989-1992), Biuro Studiów i Ekspertyz Kancelarii Sejmu, Pakiet IP-19M, Warsaw, p. 27.

of 61 local councils.³⁷ In the next local election in 1994, German minority representatives received fewer votes and seats in local councils, but they have proven that they are a strong political power in the region.³⁸

The Belarussian minority was also able to achieve good results in local elections. In a few local councils, members of the Belarussian minority composed the ruling coalition (for example, Bielsk Podlaski, Hajnówka, Gródek and Narewka).³⁹ They had more than 70 seats in local councils. The Lithuanian minority had a dominant position in Punska (northeast Poland). They had also members of councils in the nearest ethnically mixed territory. Like Germans, Belarussians and Lithuanians live in compact settlements.

The Ukrainian minority was in a much more difficult situation because they are dispersed across Poland. Ukrainians had minority representation in local councils (more than 70 seats) but nowhere were they part of the ruling coalition.

In the case of the Roma, virtually no political participation has been possible.

3.3.2. Current situation as a result of 1998 local elections

The ongoing reform of administrative structure and formation of new levels of local administration in 1998 brought a challenge for national minorities living in Poland to participate in decision-making bodies at any level higher than the municipality (*gmina*). National minorities met with two primary difficulties during elections. First, the 1998 campaign was dominated by national political parties and political fighting between the ruling coalition (Solidarity Election Action and the Union of Freedom) and opposition post-communist parties (the Alliance of Left Democrats and the Peasant Party). National minority committees operating in local circumstances as well as other local committees were not able to compete with strong nationwide political parties. Secondly, the Law on Local Elections (1990) does not include any special provision to enable minority participation. Furthermore, it is necessary to receive more than a 5% total of votes cast to be eligible for seats in the county and voivodship councils. All these conditions decreased the chances for minorities to gain seats in higher levels of local government. And although representatives of national minorities held their positions in the lowest level of local government (municipality), they found it very hard to gain seats in county and voivodship councils. The exception was the German minority who performed unexpectedly well.

In the 1998 local election, the German minority received approximately 600 seats in the Opole voivodship in all three levels of local government structure (out of a total number of 1,980 seats). Now representatives of the German minority hold 13 seats (of 45) on the voivodship council. This was the second best result in the whole voivodship.⁴⁰ Members of German minority are part of ruling coalition in the Opole voivodship together with Solidarity Election Action (11 seats) and the Union of Freedom (4 seats). Such a decent result was possible because of the concentration of German minority in the Opole voivodship and, to a lesser extent, their

³⁸ *Mniejszości narodowe w Polsce Informator 1994* (National minorities in Poland in 1994), Warsaw, 1995, pp. 93-94.

³⁹ *Ibid.*, p. 92.

⁴⁰ 'Gminy lokalne, sejmiki partyjne' (Gminas in local committees hands when powiats and voivodship councils in hands of political parties), *Rzeczpospolita* (daily newspaper), No. 250, 24-25 October 1998, p. 3.

campaign tactics and composition of candidate lists. Local leaders based their campaign on local solidarity rather than basing it only on ethnic self-identification. Candidates focused on issues important for all inhabitants of Opole regardless of nationality. Often the German minority candidate lists also included ethnic Poles, sometimes in first place.⁴¹

The leaders of the Ukrainian minority had to use other tactics. Because Ukrainians are dispersed, their representatives tried to build partnerships with majority local or party committees. The Ukrainian minority has now one representative in the voivodship council of Warmia and Mazury (northeast Poland) and more than 10 seats in different county councils. This is very low, considering that the Ukrainians are the second largest minority in Poland, at 250,000-350,000 (official statistics) or 350,000-500,000 people (unofficial estimates).⁴²

The Belarussian and Lithuanian minorities were able to gain seats only in municipal councils and very rarely in county councils. To this day, there is virtually no Roma representation in local government structures.

The size of a minority and its territorial distribution are important factors for minority participation in political life at the local level; other factors are likely to be traditions of self-rule, political elite, intercommunal relations, populations ties to the region and economic factors.

3.4. *Financial support for minority culture*

There are three potential sources for financing minority cultural activities. The most stable source is the Department for National Minorities' Culture within the Ministry for Culture and Art (see Section 2.2.3. for details).

The second source of money for minority culture is local governmental budgets. The scale and the kind of support for minority cultural activities differ by region. They often depend on relations between the minority community and the majority in local councils and boards. The most favourable conditions are in places where a minority rules or is part of the ruling coalition at the local level (e.g. Lithuanians in Punszk, Germans in Opole Silesia). In these cases, the minority can decide on the local budget and the plan of expenditure.

Generally, minority cultural organisations function as NGOs. One of the tasks of local authorities is co-operation with NGOs. Local authorities support NGOs through direct or indirect financing of cultural activities. Some local authorities also organise multi-cultural events and lend municipal equipment and premises for minorities' cultural activities. The range of help of local authorities is limited by their financial abilities. Most of the areas inhabited by Belarussians, Lithuanians and many Ukrainians are in the poorest part of Poland (called the 'Eastern Wall'). Local self-governments have problems with financial support of cultural institutions. But they can help. In Zagorz in southeastern Poland, a Ukrainian 'Festival on the Oslawa River' is organised by the local branch of Association of

⁴¹ *Nasze Slowo* (1998) (Ukrainian minority weekly magazine), No. 45, 8 November, p. 6.

⁴² *World Directory of Minorities*.

Ukrainians in Poland. The local authorities have lent musical equipment to Oslawiany, a Ukrainian folk group, and Oslawiany have used an artistic adviser, who is employed by local self-government. Co-operation between local authorities and minority organisations has provided support for minority cultural activities. The problem is that this co-operation is often limited to the cultural sphere and, as such, stays at a symbolic level.

More and more minority organisations rely on private donors. Many important events organised by minority communities are supported by private businesses or foundations.

3.5. *Minority access to the media*

Minority access to public mass media is guaranteed by the Act on Public Radio and Television Broadcasting. Article 21 states that 'duties of the public radio and television shall include in particular ... the consideration of the needs of national minorities and ethnic groups'.⁴³ Minority access to mainstream and minorities' own media has improved considerably in the 1990s, with increased access both to electronic and print media. However, there are problems. For example, in addition to national TV and radio, Poland is divided into seventeen regions for the purposes of electronic media. Each region has a Council for Radio and Television Programming. The councils are responsible *inter alia* for the content of the programmes. There is no provision for minority participation in these Councils and only two (Białystok and Silesia) include some minority representation. Minority access to mainstream TV varies from region to region. Management in a number of TV regions states that they are co-operating with minority communities; however, most organisations representing national minorities claim that they are, in reality, very often ignored by public TV staff.⁴⁴ The volume of radio programming in minority languages varies from 1 hour per week for each minority language (in Białystok in Belarussian, Ukrainian and Lithuanian), to 25 minutes a week in German in Opole, to no programming in minority languages in several regions. TV broadcasting varies from no provision to 10 minutes a month in Ukrainian in most TV regions to 20 minutes a month in Belarussian in Białystok. The leaders of Belarussian, Ukrainian and other minority communities would like more broadcast time in minority languages, and broadcasting at more viewer-friendly times according to a set schedule. It is common practice that the times of minority-language programmes change from month to month, information about the changes is not widely available in advance, and the programmes are broadcast at unfriendly hours, such as early on Sunday mornings.⁴⁵ Minority journalists are usually involved in the production of minority-language programmes, but with important exceptions, such as TV programmes in Belarussian in Białystok. However, often minority journalists are employed on short-term contracts and thus have no job security, less access to equipment and no access to training.

⁴³ *Dziennik Ustaw* (1993) No. 7, item 34.

⁴⁴ Piotr Tyma (1998) *1998 Raport: Dostęp Mniejszości Narodowych do Mediów Publicznych w Polsce* (Report on access of national minorities to public media in Poland), prepared as background paper for discussion in the Polish Parliament.

⁴⁵ Minority Rights Group (1999) *Minorities and the Media in Central and Eastern Europe Workshop Report*.

Case Study 1. Media and Prejudice

The issue: Media have a strong influence on any society's attitudes. Media can create positive or negative attitudes towards minorities. It can play an important role in the integration of a multi-ethnic community.

Actors involved: 1) regional and local journalists; 2) Ukrainian minority representatives.

Good practice: Local weekly newspaper *Zycie Przemyskie* (Life of Przemyśl) works to overcome prejudices in Przemyśl. Przemyśl is a town in southeastern Poland. Ethnic Ukrainians were concentrated in the Przemyśl County before they were expelled and forcibly dispersed in 1947 as part of 'Operation Wisła'. Przemyśl County was also the center of the Ukrainian underground movement during WWII. Today, Polish-Ukrainian relations are very tense in Przemyśl. In 1997, on the 50th anniversary of Operation Wisła, *Zycie Przemyskie* publishers organized a round table to begin to discuss different perceptions of history. Publishers also organised a discussion in the weekly about the co-operation between Polish and Ukrainian underground movements after WWII. Ethnic Poles and Ukrainians participated in both initiatives, and excerpts of the discussions were published in *Zycie Przemyskie*. These initiatives enabled readers to encounter an unknown history of Polish-Ukrainian relations which is far from the stereotypical vision of permanent conflicts. *Zycie Przemyskie* aims to create a good atmosphere for Polish-Ukrainian contacts in Przemyśl and to show other leaders, including local authorities, that Polish-Ukrainian dialogue is possible, even on issues which have been a main source of conflict since WWII.

Sources: *Zycie Przemyskie* (1997) 23 and 30 April; *Zycie Przemyskie* (1998) 7, 21 and 28 January

Channel 5 of Polish Public Radio broadcasts programmes in the official languages of neighbouring countries. The programmes contain information about Poland and are aimed at audiences in neighbouring countries. Because the programmes are in minority languages, persons belonging to national minorities are part of the listenership. However, because of technical difficulties (Channel 5 uses different frequencies than other radio programmes in Poland), these programmes cannot be received in some regions where minorities live.

Showing the problems of minorities, bringing cultures closer together and striving against negative attitudes toward minorities are all important goals for media in the context of managing multi-ethnicity.

3.6. Use of minority languages in public administration

Article 27 of the Constitution states that 'Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international instruments.' But there is no law on the use of minority languages in public administration. Consequently, there is almost no provision. The Draft Law on National and Ethnic Minorities includes considerable provisions, including the recognition of minority languages as auxiliary languages, and use of minority languages in public, in courts, and to name cities and streets.

3.7. Education in mother tongue

Minority-language education, together with cultural activities, were the only two areas of minority rights tolerated by the communist regime. With the exception of the German minority, minority children could learn their mother tongue in some form in public schools since 1952. The new post-1989 political context, combined with a tradition of mother-tongue education, offered possibilities for improved regulation and provision. As detailed in Section 2.2.2., education in Poland is governed by 1991 Act on Education. Education in and of minority languages is regulated by the 1992 Education Minister's Resolution on the Organisation of Educational Programmes Enabling Minority Pupils to Retain their Sense of National, Ethnic and Linguistic Identity.

The education system is decentralised. Preschools and primary education are the responsibility of municipal governments; secondary and vocational education are the responsibility of county governments; and higher education is the responsibility of regional/voivodship governments. In practice, educational provision in and of minority languages varies from region to region.

Case Study 2. German Minority Education

The issue: German minority children in Opole Silesia could not learn or study in their mother tongue until 1990. This caused serious problems with preservation of mother tongue among the 250,000 ethnic Germans.

Actors involved: 1) Polish government; 2) German government; 3) German minority NGOs.

Good practice: Between 1945-1989, learning and using the German language was forbidden in the Silesia region and western territories acquired by Poland after WWII. This is the region where the German minority lives. Using German in public was heavily fined. The government banned learning German as a foreign language in primary and secondary schools in Silesia and western Poland (while German as a foreign language was taught in other parts of Poland). As a result, in 1990 there were neither German-language teachers nor textbooks. Furthermore, research conducted in the early 1990s showed that only 30% of the native population in Silesia declared German as their first language. This group was made up mainly of people over 65. It was obvious that any action taken by German minority NGOs together with the Ministry for Education would not be enough to make up for lost time. On the basis of a bilateral agreement between Poland and Germany, a group of German teachers were sent to Silesia and western Poland to teach German language in primary and secondary schools. Two teacher training colleges were established to prepare Polish teachers to teach German. This brought positive results as early as the 1990-91 academic year when German as a native language was taught in 184 primary schools, and by 1993-94, in 268 schools in the Opole voivodship alone. In the 1994-95 academic year, German was taught to more than 6,100 students; the number of schools which offer German increases every year. These schools are also open to Polish students, as any public school. Graduates of these schools may continue their education in any universities in Poland. As the result of Polish-German bilateral agreement and co-operation between German minority organisations and the two governments, an effective system of minority-language education has been developed in Opole Silesia. This gives the German minority an opportunity to maintain their own language.

Sources: T. Urban (1994) *Germans in Poland. History of the minority in the 20th century*, Opole, pp. 150-151; D. Berlinska (1993) 'Realisation of decisions of the Treaty between Poland and Germany

on good neighbourly relation and friendly co-operation in the context of human rights', in: *Poles and Germans on Common Ground and Normal Relations. Priesthood and Education*, Opole, p. 88; *Information Paper on Education Situation of National Minorities in Republic of Poland* (1995) Ministry of Education; *National Minorities in Poland in 1994*, Warsaw: Wydawnictwo Sejmowe, p. 224.

In addition to educational provision, schools in multi-ethnic communities can perform important functions to enhance inter-ethnic co-operation. Schools can help to integrate minority groups into wider communities, while offering minority students possibilities to maintain their own language and culture (see Case Study 3 below). Furthermore, schools can help to overcome prejudices and offer opportunities for majority pupils to learn about minority culture and history. Textbooks, curricula, training methodologies and teachers play a key role in determining whether a school fulfills these additional functions.

Case Study 3. Public Schools for Minority Groups

The issue: The Polish state organises the system of ethnic minority education, a potentially good opportunity for local communities to maintain their own language and culture.

Actors involved: 1) the management and teachers of minority schools—Lithuanian and Ukrainian; 2) local communities.

The strategy: The integration of a local minority community and maintaining its culture and language are some of the most important functions of public schools for ethnic minorities. The model realising these functions is found in a Lithuanian-language secondary school in Punszk. Research shows that the pupils have a strong awareness of ethnic identity and the school gives them competence in their native culture. Lithuanian language is used in the school at all times. All interaction between teachers and pupils is in Lithuanian.

The school also influences the local community: 'The teachers' subjects important for preservation of identity (e.g. Lithuanian literature, music education) are the animators of the cultural life in the community. They use traditional elements of the Lithuanian culture and folklore in their work with the pupils. For example, around All Saints' Day teachers and pupils together organise evenings devoted to the memory of community members—open to everyone in town.

The school balances an unprejudiced philosophy while instilling youth with cultural competence (fluent knowledge of Polish language). This is a deliberate technique to avoid 'the syndrome of the ethnic ghetto'.

A public minority school may also positively influence a larger, regional community, as in the case of a Ukrainian school in Przemysl. In Podkarpacie, the Ukrainian minority is small and dispersed in a large territory. The school in Przemysl plays an important role in the local Ukrainian community and, at the same time, it animates the educational activity of other Ukrainian communities in the region.

The role of ethnic minority school is not only to teach the minority culture and language. Such a school is also a local cultural centre which may play an important role in enhancing co-operation between communities

Sources: Miroslaw Sobiecki (1997) *Ethnic-Cultural Function of Ethnic Minority's Schools*. Bialystok: TransHumana, p. 168-175; Dariusz Wojakowski (1996) 'The Teaching of the Ukrainian Language in the Southeastern Poland', in: T. Lewowicki, B. Grabowska (ed.) *Borderland Communities. Multiculturalism. Education*, Cieszyn: Uniwersytet Slaski, p. 184-193.

While there is no accurate monitoring of whether minority children face discrimination in education, it is certain that Roma children have less access to and poorer quality of education than majority children. In approximately twenty places in the south of Poland experimental classes have opened for Roma children. It is difficult to present the exact number: many of these initiatives were organised by NGOs or individuals in co-operation with local authorities and local representatives of the education administration. The main idea of the programme is to give a chance for Roma children to finish primary school and to prepare them for admission exams for secondary schools. In the past, Roma children very often dropped out of school at the beginning of their primary education for a variety of reasons, among them language barriers and a lack of teachers' skills or will to help them integrate into the classroom. Authors of the project, which was accepted by the local education authority in 1993, organised a special compensatory course in the Polish language for Roma children at the beginning of primary school. It is not always a success; sometimes there are not enough qualified teachers (the schools are often in small villages or towns) or some parents do not send their children to those classes. Some Roma leaders now criticise the idea because of the danger of furthering segregation between Roma and Poles at schools. Undoubtedly, these initiatives raise the question of how to organise a system of education which is inclusive of and effective for all children. In the near future, we can expect the Ministry for Education to present an official programme for the integration of Roma children into schools.

3.8. *Searching for a new self-government policy*

Five of sixteen regions/voivodships in Poland have a relatively high proportion of minorities. These regions are: (1) Katowice Silesia—where ethnic Germans are concentrated, (2) Opole Silesia—Germans, (3) Podkarpacie—Ukrainians, (4) Podlasie—Belarussians and Ukrainians, and (5) Warmia and Mazury—Ukrainians, Germans, Lithuanians. It is too early to present a comprehensive assessment of policies of regional management in the new (post-1998) administrative system as yet. Some local and regional authorities have yet to present their development strategies. However, in the five multi-ethnic regions during the past ten years, local leaders have been implementing more or less explicit policies towards minorities. We will use selected examples to show ideas and possible methods which can be used to develop effective regional policies for managing multi-ethnicity.

In Podlasie and Opole Silesia, the largest minorities live in compact settlements (approximately 250,000-300,000 ethnic Belarussians in Podlasie or 30% of population, and at least 250,000 ethnic Germans in Opole Silesia, or 30% of the population).⁴⁶ In the other regions minorities are smaller and territorially dispersed. The composition of the population in the regions makes a real difference in how multi-ethnicity is managed. This is at least partly because, in Poland, more effective minority participation in local government

⁴⁶ See: Andrzej Sadowski (1991) *Great and Little Nations. Belarussians in Poland*, Krakow: Nomos, p. 121-122; Maria Szymeja (1998) 'Historical and Social Underpinnings of Development of German Minority and Silesian Nation in Poland', Warsaw: *Studia Socjologiczne*, No. 4 (151), p. 55.

structures has been possible for large and compact minorities. Participation in decision-making processes is an important factor for effective management of multi-ethnicity and good relations between groups.

Uniquely Opole Silesia has a multi-ethnic leadership at all levels of local government. In addition to special measures for the protection of minority rights (e.g. in education), regional policies have been addressing issues important to both ethnic Germans and ethnic Poles (e.g. economic development). Working together towards common goals has brought people from different ethnicities closer together. Other factors in Opole which seem to be important include: the local population's strong ties to the region (in contrast with neighbouring Katowice Silesia where a large proportion of the current population came to Katowice during industrialisation in the 1960s and 1970s), a strong economy (in comparison to Podlasie, for example) to which the German minority contributes disproportionately because of its ties with Germany, and a tradition of self-management (albeit as part of both Germany and Poland).

Local leadership makes a difference. While minority participation in government structures at all levels is the most effective, an engaged community leadership—elected or informal—can make an important contribution to, or hinder, effective management of multi-ethnicity. This is illustrated through the cases of Katowice Silesia and Podlasie.

In Katowice Silesia, the German minority is smaller than in Opole and dispersed within big cities. After 1989 community leaders have made efforts to know and understand the minority's problems and needs and to build social agreements to overcome ethnic divisions. Sociologists from the Silesian University in Katowice have been engaged in systematic research of the native inhabitants in this region. Their research has provided important (also from the perspective of a political practice) information about attitudes, needs and the social situation of the German minority.⁴⁷ In 1995 most significant Silesian decision-makers—including government and informal community leaders—have signed a political agreement—the Regional Contract for the Voivodship of Katowice Silesia—which is perceived as an important success in determining the future of the region. One party to the agreement is the central government; the second party is composed of regional trade unions, economic organisations, local self-governments and regional political and social associations, including German minority associations. The Regional Contract includes *inter alia* plans for economic development of Silesia, formation of a new regional self-government and development of education. Local leaders and decision-makers initiated the idea of the Regional Contract and this idea brought them closer together.⁴⁸

⁴⁷ Here the most important works should be mentioned: Jacek Wodz (ed.) (1990) *Upper Silesia from the Upper-Silesians' Point of View*, Katowice: Uniwersytet Slaski; Kazimiera Wodz (ed.) (1993) *'Ours' and 'Aliens' in Upper Silesia*, Katowice: Uniwersytet Slaski; Kazimiera Wodz (ed.) (1995) *Regional Identity—Regional Consciousness. The Upper Silesian Experience*, Katowice: Uniwersytet Slaski; Krzysztof Lecki, Kazimiera Wodz and Piotr Wroblewski (1997) *Social World of Silesians. Reconstruction of the Common Consciousness*, Katowice: Uniwersytet Slaski.

⁴⁸ Marek S. Szczepanski (1996) 'People without Local Homeland and the Regional Education', in: T. Lewowicki, B. Grabowska (ed.) *Borderland Communities. Multiculturalism. Education*, Cieszyn: Uniwersytet Slaski, pp. 167-170.

As a result of the Regional Contract, a Postgraduate School of Knowledge of the Region was established within the framework of the Silesian University in 1996. The goal of this institution is training of teachers to teach a new school subject entitled Knowledge of the Local Homeland. The aim of the introduction of this subject in schools is the study of regional history and traditions and to emphasise the values which are common for most inhabitants of the region. This initiative can be perceived as an interesting example of building inter-ethnic (or 'over-ethnic') bonds in the region. The Postgraduate School of Knowledge of the Region was founded by teachers from Silesian University. The classes are in Polish but the students are taught the regional dialect. The curriculum contains: sociology (local communities, social integration in Silesia, Silesian identity), economic transformation, ecology, culture (regional dialects, regional literature, music and art) and history (history of nation-building processes in the region, issues of autonomy). The School is financed by the Polish government and partially by students.⁴⁹

Community leaders and decision-makers in Podlasie (where the Belarussian minority is concentrated and many ethnic Ukrainians live) are less engaged in the protection of minority rights and promoting diversity. Similarly to Katowice Silesia, in Białystok (Podlasie) academics also research issues related to the Belarussian minority and try to publicise problems.⁵⁰ But decision-makers and community leaders, including the media, regional authorities and church authorities, are not responsive to the research findings.⁵¹ Lasting stereotypes persist in Podlasie—a nationality is identified with a religious denomination and a political orientation. These stereotypes give a false picture of a community's real situation. The stereotypes reinforce isolation among both ethnic Belarussian and ethnic Polish leaders.

Podkarpacie is a voivodship in southeastern Poland where Ukrainians have traditionally lived. Now, the ethnic Ukrainian population is relatively small and dispersed. The question of Ukrainian minority has always been a local question—in Przemyśl, Jarosław or Sanok. Local leaders are engaged in building good inter-ethnic relations at the local level in these municipalities. But regional leaders have not been active in trying to effectively manage multi-ethnicity. One recent initiative is that the governor of Podkarpacie has set up an Office of the Governor's Plenipotentiary for the Ukrainian Minority. While, this Office should work to resolve the Ukrainian minority's problems in the region, its competencies are unclear. Furthermore, the governor has no competencies to create regional cultural and educational policy; this is a role of the regional self-government, namely the Voivodship Board.⁵²

⁴⁹ Ibid., pp. 162-167, 170, 173-175.

⁵⁰ Since 1991 the University in Białystok has edited the social studies journal *Borderland* devoted to the ethnic problems in the region. Until 1997, six volumes of this journal have been edited. See also: Andrzej Sadowski (1995) *Polish-Belarussian Borderland: Identity of its Inhabitants*, Białystok: TransHumana.

⁵¹ See: Maciej Tefelski (1995) *Press on the Borderland*, in: A. Sadowski (ed.) *Eastern Borderland from the Perspective of Sociology*, Białystok: TransHumana, p. 217-228; W. Maziarski (1998) 'Sleepily, silently, threatenly', *Gazeta Wyborcza*, 5-6 September, p. 16-19.

⁵² Such office also existed in the former Przemyśl Voivodship, but it was not influential in moderating ethnic conflicts in Przemyśl.

4. Conclusion

Systemic transformation in Poland has meant the process of building a democratic state based on the rule of law and protection of human rights, and building a market economy. This transformation has also brought the process of decentralisation to government. Important changes have taken place for all parts of the population, including minorities. Most minority communities, with the exception of the German minority, have been further marginalised in economic terms. On the positive side, since 1989, the protection of minority rights and issues connected with managing diversity have been discussed in public for the first time since World War II. The 1997 Polish Constitution offers a higher level of protection of minority rights than under the previous system. Poland has also ratified and is bound by relevant international instruments.

While some considerable improvements in minority protection have been made in Poland in the last ten years, the process towards achieving equality in law as well as in fact is nowhere near complete. Ten years on, there is no comprehensive anti-discrimination legislation in place. There is also no effective institutional framework for minority protection. Problems with implementation of international minority rights standards and constitutional provisions do exist, particularly in the sense that minority protection varies from region to region and often depends on local conditions. As regards local management of multi-ethnic communities, there are examples of good practices, including minority participation in decision-making processes, and co-operation between majority and minority communities. This is particularly the case in Opole Silesia. At the same time, the conflict continues to simmer at the local level in Przemysl and Bialystok.

Several factors important for the future of minority protection in Poland should be highlighted. One is the process of decentralisation; this process has offered opportunities for some minorities to participate in local government structures. Finding ways to manage multi-ethnicity at the local level will be key. A second factor will be the adoption of a comprehensive law to protect national minorities; most minority representatives advocate for the adoption of the Law on National and Ethnic Minorities, which has existed as a draft since 1993. Finally, international pressure can play an important role in ensuring a minimum level of minority protection. Here, the European Union can have particular leverage in the context of accession negotiations, and treaty-monitoring bodies can also play an important role.

5. Recommendations

1. The Parliament should immediately pass the comprehensive Law on National and Ethnic Minorities. Representatives of minority communities and other human rights activists stress that this Law is a necessary step towards effective protection. This Law should include articles which would specifically oblige regional and local authorities to support minority cultures and education. The Polish government should then take steps to ensure the effective implementation and monitoring of the Law.

2. Poland should be reminded of its obligations under international law to effectively implement international instruments it ratified, including the Framework Convention for the Protection of National Minorities, which provides minimum standards of protection.
3. Local governments should—on the basis of Poland's as well as other European states' experiences—build new policies for the protection of minorities and build the policies and institutional framework necessary for managing multi-ethnicity.
4. Local governments, in consultation with minority leaders, should work towards ensuring effective participation of minorities in decision-making processes at the local level in areas where participation needs to be improved.
5. Local governments should adopt programmes for multi-cultural education in primary and secondary schools where history and culture of minorities should be taught. Minority issues, as well as migrant and refugee issues, should be discussed. They should also set up initiatives to raise the awareness of minority rights among the adult population, including government employees, police and judges.
6. As recommended by the European Commission against Racism and Intolerance, Poland's government should set up procedures to monitor whether there is discrimination, for example, in access to education.⁵³
7. Central and local authorities—together with Roma community leaders—should develop a programme of integration of Roma into society at large. A key to any such programme will be active participation of Roma leaders from programme inception through implementation.
8. The government should set up an institution at the central level to co-ordinate and promote good practices in management of multi-ethnic communities at the local level.

Further reading

- Alfredsson, Gudmundur (1998) *Minority Rights: International Standards and Monitoring Procedures* in: *Minority Rights Handbook, Latvian Human Rights Quarterly*, No 5/6.
- Kowalczyk, Andrzej (2000) 'Local Government in Poland' in: Tamás Horváth (ed.) *Decentralisation: Experiments and Reforms*, Budapest: OSI/LGI, pp. 297-342.
- Liegeois, P. and N. Gheorghie (1997) *Roma/Gypsies: A European Minority*, Minority Rights Group.
- Lodzinski, Slawomir (2000) *The Policy of Multiculturalism in Poland in 1990s (National Minorities and Immigrants)*, Legal Solutions and Social Perceptions, Paper presented at World Conference Against Racism Regional Seminar, Warsaw, July 2000.

⁵³ European Commission Against Racism and Intolerance.

ANNEX I

MINORITY POPULATION IN POLAND

*Table A.1. Minority Population in Poland
1920-1990*

National minority group	Census data on minority population of 1931 ¹	Estimate census on minority population by Parliamentary Research Office (1993) ²	Estimate census by the Minority Rights Group (1997) ³
Germans	748,300 (2.2%)	350,000 – 400,000	750,000 – 1,100,000 (1.9–2.8%)
Ukrainians	5,042,500 (15.7%)	250,000 – 350,000	350,000 – 500,000 (0.9-1.3%)
Belarussians	1,956,600 (6.1%)	250,000 – 300,000	200,000 – 300,000 (0.5-0.8%)
Jews	3,050,000 (9.5%)	8,000 – 10,000	
Slovaks		10,000 – 15,000	10,000 – 20,000 (less than 0.1%)
Czechs		5,000 – 10,000	5,000 (less than 0.1%)
Lithuanians		15,000 – 20,000	10,000 – 30,000 (less than 0.1%)
Roma/Gypsies		20,000 – 25,000	15,000 (less than 0.1%)
Others*		309,700 (1%)	2,000

* Others: Tatars, Armenians, Greeks, Macedonians, Russians

1 P. Eberhard (1996) *Miedzy Rosja a Niemcami. Przemiany narodowosciowe w Europie Srodkowo-Wschodniej w XX w* (Between Russia and Germany. Nationalities Changes in Central East Europe in 20th century), Warsaw, p. 106.

2 S. Lodzinski (1994) *Poland's Policy towards National Minorities 1989-1993*, Warsaw, p. 1.

3 *World Directory of Minorities* (1997) London: Minority Rights Group, p. 237.

ANNEX 2
SELECTION OF LEGAL REGULATIONS RELATING TO MINORITIES
IN POLAND

(unofficial translation)

Protection of National Minorities

Law of 2 April 1997; Constitution of the Republic of Poland
Dziennik Ustaw (Journal of Law) of 1997, No. 78, item 483

Article 27

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

Article 32

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

Article 35

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

Article 60

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

Article 79

1. In accordance with principles specified by statute, everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgment on the conformity to the Constitution of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution.
2. The provisions of paragraph 1 above shall not relate to the rights specified in Article 56.

Law of 22 July 1952; Constitution of the Republic of Poland

Dziennik Ustaw (Journal of Law) No. 7, item 36, with subsequent amendments

Article 67

2. Citizens of the Republic of Poland shall have equal rights irrespective of sex, birth, education, profession, nationality, race, religion, social status and origin.

Article 81

1. Citizens of the Republic of Poland, irrespective of nationality, race or religion, shall enjoy equal rights in all fields of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect privileges or restrictions of rights by reference to nationality, race or religion shall be punishable.
2. The spreading of hatred or contempt, the provocation of discord, or humiliation of man on account of national, racial or religious differences, shall be prohibited.

Law of 20 June 1997; Penal Code

Dziennik Ustaw (Journal of Law) No. 88, item 553

Article 256

Whoever in public propagates a fascistic political system or other totalitarian systems or exhorts to hatred on the basis of national, ethnic, racial or religious differences or on the basis of not having a religious affiliation shall be subject to the penalty of fine or deprivation of liberty for up to 2 years.

Article 257

Whoever in public insults a group of people or an individual person by reason of their national, ethnic, racial or religious differences or their not having a religious affiliation, or for those reasons violates personal immunity of other people shall be subject to the penalty of deprivation of liberty for up to 2 years.

Protection of Language Rights of National Minorities

Decree of 30 November 1945 on the Official Language of Government and Self-Government Administrative Authorities

Dziennik Ustaw (Journal of Law) No. 57, item 324

Article 1

The official language of the Republic of Poland is Polish. The official language is to be used by all government authorities and administrative offices.

Law of June 14, 1960; Code of Administrative Procedure

Uniform text in *Dziennik Ustaw* (Journal of Law) No. 9, item 26 with subsequent amendments

Article 69

§2 Transcripts of testimony, which was offered in a foreign language, must include the identity and

address of the interpreter who rendered the translation; the interpreter must also sign the court transcript.

Law of 17 November 1964; Code of Civil Procedure

Dziennik Ustaw (Journal of Law) No. 43, item 296 with subsequent amendments

Article 265

§1 The court may appoint an interpreter in order to examine a witness who does not possess a sufficient command of the Polish language.

Law of 19 April 1969; Code of Criminal Procedure

Dziennik Ustaw (Journal of Law) No. 13, item 96 with subsequent amendments

Article 62

If the defendant does not know Polish, decisions regarding pending criminal charges, the criminal complaint and final verdicts as well as those subject to further appeal will be communicated to the accused together with a translation.

Article 159

§1 An interpreter will be summoned if the need arises to examine:

- 1) (...),
- 2) a person who does not possess a sufficient command of the Polish language.

§2 An interpreter will also be summoned if the need arises to translate a document written in Polish into a foreign language.

Article 354

If the court communicated with the accused through an interpreter, before the accused makes his/her final statement, the accused shall receive a translation of at least the concluding remarks of the prosecutor and the defence attorney.

Law of 29 September 1986; Law of Civil Registry

Dziennik Ustaw (Journal of Law) No. 36, item 180

Article 20

If a person who is obliged to register a birth or death cannot communicate either orally or in writing with the chief clerk of the civil registry by reason of physical disability or inability to speak Polish, the chief clerk shall summon an expert or an interpreter.

Article 50

1. The chief clerk of the civil registry shall refuse to register a child if the name chosen by the child's parents is ridiculous, indecent, in diminutive form or does not indicate the sex of the child.

Resolution of the Minister of Internal Affairs of 14 February 1987 on Civil Registry Records, Administration and Control of Civil Registry Records, their Preservation and Security

Dziennik Ustaw (Journal of Law) No. 7, item 43

§2 The civil registry should be organised carefully and legibly; each individual entry should be clear and in conformance with obligatory orthographic norms, except for names, which can be recorded using the traditional spelling used by the person so named.

Education Rights of National Minorities

Law of 7 September 1991 on the Educational System

Dziennik Ustaw (Journal of Law) No. 95, item 425

Article 13

1. Public schools shall enable pupils to retain their sense of national, ethnic and religious identity, and in particular shall make it possible for them to learn their own language, history and culture.
2. At the request of the parents, the educational instruction in paragraph 1 may be conducted in:
 - 1) separate groups, section or schools,
 - 2) groups, sections or schools—with additional language lessons and conducted on history and culture.
3. The Minister of Education emphasises, in executing this resolution that the Minister shall determine the way in which the schools organise the classes outlined in paragraphs 1 and 2, and in particular shall establish the minimum number of children needed to organise such classes.
4. In carrying out their educational function, public schools shall ensure retention of regional culture and tradition.

Resolution of the Minister of Education of 24 March 1992 on the Organisation of Educational Programs Enabling Minority Pupils to Retain their Sense of National, Ethnic and Linguistic Identity (1992)

Dziennik Ustaw (Journal of Law) No.34, item 150

§1

1. Public preschools and schools shall provide for pupils conditions under they retain their sense of national, ethnic and linguistic identity, as well as their own history and culture. 2. The conditions from paragraph 1 shall be created in the course of generally accessible curricular in extracurricular instruction.

§3

1. Native language instruction for minority pupils as well as other classes outlined in paragraph 2 will be organised on a volunteer basis. The school (preschool) principal at the request of the parents or legal guardians shall organise these classes. If students above the elementary level express a desire to participate in such classes, the students themselves may submit this request.

§6

A minority native language class (section) may be organised if at least 7 elementary school pupils from one class or 14 upper-level pupils declare an interest in forming such a class.

§7

1. If the number of children declaring an interest is less than the number in paragraph 6, native language classes can be organised with students from different grades or class sections, subject to the following:
 - 1) a class composed of pupils from different sections, (for example third-grades from sections A and B) must have at least 7 pupils,
 - 2) a class composed of pupils from different grades (for example second and third grade) will function as a combination class and should have at least 3 but no more than 14 pupils.
 - 3) if a single pupil from one class declares an interest in participating in native language instruction, he or she may attend class together with a bilingual class or a combination class.
2. If it is impossible to organise a native language class because of an insufficient number of children or lack of teachers, the school principal shall draw up a list of children who have declared an interest in native language education and present it to the appropriate educational authorities. They in turn will organise inter-school groups for native language education, taking into consideration transportation possibilities. The number of pupils in such a group cannot be smaller than 3 nor bigger than

§14

In schools with native language instruction, report cards shall be written in Polish and in the native language.

§15

Graduates of native language schools shall have access to upper-level Polish schools.