**Poland's comments**

**to the Fourth Opinion**

**of the Committee of Experts for the European Charter for Regional or Minority Languages**

**Warsaw 2023**

Guided by its centuries-old tradition of tolerance and multi-ethnicity of groups that comprise the Polish people, which in the Polish tradition has never had an ethnic character, the Republic of Poland adopted all solutions of international law that protect cultural individuality of groups categorised as national and ethnic minorities according to the *Act of 6 January 2005 on national and ethnic minorities and on the regional language[[1]](#footnote-1)*.

The *European Charter for Regional or Minority Languages* (hereinafter "the Charter") is one of those instruments. Poland appreciates collaboration with the Council of Europe and the Committee of Experts for the Charter (hereinafter "COMEX" or "the Committee"), and attaches great importance to comments and recommendations made by COMEX.

First and foremost, it must be noted that the mechanism in Article 2 of the Charter provides for application of the Charter's provisions to all regional or minority languages. Therefore, the mechanism does not fully reflect the true situation and practical possibilities concerning the implementation of the Charter. The current situation of a given minority or regional language is determined by such characteristics as the size of the minority population that uses it, the conservation status of that language, the demographic forecast for the minority concerned, the level of education of its members, dense or dispersed residence, the level of codification of the language etc.

The aforementioned characteristics translate directly into how the language is used by a given community, and thus into practical language teaching possibilities at all levels of formal education. It must be underlined that while applicable legal regulations concerning national minorities, ethnic minorities and the group using the regional language (Kashubian) are universal, it does not mean that practical possibilities of exercising the language rights of these groups are - for objective reasons - the same. In fact, it is particularly difficult to ensure - with respect to certain languages - the continuity of education, beginning from preschool up to secondary education, due to the small population of users (e.g. Tatar) or dispersion of the group (e.g. users of Karaim).

Here, one must refer to the comment made by the Committee in the introduction to the Opinion that its (the Committee's) principle purpose is to evaluate the compliance with Charter undertakings as well as to examine the real situation of regional or minority languages and actual practices applied in each State with respect to those languages. The Committee points out further in the Fourth Opinion that the situation of those languages varies considerably, and the choice made by Poland leads to challenges for the implementation of the Charter.

In view of the above, it seems that the mechanisms in place, including financial and organisational ones, relating to the preservation of the language identity of national minorities, ethnic minorities and the group using the regional language provide for a positive assessment of the actual practice applied in Poland to regional or minority languages.

The IV COMEX Opinion was translated into Polish and, like the previous Reports and Opinions, will be published on the MIA's website after its publication on the website of the Council of Europe.

As regards the matter of changes in the number of teaching hours for German as a mother tongue, it must be noted that the necessity to adapt the organisational conditions of teaching German as a minority language to the budgetary capacities of local authorities came as a consequence of a budget amendment, and therefore required a legislative intervention. The teaching time for own history and culture as well as the number of hours of German teaching in other forms of education remained unchanged.

The change in funding and teaching time of a minority language applies only to German as a mother tongue. Therefore, COMEX's claim that the situation "had a general impact for the protection and promotion of the regional or minority languages in Poland as a whole, putting into question the existing principles and achievements" is not reflected in facts.

Article 13 of the *Act of 7 September 1991 on the system of education*[[2]](#footnote-2) gives pupils the right to preserve their national identity, and in particular to learn their own language, history and culture. Arrangements for teaching German as a national minority language (own language) are based on the provisions of Regulations of the Minister competent for education and training issued under Article 13(3) of the said Act. If a pupil attends national minority language classes they must not learn the language as a foreign language at school at the same time. Any attempts to interpret the provisions of the broadly understood educational law as permitting parallel teaching of a given language as a national minority language and as a modern foreign language will only lead to illogical conclusions that are in conflict with the aims of education.

Despite difficulties in establishing a true dialogue, efforts are being made to resolve this situation.

Educational tasks relating to maintenance of schools and education establishments by local government units are financed from the incomes of those local government units, including the education part of the general subsidy. In accordance with Article 27 of the *Act on the income of local government units*[[3]](#footnote-3), the amount of the education part of the general subsidy for all government units is established annually in the Budget Act.

The education part of the general subsidy – reduced by the statutory reserve – is divided between local government units in accordance with the rules laid out annually in a Regulation of the Minister competent for education and training.

The education part of the general subsidy allocated to every local government unit is a single amount, and how it is spent is decided by the decision-making authority of the local government unit concerned in accordance with Article 7(3) of the *Act on the income of local government units*.

The amount of the education subsidy cannot be related directly to education tasks imposed on local government units. There is no rule in the current legal system that would provide that the State budget guarantees, within the education part of the general subsidy, funds to cover all expenses on execution of educational tasks by local government units.

It must be highlighted that the mechanism of the so-called increased education subsidy for financing additional educational tasks with respect to pupils from national minorities, ethnic minorities and the group using the regional language has been improved systematically in order to meet requests made by representatives of national and ethnic minorities, representatives of users of the regional language, as well as local government. This can be seen in a clear increase in funding allocated to tasks that provide for preserving the sense of national, ethnic and language identity of pupils from national and ethnic minorities and the community using the regional language.

The said mechanism has been described in detail, but the decision concerning the ultimate choice of specific educational aims remains within the exclusive competence of local authorities, in accordance with the principle of subsidiarity.

The additional names referred to in Article 12(1) of the Act may be used only within municipalities entered in the Register of municipalities where names in a minority language are used, kept by the Minister competent for religious denominations and national and ethnic minorities. At the same time, one must invoke Article 12(4) of the *Act on national and ethnic minorities and on the regional language[[4]](#footnote-4),* under which additional traditional names in a minority language may be introduced across the municipality concerned or in respective localities.

However, it must be underlined that the Act does not impose an obligation to use additional traditional names in a minority language, but rather provides for such a possibility. Furthermore,the Act expressly and comprehensively enumerates cases where such additional names may be used (official names of localities, physiographic objects, streets).

Regulations in place in Poland ensure that TV and radio audience from national and ethnic minorities as well as users of the regional language have access to programmes addressed to them and aired by public radio and television. Providing and including programmes that address the needs of national and ethnic minorities and the community using the regional language is among tasks of public radio and television that arise directly from their public mission. That obligation was formulated in Article 21(1a)(8a) of the *Broadcasting Act,* which puts special emphasis on "broadcasting news programmes" in the languages of those minorities. Since the needs of national and ethnic minority communities are much broader than just news programmes, the KRRiT proposed a definition of programmes addressed to national and ethnic minority and programmes in the regional language. The proposed method of defining such programming was accepted by the Joint Commission of the Government and National and Ethnic Minorities (the position of Joint Commission of the Government and National and Ethnic Minorities of 24 February 2010).

The diverse presence of minority languages in public media is a consequence of the aforementioned differences in the situation of the minorities, including their population, dense or dispersed residence, the state of preservation of their languages etc., which makes it impossible to pursue the same actions with respect to all minorities. Indeed, it is difficult to compare practical possibilities or producing programmes for groups of such different factual situations as e.g. the Ukrainian and Tatar minorities.

In accordance with the definition, programmes addressed to national and ethnic minorities should meet jointly the following requirements:

* be entirely dedicated to issues concerning national and ethnic minorities and the community using the regional language;
* allow representatives of national or ethnic minorities to not only participate, but also discuss themselves and their matters;
* be clearly addressed to a particular national or ethnic minority or the community using the regional language;
* be produced in the language of a national or ethnic minority or in the regional language;
* be edited by a team composed of representatives of the national or ethnic minority or the community using the regional language concerned.

It must be remembered, however, that the number of programmes in minority languages does not reflect their actual presence in the sphere of media communications. It must be highlighted, both for public and private media, that minority history and culture are present in their broadcasts in various forms, though not necessarily in minority languages, and serve the promotion of the minorities' contribution to the cultural heritage of Poland. An example of the presence of programmes in minority languages is the commercial radio WNET (not affiliated to the minority community), whose programming includes cyclical broadcasts in Belarusian (3 hours per day, Monday-Friday) <https://radiounet.fm/program/>.

Due to the relatively small size of minority populations, most tasks organised by Minority organisations, involving primarily artistic events, are addressed to also audiences coming from the majority society. The number of events addressed mainly to representatives of minorities is small. One should also emphasise the presence of transmissions/retransmissions from many minority events in nationwide public media (e.g. the *Romane Dyvesa* Festival, the Jewish Culture Festival, *Biesiada Cygańsko-Słowiańska*). In response to the need for promotion of knowledge of minorities raised on numerous occasions by representatives of national and ethnic minorities and users of the regional language, the Minister competent for religious denominations and national and ethnic minorities decided to announce an additional, supplementary call for tasks executed in 2021. Socio-cultural organisations of national and ethnic minorities, organisations of the Kashubian community, as well as entities and organisations operating for their benefit, could submit their bids for the execution of a public task in 2021 concerning actions for national and ethnic minorities and the regional language.

In March 2020, the state of epidemic threat was announced in Poland, followed by the state of epidemic in connection with the spread of the infectious disease caused by the SARS-CoV-2 virus, known as the COVID-19. Furthermore, the global economic crisis caused by *inter alia* the war in Ukraine had affected consumer price indexes.

In the view of the foregoing, in addition to general instruments available to the whole of entities, the Minister competent for religious denominations and national and ethnic minorities and actively engaged in activities aimed to counter the negative effects of the pandemic. Among key actions undertaken in this respect were:

-an increase in the budget funds for execution of public tasks in this area in 2022 by PLN 2,000,000 compared to the funds allocated to that purpose in the 2021 State Budget. It must also be noted that it had been the largest increase in budget funds allocated to that purpose since 2008;

- **an option of a 10% increase in the amount of earmarked subsidies in 2022 that either provide for or facilitate activities of entities that pursue tasks for the benefit of national and ethnic minorities.**

**Point-by-point comments:**

Ad 9.

COMEX draws attention to insufficient awareness of national and ethnic minority rights and of the related solutions and possibilities in place at the local level. In order to address the Committee's suggestions,the MIA will develop an information package for Voivode Plenipotentiaries for minorities to be provided to local government units. The package will recall applicable regulations aimed at protecting the rights of minorities and promote their culture. The subject will also be raised at a meeting of the Joint Government and Local Government Commission.

Ad 11.

The Committee rightly indicates that as regards certain languages (Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish), the implementation of the Charter obligations requires special and flexible measures. It must be noted that the tasks proposed by minority organisations relating to preservation and/or promotion of their languages are implemented. However, it is extremely difficult to effectively apply the provisions of the Charter with respect to all languages, e.g. language teaching at all levels of education, due to the lack of sufficient numbers of pupils/students or their dispersion, lack of language codification, loss of spoken language. As regards Yiddish, it must be highlighted that among the consequences of World War II was the extermination of the Yiddish culture and language community in Poland. It must also be added that users of the aforementioned languages expect fulfilment of all the Charter obligations concerning their languages while at the same time being aware that Poland is unable to so for objective reasons.

Ad 20.

*Narodowy spis powszechny ludności i mieszkań 2021* (the National Census of Population and Housing 2021) - this is the full and correct name in accordance with the *Act of 9 August 2021 on the national census of population and housing in 2021*. (Journal of Laws of 2019, item 1775).

As regards the statement: "They have also indicated that preliminary data would be available in April 2023, containing information on the languages with a higher number of speakers, and in autumn 2023, with information on the languages with a lower number of speakers", it must be noted that the statement is imprecise.

Representatives of Statistics Poland indicated that in April 2023 preliminary NSP 2021 data will be available on languages spoken during home interactions and on the national and ethnic structure by the most frequently chosen languages used in home interactions and by the most numerous national and ethnic identifications. The final results for that area will be presented in autumn 2023 - as regards the language spoken during home interactions, it will be a full list of all languages declared.

Ad 21.

It may be advisable to consider modifying the content of Footnote 16, where an incorrect source was provided. Instead "Główny Urząd Statystyczny / Spisy Powszechne / NSP 2021 / NSP 2021 - wyniki wstępne / Rodziny – wyniki wstępne NSP 2021", the link to the official Statistics Poland website should be provided: [https://stat.gov.pl/spisy-powszechne/nsp-2021/nsp-2021-wyniki-wstepne/wstepne-wyniki-narodowego-spisu-powszechnego-ludnosci-i-mieszkan-2021-w-zakresie-struktury-narodowo-etnicznej-oraz-jezyka-kontaktow-domowych,10,1.html](https://stat.gov.pl/spisy-powszechne/nsp-2021/nsp-2021-wyniki-wstepne/wstepne-wyniki-narodowego-spisu-powszechnego-ludnosci-i-mieszkan-2021-w-zakresie-struktury-narodowo-etnicznej-oraz-jezyka-kontaktow-domowych%2C10%2C1.html).

It also seems advisable to note that as regards preliminary results concerning national and ethnic identification, a decrease can be observed in comparison with the NSP 2011 for the following identifications (in total - irrespective of the number and order in the first and second questions): German (132,500 in the NSP 2021 preliminary data as compared to 144,200 in NSP 2011 final data), Romani (12,700 as compared to 9,600). Furthermore, there was an increase in the following identifications: Belarusian (54,300 as compared to 43,900), Lemko (12,700 as compared to 9,600), Lithuanian (9,700 as compared to 7,400), Russian (14,800 as compared to 8,800), Ukrainian (79,400 as compared to 38,800), and Jewish (15,700 as compared to 7,400).

The minority-related data from the previous censuses (2002 and 2011) was published some two years later due to the complexity of the data. In each case, representatives of Statistics Poland would inform in advance that the census results concerning minorities should be expected on such dates because the census results were elaborated according to specific priorities and that the data on minorities are characterised by great complexity. Therefore, in the case of the 2021 Census, the results could be expected in April 2023, as mentioned in the *Fourth Report*. Because of the pandemic, post-pandemic economic crisis around the world, the outbreak of the war in Ukraine, mass influx of war refugees, and support provided by Poland to Ukraine, also the Polish statistics faced extraordinary challenges, which affected the elaboration of detailed and complex data from the latest census. It must be noted that Poland is among countries that produce a relatively exhaustive socio-demographic characteristic of minorities. The concern formulated by some representatives of minorities that the subsequent publication of the census results will affect the implementation of Article 10 of the *Charter* (concerning *inter alia* auxiliary languages) is unreasonable because the implementation of Article 10 is determined by the number of self-declarations and compared to the previous publication dates the delay (counted from April 2023) is not very significant.

Ad 22.

Poland cannot accept COMEX suggestion concerning "the results of the census should be complemented by collecting and assessing, in co-operation with the speakers, other data concerning the number of users of the regional or minority languages and their geographic distribution". Referring to the census results, representatives of the government administration highlighted on numerous occasions that the results of successive censuses reflected the number of self-declarations made by minority representatives, not the actual number of representatives of minorities in Poland. Indeed, under the legal system in Poland, it is not allowed to acquire data on belonging to a minority or requiring anyone to prove their belonging to a given minority. Information acquired during censuses is therefore based on the said self-declarations. Nothing prevents minorities from presenting estimates, but census results are official data.

Ad 26.

According to statistics of the EU Agency for Fundamental Rights, Poland has for years been listed as a country with a relatively low number of anti-Semitic incidents[[5]](#footnote-5).

The survey to which the Committee refers concerning Romani: "The survey also shows high levels of antipathy towards the Romani speakers", should be interpreted dynamically, as it is a cyclical opinion poll carried out annually since 1994, which – despite certain shifts in public sentiments year to year - in fact shows a quality change in the attitude of the public opinion towards the Roma communities over the last three decades. One must also note the high percentage of liking/indifference/lack of opinion expressed by respondents towards that minority, and the dynamics of changes in dislike towards Roma in the long run (a clear decrease).

Ad 29.

The opinion of COMEX that the Joint Commission of the Government and National and Ethnic Minorities was dysfunctional must be shared. The MIA has called many times upon members of the Joint Commission who represent the minority side to change their decision regarding the so-called suspension of their participation in the Joint Commission's work. The "suspension" took place despite repeated efforts made by the Minister of Interior and Administration to convince the representatives of national and ethnic minorities and the community using the regional language to continue their work in the Joint Commission, both for substantive and formal reasons, as the institution of "suspension" of the membership in the Joint Commission is not provided by any provision that regulates operations of that important consultative and advisory body at the Prime Minister.

Ad 31.

Poland does not share the Committee's claim that "the Joint Commission can no longer be considered as a body 'advising the authorities on all matters pertaining to regional or minority languages'". The formula of the Joint Commission of the Government and National and Ethnic Minorities is an original Polish contribution to the international system of minority rights protection. The Joint Commission is a world-unique body because seats on it are taken, on equal rights, by representatives of minorities and of the Government. It continues to be a platform for developing joint positions of the Government and representatives of the communities that represent nine national minorities, four ethnic minorities and users of the regional language, concerning such matters as the amount and distribution of state budget funds allocated to supporting actions aimed to protect, preserve and develop the cultural identity of the minorities, and to preserve and develop the regional language.

Ad 32.

In accordance with Article 1, the *Charter* does not cover dialects of the official language(s) of the State. The Silesian ethnolect is one of the four main dialects of Polish, in addition to Lesser-Polish (*małopolski*), Greater-Polish (*wielkopolskiego*) and Masovian (*mazowiecki*). Such a position was acknowledged in the opinion of the Council for the Polish Language at the Presidium of the Polish Academy of Sciences of 20 May 2011 which, under Article 12(1) of the *Act of 7 October 1999 on the Polish language*[[6]](#footnote-6)*,* is a consultative and advisory institution on matters of using the Polish language.

Ad 37.

In this comment, COMEX used an expression that can cause some communication interference. Education in minority languages in the Polish system of education is not based on "requests of the parents". A parents' declaration (not "a request") obliges the school principal to organise education of a mother tongue (provided that the required number of declarations is submitted), and also a confirmation of the necessity to acquire increased funding. At the same time, it must be highlighted that - contrary to the Committee's opinion that Poland lacks the tradition of teaching minority languages and in minority languages - such a tradition in the formal school system dates back to when Poland regained independence in 1918.

Ad 40.

Polish law contains provisions on education of pupils from minorities as well as pupils who are foreign citizens. Education of pupils who are Ukrainian nationals cannot be equivalent to education of pupils who are Polish nationals but declare affiliation to the Ukrainian national minority. The two cases are reflected in the provisions that regulate the funding of specific needs of each of those groups, which are not the same.

Ad 42.

Polish law clearly defines the categories of national and ethnic minorities and the group using the regional language, which is translated into the term "minority languages". Those categories must be distinguished from languages used by other ethnic groups which are not minorities within the meaning of the Act on minorities and the regional language. Not every ethnic group which is in minority belongs to the catalogue of minority groups defined in the legislation.

Ad 45.

The subsidy calculation mechanism is transparent, and its diversity depends on the number of pupils - which is logical from the financing perspective. The lower the number of pupils, the relatively higher the unit costs - and the diversification of the subsidy amount is aimed to compensate local government units for the cost of employment of additional teachers and additional classes. Equalising the subsidy amount would harm the local governments with smaller populations of pupils from minorities. Local authorities' choice of educational tasks to be financed from the subsidy continues to be the actual problem, but it is the exclusive competence of local authorities.

Ad 46.

It must be noted again that pupils who declare the intention to learn a language as their mother tongue can do so, and in the case of languages that are mother tongues of national and ethnic minorities and at the same time a foreign language (e.g. German, Russian, Ukrainian), they can learn those languages as foreign languages - due to the different methodology of teaching a language as a minority language and as a foreign language. Such has for years been the position of minority communities, and that logic underlined the need to appoint foreign language teaching methodologists at the MNIE.

Ad 49.

The difference between the number of Kashubian Ethno-Philology students in the winter and summer semesters may arise from the fact that potential students may treat it as a kind of a "security blanket" in case they fail to qualify for other courses.

The legislation on education, i.e. the *Act of 26 January 1982 on the Teacher's Charter* (Journal of Laws of 2023, item 984), *Regulation of the Minister of National Education of 28 May 2019 on teacher training establishments* (Journal of Laws of 2019, item 1045, as amended), *Regulation of the Minister of National Education of 11 October 2018 on the accreditation of teacher training establishments* (Journal of Laws of 2018, item 2029), *Regulation of the Minister of National Education of 23 August 2019 on the financial contribution to further professional development of teachers, detailed aims of trade training, and on conditions for referring teachers to trade training* (Journal of Laws of 2019, item 1653) did and does guarantee mechanisms which provide for education and further development of teachers, including also teachers of the regional language and minority languages.

Applicable regulations did and do guarantee that teachers can take part in various trainings and other forms of professional development provided by teacher training establishments, universities and other units whose statutory tasks include further professional development of teachers.

Accredited teacher training establishments must adapt their professional development offering to the needs reported by schools and teachers, in accordance with the provisions of the aforementioned *Regulation on the accreditation of teacher training establishments*.

Costs of professional development of teachers can be covered from the funds allocated within the budget of the competent school supervising body, in accordance with Article 70a of the aforementioned *Act on the Teacher's Charter*.

Ad 50.

It must be clarified that both under applicable qualification rules, i.e. the *Regulation of the Minister of National Education of 1 August 2017 on the detailed qualifications required from teachers* (Journal of Laws of 2020, item 1289; and of 2022, item 1769) and the currently drafted new *Regulation of the Minister of Education and Science on the detailed qualifications required from teachers* (which is now at the final stage of legislative work and expected to enter into force on 1 September 2023)[[7]](#footnote-7), teachers of the regional language and teachers of minority languages do not have to hold only a related Master's diploma to teach and conduct classes in those languages.

In accordance with the current *Regulation on the detailed qualifications required from teachers* (§ 14(1) and (2) of the Regulation), qualifications required to teach of conduct classes at kindergartens, schools, or in groups or units allowing national minority pupils to preserve their national and language identity are held by whoever holds the qualifications required for a teacher, as specified in § 3(1) and § 4 of the said Regulation, and additionally known the national minority, ethnic minority or the regional language in which they will conducts classes. Level of the language of a given national minority or the community using the regional language shall be confirmed by:

- a university-degree diploma of a philology course specialised in the foreign language concerned, or

- a diploma of a teacher training college in the foreign language concerned, or

- the language certificate referred to in regulations issued under Article 11(3) of the *Act of 6 January 2005 on national and ethnic minorities and on the regional language* (Journal of Laws of 2017, item 823), or

- an attestation issued by a social organisation of a national minority or the community using the regional language.

As transpires from the aforementioned regulations, teaching of or conducting classes in a minority language or the regional language requires qualifications to teach any subject or conduct any classes - at the education level concerned - and the command of the minority language concerned or the regional language, which may be confirmed by various documents, and not solely by a Master's diploma in that specific area. Such documents may include *inter alia* a certificate issued by a social organisation of minority or the community using the regional language.

The currently drafted new *Regulation on the detailed qualifications required from teachers* will contain similar qualification requirements. Furthermore, the new Regulation will also allow graduates of first-cycle, second cycle or long cycle Master's degree studies of the regional language who have pedagogical training to teach the regional language at kindergartens, schools, groups and units.

The Minister of Education and Science decided to implement such a solution taking into account the existing needs to preserve and develop the cultural identity of communities using the regional language.

In connection with that decision, work is being carried out to amend the teacher current education standard (i.e. amendments are being drafted for the Regulation of the Minister of Science and Higher Education of 25 August 2019 on the standard of education preparing for the teaching profession – Journal of Laws of 2019, item 1450, as amended). Under the new regulation, effective in the academic year 2023/2024, higher-education establishments will be allowed to train teachers of the regional language at the first-cycle, second cycle of long cycle Master's studies.

Ad 60.

As regards the languages specified (Armenian, Karaim, Romani and Yiddish), there are no traditional names of localities ion those languages (except for Yiddish). Those communities are dispersed across the country.

Ad 62. and 63.

The National Broadcasting Council (KRRiT) enhances the process of the development of the programming for national and ethnic minorities and the community using the regional language through financing that programming from subscription fees. The National Broadcasting Council has for many years been providing public media companies with full financing of programmes produced for the said communities. In the case of public radio, the National Broadcasting Council applies the principle of financing 100% of programmes for national and ethnic minorities notified by the broadcasters from subscription fees, which is the simplest method that is also beneficial to national and ethnic minorities and the community using the regional language. In accordance with Article 13 of the *Radio and Television Act,* the broadcasters themselves plan the number of hours and broadcasting frequency of those programmes (public media companies report the number of hours and costs of such programmes in their annual programming and financial plans), and the National Broadcasting Council allocates subscription funds to the production of the programmes in the amount equal to that notified by the broadcasters. After one year, the KRRiT verifies whether the broadcaster has met the declarations made in its plans. If not, the KRRiT, when distributing the subscription funds for the following year, reduces the amount due to that company by the cost of the hours which were included in the plans but not produced. It must be highlighted that there have been very few such cases in the last years.

As for licensed broadcasters (radio as well as television) that operate under a licence, the aforementioned mechanism of programming development support is not possible because the KRRiT has not legal instruments to provide such support. It must be added that programming addressed to minority communities in Poland is produced and aired mainly by Polish public broadcasters, while commercial channels vary rarely produce such programmes.

Ad 64.

The Committee's comment that "unlike for the other languages, programmes in German are mainly produced by the associations, not by the public radio station or television channel broadcasting them". In accordance with the adopted manner of defining programmes addressed to national and ethnic minorities (the position of the Joint Commission of the Government and National and Ethnic Minorities of 24 February 2010), such programmes should be edited by a team composed of representatives of the national or ethnic minority concerned or the community using the regional language. Therefore, all public broadcasters - regardless of the minority to which they address their programmes - may produce such programmes while relying on entities whose representatives are members of national and ethnic minorities.

Ad 65.

"The Committee of Experts received hardly any updated information with respect to audiovisual works produced in regional or minority languages."

The Minister of Interior and Administration systematically allocates a specific subsidy amount to the execution of tasks relating to support for audiovisual works in regional or minority languages. In the year of the Committee's visit, the MIA provided support to various entities concerning the execution of the following tasks:

Belarusian minority:

* TUTAKA Foundation, for the execution of the tasks entitled *"Tutaka"* *Podcast* – grant awarded: PLN 22,280 (podcasts will be published on publicly available YouTube channel of the Tutaka Foundation).

Community using the Kashubian regional language:

* *Ziemia Pucka* Association, for the execution of the task entitled *Preservation and development of the Kashubian language within the Kashubian minority through broadcasting the radio channel "Radio Kaszebe" (2023)* – grant awarded: PLN 300,000;
* The Kashubian-Pomeranian Association, for the execution of the task entitled *Skarby Kaszub,* grant awarded: PLN 70,000;
* *Dobra Energia* Foundation, for the execution of the task entitled *The documentary film "Kaszubi",* grant awarded: PLN 50,000.

German minority:

* Pastoral Ministry for National and Ethnic Minorities of the Opole Diocese, for the execution of the task entitled *Multimedialne zamyślenia biblijne,* grant awarded: PLN 12,800;
* Social-Cultural Association of Germans of Silesian Voivodeship in Racibórz, for the execution of the task entitled *Production of radio broadcasts in German,* grant awarded: PLN 78,747;
* Union of German Socio-Cultural Associations in Poland, for the execution of the task entitled *Production of the German-language broadcast Musikschachtel-Abgekanzelt,* grant awarded: PLN 40,600;
* Union of German Socio-Cultural Associations in Poland, for the execution of the task entitled *Production of the German-language broadcast TV Schlesien Journal*, grant awarded: PLN 60,000;

Lemko minority:

* *"RUSKA BURSA"* Association in Gorlice, for the execution of the task entitles *Lemko radio LEM.fm and news portal* [*www.lem.fm*](http://www.lem.fm)*,* grant awarded: PLN 320,000;
* Lemko Tower Association, for the execution of the task entitled *Lemko on-line television LEMKO TV,* grant awarded: PLN 16,000;
* Lemko Tower Association, for the execution of the task entitled *Radio Lemko - a Lemko on-line radio,* grant awarded: PLN 46,000;

Russian minority:

* *Russkij Dom* Association, for the execution of the task entitled *Podcasts in Russian - the audio recording series "Rosyjski akcent w historii Polski",* grant awarded: PLN 8,500;
* *Russkij Dom* Association, for the execution of the task entitled *Multimedia recordings for the "Historia i kultura Rosjan w Polsce" - phase three*, grant awarded: PLN 9,000.

Ad 68.

The National Broadcasting Council does not have any statutory competence to conduct training for journalists or other media personnel who use regional or minority languages, hence it does not organise such training. Actions of this type are undertaken by respective public media companies as well as licensed broadcasters within their own structures.

Ad 69.

Taking into account the information presented in the Fourth Report, it is proposed to replace the wording "certain institutions, museums, libraries, the State Archives" by "many institutions, museums, libraries, the State Archives". Those institutions organise the said actions in collaboration with minority organisations, which should not be criticised, as it is a good practice of collaboration.

Ad 71.

The returns of a part of the grant arise from the fact that the funds were spent on other purposes than declared in the applications, hence the amounts must be returned in accordance with applicable regulations.

Ad 74.

The stability of funding of the minorities is ensured by means of legal and organisational mechanisms. All events of key importance for the minorities are supported. Taking into account the number of contracts signed each year – a total of 467 in 2023 – it must be considered that the activity of the minorities is not poor, which is reflected in the number of grants awarded.

Ad 78. and Chapter 2 *Compliance of Poland with its undertakings under the European Charter for Regional or Minority Languages and recommendations*

As regards the explanations concerning the situation of respective regional or minority languages in Poland, the information on *establishing at least one radio station and one television channel in regional or minority languages* must be modified, as since 2007 the programming of Telewizja Polska S.A., a public broadcaster, has included the *Belsat TV* channel, aired in Belarusian, Russian and partially Ukrainian, addressed to the audience in Belarus and other countries of the region - in response to the demand for independent news and cultural content - and also addressed to viewers from the national minorities and migrant groups concerned in Poland. The channel's key building element includes news and commentary programmes as well as social and intervention feature stories, transmissions and reports from important events, and TV series. The channel is aired via satellite and covers the European part of the former USSR, as well as on-line (on belsat.eu and in YouTube) and in cable television networks (across Poland, in most networks in Ukraine and some in Latvia).

Ad 85.

The Romani ethnolect is not taught at schools at any level of education. This language system has a taboo status in the Romani culture, and Roma do not wish it to be taught. Practical problems include also absence of the standard for its transcription, lack of teachers of Romani descent etc. Nevertheless, occasional projects of teaching of that ethnolect (in non-formal education) receive co-financing aimed at preserving it - particularly among the youngest generation. In 2021, publication of Romani ABC books in the Polish Romani and Bergitka Romani dialects was resumed.

1. Journal of Laws No. 17 of 2005, item 141. [↑](#footnote-ref-1)
2. Journal of Laws of 2019, item 1481, as amended [↑](#footnote-ref-2)
3. Journal of Laws of 2022, item 2267. [↑](#footnote-ref-3)
4. Journal of Laws No. 17 of 2005, item 141. [↑](#footnote-ref-4)
5. <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf> [↑](#footnote-ref-5)
6. Journal of Laws of 2019, item 1480, as amended [↑](#footnote-ref-6)
7. As of 9 August 2023 [↑](#footnote-ref-7)