

Resolution CM/ResCMN(2020)12 on the implementation of the Framework Convention for the Protection of National Minorities by Poland

*(Adopted by the Committee of Ministers on 21 October 2020
at the 1386th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution CM/Res(2019)49 of 11 December 2019 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the applicable voting rule;¹

Having regard to the instrument of ratification deposited by Poland on 20 December 2000;

Recalling that the Government of Poland transmitted its State report in respect of the fourth monitoring cycle under the Framework Convention on 9 April 2019;

Having examined the Advisory Committee's fourth opinion on Poland adopted on 6 November 2019,

Adopts the following conclusions in respect of Poland:

The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:²

1. adopt, implement, monitor and regularly evaluate, with the participation of Roma, a Roma Integration Programme for 2020 onwards, incorporating measures targeting the majority population to combat anti-Gypsyism, developing consultation mechanisms at local level, and granting multi-annual financial support to projects where necessary; in the framework of this programme, expand the Roma school assistants programme and take measures to increase participation of Roma children especially in preschool and in secondary education; furthermore, ensure that all funds allocated to improving housing conditions of Roma are actually spent for that purpose;

2. strengthen the protection and promotion of cultures and identities of persons belonging to national minorities, effectively addressing the needs of numerically smaller ones, including through the provision of adequate funding for associations of national minorities and making it more sustainable in the long term;

¹ On 17 September 1997, the Committee of Ministers adopted decision CM/Del/Dec(97)601/4.5, which provides: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

3. take resolute measures to promote intercultural dialogue and mutual understanding between the majority and the different minority groups, as well as religious communities, in Poland; condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media and promote actively a sense of belonging to a shared country, based on the acceptance of the complexity of Poland's history; increase efforts to combat hate speech and effectively identify, register and investigate cases of alleged hate crime, and prosecute and sanction those responsible;
4. take measures to enhance the quality of minority language teaching through taking more responsibility for the production of new teaching materials, ensuring that funds transferred to local authorities for minority language teaching are earmarked for that purpose, and securing the availability of qualified teachers, in particular in the Kashubian language.

Further recommendations:

5. take a pragmatic and constructive approach in the dialogue with groups having expressed an interest in the protection afforded by the Framework Convention, including the Silesians, and consider the application of the Framework Convention on an article-by-article basis;
6. step up efforts to raise awareness of the legislative standards and remedies available for victims of discrimination, in particular among groups most frequently exposed to discrimination such as Roma; provide adequate political and financial support to the Office of the Commissioner for Human Rights to enable it to effectively pursue its independence and fulfil its mandate in protecting persons belonging to national minorities;
7. ensure, if necessary, by taking legislative measures, the effective participation of national minorities in regional public radio and television programme councils; continuously monitor the impact of media legislation on the rights afforded to national minorities and ensure that all national minority languages and cultures that exist in society are visibly and audibly present in both regional and national broadcasting;
8. increase efforts to collect disaggregated data on the socio-economic participation of the Roma minority in Poland, especially on housing and employment, and on that basis ensure the effective participation of Roma in economic and social life by designing and implementing comprehensive and adaptable policy measures;
9. enter into a dialogue with representatives of national minorities on a reform of the working mechanism of the Joint Commission of the Government and National and Ethnic Minorities, to strengthen its mandate and revisit the appointment procedure with a view to better reflecting diversity within minorities;
10. ensure that the rights of persons belonging to national minorities are duly taken into account when planning and implementing administrative territorial reforms.