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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN POLAND**

**2<sup>nd</sup> monitoring cycle**

- A. Report of the Committee of Experts on the Charter**  
(adopted on 19 June 2015)
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Poland**  
(adopted on 1 December 2015)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in States Parties with a view to, where necessary, making recommendations for improving their legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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## **A. Report of the Committee of Experts on the application of the Charter in Poland**

adopted by the Committee of Experts on 19 June 2015  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Executive Summary**

1. Poland signed the European Charter for Regional or Minority Languages in 2003 and ratified it in 2009. The Charter entered into force in Poland on 1 June 2009 and it protects Armenian, Belarusian, Czech, German, Karaim, Kashub, Lemko, Lithuanian, Romani, Russian, Slovak, Tatar, Ukrainian and Yiddish.

2. The same undertakings apply to all these languages, and they are, in certain fields and compared to the situation of some languages, strong and ambitious commitments. There is, however, potential to apply the chosen undertakings in the medium term to Belarusian, German and Lithuanian, as well as to Kashub, Lemko and Ukrainian. For Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish specific and flexible measures have to be taken in order to make the provisions of the Charter operational, as the legal obligations entered into by Poland under the Charter need to be implemented. Karaim and Tatar are in urgent need of revitalisation efforts.

3. A legal framework for the protection of national, ethnic minorities and of the regional language is in place, and subsidies are available in areas such as education, media and culture. There is a well-functioning mechanism ensuring dialogue between the central authorities and the representatives of regional or minority languages speakers. However, a more proactive approach by the authorities in the implementation of the Charter is needed.

4. Great discrepancies exist between census data and other types of national statistics on the number of speakers for all regional or minority language groups. This opens up problems both for the monitoring of the application of the Charter and its very implementation.

5. In the current monitoring cycle, a campaign promoting the use of regional or minority languages in education, administration, economic and social life was carried out. In addition, amendments to the legislation governing the use of regional or minority languages in administration have been proposed, but are still under discussion. The education subsidy made available by the central authorities to the local authorities has increased, although more transparency on the use of the funds allocated is needed. All these initiatives are welcome as steps that should be strengthened and further developed.

6. Knowledge, tolerance and understanding about regional or minority languages and cultures within the majority population are of utmost importance for their protection and promotion. Awareness-raising and promotion of tolerance vis-à-vis all the regional or minority languages in the country, as well as a more active stand against hostile or negative attitudes and actions against them, are needed.

7. For the regional or minority languages Poland undertook to provide education predominantly in these languages at pre-school, primary school and secondary school levels. Except for Lithuanian, no such education is provided. Some bilingual education exists for Belarusian, German and Ukrainian. The majority of the regional or minority languages are taught as subjects, while some are not at all present in education. The lack of textbooks, other teaching materials and of a system of training teachers able to teach subjects in the regional or minority languages contributes to this situation.

8. The Polish legislation limits the possibility of using a regional or minority language in contacts with the authorities of municipalities and the compulsory adoption of place names in such languages to municipalities where persons belonging to the respective minority or the Kashub linguistic group make up at least 20% of the population. In practice, the use of regional or minority languages in administration and on bilingual signage, even where the threshold is met, is limited and encounters

difficulties. To a great extent, regional or minority language speakers do not reach the 20% threshold and the languages are therefore deprived of protection in a considerable number of areas.

9. In the field of media, Poland undertook to encourage and/or facilitate the creation of at least one radio station and one television channel in each of the regional or minority languages. This has not yet been implemented. Only programmes are broadcast by public radio stations and local television channels. The offer on private radio or television programmes is limited.

10. In the field of cultural activities and facilities, the authorities subsidise various projects submitted by the minority associations, although there is no long-term strategy for the promotion of the cultural activities in regional or minority languages.

11. Regional or minority languages are only to a very limited extent present in economic and social life, both in the case of public services and in private companies.

## **Chapter 1 Background information**

### **1.1. The Charter's ratification by Poland**

12. Poland signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 12 May 2003. The instrument of ratification was deposited with the Council of Europe on 12 February 2009. The Charter entered into force in Poland on 1 June 2009.

13. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Polish authorities presented their second periodical report to the Secretary General of the Council of Europe on 16 February 2015.

### **1.2. The work of the Committee of Experts**

14. This evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Poland as well as through interviews held with representatives of the regional or minority language speakers and with the Polish authorities during the on-the-spot visit, which took place from 5-8 May 2015. The Committee of Experts received statements from several minority associations, submitted pursuant to Article 16 paragraph 2 of the Charter.

15. In the present second evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the previous evaluation report as raising particular problems. It will evaluate in particular how the Polish authorities have reacted to the issues detected by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. The Committee of Experts will also look at the new issues detected during the second monitoring round.

16. The Committee of Experts regrets that the second periodical report was submitted by Poland with a delay of 17 months. Such delays severely hamper the monitoring process and the functioning of the Charter mechanism. The Committee of Experts therefore calls upon the Polish authorities to comply with their reporting obligation as provided by Article 15.1 of the Charter.

17. In September 2012 a Charter Implementation Round Table was organised in Warsaw by the Council of Europe and the Polish authorities to discuss the implementation of the recommendations by the Committee of Experts and the Committee of Ministers contained in the first evaluation report. The round table was attended by representatives of the Committee of Experts, of the national authorities and of the regional or minority language speakers.

18. The present report contains detailed recommendations that the Polish authorities are encouraged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed recommendations, also established a list of proposals for general recommendations to be addressed to Poland by the Committee of Ministers, as provided in Article 16.4 of the Charter.

19. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any later developments will be taken into account in the next report of the Committee of Experts concerning Poland.

20. This report was adopted by the Committee of Experts on 19 June 2015.

### **1.3. Presentation of the regional or minority language situation**

21. In its instrument of ratification, Poland declared that it would apply Parts II and III of the Charter to the Armenian, Belarusian, Czech, German, Hebrew, Karaim, Kashub, Lemko, Lithuanian, Romani, Russian, Slovak, Tatar, Ukrainian and Yiddish languages.

<sup>1</sup> MIN-LANG (98) 7 Outline periodical reports as adopted by the Committee of Ministers of the Council of Europe on 10 November 1998.

22. In the first evaluation report, the Committee of Experts asked the Polish authorities to clarify whether Ivrit/Hebrew has had a traditional presence in Poland in conformity with the definition of a regional or minority language contained in Article 1a of the Charter, which implies *traditional presence* and presupposes the functioning of a language as a means of communication in everyday life.

23. The Polish authorities state in their second periodical report that Hebrew was indicated in the 1921 and 1931 censuses. The Committee of Experts notes that classical Hebrew was used during the last centuries only for cultural, scholarly and religious purposes and not as a means of communication in everyday life. Modern Hebrew/Ivrit was only revived as a spoken language in late 19<sup>th</sup> century – early 20<sup>th</sup> century in what is today Israel. In light of its decision concerning Ukraine<sup>2</sup>, the Committee of Experts considers that Hebrew is not “traditionally used” in Poland in conformity with the definition of a “regional or minority language” contained in Article 1 of the Charter.

24. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide information about the outcome of the parliamentary initiative aiming at amending the Act on National and Ethnic Minorities and on the Regional Language, in order to allow for the recognition of Silesian as regional language.

25. According to the second periodical report, in March 2012 a deputies’ bill amending this Act, which would, *inter alia*, grant Silesian the status of regional language, was submitted to the Speaker of the Sejm, the lower chamber of the Polish Parliament. The legal process has not been finalised yet and the initiative is still with the Sejm. The Committee of Experts asks the Polish authorities to provide information on further developments in this respect in the next periodical report.

#### 1.4. General issues arising from the evaluation of the application of the Charter in Poland

##### 1.4.1 Implementation of the legal obligations arising from the Charter

26. Poland chose to apply the same undertakings to all regional or minority languages and, because the situation of these languages varies considerably, several problems arise. As already indicated in the first evaluation report<sup>3</sup>, the Committee of Experts considers that for languages such as Belarusian, German and Lithuanian, which are used by a high number of people and are concentrated in particular geographical areas where their speakers make up a considerable share or the majority of the local population, undertakings in the fields of court proceedings (Article 9.1), local branches of the state authorities (Article 10.1) and public services (Article 10.3) could also have been selected. On the other hand, the decision to apply Part III to Armenian, Czech, Hebrew, Karaim, Romani, Russian, Slovak, Tatar and Yiddish requires, in light of their low number of speakers, special and flexible measures in order to implement the legal obligations entered into by Poland.

27. In the first monitoring cycle, the Committee of Ministers recommended that the Polish authorities “**establish, in close co-operation with the speakers concerned, a structured policy and take flexible measures facilitating the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages**”. The same recommendation was made by the Committee of Experts<sup>4</sup>.

28. Neither a structured policy, nor flexible measures facilitating the application of the Charter to Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish have been put in place by the Polish authorities. While steps forward can be noticed with respect to some of these languages, the Committee of Experts points out that in order to ensure a sustainable promotion and protection of the regional or minority languages, positive measures on behalf of the authorities, on their own initiative and in co-operation with the speakers, are needed<sup>5</sup>.

<sup>2</sup> 1st Report of the Committee of Experts on Ukraine, ECRML (2010) 6, paragraph 38

<sup>3</sup> 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 23-25

<sup>4</sup> The recommendations of the Committee of Ministers from the previous monitoring cycle are quoted in bold.

<sup>5</sup> See also 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 24

29. The Committee of Experts reiterates<sup>6</sup> that the Polish authorities should initiate a dialogue with the representatives of the speakers of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish with a view to drawing up a mid-term strategy on the implementation of the Charter in respect of each of these languages. With the exception of the non-territorial languages, this strategy should first of all define the territory in which the language concerned has a historical basis and where the Charter provisions will be implemented, whether it is one municipality or a few local communities. Furthermore, the Polish authorities should devise flexible and innovative measures for the actual application of the Charter provisions. Such measures could include the establishment of one central educational institution for each language (e.g. a boarding school), the use of the internet for the promotion of the language in the media (e.g. internet radio and newspaper), co-operation with other states where the respective language is used (e.g. regarding teacher and journalist training/exchanges, import of textbooks, exchange of cultural works, retransmission of television and radio programmes), and co-operation with the private sector in the municipalities concerned regarding the implementation of Article 13.

30. In the case of Tatar, the Committee of Experts encourages the Polish authorities to discuss a strategy for Tatar in Poland, in order to start the revitalisation process, in co-operation with the minority.

***The Committee of Experts urges the Polish authorities to establish a structured policy, in close co-operation with the speakers, and take flexible measures to facilitate the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages.***

#### 1.4.2 Number of speakers of regional or minority languages

31. In the first evaluation report, the Committee of Experts encouraged the Polish authorities to complement the results of the 2011 census by collecting, in co-operation with the speakers, data concerning the number of users of regional or minority languages and their geographic distribution.

32. According to the second periodical report, the Polish authorities collect data about the number of members of minority associations, using surveys filled in by those concerned, about the number of students learning regional or minority languages, about the number of addressees of the projects promoting the cultural identity of national and ethnic minorities and the regional language they finance. Such data is transmitted by the entities implementing these projects and include the number of participants in events, of the members of art groups, the print of publications, the audience of radio and television programmes and the number of NGO members who pay their fees.

33. The Committee of Experts notes that the data on the number of addressees of the projects, in particular, shows increased numbers compared to that collected in the census. For example, in 2013 there were 2 800 addressees of projects referring to the Karaim minority and language, while the print of the Karaim minority press edition was 4 500, compared to 1-50 people in the census data. There were 892 683 addressees of projects about the German minority and language, while the German minority press edition was 458 000, compared to 96 461 persons having declared using the language at home and 58 170 having declared it as a native language. Since these figures differ so extensively the Committee of Experts encourages the Polish authorities to take them into account in order to make relevant decisions for the regional or minority languages.

34. As far as the 2011 census is concerned, where persons could declare two ethnic affiliations, the periodical report provides only specific data concerning the number of persons having declared using a regional or minority language at home or having declared such a language as their native language, but not on the number of persons belonging to each minority. Such data has however been officially published and shows different figures between the National Statistical Office and the Ministry of Administration and Digitisation. The census data is used by the authorities in relation with the thresholds in the administrative field. On the whole, according to the 2011 census, only 286 192 people declared that they belong to a national or ethnic minority. It is unclear, however, whether these

<sup>6</sup> See 1<sup>st</sup> Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 25

numbers include only those having declared one ethnicity or also those having declared two ethnic affiliations, one of them being that of a minority.

35. Representatives of the regional or minority language speakers question the results of the census and the way it was conducted. The 2011 census combined a direct census carried out on a sample (20% of the population) and an Internet census. According to their statements, the Internet census was promoted as the instrument allowing minorities to express their identity, but in the end had only an auxiliary role in establishing the results. In addition, the question concerning the mother tongue was not regularly addressed in the sample census. Furthermore, the final results were released after long delays.

36. Although the Polish authorities stated during the on-the-spot visit that the census data is only relevant as regards the 20% threshold, the Committee of Experts is concerned that some authorities use the low number of people having declared that they belong to a minority during the census as an argument against regional or minority language education in the respective place, despite requests from parents.

37. The Committee of Experts encourages the Polish authorities to complement the results of the 2011 census by assessing, in co-operation with the speakers, data concerning the number of users of the regional or minority languages and their geographic distribution.

#### *1.4.3 Number of speakers of the Karaim language*

38. In the first evaluation report, the Committee of Experts asked the Polish authorities to clarify the current number of speakers of the Karaim language, also taking into account the information provided by the Karaim minority and, if applicable, academic sources. Furthermore, it asked the Polish authorities to clarify whether there is an interest within the Karaim minority to revive Karaim as a living language.

39. According to the second periodical report, the 2011 census indicated that fewer than 50 people use Karaim at home. The Karaim minority association strive to preserve the language. For example, articles in Karaim are published in the "Awazymyz" quarterly, a first animated film in Karaim was produced in 2014 and summer schools, where the language is also taught, are organised annually.

## **Chapter 2 Conclusions of the Committee of Experts on how the Polish authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 1:**

*“promote awareness and tolerance in Polish society at large vis-à-vis the regional or minority languages and the cultures they represent”*

40. The New National Core Curriculum provides for the teaching about minorities in Poland, their culture, history, languages, traditions and present situation at secondary level, as part of subjects such as history and society, social studies, history, geography, and culture studies. The implementation of the new curriculum was only finalised in the 2014/2015 school year, for primary and secondary schools, and is to be finalised in the 2015/2016 school year for vocational schools. However, it is unclear how these provisions are actually applied in practice, since the way the teaching content is implemented is determined by the teachers, taking into consideration the local conditions and the needs of the pupils. A campaign promoting the use of regional or minority languages in public life was carried out at the end of 2014-beginning of 2015 and included the creation of a dedicated website promoting bilingualism and of the provision auxiliary materials for teachers about regional or minority languages. There is still very little information in the media about the regional or minority languages and the cultures they represent.

### **Recommendation no. 2:**

*“make available education in Belarusian, German, Kashub, Lemko and Ukrainian as a medium of instruction at pre-school, primary and secondary levels”*

41. There is no education where Belarusian, German, Kashub, Lemko and Ukrainian is the predominant medium of instruction at pre-school, primary and secondary levels. Belarusian, German, Kashub, Lemko and Ukrainian are taught as subjects at pre-school, primary and secondary levels. Some bilingual education is provided for Belarusian at pre-school level, and for German and Ukrainian at all levels.

### **Recommendation no. 3:**

*“provide updated textbooks for regional or minority language education in accordance with the New Core Curriculum and the basic and further training of a sufficient number of teachers who are able to teach subjects in Belarusian, German, Kashub, Lemko and Ukrainian”*

42. Updated textbooks in accordance with the New Core Curriculum are available only to a limited extent.

43. While training of language teachers is to some extent ensured, there is no basic or further training of teachers who are able to teach subjects in Belarusian, German, Kashub, Lemko or Ukrainian.

### **Recommendation no. 4:**

*“take measures to strengthen the offer of broadcasting in all regional or minority languages”*

44. The National Broadcasting Council subsidises the public radio programmes in regional or minority languages. The production of private radio and television programmes in regional or minority languages receives project-based support. The offer of broadcasting in regional or minority languages, especially on television, remains very limited.

### **Recommendation no. 5:**

*“reconsider the application of the 20%-threshold with regard to the undertakings in Article 10 and create the legal possibility to submit oral or written applications in the regional or minority languages also in relation to districts and voivodships”*

45. Draft amendments to the Act on National and Ethnic Minorities and the Regional Language, which foresee a lowering of the threshold to 10% and the possibility to use regional or minority languages in relation to the districts, are to be discussed by the Polish Sejm. They are at present not adopted.

**Recommendation no. 6:**

*“establish, in close co-operation with the speakers concerned, a structured policy and take flexible measures facilitating the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages”*

46. No structured policy or flexible measures have been taken to facilitate the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish languages.

## Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

### 3.1. Evaluation in respect of Part II of the Charter

47. Part II of the Charter applies to all regional or minority languages in Poland, i.e, Armenian, Belarusian, Czech, German, Karaim, Kashub, Lemko, Lithuanian, Romani, Russian, Slovak, Tatar, Ukrainian and Yiddish.

48. The Committee of Experts will focus on the provisions of Part II which were singled out in the first evaluation report as raising particular problems. It will therefore not comment in the present report on provisions where the Committee of Experts was satisfied with their implementation and for which it has not received any new information requiring their reassessment. These provisions are as follows:

Article 7, paragraph 1.a

Article 7, paragraph 1.b

Article 7, paragraph 1.e

Article 7, paragraph 2

Article 7, paragraph 4.

#### Article 7

##### Paragraph 1

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

*c the need for resolute action to promote regional or minority languages in order to safeguard them;*

49. In the first evaluation report, the Committee of Experts encouraged the Polish authorities to ensure that Poland's undertakings under the Charter are complied with, *inter alia*, by informing municipalities of their obligations under the Charter, providing them with the necessary technical and financial support, giving detailed instructions, supervising implementation and using appropriate incentives. The Committee also asked the authorities to provide specific information, in the next periodical report, on the amount allocated in support of each regional or minority language in addition to the cultural sector.

50. According to the second periodical report, in 2014, the Ministry of Administration and Digitisation prepared and carried out a campaign promoting the use of regional or minority languages in public life (hereafter: the 2014 campaign). As part of the 2014 campaign, brochures were distributed informing the local authorities about their duties with respect to regional or minority language education, the use of regional or minority languages in administration and the adoption and use of topographical names in these languages. The brochures also explained the relevant rules and procedures, as well as the possibilities of receiving financial support from the central level. The authorities further indicate that a proposed amendment to the 2005 Act on National and Ethnic Minorities and the Regional Language foresees the possibility of appointing a representative for national and ethnic minorities within the office of the district head, mayor, district governor and marshal of a voivodship, who will, *inter alia*, have tasks related to the protection and promotion of minority languages.

51. The Committee of Experts welcomes the initiative of the authorities to carry out such a campaign. As it covered several domains, it will refer to it under the specific articles in the report. The Committee of Experts has also been informed of legal amendments to the 2005 Act on National and Ethnic Minorities and the Regional Language that have been prepared and also concern areas relevant to the Charter. It will refer to these proposed amendments again in the report.

52. Nevertheless, the Committee of Experts notes that representatives of the regional or minority languages speakers were of the view that they have not been sufficiently involved in the preparation of the 2014 campaign and that it was not sufficiently developed to have a real practical impact. They also stated that local authorities as well as central authorities, with the exception of the Ministry for

Administration and Digitisation, are still largely unaware of the Charter and the deriving obligations, and are not prepared to implement them.

53. Representatives of regional or minority language speakers also indicated that a more proactive role by the authorities in the effective implementation of the Charter is needed. In their view, this responsibility is placed to a large extent on the minority associations, while the authorities only provide the general legal framework and financial support in some domains.

54. The Committee of Experts underlines that the Charter implies an obligation to take proactive and positive measures to promote regional or minority languages. It therefore reiterates<sup>7</sup> that a more proactive stance from the central authorities is necessary to ensure Poland's compliance with its undertakings ensuing from the Charter. In particular, the adoption of a language policy and corresponding specific legislation or measures in certain areas (education, administration, media, etc.), and the establishment of bodies which have responsibility in this field would promote the effective implementation of the Charter's provisions in Poland. The authorities could also develop, in co-operation with the speakers, a strategy for implementing the Charter's provisions for each language. The Committee of Experts urges the Polish authorities to ensure that Poland's undertakings under the Charter are complied with, *inter alia*, by providing local authorities with the necessary technical and financial support, giving detailed instructions, supervising implementation and using appropriate incentives. It also encourages the Polish authorities to examine the results of the 2014 campaign and to ensure an adequate follow-up.

55. As far as the financial support of each regional or minority language is concerned, the second periodical report provides information on the subsidies in the field of education, including for textbooks. The Ministry of Administration and Digitisation finances the replacement of the place-name signs when an additional name in a regional or minority language is added. The Committee of Experts considers this good practice. In 2011-2013, such actions concerned the Belarusian, Kashub, Lemko and German languages.

56. The Committee of Experts has been informed of the Roma Integration Strategy 2014-2020. It underlines that as part of the integration process, such a strategy needs to take into account the language and cultural heritage. The Committee of Experts encourages the Polish authorities to implement and develop this strategy in co-operation with the speakers.

**d** *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

57. The Committee of Experts will deal with the relevant aspects under its examination of Part III.

**f** *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

58. In the first evaluation report, the Committee of Experts asked the Polish authorities to comment on the lack of textbooks in line with the new curriculum established with the Regulation of the Ministry of National Education of 23 December 2008. The Committee of Experts also asked the Polish authorities to provide information on the development of language strategies for German and Lithuanian, as well as other languages.

59. According to the second periodical report, three textbooks for Belarusian, twelve for Lithuanian, six for Ukrainian and seven for Kashub, in line with the new curriculum, are available. In addition, a few new auxiliary materials for the Lithuanian, Ukrainian, Lemko and Kashub languages were published. The authorities indicate that teachers may use older textbooks and auxiliary materials, which are still valid, as well as alternative educational materials, and that they may also implement the curriculum without using any pre-selected textbooks and materials. The periodical report further states that in May 2014 the Joint Commission of the Government and National and Ethnic Minorities<sup>8</sup> (hereafter: the Joint Commission) set up a working group on textbooks, comprising representatives of

<sup>7</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 25

<sup>8</sup> The Joint Commission of the Government and National and Ethnic Minorities is a consultative and advisory body of the Prime Minister. It comprises representatives of ministries, of the national and ethnic minorities and of the Kashub-speakers.

the authorities and of the speakers of regional or minority languages taught in the Polish education system.

60. Representatives of the regional or minority languages speakers have underlined that the availability of textbooks remains a serious problem. Not only are there not enough textbooks adapted to the new curriculum, but older versions, which could still be used, are no longer available. In the case of German, for example, there is no approved textbook for German as a mother tongue.

61. The Committee of Experts notes that, according to the information in the second periodical report, from 2011-2013 no textbooks for Armenian, Czech, German, Karaim, Lemko, Romani, Russian, Slovak or Tatar were financed. No information has been received about textbooks for Yiddish. The Committee of Experts underlines that the provision of textbooks, along with trained teachers, is fundamental in ensuring the quality of regional or minority language education. The lack of adequate textbooks<sup>9</sup> might discourage parents from choosing teaching in/of regional or minority language for their children and diminish the pupils' interest in these subjects.

***The Committee of Experts encourages the authorities to ensure that adequate textbooks for teaching regional or minority languages and subjects in these languages are available.***

62. With respect to language strategies, according to the second periodical report, two new such documents have been adopted: for Ukrainian in 2011, and for Belarusian in 2014. The Committee of Experts notes, however, that the strategy for Belarusian deals mostly with the teaching of the language, which does not correspond to undertakings chosen by Poland under the Charter. The strategy for Lithuanian, for which a meeting monitoring its application was organised in 2011, is considered implemented. However, a working group was set up in order to deal with current problems concerning the financing and the running of Lithuanian education in Poland. In 2013, a document updating and strengthening this strategy was adopted by a working group previously set up to this effect.

63. The Committee of Experts encourages the Polish authorities to further develop the existing strategies and to adopt new strategies for other languages, taking into consideration the obligations of Poland under the Charter.

***g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;***

64. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide information about facilities enabling adult non-speakers to learn regional or minority languages.

65. According to the second periodical report, the Ministry of Administration and Digitisation subsidises projects proposing the organisation of language courses for adults and which are submitted by minority associations or other institutions. In this framework, lessons of Lemko and Tatar were organised. The Committee of Experts asks the Polish authorities to provide information concerning the other territorial languages protected by the Charter in Poland.

***h the promotion of study and research on regional or minority languages at universities or equivalent institutions;***

66. The Committee of Experts will deal with the relevant aspects under its examination of Part III.

***i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.***

67. The Committee of Experts will deal with the relevant aspects under its examination of Part III.

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<sup>9</sup> See also 3<sup>rd</sup> Opinion on Poland of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), ACFC/OP/III (2013)004, paragraphs 135 and 138

### Paragraph 3

*The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

68. In the first monitoring cycle, the Committee of Ministers recommended that the Polish authorities “**promote awareness and tolerance in Polish society at large vis-à-vis the regional or minority languages and the cultures they represent**”. The Committee of Experts made the same recommendation. In addition, the Committee of Experts encouraged the Polish authorities to raise the awareness of the general public in the mass media as well as in mainstream education, notably in curricula, teaching materials and teacher training regarding the regional or minority languages.

69. According to the second periodical report, the regional branches of Telewizja Polska, the Polish public television, and of the public radio broadcast programmes about regional or minority languages and cultures of Poland. Such programmes are, for example, *Na wschód od zachodu* broadcast by Radio Kraków or *Pomerania Ethnica* on the Szczecin branch of Telewizja Polska. Until 2012, the television programme *Etniczne Klimaty* was also broadcast at regional level.

70. As far as education is concerned, the periodical report indicates that the New National Core Curriculum foresees teaching about minorities in Poland, their culture, history, languages, traditions and present situation at secondary level, as part of subjects such as history and society, social studies, history, geography and culture studies. However, the periodical report also indicates that the way the teaching content is implemented is determined by the teachers, taking into consideration the local conditions and the needs of the pupils. The implementation of the new curriculum will be finalised in the 2014/2015 school year, for primary and secondary schools, and in the 2015/2016 school year for vocational schools. The history and culture reflected by regional or minority languages are also presented in various activities outside school, such as history competitions, events, and seminars. The 2014 campaign promoting the use of regional or minority languages included the preparation and distribution to secondary schools, regional education departments and teacher training units of an outline for lessons “on the regional and minority languages”. Materials about regional or minority languages have also been made available for download on a dedicated website promoting bilingualism.

71. However, the Committee of Experts was informed during the on-the-spot visit by representatives of regional or minority language speakers, that the majority population is not informed and does not have enough knowledge about the minorities living in Poland. Furthermore, recurring incidents point to the lack of tolerance and of a favourable atmosphere towards regional or minority languages and their speakers. Bilingual place-name signs in all regional or minority languages are recurrently sprayed over. Anti-Semitic acts as well as vandalism on Orthodox church sites have also been reported. In many such cases the culprits are not identified. Expressions of negative attitudes are frequent in the mass media and the online environment. Negative stances seem to affect in particular the Belarusian, German and Ukrainian minorities. Introduction of German place names or opening new classes where German is taught, regularly meet with the reluctance or unwillingness of local authorities. A radio programme in German dealing with the treatment of the Germans after the Second World War led to a strong negative reaction in the media. Derogatory statements were also made on the occasion of the opening of a German football school. The Ukrainian speakers reported defamatory comments made by journalists of the Polish public television, which were brought, belatedly, before court. They also referred to commemorative plates presenting a negative image of the minority. The Belarusian minority also referred to commemorations of controversial persons. Such cases also influence the use of regional or minority languages in public life.

72. The Committee of Experts reiterates that further efforts are needed from the Polish authorities to take an active stand against expressions of intolerance and to raise awareness in the Polish public at large about the regional or minority languages as an expression of Poland’s cultural wealth. Media should be encouraged, without prejudice to their independence, to pay more attention to the regional or minority languages and their cultures. In education, the Polish authorities should ensure that knowledge about and tolerance towards the minorities and regional or minority languages in Poland is adequately reflected in curricula for all pupils, teaching materials and teacher training and that such content is taught in practice.

***The Committee of Experts urges the Polish authorities to promote awareness and tolerance in Polish society at large vis-à-vis the regional or minority languages and the cultures they represent.***

**Paragraph 5**

***The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.***

73. The Polish authorities consider Armenian, Karaim, Romani and Yiddish to be non-territorial languages.

### 3.2. Evaluation in respect of Part III of the Charter

#### 3.2.1 General issues

##### Education

74. In the first monitoring cycle, the Committee of Ministers recommended that the Polish authorities “**make available education in Belarusian, German, Kashub, Lemko and Ukrainian as a medium of instruction at pre-school, primary and secondary levels**” and that they “**provide updated textbooks for regional or minority language education in accordance with the New Core Curriculum and the basic and further training of a sufficient number of teachers who are able to teach subjects in Belarusian, German, Kashub, Lemko and Ukrainian**”.

75. The Committee of Experts refers to its previous evaluation report<sup>10</sup> and stresses that the undertakings chosen by Poland require that pre-school, primary and secondary education in the regional or minority language are made available. This implies the provision of education essentially with the regional or minority language as the language of instruction. Teaching the regional or minority language only as a subject or organising bilingual education is not sufficient to fulfil the undertakings that Poland has ratified. The Committee of Experts also underlines that pre-school, primary and secondary education in the regional or minority language must be made available irrespective of prior requests by families.

76. The Committee of Experts further underlines that for organising education in regional or minority languages trained teachers and adequate textbooks are fundamental. Both appear as problematic at present. There is no training for teachers who could teach subjects in the regional or minority language. Furthermore, teachers teaching the regional or minority languages as a subject are generally trained to teach foreign languages. As for textbooks, the Committee of Experts refers to its comments under 7.1.f. Both issues require immediate action from the authorities.

##### *Awareness-raising among parents and pupils*

77. In the first evaluation report, the Committee of Experts encouraged the Polish authorities to actively promote regional or minority language education among parents and pupils.

78. According to the second periodical report, as part of the 2014 campaign, leaflets informing parents about the possibilities of teaching of/in these languages were distributed to the relevant authorities, teacher training units, as well as minority organisations. However, the representatives of regional or minority language speakers informed the Committee of Experts that the campaign was not sufficiently developed and it did not focus enough on awareness raising and the benefits of regional or minority language education. Promotion of regional or minority language education continues to be carried out mainly by the associations. The regional or minority language speakers also pointed out that local authorities and local educational authorities show limited interest in or support of teaching in/of these languages. In particular, local authorities seem unprepared, and in some cases unwilling, to organise regional or minority language education.

79. The Committee of Experts does not, at present, have all the necessary information to fully assess the impact of the campaign. As far as the Committee of Experts has been informed, the Polish authorities are in the process of doing so. The Committee of Experts encourages the Polish authorities to continue, in co-operation with the speakers, to actively promote regional or minority language education among parents and pupils, as well as the responsible local authorities.

##### *Subsidies for regional or minority education*

80. In the first evaluation report, the Committee of Experts encouraged the Polish authorities to improve the system of delivering subsidies for regional or minority language education in order to ensure the continuity of education and to regularly monitor local authorities' use of subsidies dedicated to regional or minority education.

<sup>10</sup> See, for example, 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraphs 50, 53, 56.

81. With respect to the subsidies system<sup>11</sup>, the second periodical report indicates that in 2013 a new coefficient was introduced when determining the subsidies' amount and, as a result, these have increased. In 2014, this new coefficient itself increased. Furthermore, higher subsidies have been introduced for teaching in a regional or minority language than for teaching these languages as a subject. Schools with a low number of pupils continue to receive higher subsidies to prevent them from closing. The authorities are of the view that the annual modification of the subsidies system does not endanger the continuity of education, since there is a constitutional obligation to ensure to the local authorities adequate funding for the performance of their duties and the subsidies increase annually. Monitoring of the subsidies system is carried out by the Ministry of National Education. The regional Accounting Chambers and the Supreme Audit Chamber are also authorised to verify how the subsidies are spent.

82. However, representatives of regional or minority language speakers informed the Committee of Experts of their concerns regarding the practical use of the subsidies, which is not always in conformity with the purpose for which they were meant. According to this information, the subsidies were not earmarked for regional or minority language education, but made available to local authorities, who were allowed to decide how to use them. Cases where local authorities use the subsidies foreseen for education for other purposes still exist. Moreover, schools tend to limit the number of pupils attending regional or minority language education, as the subsidy is higher when the number of pupils is lower. The Polish authorities are aware of these problems and are looking into solutions to prevent such cases. The regional or minority language speakers also underlined that pre-school education is not subsidised by the central authorities and is therefore more difficult to organise. The Committee of Experts was also informed that an audit of the spending of the education subsidies is under way. However, the methodology proposed is, both according to representatives of the minorities and to the Ministry of Administration and Digitisation, not adequate for regional or minority language education.

83. The Committee of Experts understands that the subsidies are calculated on the basis of the applications of parents for regional or minority languages education and, at central level, are earmarked. However, the local authorities are entitled to use these subsidies according to their own needs. There is a need for central authorities to ensure that the subsidies are used for education purposes. In addition, the Committee of Experts notes that while the practice of higher subsidies for small schools is commendable, it may prevent schools from growing. That may also lead to problems with the continuity of education.

84. The Committee of Experts urges the Polish authorities to improve the system of delivering subsidies for regional or minority language education, to ensure the continuity of education and to regularly monitor local authorities' use of subsidies dedicated to regional or minority education.

#### *Secondary education threshold*

85. In the first evaluation report, the Committee of Experts encouraged the Polish authorities to review the threshold of 14 pupils necessary for the setting up of a regional or minority language class at secondary level.

86. The Polish authorities informed the Committee of Experts that the lowering of this threshold to seven, as in primary education, is foreseen, but not yet adopted.

87. The Committee of Experts encourages the Polish authorities to promote the prepared lowering of the threshold necessary for the setting up of a regional or minority language class at secondary level.

#### *Higher education reform*

88. According to the second periodical report, a reform of higher education took place in 2011 and introduced curriculum autonomy for universities. In the regional or minority language field, it provided for creating majors rather than specialities, as was the case before. However, universities are free to define their curricula and propose majors.

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<sup>11</sup> For details on the education subsidies system, please see the 1<sup>st</sup> report on the application of the ECRML in Poland ECRML (2011)5, paragraphs 36, 48 and the second periodical report of Poland MINLANG (2015) PR3, page 32.

89. After consultations among authorities, regional or minority language speakers and experts, a proposal to introduce “ethno-philology and ethnic minorities studies” as a major at universities was addressed to the rectors’ conferences for universities and colleges of applied sciences. The aim of this study field is to train persons that could work as regional or minority language teachers, journalists of regional or minority language media, and employees of local administrations using regional or minority languages.

90. There seems to be a strong interest among the representatives of the regional or minority language speakers for the organisation of these studies. However, during the on-the-spot visit, the representatives informed the Committee of Experts that the implementation of this idea met with difficulties in practice. Universities are apparently not interested in organising these studies because they are not cost efficient. For example, efforts have been made to set up Kashub “ethno-philology” at Gdańsk University. Due to the low number of students, Gdańsk University has asked the Kashub association to contribute financially to its running. The Ministry of Administration and Digitisation agreed to grant financial support in 2015. It remains unclear how the situation will develop in the future. The Committee of Experts encourages the Polish authorities to look into possible ways to support the organisation of such studies, where there is an interest of the regional or minority language speakers and where they could ensure the training of the necessary regional or minority language specialists in various fields.

### **Administrative authorities and public services**

91. In the first monitoring cycle, the Committee of Ministers recommended that the Polish authorities **“reconsider the application of the 20% threshold with regard to the undertakings in Article 10 and create the legal possibility to submit oral or written applications in the regional or minority languages also in relation to districts and voivodships”**.

92. The Committee of Experts refers to the relevant paragraphs of its previous evaluation report for the presentation of the Polish legislation concerning the use of regional or minority languages in relations with the administrative authorities and the bilingual place-name signs<sup>12</sup>.

93. According to the second periodical report, amendments to the Act on National and Ethnic Minorities and the Regional Language have been prepared and they are at present with the Polish Sejm. The amendments foresee that regional or minority languages may become “auxiliary languages”, i.e. be used in contacts with local authorities in municipalities where those belonging to the respective minority or the Kashub linguistic group make up at least 10% of the population, a lowering of the current 20% threshold. In addition, the amendments provide for the possibility of using the language in relations to district/*powiaty*, which is at present not possible at all. Furthermore, the possibility of obtaining bilingual certificates and, as far as municipalities and districts are concerned, of using bilingual letterheads and of sending bilingual letters to minority organisations, is foreseen.

94. The amendments also provide for the possibility of introducing additional names of towns and topographical objects in regional or minority languages in municipalities where the persons belonging to the respective minority represent 10% of the population, a lowering of the current 20% threshold.

95. As these proposals are not yet adopted during the present monitoring cycle, the Committee of Experts cannot take them into consideration in its assessment.

96. While welcoming the steps taken by the authorities, the Committee of Experts notes that the lowering of the threshold to 10% does not in itself solve the problem of the application of Article 10 to several languages, given that their speakers do not reach that percentage either or attain it in one municipality only. Regional or minority languages would still be deprived of protection in a considerable number of the areas where their speakers are traditionally present and where they constitute a relevant number for the purpose of Article 10. The implementation of Article 10 inevitably presupposes that the Polish authorities determine, in co-operation with the regional or minority Language speakers, in what areas they are traditionally present in sufficient numbers for the purpose of the undertakings entered into by Poland under Article 10, and apply Article 10 regarding the local

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<sup>12</sup> See, for example, 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraphs 75, 80.

and regional authorities concerned. The Committee of Experts underlines that regional or minority languages are part of the local cultural heritage and should be seen as an added value, even if the current number of speakers is low. Local and regional authorities should be allowed and encouraged to use these languages in particular in bilingual signage of an official (place names) or unofficial (welcome signs, tourist information boards, museum, etc.) nature. In addition, the implementation of Article 10 implies that the authorities create the legal possibility for speakers of regional or minority languages of submitting oral or written applications in their languages also in relation to districts and voivodships.

97. Moreover, the Committee of Experts notes that no street names or other topographical names in regional or minority languages have been introduced apart from place names. Both the authorities and the regional or minority language speakers indicated that only “unofficial” signs with street names in Kashub, set up by the speakers, exist. The explanation provided by the authorities is that, unlike the place name signs, for street name signs the local authorities have to bear the costs. The Committee of Experts encourages the Polish authorities to look into solutions for promoting the use of street names or other topographical names in regional or minority languages.<sup>13</sup>

98. The second periodical report indicates that, as part of the 2014 campaign, brochures have been distributed to local authorities informing them of their duties in relations with regional or minority language speakers, about the possibilities of introducing auxiliary languages and bilingual signs. In 2013, the Ministry of Administration and Digitisation informed municipalities where the 20% threshold was reached of the possibility of introducing auxiliary languages and additional names.

99. The Committee of Experts welcomes these steps and encourages the authorities to pursue them further. The Committee of Experts underlines that the use of a regional or minority language in relations with administrative authorities requires both organisational measures such as ensuring that public service employees have a sufficient knowledge of the given language and measures encouraging the minority language speakers to avail themselves of the possibility to use their language in contacts with the authorities. Measures of encouragement are particularly needed where minority language speakers are not accustomed to using their language in dealings with the authorities. Such measures could include strengthening minority language competence among the staff through recruitment and training, making applications in regional or minority languages available (as well as on websites), providing information in regional or minority languages about the relevant obligations arising from the Charter, and ensuring that these languages are used in administrative signage<sup>14</sup>.

## Media

100. In the first monitoring cycle, the Committee of Ministers recommended that the Polish authorities **“take measures to strengthen the offer of broadcasting in all regional or minority languages”**.

101. Poland undertook to facilitate the creation of one public radio station and one public television channel in each regional or minority language. In the second periodical report, the authorities state that as of 2013 the public broadcasters have prepared the annual financial programming plans in agreement with the National Broadcasting Council, which gives the latter some possibility of acting in specific cases concerning regional or minority languages. During the on-the-spot visit, the Committee of Experts was informed that the National Broadcasting Council finances all public radio programmes in regional or minority languages. The situation is more complicated in the case of television, where the central stations distribute funds to the regional ones, without a possibility for the National Broadcasting Council to intervene.

102. At present, no public radio stations or television channels in regional or minority languages exist. The implementation of this undertaking requires further positive action, including, where necessary, funding and possibly licensing requirements on the part of the authorities. The Committee

<sup>13</sup> 3rd Opinion on Poland of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), ACFC/OP/III (2013)004, paragraph 130

<sup>14</sup> See, for example, 3<sup>rd</sup> report on Armenia ECRML (2014) 2, paragraphs 94-95, 2<sup>nd</sup> report on Ukraine ECRML (2014)3, paragraph 131

of Experts underlines the great importance of the broadcast media, especially television, for the promotion of regional or minority languages in modern societies and for their social prestige.

103. As far as private radio or television programmes are concerned, the Ministry of Administration and Digitisation subsidises their production. Usually the funds are granted to minority associations that develop such programmes. At present, these broadcasts are limited to radio. Television programmes are more difficult and more expensive to produce. The Committee of Experts encourages the Polish authorities to look also into licensing requirements for radio stations or television channels in the areas where the minorities live, in order to extend the broadcasting of private radio and television programmes in regional or minority languages.

#### **Cultural activities and facilities**

104. In the first evaluation report, the Committee of Experts noted that the Polish authorities intended to set up Institutes of National and Ethnic Minorities and the Regional Language/Instytut Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego, responsible for the promotion of the cultures of each of the minorities.

105. Such Institutes have not have yet been established, as no agreement was reached on the initial project. A second proposal was prepared in 2013. According to the regional or minority speakers, they did not agree with the first proposal of the authorities, for financial and ownership reasons. Only 50% of the funds would have been provided by the authorities and it was not guaranteed that the minority representatives would actually be running these institutes.

106. The regional or minority speakers also indicated that the current project-based support for cultural activities does not ensure a sustainable development of the cultural life of minorities in Poland. Minority associations play the role of cultural institutions, but a more stable foundation and permanent funding are essential for minorities' culture.

107. The Committee of Experts urges the Polish authorities to arrange for the functioning of cultural institutions in close co-operation with the regional or minority language speakers.

### 3.2.2 *Belarusian*

108. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 9, paragraph 2 a  
 Article 10, paragraph 5  
 Article 11 paragraph 2  
 Article 14 a.

## **Article 8 – Education**

### ***Paragraph 1***

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

***a i to make available pre-school education in the relevant regional or minority languages;***

109. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available pre-school education in Belarusian and to ensure continuity from pre-school to secondary education within the territories in which Belarusian is used<sup>15</sup>.

110. Belarusian is taught at pre-school level, and according to the information received from the speakers, one kindergarten offers bilingual education. This was organised as a result of parents' efforts and, although 25 families expressed an interest, the local authority could only provide eleven places. There are, however, no kindergartens where Belarusian is predominantly used as the language of instruction, as required by the undertaking.

111. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***b i to make available primary education in the relevant regional or minority languages;***

112. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available primary education in Belarusian and to ensure continuity from pre-school to secondary education within the territories in which Belarusian is used.

113. Belarusian is taught as a subject at primary level (three hours per week, apart from the 5<sup>th</sup> year with four hours per week). There are, however, no primary schools where Belarusian is predominantly used as the language of instruction, as required by the undertaking.

114. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***c i to make available secondary education in the relevant regional or minority languages;***

115. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available secondary education in Belarusian and to ensure continuity from pre-school to secondary education within the territories in which Belarusian is used.

<sup>15</sup> The recommendations of the Committee of Experts in the previous monitoring cycle that appeared in a box are quoted underlined.

116. Belarusian is taught as a subject at secondary level (three to four hours per week). There are, however, no secondary schools where Belarusian is predominantly used as the language of instruction, as required by the undertaking.

117. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to make education in Belarusian available at pre-school, primary and secondary levels and to ensure continuity from pre-school to secondary education within the territories in which Belarusian is used.***

*d        iii        to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

118. In the first evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Belarusian as an integral part of the curriculum within the territories in which Belarusian is used.

119. According to the second periodical report, Belarusian is at present not taught in technical or vocational education.

120. The Committee of Experts must therefore revise its conclusion and consider the undertaking not fulfilled. It urges the Polish authorities to provide, within technical and vocational education, for the teaching of Belarusian as an integral part of the curriculum within the territories in which Belarusian is used.

*e        ii        to provide facilities for the study of these languages as university and higher education subjects;*

121. In the first evaluation report, the Committee of Experts considered the undertaking formally fulfilled. It encouraged the Polish authorities to provide facilities for the study of Belarusian as a university and higher education subject and asked them to provide information on the number of students involved in studying Belarusian in higher education.

122. According to the second periodical report, in the 2012/2013 academic year, 32 students studied Belarusian as part of their philology major, specialty Belarusian philology, at Białystok University. However, representatives of the Belarusian minority informed the Committee of Experts that for the past three years there were no enrolments of first-year students in this domain. Efforts are being made to set up Belarusian “ethno-philology”, but there seems to be little interest from Białystok University. Belarusian language is also offered at Warsaw University and at the Jagiellonian University in Krakow.

123. The Committee of Experts considers the undertaking fulfilled. It encourages, however, the Polish authorities to support the continued study of Belarusian at Białystok University.

*g        to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

124. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures the teaching of the history and the culture which are reflected by the Belarusian language in practice.

125. The second periodical report presents information on the provisions of the New National Core Curriculum. According to it, teaching about minorities in Poland, their culture, history, languages, traditions and current situation is foreseen at secondary level, as part of subjects such as history and society, social studies, history, geography, and culture studies. For example, in lower secondary, within social studies, the New National Core Curriculum foresees that pupils should be able to “explain the impact of shared history, culture, language, traditions on nation building”, to list national and ethnic minorities in Poland and present their rights, as well as to describe one of these groups on the basis of materials collected on their own. The periodical report also indicates that the way the

teaching content is implemented is determined by the teachers, taking into consideration local conditions and the needs of the pupils. The implementation of the new curriculum will be finalised in the 2014/2015 school year for primary and secondary schools, and in the 2015/2016 school year for vocational schools.

126. As far as minority pupils are concerned, the Committee of Experts was informed that pupils learning the regional or minority language may also choose the respective “history and culture” as a subject. History and culture of the kin-state can also be offered as a subject as of 2012.

127. However, it remains unclear how and to what extent the history and the culture which are reflected by the Belarusian language are actually taught in practice. The Committee of Experts asks the Polish authorities to provide such information, in respect of the pupils using Belarusian, as well as regarding the education for other pupils in the area where Belarusian is traditionally used, in the next periodical report.

*h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

128. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Belarusian at pre-school, primary and secondary levels as well as the teaching of Belarusian within technical and vocational education.

129. According to the second periodical report, graduates with a major in Belarusian philology have the necessary qualification for teaching the language. As far as further training is concerned, an amendment to the 2009 Regulation of the Ministry of National Education on teacher training units, which exist at voivodship level, provides for a duty to organise activities aimed at improving the quality of education in schools and, as of 1 January 2016, to organise co-operation networks for teachers and headmasters, allowing them to exchange good practices.

130. As far as basic training is concerned, Belarusian “ethno-philology”, which would allow *inter alia* for the training of teachers, has not yet been set up. Moreover, bearing in mind the undertakings chosen by Poland, there is a need to train teachers who would also be able to teach subjects in Belarusian, which is not the case with the study programmes in Belarusian of Białystok University and the University of Warsaw. With respect to further training, the Committee of Experts has not been informed of any specific activities concerning Belarusian. The Committee of Experts reiterates<sup>16</sup> that methodological consultancy does not ensure the basic or further training of the teachers required to teach *in* regional or minority languages at various levels of education.

131. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Belarusian at pre-school, primary and secondary levels as well as teaching of Belarusian within technical and vocational education.***

*i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

132. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Belarusian, and of drawing up public periodic reports.

133. According to the second periodical report, the education strategy for Belarusian foresees annual meetings monitoring the developments in this field. Monitoring in this framework is to be carried out by representatives of the authorities in charge of minority issues, of the Ministry of National Education, of education boards, teacher training units, headmasters, teachers and representatives of the

<sup>16</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 66.

minority. A meeting took place in April 2015. The Committee of Experts has not been informed about the outcome of this meeting.

134. Even though the measures taken by the authorities to follow up Belarusian education could be steps in the right direction, the Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Belarusian, together with information on language proficiency, teacher supply and the provision of teaching materials.

135. It does not appear at this stage that the monitoring in place meets the above-mentioned criteria. The Committee of Experts further notes that the strategy deals mainly with the teaching of Belarusian as a language, which does not correspond to the undertakings chosen by Poland.

136. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

137. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfillment of this undertaking. It asked the Polish authorities to submit specific information on the implementation of this provision for the Belarusian language.

138. The second periodical report does not provide the requested specific information.

139. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide information in the next periodical report on where the Belarusian speakers live in sufficient numbers outside their traditional territories to justify teaching in/of Belarusian at all appropriate stages, and whether such teaching takes place.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

140. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to determine, in co-operation with the Belarusian speakers, in what areas the Belarusian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

141. Belarusian remains an “auxiliary language”, i.e. it may be used in relations with the local authorities, in five of the nine municipalities where the 20% threshold is met according to the 2011 census. Belarusian has not been introduced as an “auxiliary language” in any additional municipality in the current monitoring cycle. The number of municipalities where the Belarusian minority reaches the 20% threshold decreased from twelve to nine, according to the 2011 census. There are six additional municipalities in the Podlaskie voivodship where the Belarusian minority makes up 10-19.9% of the population. Belarusian cannot be used in contacts with the Hajnówka, Bielsk, Białystok, Siemiatycze and Sokółka districts, nor with the Podlaskie voivodship.

142. The Committee of Experts notes that the Polish legislation permits the use of a regional or minority language in contacts with the local authorities of municipalities only where persons belonging to the respective minority make up at least 20% of the population. Moreover, another precondition is its prior introduction as an “auxiliary language”, based on a request by the local council. The number of municipalities where Belarusian can be used is too limited, compared to the situation of the language and the high number of speakers. There is also no legal possibility for speakers of regional or minority languages to submit oral or written applications to districts/powiaty (local authorities) and voivodships (regional authorities), as required by Article 10.2 which concerns “the local and regional authorities”. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

143. The Committee of Experts considers the undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with the Belarusian speakers, in which areas the Belarusian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

144. In the first evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the Polish authorities to adopt a flexible approach regarding place names in regional or minority languages. The Committee of Experts encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in Belarusian also regarding those local and regional authorities on whose territory the Belarusian speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

145. Place names in Belarusian, but no street names or other topographical names, remain in use in settlements of one (Orla) of the nine municipalities where the 20% threshold is met. No new municipalities have introduced place names in Belarusian in the current monitoring cycle. As mentioned above, there are six additional municipalities where the Belarusian minority makes up 10-19.9% of the population. In none of them have additional place names been introduced on the basis of the local consultations. There is no legal possibility for the Hajnówka, Bielsk, Białystok, Siemiatycze, Sokółka districts, and the Podlaskie voivodship of adopting their Belarusian names.

146. During the on-the-spot visit, the representatives of the Belarusian speakers informed the Committee of Experts that the place name signs in Orla have been sprayed and that the culprits have not been identified.

147. The Committee of Experts considers the undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in Belarusian, in all those local and regional entities where the Belarusian speakers are present in a sufficient number, irrespective of the 20% threshold.***

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

*a to the extent that radio and television carry out a public service mission:*

*ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;*

148. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Belarusian whose broadcasts cover the territories in which Belarusian is spoken.

149. According to the second periodical report, Radio Białystok continues to broadcast programmes in Belarusian: *Pod znakiem Pogoni* (daily, 15-30 minutes), a broadcast of listeners' wishes and songs (once a week) and, new in the current monitoring cycle, *Duchowe Spotkania*, (weekly, 15 minutes). However, representatives of the Belarusian minority informed the Committee of Experts that this new programme is mainly in Polish. There is still no public radio station broadcasting mainly or exclusively in Belarusian, as required by the undertaking.

150. A programme in Belarusian is broadcast by the local branch of Telewizja Polska every Sunday: *Tydzień Białoruski* (21 minutes). There is still no public television channel broadcasting mainly or exclusively in Belarusian, as required by the undertaking.

151. The Committee of Experts notes that the existing offer of broadcasting only programmes in Belarusian is not sufficient to comply with this undertaking and does not correspond to the situation of the Belarusian language.

152. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Belarusian whose broadcasts cover the territories in which Belarusian is spoken.***

*b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

153. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it encouraged the Polish authorities to take steps which would facilitate the extension of the broadcast time of private radio programmes in Belarusian.

154. According to the second periodical report and the information received during the on-the-spot visit, the Polish authorities continued to subsidise Radio *Racja*, which covers the Polish-Belarusian border region. It broadcasts mainly in Belarusian, 24 hours a day, every day and is also available online.

155. The Committee of Experts considers the undertaking fulfilled.

*c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

156. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Belarusian on a regular basis.

157. There are no private television programmes in Belarusian.

158. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Belarusian on a regular basis.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages*

159. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Belarusian.

160. According to the second periodical report, the Polish authorities subsidised the production of three CDs with Belarusian carols and songs, including one for children, of two documentaries in Belarusian about cultural personalities of the minority and of a documentary DVD in Belarusian about settlements in the Polish-Belarusian border area.

161. The Committee of Experts considers the undertaking fulfilled.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;***

162. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

163. During the on-the-spot visit, representatives of the Belarusian minority informed the Committee of Experts that funding for the newspaper *Niva* has decreased overtime and at present there are no possibilities of further developing the publication.

164. The Committee of Experts considers the undertaking fulfilled at present. However, it asks the Polish authorities to comment on the support for the Belarusian newspaper in the next periodical report.

***f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;***

165. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to also apply existing measures for financial assistance to audiovisual productions in Belarusian.

166. The second periodical report provides the same type of information as for Article 11.1.d and has been taken into consideration by the Committee of Experts under that provision.

167. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be designed in such a way that productions in regional or minority languages can qualify for them in practice and have to be actually applied also to such audiovisual productions<sup>17</sup>.

168. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Belarusian financed through general schemes open to all audiovisual productions in Poland.

***g to support the training of journalists and other staff for media using regional or minority languages.***

169. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Belarusian.

170. According to the second periodical report, the National Broadcasting Council organised courses for reporters working in regional or minority language broadcasting media. In addition, the Foundation "Nasza Przyszłość" runs an International Education Centre for Journalists from National and Ethnic Minorities in Poland and for Polonia (Polish diaspora) Journalists in Białystok. Courses are given by Radio Białystok, while seminars for journalists dealing with minority issues or regional or minority languages are organised in co-operation with Warsaw University and the National Broadcasting Council. No specific information concerning Belarusian is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media.

<sup>17</sup> See, for example, 4<sup>th</sup> report on the application of the Charter in Germany, ECRML (2011) 2 paragraph 300

171. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide specific information on any structured training of journalists and other staff for media using Belarusian. It also asks the Polish authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using Belarusian.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

172. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify whether the interests of the users of Belarusian are represented or taken into account within programming councils.

173. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to “include candidates of minority organisations when appointing programming boards”. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

174. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Belarusian speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

175. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide more information about how they encourage types of expression and initiative specific to Belarusian and foster the different means of access to works produced in Belarusian.

176. According to the second periodical report, the Ministry of Administration and Digitisation supports projects promoting regional or minority languages and different types of expression in these languages. In 2011-2014, as far as Belarusian is concerned, such activities included literary competitions and workshops, publication of books, a journalism workshop for children, concerts and song festivals, including for children, theatre performances, including of children and youth, drama and music classes for children, all in Belarusian.

177. The Committee of Experts considers the undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

178. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

179. The second periodical report refers to the support granted to the production of two documentaries in Belarusian, with Polish subtitles.

180. The Committee of Experts considers the undertaking fulfilled. It asks for information also on literary works in Belarusian made available in other languages.

**c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

181. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

182. According to the second periodical report, no activities relevant to this undertaking have taken place in the monitoring period.

183. The Committee of Experts considers the undertaking not fulfilled. It encourages the Polish authorities to foster access in Belarusian to works produced in other languages.

**d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

184. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

185. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in their activities. The report refers to the centre *Pogranicze – Sztuk, Kultur, Narodów* in Sejny. However, according to representatives of the Belarusian minority, this centre does not carry out activities relevant for the Belarusian language.

186. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Belarusian language and culture in their activities.

**e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

187. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

188. According to the second periodical report, cultural institutions which organise activities also addressed to regional or minority language speakers have, at their disposal, staff mastering these languages. However, no specific information concerning Belarusian was provided.

189. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide, in the next periodical report, examples on bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Belarusian. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

**f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

190. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

191. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for

projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional language.

192. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority representatives, but who do not belong themselves to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

193. The Committee of Experts asks the authorities to clarify to what extent the regional or minority language speakers are directly participating in planning cultural activities.

**g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

194. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

195. According to the second periodical report, no such Institutes have been established yet. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland. The authorities also indicate that the Association Museum and Centre for Belarusian Culture in Hajnówka "Cyrilicą pisane", supported by the authorities, runs the library of the Belarusian-language publishing houses functioning within the Association. As noted in its first evaluation report, the Committee of Experts is of the view that the grant system does not guarantee any long-term functioning of bodies engaged in the promotion of Belarusian culture<sup>18</sup>.

196. The Committee of Experts considers the undertaking fulfilled. It encourages the Polish authorities to ensure the long-term functioning of the Association Museum and Centre for Belarusian Culture "Cyrilicą pisane".

### **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

197. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide the relevant information about the implementation of this provision.

198. The second periodical report does not contain any specific information about the application of this undertaking to Belarusian.

199. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities in territories other than those where Belarusian is traditionally used.

### **Paragraph 3**

***The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.***

200. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Belarusian language and the culture it reflects.

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<sup>18</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 115.

201. The second periodical report does not contain any specific information about the application of this undertaking to Belarusian.

202. The Committee of Experts considers the undertaking not fulfilled. It urges the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Belarusian language and the culture it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

203. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Belarusian, at least between users of the same language.

204. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

205. The Committee of Experts asks the Polish authorities to clarify whether the Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Belarusian.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

206. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report about how they oppose with specific measures practices designed to discourage the use of Belarusian in connection with economic or social activities.

207. The second periodical report refers to the 2014 campaign. Leaflets distributed to employers' organisations, local authorities and representatives of voivodship governors for national and ethnic minorities informed about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of, private nature, in a regional or minority language.

208. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Belarusian in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

209. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of Belarusian in economic and social life within the whole country.

210. According to the second periodical report, as part of the 2014 campaign, the authorities contacted employers' organisations, local authorities, and representatives of voivodship governors for minorities, requesting them to support the use of regional or minority languages in public life. They also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

211. The Committee of Experts notes the very limited use of Belarusian in public life, including economic and social life.

212. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist, for example, of facilitating and/or encouraging the use of regional or minority languages on signs on buildings, in railway stations or airports, the use of bilingual brochures in tourism, in museums, giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

213. In the first evaluation report the Committee of Experts considered the undertaking not fulfilled.

214. According to the second periodical report, the 2014 campaign was also addressed to local authorities and representatives of voivodship governors for national and ethnic minorities. They were informed about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. No specific information has been provided about the application of this undertaking to Belarusian

215. The Committee of Experts notes, however, the very limited use of Belarusian in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

216. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to follow up the 2014 campaign, with a view to increasing the use of Belarusian in the economic and social sectors directly under their control and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

217. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled and asked the Polish authorities to comment on the extent to which co-operation between municipalities and other administrative and territorial units as foreseen by the Treaty on Friendly Relations and Good-Neighbourly Cooperation between Poland and Belarus is to the benefit of the Belarusian language.

218. According to the second periodical report, municipalities in the south-eastern part of Podlaskie Voivodship co-operated with partners in Belarus, directly or in the framework of the Euroregions Niemen and Białowieża Forest. Such activities included youth and cultural exchanges.

219. The Committee of Experts considers the undertaking fulfilled.

### 3.2.3 German

220. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e ii  
 Article 9, paragraph 2 a  
 Article 11, paragraph 2  
 Article 14 a.

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

*a i to make available pre-school education in the relevant regional or minority languages;*

221. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available pre-school education in German and to ensure continuity from pre-school to secondary education within the territories in which German is used.

222. German as a mother tongue is taught as a language at pre-school level (four hours per week). Four kindergartens, set up and run by the German minority, offer bilingual education. There are, however, no pre-schools where German is predominantly used as the language of instruction, as required by the undertaking.

223. The Committee of Experts further notes that outside the Opole and Silesia Voivodships, in other areas where German is traditionally used such as Warmia-Masuria or Pomerania Voivodships, the language is only taught. In some areas even this is difficult, as the minority is dispersed.

224. In light of the obligation entered into by Poland, the observations made above (see Chapter 2.2.1) and the situation of the German language, the Committee of Experts considers this undertaking not fulfilled.

*b i to make available primary education in the relevant regional or minority languages;*

225. In its first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available primary education in German and to ensure continuity from pre-school to secondary education within the territories in which German is used.

226. German as a mother tongue is taught as a subject (three hours per week, apart from the 5th grade with four hours per week) at primary level. Bilingual education (which in the Polish system implies that at least four subjects are taught bilingually in German and Polish) is offered in thirteen schools in the Opole and Silesia Voivodships. The bilingual education offer is welcome and should be supported and extended. There is, however, no primary school where German is predominantly used as the language of instruction, as required by the undertaking. The representatives of the German minority informed the Committee of Experts that even the introduction of teaching German as a subject is sometimes difficult, because there is not enough knowledge or willingness at the level of local authorities. The obligation to submit applications, the lack of adequate textbooks and of teachers able to teach subjects in German further discourage the parents in choosing a form of German language education for their children. Moreover, setting up minority-run institutions which teach bilingually, as is the case of four kindergartens gradually developing also into primary education, is very demanding since there is no financial support in the preparatory phase and the subsidies per pupil apply only once the school is established.

227. As noted above, outside the Opole and Silesia Voivodships, in other areas where German is traditionally used such as Warmia-Masuria or Pomerania voivodships, the language is only taught as a subject. In some areas even this is difficult, as the minority is dispersed.

228. In light of the obligation entered into by Poland, the observations made above (see Chapter 2.2.1) and the situation of the German language, the Committee of Experts considers this undertaking not fulfilled.

***c i to make available secondary education in the relevant regional or minority languages;***

229. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available secondary education in German and to ensure continuity from pre-school to secondary education within the territories in which German is used.

230. German as a mother tongue is taught as a subject (three-four hours per week). Bilingual education is offered in five lower secondary schools in the Opole Voivodship. The bilingual education offer is welcome and should be supported and extended. There is, however, no secondary school where German is predominantly used as the language of instruction, as required by the undertaking. The Committee of Experts also refers to the concerns of the representatives of the German minority quoted above (paragraph 226).

231. As already noted, outside the Opole and Silesia Voivodships, in other areas where German is traditionally used such as Warmia-Masuria or Pomerania Voivodships, the language is only taught as a subject. In some areas even this is difficult, as the minority is dispersed.

232. In light of the obligation entered into by Poland, the observations made above (see Chapter 2.2.1) and the situation of the German language, the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to make available education in German at pre-school, primary and secondary levels and to ensure continuity from pre-school to secondary education within the territories in which German is used.***

***d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***

233. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of German as an integral part of the curriculum within the territories in which German is used.

234. According to the second periodical report, in the 2012/2013 school year, 30 pupils learnt German as a mother tongue in three vocational schools (two hours per week). In the 2013/2014 school year, 133 pupils studied German in technical (two to three hours per week) and vocational schools. According to representatives of the German-speakers, German as a mother tongue is offered in five technical and vocational schools in the Opole and Lubuskie Voivodships as an additional subject.

235. The Committee of Experts welcomes the increase in the number of pupils. However, it considers that the number of 133 pupils is still too low given the number of German speakers in Poland. Furthermore, this undertaking requires that teaching of German is provided as an integral part of the curriculum and available within all the territories in which German is used.

236. The Committee of Experts considers this undertaking partly fulfilled. It urges the Polish authorities to provide, within technical and vocational education, for the teaching of German as an integral part of the curriculum within the territories in which German is used.

**g** *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

237. In its first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures in practice the teaching of the history and the culture which are reflected by the German language.

238. The second periodical report presents information on the provisions of the New National Core Curriculum (see paragraph 125).

239. As far as minority pupils are concerned, the Committee of Experts was informed that pupils learning German study also German “history and culture” and that schools may also offer, as of 2012, the “History and culture of the kin-state” as a subject. The Committee of Experts was also informed by representatives of the German minority that for other pupils, the teaching of the history and culture reflected by the German language is not ensured.

240. The Committee of Experts considers the undertaking partly fulfilled as regards the minority pupils. However, it remains unclear how and to what extent the history and the culture which are reflected by the German language are taught in practice to other pupils in the area where German is traditionally used. The Committee of Experts asks the Polish authorities to provide such information in the next periodical report.

**h** *to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

241. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide the basic and further training of the teachers required for the provision of education in German at pre-school, primary and secondary levels as well as teaching of German within technical and vocational education.

242. According to the second periodical report, graduates with a major in German philology have the necessary qualification for teaching the language. As far as further training is concerned, a conference for German language teachers, allowing them to exchange good practices, was organised in Katowice in 2012. In 2013-2014, a summer academy for German language teachers organised by the German Education Society was subsidised by the Ministry of Administration and Digitisation. Other training programmes are organised in the framework of bilateral agreements with Germany. The periodical report further refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

243. The Committee of Experts underlines that, bearing in mind the undertakings chosen by Poland, there is a need to train teachers who would also be able to teach subjects in German. The above-mentioned information refers only to teachers of German as a subject. The Committee of Experts understands that there is no systematic training for teachers teaching subjects in German. According to representatives of the German minority, the lack of teachers able to teach subjects in German is a significant problem for German-language education. As of 2015/2016, Opole University will offer *German as a foreign language and as a mother tongue in monolingual and bilingual teaching*, as well as *Minority-related teaching of the language, history and culture of Germany*. Nysa University will also offer a programme focused on teaching German as a mother tongue. These further training programmes are, however, payable. The Committee of Experts also notes that they do not seem to cover teaching of subjects in German. It asks the Polish authorities to clarify this aspect in the next periodical report.

244. The Committee of Experts considers this undertaking not fulfilled.

<p><b><i>The Committee of Experts urges the Polish authorities to provide basic and further training of teachers required for the provision of education in German at pre-school, primary and secondary levels.</i></b></p>
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- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

245. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in German, and of drawing up public periodic reports.

246. According to the second periodical report, the education strategy for German foresees meetings monitoring the developments in this field. Two meetings monitoring the implementation of the strategy for German have been organised. The meeting reports do not deal with measures taken or progress achieved in German-language education.

247. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and that publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in German, together with information on language proficiency, teacher supply and the provision of teaching materials (see also paragraph 134). It does not appear at this stage that the monitoring in place meets the required criteria.

248. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

249. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to submit specific information in the next periodical report.

250. The second periodical report does not provide any specific information.

251. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide information in the next periodical report on where German speakers live in sufficient numbers outside their traditional territories to justify the teaching in/of German at all appropriate stages and whether such teaching takes place.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

252. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to determine, in co-operation with the German speakers, in what areas the German speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

253. German remains an “auxiliary language”, i.e. it may be used in relations with the local authorities, in 22 municipalities where the 20% threshold is met according to the 2011 census. German has not been introduced as “auxiliary language” in any new municipality in the current monitoring cycle. The number of municipalities where the German minority reaches the 20% threshold decreased from 28 to 22 in the most recent census. German can neither be used in contacts with the districts of Strzelce Opolskie or Opole, nor the Opole voivodship. There are 20 additional municipalities and several districts in Upper Silesia where the German minority makes up 10-19.9% of the population. German-speakers are also present in relevant numbers for the purpose of this undertaking in places outside the Opole and Silesia Voivodships (for example in Stawiguda, in the Warmia-Masuria Voivodship). During the on-the-spot visit, the German speakers informed the Committee of Experts that in practice German is rarely used in relations with local authorities. Should a person wish to use German, a written application needs to be submitted, to which a written reply is received, but after long delays.

254. The Committee of Experts notes that the Polish legislation permits the use of a regional or minority language in contacts with the local authorities of municipalities only where persons belonging to the respective minority make up at least 20% of the population. Moreover, another prerequisite is its prior introduction as an “auxiliary language”, based on a request by the local council. The number of municipalities where German can be used is too limited, compared to the situation of the language and the high number of speakers. Furthermore there is no legal possibility for speakers of regional or minority languages to submit oral or written applications to districts/powiaty (local authorities) and voivodships (regional authorities), as required by Article 10.2 which concerns “the local and regional authorities”. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

255. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with the German speakers, in what areas German speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

***g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.***

256. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to adopt a flexible approach regarding place names in regional or minority languages. The Committee of Experts encouraged the Polish authorities to allow and/or encourage the use or adoption of place names in German also regarding those local and regional authorities on whose territory German speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

257. In the current monitoring cycle, place names in German, but no street names or other topographical names have been introduced in three municipalities. As mentioned above, there are 22 municipalities where the 20% threshold is met, as well as 20 municipalities and several districts where the German minority makes up 10-19.9% of the population. German-speakers are also present in relevant numbers for the purpose of this undertaking in places outside the Opole and Silesia Voivodships (for example in Stawiguda, in the Warmia-Masuria Voivodship). There is no legal possibility for the districts of Strzelce Opolskie and Opole, or for the Opole voivodship, to adopt their German names.

258. According to German speakers, the adoption of German place names remains problematic where the 20% threshold is not reached, and in many cases the local councils block the initiative. They recalled the cases of Ozimek, Strzelce Opolskie and Krapkowice, where attempts to introduce an additional German place-name have been blocked by the local council (in Ozimek despite a positive result of the population consultation in seven settlements). In Strzelce Opolskie, a referendum was organised at the same time with the presidential elections on 10 May 2015, which is not the usual procedure for a consultation on place names. Only in three of the 20 settlements in Strzelce Opolskie

the results were in favour of adopting a German place name. It is, however, unclear whether the local council will allow German place name signs to be put up for these settlements. Moreover, there have been cases, such as Popielów, where the minority reaches the 20% threshold, and where the local council decided to hold consultations and to introduce German place name signs only in those settlements where the population was in favour. Furthermore, German place name signs are recurrently sprayed over.

259. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in German, in all those local and regional entities where the German speakers are present in a sufficient number, irrespective of the 20% threshold.***

### **Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

260. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the Polish authorities to promote the legal possibility to adopt or use family names in German more actively vis-à-vis relevant authorities, e.g. by means of ministerial decrees and circulars.

261. According to the second periodical report, as part of the 2014 campaign, brochures have been distributed to local authorities informing them, *inter alia*, about the rights of persons belonging to national or ethnic minorities to use and write their family and given names in their mother language, including when registering in the civil status records and in identity documents. According to German speakers, using or adopting a German name is not problematic.

262. The Committee of Experts considers the undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

***The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

- a to the extent that radio and television carry out a public service mission:***
  - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;***

263. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in German whose broadcasts cover the territories in which German is spoken.

264. Programmes in German are broadcast by Radio Opole, Radio Olsztyn and Radio Katowice. Programmes have been introduced by Radio Katowice (*Präsent*, weekly, 55 minutes) and Radio Opole (*Śląskie Aktualności*, 5 times per week, 35 minutes). Radio Wrocław broadcasts *Sami Swoi-Miteinander*, a programme about the German minority in German. There is, however, no public radio station broadcasting mainly or exclusively in German, as required by the undertaking. Furthermore, representatives of the German speakers informed the Committee of Experts that some of these programmes are broadcast at inadequate hours and that overall, the broadcasting time in German has decreased since 2013. The radio programmes also do not cover all the areas where German is used. Moreover, they drew the attention of the Committee of Experts to the case of the German programme of Radio Olsztyn, which was almost cancelled after a broadcast about the treatment of the Germans after the Second World War.

265. Programmes in German are broadcast by the local branches of Telewizja Polska in Opole and Katowice. There is, however, no public television channel broadcasting mainly or exclusively in German, as required by the undertaking.

266. The Committee of Experts notes that the existing offer of broadcasting only programmes in German is not sufficient to comply with this undertaking and does not correspond to the situation of the German language. The offer also does not cover all the areas where German is spoken.

267. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in German whose broadcasts cover the territories in which German is spoken.***

***b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;***

268. In the first evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in German on a regular basis, covering the territories in which German is spoken.

269. According to the second periodical report, private radio programmes in German produced by the German minority with support from the authorities are broadcast by radio stations in Ratibórz and Opole. However, the German minority has to cover the broadcasting costs. This has led to the interruption by Radio Park FM of the programme *Kaffeeklatsch*, which has been transferred to Radio Doxa in Opole. The current offer does not cover all the areas where German is used, neither in the Opole or Silesia Voivodships, nor outside these territories. According to information received from the German speakers, they have applied for a frequency in order to launch a private radio station. However, the frequency and transmission range offered did not coincide with those in the application and do not cover areas where the German minority lives.

270. The Committee of Experts considers this undertaking partly fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in German on a regular basis, covering the territories in which German is spoken.

***c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;***

271. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in German on a regular basis.

272. According to information received, there are no programmes in German broadcast by private television channels.

273. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in German on a regular basis.

***d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages***

274. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in German.

275. According to the second periodical report, the authorities have subsidised the production of four music albums with songs in German, including one for children, of a short film in German about

the Germans in the Warmia-Masuria Voivodship and of bilingual coverages about the history and activities of the German association in Olsztyn.

276. The Committee of Experts considered this undertaking fulfilled.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or***

277. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to take steps which would facilitate increasing the proportion of German in the bilingual weekly "Wochenblatt".

278. According to the second periodical report, the Polish authorities have asked the German umbrella association to consider increasing the proportion of German in the bilingual weekly "Wochenblatt" and publishing a daily in German in the future. The German speakers confirmed that there would be interest and potential to develop the "Wochenblatt" into a daily newspaper. However, extending the offer in German or transforming the weekly into a daily would require employing additional journalists and therefore increased funding.

279. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Polish authorities to take steps facilitating increasing the proportion of German in the bilingual weekly "Wochenblatt" and its frequency.

***f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;***

280. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in German.

281. The second periodical report provides the same type of information as for Article 11.1.d and has been taken into consideration by the Committee of Experts under that provision.

282. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages as well (see paragraph 167).

283. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in German financed through general schemes open to all audiovisual productions in Poland.

***g to support the training of journalists and other staff for media using regional or minority languages.***

284. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using German.

285. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation "Nasza Przyszłość" in Białystok (see paragraph 170). No specific information concerning German is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media. The German speakers have informed the Committee of Experts that there is no offer for training German-language journalists at university level or encouraging traineeships in German-language media.

286. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide specific information on any structured training of journalists and other staff for media using German. It also asks the authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using German.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

287. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify in the next periodical report whether the interests of the users of German are represented or taken into account within programming councils.

288. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to "include candidates of minority organisations when appointing programming boards". There are representatives of the German minority in the programme board of Radio Opole and of the Opole branch of Telewizja Polska. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

289. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the German speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

290. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide more information about how they encourage types of expression and initiatives specific to German and foster the different means of access to works produced in German.

291. According to the second periodical report, the Ministry of Administration and Digitisation, support projects promoting regional or minority languages and different types of expression in these languages. In 2011-2014, as far as German is concerned, such activities included song competitions, also for children, language and literary competitions, publications in German or bilingual books and monographs, bilingual German-Polish conferences, a bilingual German-Polish theatre play, recitation competitions and readings of fairy tales for children.

292. The Committee of Experts considers the undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

293. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

294. The second periodical report refers to bilingual German-Polish publications about the activities of German associations, a bilingual monograph and bilingual memories of a German author from Poland.

295. The Committee of Experts considers the undertaking fulfilled.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

296. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

297. According to the second periodical report, no activities relevant for this undertaking have taken place in the monitoring period.

298. The Committee of Experts considers the undertaking not fulfilled. It encourages the Polish authorities to foster different means of access in German to works produced in other languages.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

299. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

300. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in their activities. However, no examples are given on how this is done in practice for German.

301. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the German language and culture in their activities.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

302. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

303. According to the second periodical report cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. However, no relevant examples were given.

304. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide, in the next periodical report, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of German. Encouragement measures may include the recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

305. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

306. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional language.

307. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee in which there are experts proposed by the minority representatives, but who do not themselves belong to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides on how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

308. The Committee of Experts asks the Polish authorities to clarify to what extent the regional or minority language speakers are directly participating in planning cultural activities.

**g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

309. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

310. According to the second periodical report, no such Institutes have been established yet. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland. The report indicates that the branch of the German umbrella NGO in Racibórz runs an archive keeping documents of the organisation and of its partners, made available to those interested. As noted in its first evaluation report, the Committee of Experts is of the view that the grant system does not guarantee any long-term functioning of bodies engaged in the promotion of German culture<sup>19</sup>.

311. The Committee of Experts considers the undertaking fulfilled. It encourages the Polish authorities to ensure the long-term functioning of the archive of the German umbrella NGO.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

312. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to submit relevant information about the implementation of this provision.

313. The second periodical report does not contain any specific information about the application of this undertaking to German.

314. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities taking place in territories other than those where German is traditionally used.

## **Paragraph 3**

***The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.***

315. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the German language and the cultures it reflects.

316. The second periodical report does not contain any specific information about the application of this undertaking to German.

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<sup>19</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 201

317. The Committee of Experts considered this undertaking not fulfilled. It urges the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the German language and the cultures it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

318. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of German, at least between users of the same language.

319. According to the second periodical report, as part of the 2014 campaign, employers were informed *inter alia* that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

320. The Committee of Experts asks the Polish authorities to clarify whether the Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of German.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

321. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report about how they oppose with specific measures practices designed to discourage the use of German in connection with economic or social activities.

322. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

323. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of German in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

324. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of German in economic and social life within the whole country.

325. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

326. The Committee of Experts notes the very limited use of German in public life, including economic and social life.

327. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist for example, of facilitating and/or encouraging the use of the regional or minority languages on signs on buildings, in railway stations or airports, of the use of bilingual brochures in tourism, in museums, of giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

328. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to organise activities to promote the use of German in the economic and social sectors directly under their control (public sector).

329. The second periodical report refers to the 2014 campaign, which informed local authorities and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. Some local offices display boards with their names in German. Funds have been granted to replace railway stations signs where the local German place name was used, for example in Chrzęstowice/Chronstau, Suchy Bór/Derschau and Dębska Kuźnia/Dembiohammer. However, the Committee of Experts was informed by representatives of the German speakers that the signs at the railway stations have been removed during renovation works and have not been yet re-installed, despite efforts of the minority association and the Ministry of Administration and Digitisation.

330. The Committee of Experts notes the very limited use of German in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

331. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to follow up the 2014 campaign, with a view to increasing the use of German in the economic and social sectors directly under their control and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

332. The Treaty on Friendly Relations and Good-Neighbourly Cooperation concluded between Poland and Germany contains provisions concerning co-operation between municipalities and other administrative and territorial units.

333. The Committee of Experts asks the Polish authorities to provide practical examples of the implementation of this undertaking.

### 3.2.4 Kashub

334. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 9, paragraph 2 a

Article 11, paragraph 1, b ii, paragraph 2

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

*a i to make available pre-school education in the relevant regional or minority languages;*

335. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make available pre-school education in Kashub and to ensure continuity from pre-school to secondary education within the territories in which Kashub is used.

336. Kashub is taught in several kindergartens. However, there are no kindergartens where Kashub is predominantly used as the language of instruction, as required by the undertaking.

337. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*b i to make available primary education in the relevant regional or minority languages;*

338. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make available primary education in Kashub and to ensure continuity from pre-school to secondary education within the territories in which Kashub is used.

339. Kashub is taught as a subject at primary level (three hours per week, apart from the 5th grade with four hours per week). However, there is no primary school where Kashub is predominantly used as the language of instruction, as required by the undertaking.

340. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*c i to make available secondary education in the relevant regional or minority languages;*

341. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available secondary education in Kashub and to ensure continuity from pre-school to secondary education within the territories in which Kashub is used.

342. Kashub is taught as a subject at secondary level (three to four hours per week). However, there is no secondary school where Kashub is predominantly used as the language of instruction, as required by the undertaking.

343. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to make available education in Kashub at pre-school, primary and secondary levels and to ensure continuity from pre-school to secondary education within the territories in which Kashub is used.***

**d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;**

344. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Kashub as an integral part of the curriculum within the territories in which Kashub is used.

345. According to the second periodical report, in the 2012/2013 school year, 61 pupils studied Kashub in two technical schools (two-three hours per week). In the 2013/2014 school year, 267 pupils studied the language in seven technical schools and six basic vocational schools (two hours per week).

346. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to extend the offer of Kashub teaching within technical and vocational education as an integral part of the curriculum within the territories in which Kashub is used.

**e ii to provide facilities for the study of these languages as university and higher education subjects;**

347. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the Polish authorities to clarify the feasibility of Kashub as a major.

348. According to the second periodical report, in the 2014/2015 academic year, the Faculty of Philology of Gdańsk University was supposed to launch a major in Kashub "ethno-philology". As in the previous year, the initiative failed due to an insufficient number of students.

349. Bearing in mind the existing offer, the Committee of Experts considers the undertaking fulfilled.

**g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

350. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures, in practice, the teaching of the history and culture which are reflected by the Kashub language.

351. The second periodical report presents information on the provisions of the New National Core Curriculum (see also paragraph 125).

352. Pupils learning Kashub also study Kashub history and culture (one hour per week).

353. The Committee of Experts considers the undertaking fulfilled as regards minority pupils. However, it remains unclear how and to what extent the history and culture which are reflected by the Kashub language are taught in practice to other pupils in the area where Kashub is traditionally used. The Committee of Experts asks the Polish authorities to provide such information in the next periodical report.

**h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

354. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encourages the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Kashub at pre-school, primary and secondary levels as well as teaching of Kashub within technical and vocational education.

355. According to the second periodical report, Gdańsk University and the Pomeranian Academy in Słupsk continue to offer three postgraduate courses which focus on teaching the Kashub

language. The periodical report further refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

356. Kashub “ethno-philology” has not yet been established (see also Chapter 2.2.1). According to the Kashub speakers, these studies are very important for teacher training and Kashub education on the whole. At present, teachers are not adequately trained and often turn to the association for support. Moreover, there are also no schemes for training teachers that would be able to teach subjects in Kashub.

357. The Committee of Experts notes that bearing in mind the undertakings chosen by Poland, there is a need to train teachers who would also be able to teach subjects in Kashub.

358. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Kashub at pre-school, primary and secondary levels.***

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

359. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Kashub, and of drawing up public periodic reports.

360. According to the second periodical report, the Joint Commission monitors the developments in teaching regional or minority languages.

361. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Kashub, together with information on language proficiency, teacher supply and the provision of teaching materials (see also paragraph 134).

362. It does not appear that the monitoring carried out by the Joint Commission meets the required criteria.

363. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

***With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.***

364. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to submit specific information about the implementation of this undertaking.

365. The second periodical report contains no specific information about the implementation of this undertaking concerning Kashub.

366. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide information in the next periodical report on where Kashub speakers live in sufficient numbers outside their traditional territories to justify teaching in/of Kashub at all appropriate stages, and whether such teaching takes place.

## Article 10 – Administrative authorities and public services

### Paragraph 2

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

367. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It asked the Polish authorities to provide concrete information about the procedure for civil servants to obtain a certificate recognising them as Kashub speakers. The Committee of Experts encouraged the Polish authorities to determine, in co-operation with the Kashub speakers, in what areas the Kashub speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

368. In the current monitoring cycle, three additional municipalities introduced Kashub as an “auxiliary language”. There are at present five such municipalities out of 19 where the 20% threshold is met according to the 2011 census. There are seven additional municipalities in the Pomerania voivodship where the Kashub speakers make up 10-19.9% of the population. Kashub can neither be used in contacts with the relevant districts, nor the Pomerania voivodship. According to the Kashub-speakers, the language is rarely used in relations with the administration.

369. With respect to the certificates confirming the command of a regional or minority language by civil servants, the periodical report states that such documents are a certificate of the postgraduate pedagogical-methodical study programme for teaching Kashub at Gdansk University or a certificate issued by the *Kaszubsko-Pomorskie Association* for “teaching at schools preserving the national, ethnic and language identity of students, according to the regulations on qualifications required from teachers”.

370. The Committee of Experts notes that the Polish legislation permits the use of Kashub in contacts with local authorities of municipalities only where Kashub speakers make up at least 20% of the population. Moreover, another precondition is its prior introduction as an “auxiliary language”, based on a request by the local council. The number of municipalities where Kashub can be used is too limited, compared to the situation of the language and the high number of speakers. There is also no legal possibility for speakers of regional or minority languages to submit oral or written applications to districts/powiaty (local authorities) and voivodships (regional authorities), as required by Article 10.2 which concerns “the local and regional authorities”. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with the Kashub speakers, in what areas the Kashub speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place names in regional or minority languages.*

371. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in Kashub also regarding those local and regional authorities on whose territory the Kashub speakers do not attain the 20% threshold but represent nevertheless a

sufficient number for the purpose of the present undertaking. The Committee of Experts also encouraged the Polish authorities to adopt a flexible approach regarding place names in the regional or minority languages. Furthermore, the Committee of Experts asked the authorities to report on the incorporation of municipalities into the Registry of Communes, as some practical difficulties related to long delays had been reported by the Kashub speakers.

372. Place names in Kashub, but no street names or other topographical names, have been introduced in several additional municipalities in the monitoring period. There are currently 21 such municipalities, including a few where the 20% threshold is not met. There is no legal possibility for the relevant districts, or for the Pomerania voivodship, of adopting their Kashub names. According to the Kashub speakers, local authorities are often unaware of the provisions governing the introduction of additional names and fear it might lead to increased costs. Moreover, when there are construction works, bilingual signs are removed and later not replaced. "Unofficial" street names signs set up by the Kashub speakers exist in several municipalities. Cases where Kashub place name signs are sprayed occur.

373. As far as the procedure for introducing the municipalities in the Registry of Communes is concerned, the authorities explain that delays occur as applications are in some cases sent back, possibly more than once, for correction of formal errors. Moreover, the frequency of the meetings of the Commission for Names of Towns and Physiographic Objects cannot be strictly maintained, due to the other activities of its members. However, the delays for introducing a municipality in the Registry of Communes are currently shorter.

374. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in Kashub in all those local and regional entities where the Kashub speakers are present in a sufficient number, irrespective of the 20% threshold.***

#### **Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

375. In the first evaluation report, the Committee of Experts considered this undertaking formally fulfilled.

376. According to the Kashub speakers, there have been requests to adopt a Kashub name. However, difficulties occur in writing the names due to the specific diacritics of the Kashub language. The Committee of Experts invites the Polish authorities to clarify this issue.

377. The Committee of Experts considers the undertaking formally fulfilled.

#### **Article 11 – Media**

##### **Paragraph 1**

***The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

- a to the extent that radio and television carry out a public service mission:***
  - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;***

378. In the first evaluation report, considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Kashub whose broadcasts cover the territories in which Kashub is spoken.

379. Radio Gdańsk and Radio Koszalin broadcast programmes in Kashub. In the current monitoring cycle, Radio Koszalin introduced several new programmes: *Pogadanki kaszubskie* (twice per week, one and a half minutes), *Lekcja języka kaszubskiego* (weekly, one minute), *Z poradnika cotdzi Trudē* (two minutes) and *Kaszēbszczi słowa na mądrą głowā* (two minutes). There is, however, no public radio station broadcasting mainly or exclusively in Kashub, as required by the undertaking.

380. There is no public television channel broadcasting mainly or exclusively in Kashub, nor are programmes in Kashub broadcast by any television station. According to the Kashub speakers, the “programme in Kashub” of the Gdańsk branch of Telewizja Polska used Kashub only to a very limited extent and occasionally. Only recently has the television station asked for the support of the association in developing the broadcast. This case has also been brought to the attention of the National Broadcasting Council.

381. In light of the obligation entered into by Poland, the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Kashub whose broadcasts cover the territories in which Kashub is spoken.***

*c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

382. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked for further information.

383. The second periodical report refers to the financial assistance of the authorities for the production of television programmes by Kashub associations. However, according to the representatives of the Kashub speakers, these programmes broadcast in a cable TV system cover only 10% of the area where Kashub is used. A satellite TV station broadcast programmes in Kashub only for nine months, as it did not receive any support from the authorities.

384. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to facilitate the broadcasting of private television programmes in Kashub on a regular basis.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages*

385. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Kashub.

386. According to the second periodical report, the authorities granted financial support for the production of three choir music recordings, an audiobook containing a radio play, all in Kashub, a recording of 365 lessons of Kashub language (bilingual), as well as of 24 short documentary films in Kashub (*Wirtualne Kaszuby*) and of an online platform for short educational and documentary videos in Kashub or with Kashub subtitles.

387. The Committee of Experts considers the undertaking fulfilled.

*e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

388. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation and/or maintenance of at least one weekly newspaper in Kashub.

389. According to the second periodical support, the authorities continue to provide support to the monthly bilingual *Pomerania*. There is, however, no “newspaper” in Kashub, in conformity with the present undertaking in terms of frequency and linguistic profile that should be predominantly in Kashub.

390. The Committee of Experts considers this undertaking not fulfilled.

*f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

391. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in Kashub.

392. The second periodical report provides the same type of information as for Article 11.1.d and has been taken into consideration by the Committee of Experts under that provision.

393. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages (see paragraph 167).

394. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Kashub financed through general schemes open to all audiovisual productions in Poland.

*g to support the training of journalists and other staff for media using regional or minority languages.*

395. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Kashub.

396. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation "Nasza Przyszłość" in Białystok (see paragraph 170). No specific information concerning Kashub has been provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media. The Kashub speakers informed the Committee of Experts that there is no training for journalists or other staff of media using Kashub.

397. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide specific information on any structured training of journalists and other staff for media using Kashub. It also asks the authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using Kashub.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

398. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify whether the interests of the users of Kashub are represented or taken into account within programming councils.

399. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to "include candidates of minority organisations when appointing programming boards". The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

400. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Kashub speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a** *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

401. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide more information about how they encourage types of expression and initiatives specific to Kashub and foster the different means of access to works produced in Kashub.

402. According to the second periodical report, the Ministry of Administration and Digitisation supports projects promoting regional or minority languages and different types of expression in these languages. Activities supported in 2011-2014 included a language and a literary competition, the publication of a Polish-Kashub dictionary, a mobile Kashub library, and the publication of several books and of a comic book.

403. The Committee of Experts considers the undertaking fulfilled.

- b** *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

404. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

405. The second periodical report refers to a bilingual publication *Vademecum kaszubskie*, a book about the history of Kashubs.

406. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to further foster the different means of access in other languages to works produced in Kashub.

- c** *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

407. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities for more comprehensive information about the implementation of this provision.

408. According to the second periodical report, the Polish authorities have provided financial assistance for the publication of the Bible in Kashub.

409. The Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to further foster access in Kashub to works produced in other languages.

- d** *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

410. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

411. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in the activities. No specific information is provided about Kashub. According to the Kashub speakers, cultural institutions do not include Kashub in their activities.

412. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Kashub language and culture in their activities.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

413. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

414. According to the second periodical report cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. No specific information is provided about Kashub.

415. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide, in the next periodical report, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Kashub. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

416. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

417. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional languages.

418. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority representatives, but who do not belong themselves to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

419. The Committee of Experts asks the Polish authorities to clarify to what extent the speakers of regional or minority languages speakers are directly participating in planning cultural activities.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

420. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

421. According to the second periodical report, no such Institutes have been established yet. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland.

422. The Committee of Experts considers the undertaking partly fulfilled. It asks the Polish authorities to clarify whether there is any institution in the area where Kashub is traditionally used that is responsible for collecting, keeping a copy of and presenting or publishing works produced in Kashub.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

423. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to submit relevant information about the implementation of this provision.

424. The second periodical report does not contain any specific information about the application of this undertaking to Kashub.

425. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities in territories other than those where Kashub is traditionally used.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

426. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Kashub language and the cultures it reflects.

427. According to the second periodical report, a Russian-Kashub dictionary was published in co-operation with the Polish Institute in Sankt Petersburg.

428. The Committee of Experts considers the undertaking not fulfilled. It encourages the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Kashub language and the cultures it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

429. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Kashub, at least between users of the same language.

430. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

431. The Committee of Experts asks the Polish authorities to clarify whether the Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Kashub.

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

432. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report about how they oppose with specific measures practices designed to discourage the use of Kashub in connection with economic or social activities.

433. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities, representatives of voivodship governors for national and ethnic minorities about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

434. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Kashub in connection with economic or social activities.

*d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

435. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of Kashub in economic and social life within the whole country.

436. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area. According to the Kashub speakers, private companies in the area where Kashub is traditional use the language for promotional purposes.

437. The Committee of Experts notes, however, the limited use of Kashub in public life, including economic and social life.

438. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist, for example, of facilitating and/or encouraging the use of regional or minority languages on signs on buildings, in railway stations or airports, the use of bilingual brochures in tourism, in museums, or of giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

*b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

439. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

440. The second periodical report refers to the 2014 campaign, which informed local authorities and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. Some local offices have displayed

their names in Kashub. Town welcome signs in Kashub have also been set up. The representatives of the Kashub speakers informed the Committee of Experts that in public companies, in the public transport networks or railways Kashub is absent. In particular the railways refuse to use place names and information boards in Kashub, including on the new train line connecting Gdańsk with its airport and the rest of the region.

441. The Committee of Experts notes the very limited use of Kashub in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

442. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to follow up the 2014 campaign, with a view to increasing the use of Kashub in the economic and social sectors directly under their control, and to report about it in the next periodical report.

#### **Article 14 – Transfrontier exchanges**

***The Parties undertake:***

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

443. The Kashub speakers informed the Committee of Experts that there are significant Kashub communities in other countries, such as Germany, Canada and the USA, as a result of migration. The Committee of Experts asks the authorities to provide information about relevant agreements and about how they foster contacts between the users of Kashub in the fields of culture, education, information, vocational training and permanent education.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

444. The Kashub speakers informed the Committee of Experts that there is a Polish Kashub community in Germany, as a result of migration. The Committee of Experts asks the authorities to provide information about co-operation across borders, in particular between regional or local authorities in whose territory Kashub is used.

### 3.2.5 Lemko

445. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e ii  
 Article 9, paragraph 2 a  
 Article 10, paragraph 5  
 Article 11, paragraph 2

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

*a i to make available pre-school education in the relevant regional or minority languages; or*

446. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make available pre-school education in Lemko and to ensure continuity from pre-school to secondary education.

447. According to the second periodical report, Lemko is taught in several kindergartens. There are, however, no pre-schools where Lemko is predominantly used as the language of instruction, as required by the undertaking.

448. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*b i to make available primary education in the relevant regional or minority languages; or*

449. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make available primary education in Lemko and to ensure continuity from pre-school to secondary education.

450. Lemko is taught as a subject in several schools (three hours per week, apart from the 5th grade with four hours per week). There are, however, no primary schools where Lemko is predominantly used as the language of instruction, as required by the undertaking.

451. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*c i to make available secondary education in the relevant regional or minority languages; or*

452. In the first evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the Polish authorities to make available secondary education in Lemko.

453. Lemko is taught as a subject in several secondary schools (three to four hours per week). There are no secondary schools where Lemko is used as a language of instruction. In the 2012/2013 school year, for the first time one pupil chose Lemko for the school leaving examination (two pupils in 2013/2014).

454. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to make available education in Lemko at pre-school, primary and secondary levels and to ensure continuity from pre-school to secondary education.***

***d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***

455. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Lemko as an integral part of the curriculum.

456. According to the second periodical report, Lemko is at present not taught in any technical or vocational schools.

457. The Committee of Experts must therefore revise its conclusion and consider the undertaking not fulfilled. It urges the Polish authorities to provide, within technical and vocational education, for the teaching of Lemko as an integral part of the curriculum within the territories in which Lemko is used.

***g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;***

458. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures, in practice, the teaching of the history and culture which are reflected by the Lemko language.

459. The second periodical report presents information on the provisions of the New National Core Curriculum. Pupils learning the regional or minority language may also choose the respective "history and culture" as a subject.

460. However, it remains unclear how and to what extent the history and culture which are reflected by the Lemko language are actually taught in practice. The Committee of Experts asks the Polish authorities to provide such information, in respect of the pupils using Lemko, as well as regards the education for other pupils in the area where Lemko is traditionally used, in the next periodical report.

***h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

461. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Lemko at pre-school, primary and secondary levels as well as teaching of Lemko within technical and vocational education.

462. According to the second periodical report, graduates of the Lemko-Ruthenian specialisation within Russian philology have the necessary qualification for teaching the language. The periodical report further refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

463. According to Lemko speakers, even training for teachers of Lemko (Lemko-Ruthenian specialisation within Russian philology) is insufficient. There is no systematic provision and the skills of those teaching Lemko are not adequately assessed. Methodological support, further training or other opportunities for the teachers to improve their skills are not provided.

464. The Committee of Experts notes that, bearing in mind the undertakings chosen by Poland, there is a need to train teachers who would also be able to teach subjects in Lemko. With respect to further training, the Committee of Experts has not been informed of any specific activities concerning Lemko. The Committee of Experts reiterates that methodological consultancy does not ensure the basic or further training of teachers required to teach *in* regional or minority languages at various levels of education<sup>20</sup>.

<sup>20</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 319

465. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Lemko at pre-school, primary and secondary levels as well as the teaching of Lemko within technical and vocational education.***

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

466. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Lemko, and of drawing up public periodic reports.

467. According to the second periodical report, the Joint Commission monitors the developments in teaching regional or minority languages.

468. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Lemko, together with information on language proficiency, teacher supply and the provision of teaching materials (see also paragraph 134).

469. It does not appear that the monitoring carried out by the Joint Commission meets the required criteria.

470. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

471. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to submit specific information about the implementation of this provision.

472. According to the second periodical report and the information received from the speakers, Lemko is taught in one kindergarten and several schools outside of the area where it is traditionally used.

473. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to further develop the offer of Lemko education outside the territories where the language is traditionally used, at all appropriate stages.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

474. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to determine, in co-operation with the Lemko speakers, in what areas the Lemko speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20%

threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

475. The Lemko minority does not reach the 20% threshold in any municipality. Lemko is therefore not an “auxiliary language” and cannot be used in relations with local authorities in any municipality. According to the 2011 census, the highest share of Lemkos can be found in the municipality of Uście Gorlickie (12.5%). Lemko speakers are also present in relevant numbers for the purpose of this undertaking in other municipalities in the Gorlice district of the Lesser Poland voivodship (for example, Sękowa). Lemko can neither be used in contacts with the Gorlice district, nor the voivodship of Lesser Poland. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

476. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with Lemko speakers, in what areas the Lemko speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

477. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to adopt a flexible approach regarding place names in regional or minority languages. The Committee of Experts encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in Lemko also regarding those local and regional authorities on whose territory the Lemko speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

478. Place names in Lemko, but no street names or other topographical names, have been introduced in the current monitoring cycle in villages belonging to the municipality of Uście Gorlickie in the district of Gorlice in the Lesser Poland voivodship. As mentioned above, there are other municipalities where the Lemko speakers are traditionally present in relevant numbers for the purpose of this undertaking and where additional place names have not been introduced so far. There is no legal possibility for the district of Gorlice, or for the Lesser Poland voivodship, of adopting their Lemko names.

479. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in Lemko, in all those local and regional entities where Lemko speakers are present in a sufficient number, irrespective of the 20% threshold.***

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

*a to the extent that radio and television carry out a public service mission:*

*ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;*

480. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Lemko whose broadcasts cover the territories in which Lemko is spoken.

481. There are no public radio stations or television channels broadcasting mainly or exclusively in Lemko, neither are programmes in Lemko broadcast by such institutions.

482. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Lemko whose broadcasts cover the territories in which Lemko is spoken.***

*b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

483. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in Lemko on a regular basis.

484. According to the second periodical report, the authorities provide financial assistance to the Association *Ruska Bursa* in Gorlice for running the internet radio LEM.FM. The association has taken steps to obtain a licence for radio broadcasting.

485. However, the Committee of Experts has not received any information on programmes in Lemko broadcast by regular private radio stations. The Committee of Experts asks the Polish authorities to provide more information on these aspects in the next periodical report.

*c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

486. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Lemko on a regular basis.

487. There are no private television programmes broadcast in Lemko.

488. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Lemko on a regular basis.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages*

489. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Lemko.

490. According to the second periodical report, the authorities provided financial support for the production of three music recordings with songs in Lemko, a multimedia publication, a cycle of coverages of cultural events and for the preparation of a film in which Lemko is also used.

491. The Committee of Experts considers the undertaking fulfilled.

**e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or**

492. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to consider the establishment of a separate Lemko newspaper which is published at least weekly.

493. There is a bimonthly publication in Lemko, while articles in Lemko appear in two other publications. There is, however, no newspaper in Lemko, as required by the undertaking.

494. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to consider the establishment of a separate Lemko newspaper, which is published at least weekly.

**f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

495. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in Lemko.

496. The second periodical report provides the same type of information as for Article 11.1.d and has been taken into consideration by the Committee of Experts under that provision.

497. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages (see paragraph 167).

498. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Lemko financed through general schemes open to all audiovisual productions in Poland.

**g to support the training of journalists and other staff for media using regional or minority languages.**

499. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Lemko.

500. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation "Nasza Przyszłość" in Białystok (see paragraph 170). No specific information concerning Lemko is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media.

501. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the authorities to provide specific information on any structured training of journalists and other staff for media using Lemko. It also asks the Polish authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using Lemko.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

502. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify, in the next periodical report, whether the interests of the users of Lemko are represented or taken into account within programming councils.

503. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is

required to “include candidates of minority organisations when appointing programming boards”. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

504. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Lemko speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

505. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide more information about how they encourage types of expression and initiatives specific to Lemko and foster the different means of access to works produced in Lemko.

506. According to the second periodical report, the Ministry of Administration and Digitisation, supports projects promoting regional or minority languages and different types of expression in these languages. As regards Lemko, in 2011-2014, the Polish authorities provided financial support to the publishing of three books in Lemko and to the organisation of a poetry competition for pupils.

507. The Committee of Experts considers the undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

508. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

509. According to second periodical report, support was granted to the publishing of a poetry book, of a short stories book and audiobook in Lemko and Polish, as well as to the preparation of a film, with dialogues in Lemko and Polish subtitles.

510. The Committee of Experts considers the undertaking fulfilled.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

511. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

512. According to the second periodical report, the authorities provided financial support for the translation of “The Little Prince” by Antoine de Saint-Exupéry into Lemko.

513. The Committee of Experts considers the undertaking partly fulfilled. It asks the Polish authorities to further foster access in Lemko to works produced in other languages.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

514. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

515. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in their activities. However, no practical examples are provided for Lemko.

516. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Lemko language and culture in their activities.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

517. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

518. According to the second periodical report, cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. However, no specific information concerning Lemko is provided.

519. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide, in the next periodical, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Lemko. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

520. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

521. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional languages.

522. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority representatives, but who do not belong themselves to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

523. The Committee of Experts asks the authorities to clarify to what extent the regional or minority language speakers are directly participating in planning cultural activities.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

524. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers. The Committee of Experts also asked the authorities to clarify whether institutions

such as the Lemko Culture Museum in Zyndranowa, the Ivan Rusenko Memorial Chamber at the Lemko Culture Centre and the Lemko Research Study at the Lemko Song and Dance Ensemble called *Kyczera* qualify as the bodies required by this undertaking and whether they receive regular financial support.

525. According to the second periodical report, no such Institutes have been established yet. One Lemko organisation initiated the setting up of such an institute, but this action did not result in anything, due to a lack of consensus within the Lemko minority.

526. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland. The second periodical report further indicates that the Lemko Culture Museum in Zyndranowa runs a library and an archive of journals and documents in Lemko. It is also involved in publishing activities. The "Ruska Bursa" Association also runs a library and a Lemko archive, as well as the "Ivan Rusenko" Memorial Chamber at the Lemko Culture Centre. These activities received financial support from the authorities. As noted in its first evaluation report, the Committee of Experts is of the view that the grant system does not guarantee any long-term functioning of bodies engaged in the promotion of Lemko culture<sup>21</sup>.

527. The Committee of Experts considers the undertaking fulfilled. It encourages the Polish authorities to ensure the long-term functioning of the Lemko Culture Museum in Zyndranowa, the Lemko Culture Centre, as well as the "Ruska Bursa" Association library and archive.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

528. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to submit relevant information about the implementation of this provision.

529. The second periodical report refers to the support granted to the facility for research of Lemko culture of the Lemko "Kyczera" folk band in Legnica.

530. The Committee of Experts considers the undertaking partly fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

531. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Lemko language and the cultures it reflects.

532. The second periodical report does not contain any specific information about the application of this undertaking to Lemko.

533. The Committee of Experts considers the undertaking not fulfilled. It urges the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Lemko language and the culture it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

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<sup>21</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 367

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;**

534. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Lemko, at least between users of the same language.

535. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

536. The Committee of Experts asks the Polish authorities to clarify whether Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Lemko.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

537. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report about how they oppose with specific measures practices designed to discourage the use of Lemko in connection with economic or social activities.

538. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities and representatives of voivodship governors for national and ethnic minorities about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

539. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Lemko in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.**

540. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of Lemko in economic and social life within the whole country.

541. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

542. The Committee of Experts notes the very limited use of Lemko in public life, including economic and social life.

543. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could include, for example, facilitating and/or encouraging the use of the regional or minority languages on signs on buildings, in railway stations or airports, the use of bilingual brochures in tourism, in museums, giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

***With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:***

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;***

544. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

545. The second periodical report refers to the 2014 campaign, which informed local authorities, and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. No specific information has been provided about the application of this undertaking to Lemko.

546. The Committee of Experts notes, however, the very limited use of Lemko in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

547. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to follow up the 2014 campaign with a view to increasing the use of Lemko in the economic and social sectors directly under their control, and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

### ***The Parties undertake:***

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

548. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide information about the implementation of this undertaking.

549. According to the second periodical report, the authorities provided financial support to Lemko philology students for internships in Slovakia.

550. The Committee of Experts asks the Polish authorities to provide more detailed information on the existing bilateral and multilateral agreements which bind them with the states in which Lemko is used in identical or similar form and on how these foster contacts between the users of the same language in the states concerned in the fields of culture, education, information, vocational training and permanent education.

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

551. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide information about the implementation of this undertaking.

552. The second periodical report provides no specific information in this respect.

553. The Committee of Experts can again not conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide information on how they facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Lemko is used in identical or similar form.

### 3.2.6 Lithuanian

554. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 a i, b i, e ii  
 Article 9, paragraph 2 a  
 Article 10, paragraph 5  
 Article 11, paragraph 2  
 Article 14 a.

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

*c i to make available secondary education in the relevant regional or minority languages; or*

555. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It encouraged the Polish authorities to make sure that budgetary cuts do not impede the provision of transport and boarding for pupils wanting to attend the higher secondary school in Puńsk/Punskas.

556. In the second periodical report, the authorities state that the budgetary cuts do not concern the subsidies for local authorities and do not affect the provision of transport and boarding for pupils wanting to attend the higher secondary school in Puńsk/Punskas.

557. The Committee of Experts considers the undertaking fulfilled.

*d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

558. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Lithuanian as an integral part of the curriculum within the territories in which Lithuanian is used.

559. According to the second periodical report, in the 2012/2013 school year, four pupils studied Lithuanian in a vocational school (two hours per week). In the 2013/2014 school year, there were five such pupils. The Committee of Experts considers that the number of five pupils is clearly too low considering the strong position of Lithuanian at pre-school, primary and secondary education levels.

560. The Committee of Experts considers this undertaking partly fulfilled. It urges the Polish authorities to provide, within technical and vocational education, for the teaching of Lithuanian as an integral part of the curriculum within the territories in which Lithuanian is used.

*g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

561. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures, in practice, the teaching of the history and culture which are reflected by the Lithuanian language.

562. The second periodical report presents information on the provisions of the New National Core Curriculum. Pupils learning the minority language also study Lithuanian “history and culture” as a subject. History and culture of the kin-state can also be offered as a subject as of 2012.

563. The Committee of Experts considers the undertaking fulfilled as regards minority pupils. However, it remains unclear how and to what extent the history and culture which are reflected by the Lithuanian language are taught in practice to other pupils in the area where Lithuanian is traditionally used. The Committee of Experts asks the Polish authorities to provide such information in the next periodical report.

***h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

564. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the Polish authorities to ensure that the basic and further training of the teachers required for the provision of education in Lithuanian at pre-school, primary and secondary levels continues to be provided in the future.

565. The periodical report refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

566. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. It nevertheless encourages the Polish authorities to ensure that the basic and further training of the teachers required for the provision of education in Lithuanian at pre-school, primary and secondary levels continues to be provided in the future.

***i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

567. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Lithuanian, and of drawing up public periodic reports.

568. According to the second periodical report, the education strategy for Lithuanian foresees annual meetings monitoring the developments in this field. One such monitoring meeting was carried out.

569. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Lithuanian, together with information on language proficiency, teacher supply and the provision of teaching materials (see also paragraph 134). It does not appear at this stage that the monitoring in place meets the required criteria.

570. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

***With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.***

571. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to submit specific information about the implementation of this undertaking.

572. The second periodical report does not provide any specific information on the implementation of this provision.

573. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide information in the next periodical report on where Lithuanian speakers live in sufficient numbers outside their traditional territories to justify teaching in/of Lithuanian at all appropriate stages, and whether such teaching takes place.

## Article 10 – Administrative authorities and public services

### Paragraph 2

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

574. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to determine, in co-operation with the Lithuanian speakers, in what areas the Lithuanian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

575. Lithuanian remains an “auxiliary language”, i.e. it may be used in relations with the local authorities in Puńsk/Punskas, the only municipality where the Lithuanian speakers form the majority of the population. Lithuanian has not been introduced as “auxiliary language” in any new municipality in the current monitoring cycle. In one additional municipality, Sejny, the Lithuanian minority makes up 15% of the population, while in the town of Sejny itself they are present in relevant numbers for the purposes of this undertaking. Lithuanian can neither be used in contacts with the district of Sejny, nor the Podlaskie voivodship. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

576. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with the Lithuanian speakers, in what areas Lithuanian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

577. The Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to adopt a flexible approach regarding place names in the regional or minority languages. The Committee of Experts encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in Lithuanian also regarding those local and regional authorities on whose territory Lithuanian speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

578. Place names in Lithuanian, but no street names or other topographical names, are in use in Puńsk/Punskas, where Lithuanian-speakers represent the majority of the population. There is no legal possibility for the district of Sejny or the Podlaskie voivodship of adopting their Lithuanian names. As mentioned above, there are two further municipalities where the Lithuanian minority is present in relevant numbers for the purpose of this undertaking. In neither of them have additional place names been introduced.

579. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in Lithuanian in all those local and regional entities where Lithuanian speakers are present in a sufficient number, irrespective of the 20% threshold.***

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:*
  - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;*

580. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Lithuanian whose broadcasts cover the territories in which Lithuanian is spoken

581. Radio Białystok broadcasts one programme in Lithuanian. There is, however, no public radio station broadcasting mainly or exclusively in Lithuanian, as required by the undertaking.

582. The local Białystok branch of the Telewizja Polska broadcasts one programme in Lithuanian. There is, however, no public television channel broadcasting mainly or exclusively in Lithuanian, as required by the undertaking.

583. The Committee of Experts considers that the existing offer of broadcasting only programmes in Lithuanian is not sufficient to comply with this undertaking and does not correspond to the situation of the Lithuanian language.

584. In light of the obligation entered into by Poland, the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Lithuanian whose broadcasts cover the territories in which Lithuanian is spoken.***

- b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

585. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in Lithuanian on a regular basis.

586. There are no private radio programmes in Lithuanian.

587. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in Lithuanian on a regular basis.

**c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

588. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Lithuanian on a regular basis.

589. There are no private television programmes in Lithuanian.

590. The Committee of Experts considers this undertaking not fulfilled. It encourages the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Lithuanian on a regular basis.

**d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages**

591. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Lithuanian.

592. According to the second periodical report, two albums of choir music in Lithuanian and of performances of Lithuanian artistic groups were produced, with financial support from the authorities.

593. The Committee of Experts considers the undertaking fulfilled.

**e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or**

594. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation and/or maintenance of at least one weekly newspaper in Lithuanian.

595. The Polish authorities provide financial support to the biweekly *Aušra*. There is, however, still no newspaper in Lithuanian, as required by the undertaking.

596. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the creation and/or maintenance of at least one weekly newspaper in Lithuanian.

**f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

597. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in Lithuanian.

598. The second periodical report does not provide any information in this respect. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages (see paragraph 167).

599. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Lithuanian financed through general schemes open to all audiovisual productions in Poland.

**g to support the training of journalists and other staff for media using regional or minority languages.**

600. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Lithuanian.

601. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation “Nasza Przyszłość” in Białystok (see paragraph 170). No specific information concerning Lithuanian is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media.

602. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the authorities to provide specific information on any structured training of journalists and other staff for media using Lithuanian. It also asks the authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using Lithuanian.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

603. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify whether the interests of the users of Lithuanian are represented or taken into account within programming councils.

604. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to “include candidates of minority organisations when appointing programming boards”. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

605. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Lithuanian speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

606. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to encourage types of expression and initiatives specific to Lithuanian and foster different means of access to works produced in Lithuanian.

607. According to the second periodical report, the Ministry of Administration and Digitisation supports projects promoting regional or minority languages and different types of expression in these languages. In 2011-2014, the Polish authorities provided support for the publication of literary works in Lithuanian, as well as for a recitation competition.

608. The Committee of Experts considers the undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

609. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

610. According to the second periodical report, no activities relevant for this undertaking have taken place in the monitoring period.

611. The Committee of Experts considers the undertaking not fulfilled. It urges the Polish authorities to foster the different means of access in other languages to works produced in Lithuanian.

**c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

612. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

613. According to the second periodical report, no activities relevant for this undertaking have taken place in the monitoring period.

614. The Committee of Experts considers the undertaking not fulfilled. It urges the Polish authorities to foster access in Lithuanian to works produced in other languages.

**d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

615. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

616. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in the activities. The report refers to the centre *Pogranicze – Sztuk, Kultur, Narodów*, but it is not clear to the Committee of Experts how the Lithuanian language is included in its activities.

617. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Lithuanian language and culture in their activities.

**e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

618. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

619. According to the second periodical report, cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. However, no specific information concerning Lithuanian is provided.

620. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide, in the next periodical report, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Lithuanian. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

**f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

621. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

622. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional languages.

623. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority representatives, but who do not belong themselves to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

624. The Committee of Experts asks the Polish authorities to clarify to what extent the regional or minority language speakers are directly participating in planning cultural activities

**g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

625. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

626. According to the second periodical report, no such Institutes have been established yet. The center of documentation of the Foundation *Pogranicze – Sztuk, Kultur, Narodów* gathers, inter alia, "library collections" in Lithuanian. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland.

627. The Committee of Experts asks the Polish authorities to provide more detailed information on bodies, for instance in Puńsk/Punskas, responsible for collecting, keeping a copy of and presenting or publishing works produced in Lithuanian.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

628. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to submit relevant information about the implementation of this provision.

629. The second periodical report does not contain any specific information about the application of this undertaking to Lithuanian.

630. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities in territories other than those where Lithuanian is traditionally used.

## **Paragraph 3**

***The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.***

631. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Lithuanian language and the cultures it reflects.

632. The second periodical report does not contain any specific information about the application of this undertaking to Lithuanian.

633. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Lithuanian language and the cultures it reflects.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

634. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Lithuanian, at least between users of the same language.

635. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

636. The Committee of Experts asks the Polish authorities to clarify whether the Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Lithuanian.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

637. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report, in the next periodical report, about how they oppose with specific measures practices designed to discourage the use of Lithuanian in connection with economic or social activities.

638. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities and representatives of voivodship governors for national and ethnic minorities about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

639. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Lithuanian in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.***

640. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of Lithuanian in economic and social life within the whole country.

641. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

642. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist, for example, of facilitating and/or encouraging the

use of the regional or minority languages on signs on buildings, in railway stations or airports, the use of bilingual brochures in tourism, in museums, giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

643. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

644. The second periodical report refers to the 2014 campaign, which informed local authorities, and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. No specific information has been provided about the application of this undertaking to Lithuanian.

645. The Committee of Experts reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

646. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to follow up the 2014 campaign with a view to increasing the use of Lithuanian in the economic and social sectors directly under their control, and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

647. In the first evaluation report, the Committee of Experts asked the Polish authorities to submit practical examples of the implementation of the undertaking.

648. The second periodical report does not provide any specific information concerning the application of this undertaking to Lithuanian.

649. The Committee of Experts again asks the Polish authorities to submit practical examples of the implementation of the undertaking.

### 3.2.7 Ukrainian

#### Article 8 – Education

650. A large part of the Ukrainian speakers were deported in 1947 from the territory where they traditionally lived mainly to the territory of the present voivodships of Warmia-Masuria, Western Pomerania, Lower Silesia and Lubuskie. A substantial part of the minority has been living in these voivodships since that time. There is a strong interest, however, on the part of the Ukrainian minority, to protect and promote the language in its traditional area. Moreover, the Committee of Experts was also informed by the representatives of the speakers that Ukrainian has been traditionally used in the Northern Podlaskie area, between the rivers Bug and Narew, where the minority is densely settled. The Committee of Experts will examine, under Article 8.1, the situation of Ukrainian in the traditional territory and under Article 8.2 its situation in the resettlement areas.

651. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e ii  
 Article 9, paragraph 2 a  
 Article 10, paragraph 5  
 Article 11, paragraph 1 e i, paragraph 2, paragraph 3  
 Article 14 a.

#### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

*a i to make available pre-school education in the relevant regional or minority languages; or*

652. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make available pre-school education in Ukrainian and to ensure continuity from pre-school to secondary education.

653. Ukrainian is taught at pre-school level and some kindergartens offer bilingual education. There are, however, no pre-schools where Ukrainian is predominantly used as the language of instruction, as required by the undertaking.

654. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*b i to make available primary education in the relevant regional or minority languages; or*

655. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to extend the offer of primary education in Ukrainian and to ensure continuity from pre-school to secondary education.

656. Ukrainian is taught as a subject at primary level (three hours per week, apart from the 5th grade with four hours per week) and some schools offer bilingual education. There are no primary schools where Ukrainian is predominantly used as the language of instruction, as required by the undertaking. Furthermore, the Committee of Experts was informed that in the majority of cases Ukrainian is taught in an “inter-school system”. As the minority is usually dispersed and the minimum number of pupils necessary for the teaching of the language is not reached, pupils from several schools are brought together and taught Ukrainian. Such classes depend on the goodwill of a headmaster and do not offer the same conditions as regular language teaching. They are organised outside the regular school hours and the pupils attending them are of different ages and have different levels of Ukrainian. Textbooks and didactical resources are often missing.

657. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

*c i to make available secondary education in the relevant regional or minority languages; or*

658. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to ensure continuity from pre-school to secondary education.

659. Ukrainian is taught as a subject at secondary level (three to four hours per week) and some schools offer bilingual education. There are no secondary schools where Ukrainian is used as a language of education. Furthermore, the Committee of Experts was informed that in the majority of cases, Ukrainian is taught in an “inter-school system” (see paragraph 656).

660. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to provide education in Ukrainian at pre-school, primary, and secondary levels and to ensure continuity from pre-school to secondary education.***

*d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

661. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Ukrainian as an integral part of the curriculum.

662. According to the second periodical report, in the 2012/2013 school year, 4 pupils studied Ukrainian in a vocational school (two hours per week). In the 2013/2014 school year, 51 pupils studied Ukrainian in two vocational schools and two technical schools (two to three hours per week).

663. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Polish authorities to extend, within technical and vocational education, the teaching of Ukrainian as an integral part of the curriculum.

*g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

664. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide specific information on how the New National Core Curriculum ensures, in practice, the teaching of the history and culture which are reflected by the Ukrainian language.

665. The second periodical report presents information on the provisions of the New National Core Curriculum (see paragraph 125). Pupils learning a minority language may also choose the respective history and culture as a subject. History and culture of the kin-state can also be offered as a subject as of 2012.

666. However, it remains unclear how and to what extent the history and culture which are reflected by the Ukrainian language are actually taught in practice. The Committee of Experts asks the Polish authorities to provide such information, in respect of the pupils using Ukrainian, as well as regards the education for other pupils in the area where Ukrainian is traditionally used, in the next periodical report.

*h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

667. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Ukrainian at pre-school, primary and secondary levels as well as teaching of Ukrainian within technical and vocational education.

668. According to the second periodical report, graduates with a major in Ukrainian philology have the necessary qualification for teaching the language. With respect to further training, the Committee of Experts was informed about only one conference for teachers of Ukrainian. The periodical report further refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

669. The Committee of Experts notes that, bearing in mind the undertakings chosen by Poland, there is a need to train teachers who would also be able to teach subjects in Ukrainian. The Committee of Experts reiterates<sup>22</sup> that methodological consultancy does not ensure any basic or further training of the teachers required to teach *in* regional or minority languages at various levels of education.

670. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Ukrainian at pre-school, primary and secondary levels.***

*i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

671. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Ukrainian, and of drawing up public periodic reports.

672. According to the second periodical report, the education strategy for Ukrainian foresees meetings monitoring the developments in this field.

673. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical reports. The reports should, among others, contain information on the extent and availability of teaching in Ukrainian, together with information on language proficiency, teacher supply and the provision of teaching materials (see also paragraph 134). It does not appear at this stage that the monitoring in place meets these criteria.

674. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 2**

***With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.***

675. As mentioned above, after having been forcibly resettled in 1947, a substantial part of the Ukrainian minority has lived outside the territory where the Ukrainians traditionally used to live.

676. Ukrainian is taught as a subject at pre-school, primary, and secondary level, as well as in technical and vocational education. Bilingual teaching also takes place.

677. The Committee of Experts considers the undertaking fulfilled.

<sup>22</sup> See 1<sup>st</sup> evaluation report on Poland, ECRML (2011) 5, paragraph 487

## Article 10 – Administrative authorities and public services

### Paragraph 2

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

678. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to determine, in co-operation with the Ukrainian speakers, in what areas Ukrainian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (powiaty) and voivodships where the speakers are present in sufficient numbers.

679. Ukrainian is not an “auxiliary language” and therefore cannot be used in relations with the local authorities in any municipality, as the Ukrainian minority does not reach the 20% threshold. According to the 2011 census, the highest share of Ukrainians can be found in the municipality of Komańcza (10,5%). Ukrainian-speakers are also present in relevant numbers for the purpose of this undertaking in other municipalities in the voivodship of Subcarpathia (such as Stubno or Zagórz). The Committee of Experts was also informed by the representatives of the speakers that Ukrainian has been traditionally used in the Northern Podlaskie area, between the rivers Bug and Narew, and that in this area the minority still lives in compact settlements. Ukrainian cannot be used in contacts with the Sanocki or Przemyśl districts, nor with the voivodship of Subcarpathia. The Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers.

680. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to determine, in co-operation with the Ukrainian speakers, in what areas Ukrainian speakers are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned.***

- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

681. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to adopt a flexible approach regarding place names in regional or minority languages. The Committee of Experts encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in Ukrainian also regarding those local and regional authorities on whose territory the Ukrainian speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking.

682. The Ukrainian minority does not reach the 20% threshold in any municipality. No additional place names in Ukrainian have been introduced on the basis of local consultations. There is no legal possibility for the Sanocki and Przemyśl districts or the Subcarpathia voivodship of adopting their Ukrainian names.

683. As already mentioned, the Committee of Experts was also informed by representatives of the speakers that Ukrainian has been traditionally used in the Northern Podlaskie area, between the rivers Bug and Narew, and that in this area the minority still lives in compact settlements. Furthermore,

representatives of the Ukrainian-speakers drew the attention of the Committee of Experts to the fact that, when additional names are introduced these are not always the traditional and correct forms in regional or minority languages. According to the Ukrainian speakers, the lack of place names is due also to the problems of perception and acceptance of Ukrainian in the area where it is traditionally used.

684. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names, including street names and other topographical names, in Ukrainian in all those local and regional entities where Ukrainian speakers are present in a sufficient number, irrespective of the 20% threshold.***

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:*
  - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;*

685. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Ukrainian whose broadcasts cover the territories in which Ukrainian is spoken.

686. Several local radio stations broadcast programmes in Ukrainian. There is, however, no public radio station broadcasting mainly or exclusively in Ukrainian, as required by the undertaking.

687. Programmes in Ukrainian are broadcast by Telewizja Polska's local branches. However, there is no public television channel broadcasting mainly or exclusively in Ukrainian, as required by the undertaking.

688. The Committee of Experts was informed by the Ukrainian speakers that the time slots of these programmes are often inadequate and that they may abruptly be cancelled or suspended.

689. The Committee of Experts considers that the existing offer of broadcasting only programmes in Ukrainian is not sufficient to comply with this undertaking and does not correspond to the situation of the Ukrainian language. It asks the Polish authorities to provide a detailed overview of the existing public radio and television programmes in Ukrainian.

690. In light of the obligation entered into by Poland, the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to encourage and/or facilitate the creation of at least one public radio station and one public television channel in Ukrainian whose broadcasts cover the territories in which Ukrainian is spoken.***

- b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

691. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private radio programmes in Ukrainian on a regular basis.

692. According to the second periodical report, the Polish authorities provided financial assistance to associations of the Ukrainian minority for the production of two radio programmes in Ukrainian.

693. The Committee of Experts considers the undertaking partly fulfilled. It asks the Polish authorities to provide a detailed overview of the existing private radio programmes in Ukrainian.

**c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

694. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Ukrainian on a regular basis.

695. No private television programmes are broadcast in Ukrainian.

696. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to encourage and/or facilitate the broadcasting of private television programmes in Ukrainian on a regular basis.

**d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages**

697. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Ukrainian.

698. According to the second periodical report, the Polish authorities provided financial support to the production of a CD with choir music in Ukrainian.

699. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to facilitate the production and distribution of further audio and audiovisual works in Ukrainian.

**f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

700. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in Ukrainian.

701. The second periodical report contains no relevant information in this respect.

702. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages (see paragraph 167).

703. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Ukrainian financed through general schemes open to all audiovisual productions in Poland.

**g to support the training of journalists and other staff for media using regional or minority languages.**

704. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Ukrainian.

705. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation "Nasza Przyszłość" in Białystok (see paragraph 170). No specific information concerning Ukrainian is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media.

706. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the Polish authorities to provide specific information on any structured training of journalists and other staff for media using Ukrainian. It also asks the Polish authorities to clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using Ukrainian.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

707. In the first evaluation report, the Committee of Experts considered the undertaking fulfilled.

708. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to “include candidates of minority organisations when appointing programming boards”. The Ukrainian speakers are currently represented on the programming boards of radio stations, but not of television channels. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

709. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Ukrainian speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

710. In the first evaluation report, the Committee of Experts asked the Polish authorities to provide more information about how they encourage types of expression and initiative specific to Ukrainian and foster the different means of access to works produced in Ukrainian.

711. According to the second periodical report, the Ministry of Administration and Digitisation, supports projects promoting regional or minority languages and different types of expression in these languages. As regards Ukrainian, the Polish authorities have provided financial assistance to the publication of a book for children, of an album-songbook and a recitation competition.

712. The Committee of Experts considers the undertaking fulfilled.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

713. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

714. The second periodical report refers to a book of photography and poetry, containing poems of a Ukrainian poet in Ukrainian and Polish.

715. The Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to further foster the different means of access in other languages to works produced in Ukrainian.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

716. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

717. According to the second periodical report, no activities relevant to this undertaking have taken place in the monitoring period.

718. The Committee of Experts considers the undertaking not fulfilled. It encourages the Polish authorities to foster access in Ukrainian to works produced in other languages.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

719. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

720. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in their activities. No practical examples are, however, provided for Ukrainian.

721. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Ukrainian language and culture in their activities.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

722. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

723. According to the second periodical report, cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. No specific information concerning Ukrainian is provided.

724. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide, in the next periodical report, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Ukrainian. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

725. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

726. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional language.

727. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority

representatives, but who do not belong themselves to any minority. The committee's proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

728. The Committee of Experts asks the authorities to clarify to what extent the regional or minority language speakers are directly participating in planning cultural activities.

**g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

729. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

730. According to the second periodical report, no such Institutes have been established yet. The centre of documentation of the foundation *Pogranicze – Sztuk, Kultur, Narodów* gathers, *inter alia*, "library collections" in Ukrainian. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland.

731. The Committee of Experts asks for more specific information on the 'library collections' mentioned above or other bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Ukrainian.

### **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

732. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to submit relevant information about the implementation of this provision.

733. The second periodical report contains no specific information about the application of this undertaking to Ukrainian.

734. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities in territories other than those where Ukrainian is traditionally used.

### **Paragraph 3**

***The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.***

735. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Ukrainian language and the cultures it reflects.

736. The second periodical report contains no specific information concerning the application of this undertaking to Ukrainian.

737. The Committee of Experts considers the undertaking not fulfilled. It urges the authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Ukrainian language and the culture it reflects.

## Article 13 – Economic and social life

### Paragraph 1

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

738. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Ukrainian, at least between users of the same language.

739. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

740. The Committee of Experts asks the Polish authorities to clarify whether Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Ukrainian.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

741. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report about how they oppose with specific measures practices designed to discourage the use of Ukrainian in connection with economic or social activities.

742. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities, representatives of voivodship governors for national and ethnic minorities the the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

743. The Committee of Experts considers the undertaking fulfilled. It, nevertheless, asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Ukrainian in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.***

744. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to facilitate and/or encourage the use of Ukrainian in economic and social life within the whole country.

745. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

746. The Committee of Experts notes the very limited use of Ukrainian in public life, including economic and social life.

747. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist, for example, of facilitating and/or encouraging the use of the regional or minority languages on signs on buildings, in railway stations or airports, the use

of bilingual brochures in tourism, in museums, giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

748. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

749. The second periodical report refers to the 2014 campaign, which informed local authorities, and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. No specific information has been provided about the application of this undertaking to Ukrainian.

750. The Committee of Experts notes, however, the very limited use of Ukrainian in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues.

751. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to followup the 2014 campaign, with a view to increasing the use of Ukrainian in the economic and social sectors directly under their control, and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

752. In the first evaluation report, the Committee of Experts asked the Polish authorities to submit practical examples on the implementation of this undertaking.

753. The second periodical report does not contain any relevant information.

754. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to submit information, in the next periodical report, on how they facilitate and/or promote co-operation across borders for the benefit of Ukrainian, in particular between regional or local authorities in whose territory Ukrainian is used.

### 3.2.8 *Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish*

755. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the first evaluation report and for which it has not received any new elements which would have required a reassessment of its findings in its first report. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 e ii (for Armenian, Czech, Russian and Slovak), paragraph 2 (for Russian)  
 Article 9, paragraph 2 a  
 Article 10, paragraph 5 (for Armenian, Russian and Romani)  
 Article 11, paragraph 2  
 Article 12 paragraph 1 a (for Yiddish)  
 Article 14 a (for Czech, and Russian).

## **Article 8 – Education**

### ***Paragraph 1***

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

***a i to make available pre-school education in the relevant regional or minority languages;***

756. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to make available pre-school education in these languages. The Committee of Experts also encouraged the Polish authorities to pursue the work on the codification of Romani in Poland.

757. Slovak and Armenian are taught in kindergartens. Czech is taught in a church-run kindergarten in Zelów. Yiddish is taught in activities organised by associations, but it is not clear to the Committee of Experts whether pre-school age children are targeted.

758. As far as Romani is concerned, the codification of the language has been finalised. However, according to the second periodical report, Romani is not taught at pre-school level. Although it has been informed that some representatives of the Romani speakers do not wish their language to be taught in school, the Committee of Experts encourages the Polish authorities to provide an offer of Romani in education.

759. There are no pre-schools where Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish is predominantly used as the language of instruction, as required by the undertaking.

760. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***b i to make available primary education in the relevant regional or minority languages;***

761. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to make available primary education in these languages.

762. Armenian and Slovak are taught at primary level (three hours per week, apart from the 5th grade with four hours per week). Russian is available as a foreign language. The Russian speakers informed the Committee of Experts that they have tried to set up a class where Russian would be taught. However, the necessary number of children was not reached.

763. The Tatar minority organises out-of-school courses on an irregular basis, which address all age groups. The Tatar speakers have informed the Committee of Experts that they are interested in revitalising Tatar. The Committee of Experts underlines that further assistance, including professional linguist support allowing for further development of Tatar-teaching, should be granted by the authorities.

764. Yiddish is also taught in activities organised by associations. Efforts have been made to set up a class within the regular education system. There are no primary schools where Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish is predominantly used as the language of instruction, as required by the undertaking.

765. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***c i to make available secondary education in the relevant regional or minority languages;***

766. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to make available secondary education in these languages.

767. Slovak is taught at secondary level (three to four hours per week). Russian is available as a foreign language. There are no secondary schools where Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish is predominantly used as the language of instruction, as required by the undertaking.

768. In light of the obligation entered into by Poland and the observations made above (see Chapter 2.2.1), the Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Polish authorities to develop the teaching of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish, as a step that might lead, in the future, to the gradual implementation of the undertakings concerning pre-school, primary and secondary education. As a first step in the case of Karaim, Tatar and Yiddish, the authorities should support the revitalisation of these languages.***

***d iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***

769. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide, within technical and vocational education, for the teaching of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish as an integral part of the curriculum.

770. Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish are not taught in technical or vocational education. Russian is only available as a foreign language.

771. The Committee of Experts considers this undertaking not fulfilled.

***e ii to provide facilities for the study of these languages as university and higher education subjects; or***

772. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Armenian, Czech, Russian and Slovak and not fulfilled for Karaim, Romani, Tatar and Yiddish.

773. According to the second periodical report, Romani and Tatar are not available as university or higher education subjects. In the 2012/2013 academic year, Yiddish was taught within Culture studies, speciality Judaistics at the Maria Curie-Skłodowska University in Lublin, at the Judaistics major at the Jagiellonian University in Krakow and at the Hebraism major at Adam Mickiewicz University in Poznań. A Yiddish course was also offered at Łódź University. In the 2012/2013 academic year, a Karaim course was offered at Poznań University.

774. The Committee of Experts considers the undertaking fulfilled for Karaim and Yiddish. It considers the undertaking not fulfilled for Romani and Tatar.

**g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

775. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to provide, in the next periodical report, specific information on how the New National Core Curriculum ensures, in practice, the teaching of the history and culture which are reflected by the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages.

776. The second periodical report presents information on the provisions of the New National Core Curriculum (see paragraph 125).

777. Pupils learning the regional or minority language may also choose the respective “history and culture” as a subject. History and culture of the kin-state may also be offered as a subject as of 2012. Only Armenian and Slovak are taught in the regular education system, therefore only pupils belonging to the Armenian or Slovak minority can benefit from these possibilities.

778. It remains unclear how and to what extent the history and culture which are reflected by the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages are actually taught in practice. The Committee of Experts asks the Polish authorities to provide such information in the next periodical report.

**h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

779. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish at pre-school, primary and secondary levels as well as teaching of these languages within technical and vocational education.

780. According to the second periodical report, graduates with a major in Armenian, Czech, Russian and Slovak philology have the necessary qualification for teaching the language. The periodical report further refers to the amendment to the 2009 Regulation of the Ministry of National Education on teacher training units (see paragraph 129).

781. There is no specific information concerning the training of teachers for Romani, Tatar or Yiddish. These languages are also not taught in the regular education system. The Tatar speakers informed the Committee of Experts that the lack of teachers is one of the most important difficulties in further developing the teaching of any of the languages. With respect to further training, the Committee of Experts has not been informed of specific activities concerning any of the languages.

782. The Committee of Experts considers this undertaking not fulfilled. It urges the Polish authorities to provide the basic and further training of the teachers required for the provision of education in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish at pre-school, primary and secondary levels as well as teaching of these languages within technical and vocational education.

**i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.**

783. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to set up a supervisory body in charge of monitoring the measures taken and progress achieved in establishing or developing teaching in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish, and of drawing up public periodic reports.

784. According to the second periodical report, the Joint Commission monitors the developments in teaching regional or minority languages.

785. The Committee of Experts underlines that this undertaking requires a mechanism that monitors progress achieved in regional or minority language education and publishes periodical

reports. The reports should, *inter alia*, contain information on the extent and availability of teaching in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish, together with information on language proficiency, teacher supply and the provision of teaching materials. It does not appear that the monitoring carried out by the Joint Commission meets the required criteria.

786. The Committee of Experts considers this undertaking not fulfilled.

### **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

787. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Russian, and not fulfilled for Tatar. It asked for additional information regarding Czech and Slovak. As Armenian, Karaim, Romani and Yiddish are non-territorial languages, this provision is not applicable to them.

788. According to the second periodical report, outside Lesser Poland, Slovak is taught in the Silesia voivodship. Czech and Tatar are not at all taught in the Polish education system.

789. The Committee of Experts considers the undertaking fulfilled for Slovak and not fulfilled for Czech and Tatar.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

790. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to determine, in co-operation with the speakers, in what areas their languages are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts encouraged the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts (*powiaty*) and voivodships where the speakers are present in sufficient numbers.

791. There have been no developments in this respect. Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish are not in use in any municipality, as the respective minorities do not reach the 20% threshold. None of the minorities reaches the 10% threshold either.

792. The Committee of Experts reiterates<sup>23</sup> that the implementation of this provision to Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish in particular inevitably presupposes a reconsideration of the 20% or 10% thresholds, as well as the legal possibility for speakers of regional or minority languages of submitting oral or written applications in their languages also in relation to districts and voivodships. If thresholds based on relative numbers (percentages) cannot easily be applied, flexible measures should be taken “according to the situation of each language” (as required by the Charter *inter alia* in Article 10). Therefore, the Polish authorities should also determine what absolute “number of residents who are users of regional or minority languages” (Article 10) they consider sufficient to apply the undertakings under Article 10.2b to Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish in at least one municipality. The Committee of Experts refers to its previous evaluation report and notes, for example, that the highest share of Slovaks can be found in the municipalities of

<sup>23</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 584

Łąpsze Niżne, Nowy Targ and Bukowina Tatrzańska in the voivodship of Lesser Poland, Czech is concentrated in the municipality of Zelów (Łódź voivodship) and Russian in the Podlaskie voivodship.

793. The Committee of Experts considers this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It urges the Polish authorities to determine, in co-operation with the speakers, in what areas their languages are traditionally present in sufficient numbers for the purpose of the undertaking entered into by Poland under Article 10.2b, in all those cases not qualifying under the 20% threshold, and to apply Article 10.2b regarding the local and regional authorities concerned. Furthermore, the Committee of Experts urges the Polish authorities to provide the legal basis required for speakers of regional or minority languages to submit oral or written applications in their languages also in relation to districts/powiaty and voivodships where the speakers are present in sufficient numbers. The Committee of Experts underlines that individual and flexible measures need to be taken in order to make the provisions of the Charter operational for each of these languages.

**g** *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

794. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in these languages also regarding those local and regional authorities on whose territory the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish speakers do not attain the 20% threshold but represent nevertheless a sufficient number for the purpose of the present undertaking. The Committee of Experts encouraged the Polish authorities to adopt a flexible approach regarding place names in the regional or minority languages concerned, especially those with a delimited territorial basis (Czech, Russian, Slovak and Tatar).

795. There have been no developments in this respect. No additional place names in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish have been introduced.

796. The Committee of Experts reiterates<sup>24</sup> that the adoption of additional place names is a relatively simple promotional measure with a nevertheless considerable positive effect for the prestige and public awareness of a regional or minority language. This provision makes a distinction between the formal “adoption” of a place-name, which implies its use in official signage, and the mere “use” of such a name. Consequently, a state party may also consider promoting place names in regional or minority languages by using them in an appropriate way other than official place-name signs, provided that the language is in a weak situation justifying such “semi-official” use. For example, place names in regional or minority languages could be displayed on public signs for touristic or information purposes (e.g. welcome and farewell signs at the entrance and exit of a municipality) or in another emblematical form. Therefore, the Committee of Experts urges the Polish authorities to adopt a flexible approach regarding place names in the regional or minority languages concerned, especially those with a delimited territorial basis (Czech, Russian, Slovak and Tatar).

797. The Committee of Experts considers this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It urges the Polish authorities to allow and/or encourage the use or adoption of traditional and correct forms of place names in these languages, especially those with a delimited territorial basis (Czech, Russian, Slovak and Tatar).

### **Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

798. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Armenian, Romani and Russian and formally fulfilled for Czech, Karaim, Slovak, Tatar and Yiddish.

799. According to the second periodical report, as part of the 2014 campaign, brochures have been distributed to local authorities informing them, *inter alia*, about the rights of persons belonging to

<sup>24</sup> See 1st Report of the Committee of Experts on Poland, ECRML (2011) 5, paragraph 588

national or ethnic minorities to use and write their family and given names in their mother tongue, including when registering them in the civil status records and in identity documents.

800. The Committee of Experts received no information about the adoption of names in Czech, Karaim, Slovak, Tatar or Yiddish. It considers therefore the undertaking formally fulfilled for these languages.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

**a to the extent that radio and television carry out a public service mission:**

**ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;**

801. In the first evaluation report, the Committee of Experts considers this undertaking partly fulfilled in the field of television and not fulfilled in the field of radio for Russian or Romani. Regarding Armenian, Czech, Karaim, Slovak, Tatar and Yiddish, the Committee of Experts considered the undertaking not fulfilled. The Committee of Experts encouraged the Polish authorities to take flexible measures so that broadcasters offer programmes in these languages.

802. According to the second periodical report, Radio Opole and Radio Koszalin broadcast programmes in Romani. There is no mention of public television programmes in Romani. Local branches of the Polish television in Białystok and Olsztyn broadcast programmes in Russian. There are no public radio or television programmes in Armenian, Czech, Karaim, Slovak, Tatar or Yiddish.

803. The Committee of Experts realises that the undertaking is difficult to be fulfilled bearing in mind the situation of most of these languages. It, however, considers the undertaking not fulfilled. The Committee of Experts urges the Polish authorities to take flexible measures so that broadcasters offer programmes in these languages.

**b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;**

804. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of radio programmes in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish on a regular basis.

805. There are no private radio programmes in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

806. The Committee of Experts considers this undertaking not fulfilled.

**c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;**

807. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to encourage and/or facilitate the broadcasting of television programmes in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish on a regular basis.

808. There are no private television programmes in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

809. The Committee of Experts considers this undertaking not fulfilled.

**d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages**

810. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in these languages.

811. No audio or audiovisual works in Armenian, Czech, Russian, Slovak, or Tatar have been produced or distributed. The authorities provided financial assistance for the recording of songs in Romani and Polish, of memories of Roma, as well as for the audiovisual documentation of the international meeting of Romani bands "Romane Dyvesa". Support was also provided for a production of a recording containing, inter alia, two songs in Yiddish. A music recording and an animated film in four languages including Karaim have also been produced, but it is unclear whether the Polish authorities provided any support.

812. The Committee of Experts considers the undertaking fulfilled for Romani and partly fulfilled for Yiddish. It asks for more information on the audiovisual productions in Karaim. The Committee of Experts considers the undertaking not fulfilled for Armenian, Czech, Russian, Slovak or Tatar. It urges the Polish authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in these languages.

**e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or**

813. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to take flexible measures to encourage and/or facilitate the creation and/or maintenance of at least one weekly newspaper in each of these languages.

814. Armenian is used in the *Awedis* magazine. Karaim is present in the *Awazymyz* quarterly and the yearly *Almanach Karaim*. Romani is used in the bimonthly *Romano Atmo-Cygańska Dysza* and the quarterly *Dialog-Pheniben*. There is a bimonthly in Russian, *Zdrawstujtie*, and the language is also used in the monthly *Sami o sobie*. There is a monthly in Slovak, *Život*. Yiddish is used in the monthly *Dos Jidisze Wort – Słowo Żydowskie*.

815. The Committee of Experts finds the practice of publishing periodicals for minorities commendable. However, these publications cannot be considered newspapers in the sense of this undertaking. Furthermore, it is not clear to the Committee of Experts to what extent the content is actually written in these languages.

816. The Committee of Experts considers this undertaking not fulfilled.

**f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

817. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to apply existing measures for financial assistance also to audiovisual productions in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish.

818. According to the second periodical report, short videos, in which Karaim is used, have been produced in the framework of projects commissioned by the Ministry of Foreign Affairs and the Ministry of Culture and National Heritage.

819. The Committee of Experts underlines that Article 11.1.f refers to general schemes for providing financial assistance to all audiovisual productions in Poland, which have to be applied also to audiovisual productions in regional or minority languages (see paragraph 167).

820. The Committee of Experts asks the Polish authorities to clarify whether there have been any audiovisual productions in Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish financed through general schemes open to all audiovisual productions in Poland.

**g** *to support the training of journalists and other staff for media using regional or minority languages.*

821. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to support the training of journalists and other staff for media using Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

822. The second periodical report refers to courses organised by the National Broadcasting Council and to the International Education Centre run by the Foundation “Nasza Przyszłość” in Białystok (see paragraph 170). No specific information concerning Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish is provided. It is also unclear how the courses are designed in order to address the specific needs of journalists using regional or minority languages in the media.

823. The Committee of Experts cannot conclude on the fulfilment of this undertaking. It asks the authorities to provide specific information on any structured training of journalists and other staff for media using Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It also asks the authorities clarify how the International Education Centre mentioned above caters for the needs of journalists and other staff for media using these languages.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

824. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to clarify whether the interests of the users of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish are represented or taken into account within programming councils.

825. According to the second periodical report, a draft amendment to the Act on National and Ethnic Minorities and the Regional Language foresees that the National Broadcasting Council is required to “include candidates of minority organisations when appointing programming boards”. Currently, the Russian speakers are represented in the programme board of Radio Białystok and of the local Białystok branch of Telewizja Polska. The Joint Commission, where speakers of all regional or minority languages are represented, holds meetings with the National Broadcasting Council, where it can raise issues and present needs regarding minority language broadcasts.

826. The Committee of Experts asks the Polish authorities to provide information on further developments concerning the draft amendment about minority representation on the programming boards and on how the interests of the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish speakers are represented or taken into account.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

**a** *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

827. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Yiddish and not fulfilled for Tatar. With regard to Armenian, Czech, Karaim, Romani, Russian and

Slovak, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and asked the Polish authorities to provide further information.

828. According to the second periodical report, the Ministry of Administration and Digitisation, supports projects promoting regional or minority languages and different types of expression in these languages. With respect to Armenian, the Polish authorities have provided financial assistance for the creation of a website containing education materials and information and of a calendar promoting Armenian history and traditions as well as for the organisation of "Saturday language and culture schools" (language courses).

829. As far as Czech is concerned, Czech language courses, a festival of theatre for children, presentations of Czech fairy tales and films, and literary meetings were supported.

830. With respect to Karaim, the Polish authorities provided financial assistance to the publication of a book, to an exhibition and accompanying events running from 2011-2014, to a conference and a concert.

831. The publication of a comic in Romani about the history of Roma has been supported.

832. As far as Russian is concerned, a song book, the acts of a bilingual conference and the creation of a bilingual website received financial assistance.

833. For Slovak, literary competitions for youth, a theatre play, Slovak courses and recitation events have been supported by the Polish authorities.

834. The Committee of Experts considers the undertaking fulfilled for Armenian, Czech, Karaim, Romani, Russian and Slovak and not fulfilled for Tatar.

***b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

835. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

836. According to the second periodical report, Armenian theatre plays have been translated into Polish for the theatre activities of the students of a "Saturday language and culture school". A bilingual Russian-Polish book has been published. A book for children containing poems in Yiddish translated also into Polish was also subsidised.

837. The Committee of Experts considers the undertaking fulfilled for Armenian, Russian and Yiddish and not fulfilled for Czech, Karaim, Romani, Slovak or Tatar.

***c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

838. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

839. According to the second periodical report, Polish theatre plays have been translated into Armenian for the theatre activities of the students of a "Saturday language and culture school". Polish fairy tales have also been translated into Armenian. A sonnets book has been translated into Crimean Tatar.

840. The Committee of Experts considers the undertaking fulfilled for Armenian and partly fulfilled for Tatar. It considers the undertaking not fulfilled for Czech, Karaim, Romani, Russian, Slovak or Yiddish.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

841. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

842. According to the second periodical report, Polish cultural institutions reflect and include regional or minority languages in their activities. The report refers to the centre *Pogranicze – Sztuk, Kultur, Narodów*, but it is not clear to the Committee of Experts which languages are covered by its activities.

843. The Committee of Experts is again not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide specific information on how the bodies responsible for cultural activities make appropriate allowance for the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages and cultures in their activities.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

844. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

845. According to the second periodical report, cultural institutions which organise activities addressed also to regional or minority language speakers have at their disposal staff mastering these languages. However, only for Yiddish an example is provided (the “Estera Rachel and Ida Kaminski” State Jewish Theatre in Warsaw).

846. The Committee of Experts considers the undertaking fulfilled for Yiddish. It asks the Polish authorities to provide, in the next periodical, examples of bodies responsible for organising or supporting cultural activities that have at their disposal staff who have a full command of Armenian, Czech, Karaim, Romani, Russian, Slovak or Tatar. Encouragement measures may include recruitment of cultural personnel for public cultural bodies, training of specialised cultural personnel, or special funding for posts that require knowledge of regional or minority languages.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**

847. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of the undertaking. It asked the Polish authorities to provide further information about the implementation of this provision.

848. According to the second periodical report, regional or minority language speakers are represented in the committee examining the applications for subsidies from the state budget for projects aimed at protecting and promoting the cultural identity of national and ethnic minorities and the regional languages.

849. However, the Committee of Experts was informed by regional or minority language speakers that the applications are assessed by a committee, where there are experts proposed by the minority representatives, but who do not belong themselves to any minority. The committee’s proposals are submitted to the Ministry of Administration and Digitisation, which decides how grants are distributed. This decision is then presented to the Joint Commission, which may issue an opinion.

850. The Committee of Experts asks the Polish authorities to clarify to what extent the regional or minority languages speakers are directly participating in planning cultural activities.

**g** *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

851. In the first evaluation report, the Committee of Experts asked for more information about the development of institutions responsible for the promotion of the culture of each of the minorities (Institutes of National and Ethnic Minorities and the Regional Language/Instytuty Mniejszości Narodowych i Etnicznych oraz Języka Regionalnego) and encouraged the Polish authorities to arrange for the functioning of such institutions in close co-operation with the regional or minority language speakers.

852. According to the second periodical report, no such Institutes have been established yet. The "Archbishop Josef Teodorowicz" Armenian Association in Poland has a book collection and an archive of journals and documents in Armenian. The Czech Cultural Centre in Zelow collects and presents Czech literature. The Polish Karaim Association has also a collection of manuscripts and old prints, old books and journals, and 19-20<sup>th</sup> century archives. There is a Romani Institute of History in Oswiecim and an Institute of Romani Memory and Heritage and Holocaust Victims in Szczecinek. The community centres run by the Slovak association, also collect and make available publications in Slovak. The Socio-Cultural Association of Jews in Poland runs a library containing works in Yiddish. The centre of documentation of the foundation Pogranicze – Sztuk, Kultur, Narodów gathers, inter alia, "library collections" in Russian. The National Library of Poland has the legal obligation to collect all works, including audio-visual, produced in Poland.

853. The Committee of Experts considers the undertaking fulfilled for Armenian, Czech, Karaim, Slovak and Yiddish, and partly fulfilled for Tatar. It encourages the Polish authorities to ensure the long-term functioning of the institution responsible for collecting, keeping a copy of and presenting or publishing works in Armenian, Czech, Karaim, Slovak or Yiddish. It asks for more specific information on activities relevant under this undertaking of the Romani Institute of History in Oswiecim and of the Institute of Romani Memory and Heritage and Holocaust Victims in Szczecinek or on other bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Romani. It also asks for more specific information on the "library collections" in Russian mentioned above or on other bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Russian.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

854. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to submit the relevant information about the implementation of this provision.

855. The second periodical report does not contain any specific information about the application of this undertaking.

856. The Committee of Experts is still not in a position to conclude on the fulfilment of the undertaking. It asks the Polish authorities to provide information on cultural activities and facilities in territories other than those where Czech, Russian, Slovak or Tatar are traditionally used. As Armenian, Karaim, Romani and Yiddish are non-territorial languages, this provision is not applicable to them.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

857. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for these languages and the cultures they reflect.

858. The second periodical report does not contain any specific information about the application of this undertaking to Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

859. The Committee of Experts considers this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It urges the Polish authorities to make appropriate provision, in pursuing their cultural policy abroad, for these languages and the cultures they reflect.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***

860. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Polish authorities to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish, at least between users of the same language.

861. According to the second periodical report, as part of the 2014 campaign, employers were informed, *inter alia*, that it is forbidden to insert in their internal regulations and private documents any clauses excluding or restricting the use of regional or minority languages.

862. The Committee of Experts asks the Polish authorities to clarify whether Polish legislation explicitly prohibits the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

863. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Polish authorities to report, in the next periodical report, about how they oppose with specific measures practices designed to discourage the use of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish in connection with economic or social activities.

864. The second periodical report refers to the 2014 campaign, which informed employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities the about the right to freely use one's mother tongue in public and in private, to distribute and exchange information in this language and to display information of a private nature in a regional or minority language.

865. The Committee of Experts considers the undertaking fulfilled. It, nevertheless asks the Polish authorities to provide information on the activities of the Ombudsman in opposing practices designed to discourage the use of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish in connection with economic or social activities.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.***

866. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish. It encouraged the Polish authorities to facilitate and/or encourage the use of these languages in economic and social life.

867. The second periodical report refers to the 2014 campaign, when the authorities have requested employers' organisations, local authorities, and representatives of voivodship governors for national and ethnic minorities to support the use of regional or minority languages in public life. They

have also addressed minority organisations, encouraging their members to make use of their rights, including in the economic and social area.

868. The Committee of Experts notes the very limited use of regional or minority languages in public life, including economic and social life.

869. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to take further measures facilitating the use of regional or minority languages. Such measures could consist, for example, of facilitating and/or encouraging the use of the regional or minority languages on signs on buildings, in railway stations or airports, the use of bilingual brochures in tourism, in museums, giving awards to companies that are effectively using the regional or minority language, etc.

## **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

870. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

871. The second periodical report refers to the 2014 campaign, which informed local authorities and representatives of voivodship governors for national and ethnic minorities about the possibility of displaying, in addition to the Polish text, names of institutions and information in the regional or minority language in public offices, public services and public transport in municipalities where regional or minority language speakers live in substantial numbers. Local offices have displayed names in Czech.

872. The Committee of Experts notes, however, the very limited use of regional or minority languages in the public sector. It reiterates that this undertaking deals with public enterprises such as the railway, urban transport, electricity, water and gas, cleaning and sanitation, telephone services, refuse collection and disposal, sporting facilities or entertainment venues. Moreover, no specific information has been provided about the application of this undertaking to Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar or Yiddish.

873. In light of the 2014 campaign, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Polish authorities to follow up the 2014 campaign with a view to increasing the use of Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish in the economic and social sectors directly under their control and to report about it in the next periodical report.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

874. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled for Czech, Russian and Slovak. It asked for further information regarding Armenian, Karaim, Romani, Tatar and Yiddish. The Committee of Experts encouraged the Polish authorities to apply this provision to Armenian, Karaim, Romani, Tatar and Yiddish. Furthermore, it asked the Polish authorities to comment on problems of co-operation with the Slovak authorities in the field of education.

875. According to the second periodical report, the Polish authorities granted financial support for the organisation of summer camps for Karaim children in Lithuania. A youth camp for Tatars from Poland, Lithuania and Belarus has also been organised with support from the Polish authorities. It is

not clear, however, whether this actually concerns the application of bilateral agreements with these countries.

876. As far as co-operation with Slovakia in the field of education is concerned, the second periodical report indicates that the recognition of secondary education certificates and diplomas require legalisation according to the procedures valid in each country. They are considered equivalent on the basis of the relevant bilateral agreements. Teacher training is also a subject of co-operation on the basis of bilateral agreements.

877. The Committee of Experts considers the undertaking fulfilled for Slovak. It asks for further information on Armenian, Karaim, Romani, Tatar and Yiddish.

***b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

878. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled for Armenian, Karaim, Romani, Tatar or Yiddish. It encouraged the Polish authorities to apply this provision to these languages. Furthermore, it asked the Polish authorities to clarify the practical implementation of this provision regarding Czech, Russian and Slovak.

879. The second periodical report does not contain any specific required information.

880. The Committee of Experts considers this undertaking not fulfilled for Armenian, Karaim, Romani, Tatar or Yiddish. It urges the Polish authorities to apply this provision to these languages. Furthermore, it asks the Polish authorities to provide practical examples of the implementation of this provision regarding Czech, Russian and Slovak.

## Chapter 4 Findings of the Committee of Experts in the second monitoring cycle

A. The Committee of Experts expresses its gratitude to the Polish authorities for the active and fruitful co-operation it enjoyed during the preparation and carrying out of the on-the-spot visit. It would also like to thank the minority associations for their participation and the valuable information and opinions they have provided.

B. There is a legal framework in place protecting minorities and regional or minority languages and the authorities have prepared several amendments in order to improve it. The Polish authorities also show an increased willingness to fund activities related to the protection and promotion of regional or minority languages. For example, there has been progress with regard to the support given to the production of audio-visual works in regional or minority languages. Furthermore, there is a well-functioning mechanism ensuring dialogue between the central authorities and the representatives of minorities.

C. In the ratification instrument, Poland chose the same undertakings for all its recognised regional or minority languages under Part III of the Charter. However, the situation of the languages covered by the Charter varies considerably, giving rise to a number of problems in relation to its implementation. Some of the languages are used by a large number of people who are concentrated in particular geographical areas where their speakers make up a considerable share and/or constitute the majority of the local population (**Belarusian, German and Lithuanian**). Poland also still has to make significant efforts to live up to the undertakings chosen as far as the **Kashub, Lemko and Ukrainian** languages are concerned. However, there is a potential to apply the undertakings chosen by Poland in the medium term. At present, a significant gap still exists between the level of commitment under the Charter and the current level of protection of these languages.

D. The decision by Poland to apply Part III to **Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish** was, in light of their situation, a very ambitious step and a strong commitment. However, the legal obligations entered into by Poland under the Charter need to be implemented in practice, taking account of the situation of each language. Individual and flexible measures need to be taken in order to make the provisions of the Charter operational. The Polish authorities should set up a mid-term strategy in order to take steps in the direction of the implementation of the Polish ratification of the Charter, in co-operation with the representatives of the speakers.

E. A more proactive stance from the central authorities is necessary to ensure Poland's compliance with its undertakings ensuing from the Charter. In particular, the adoption of a comprehensive language strategy and corresponding measures in areas such as education, administration and the media would promote the effective implementation of the Charter's provisions in Poland.

F. A campaign promoting the use of regional or minority languages in public life (education, administrative authorities, economic and social life) was carried out at the end of 2014 and the beginning of 2015. The Committee of Experts welcomes the initiative and expects that the Polish authorities will further develop it and ensure an adequate follow-up.

G. There is still a need for improvement in the field of awareness-raising about regional or minority languages, in particular concerning mainstream education and the mass media. There have been expressions of negative attitudes towards minorities and the public use of regional or minority languages. Further efforts are needed from the Polish authorities to take an active stand against expressions of intolerance and to raise awareness in the Polish public as a whole about the regional or minority languages as an expression of Poland's cultural wealth. The Committee of Experts underlines that as part of the Roma integration process, their language and cultural heritage need to be taken into account.

H. There is a need for more awareness-raising about the virtues of regional or minority language education and the benefits of multilingualism. Poland should continue to actively promote regional or minority language education among families and pupils.

I. The funding for regional or minority languages education provided by the central authorities to the local authorities seems to suffice, but at the level of the local authorities, this earmarked funding does not fully seem to be allocated to minority language education. There is a need for transparency in the subsidies system.

J. In the field of education, Poland ratified the highest undertakings according to which education needs to be made available predominantly in the regional or minority language as a language of education at pre-school, primary school and secondary school levels. However, such education exists only for **Lithuanian**. Some bilingual education exists in **German** and **Ukrainian**, but it is very limited compared to the situation and the potential of these languages. For the other languages, education in regional or minority languages is non-existent. Despite their high number of speakers, **Belarusian** and **Kashub** are only taught as subjects. Furthermore, the requirement that applications by a certain number of families have to be renewed every year creates instability with regard to the continuity of regional or minority language education. In addition, there is a lack of textbooks and other teaching materials adapted to the New National Core Curriculum.

K. Apart from **Lithuanian**, there is no basic or further teacher training enabling teachers to teach subjects in regional or minority languages. The lack of such teachers affects, in particular, the **Belarusian**, **German**, **Kashub**, **Lemko** and **Ukrainian** languages, whose speakers are sufficiently concentrated to justify education in these languages.

L. With regard to administrative authorities, Polish legislation limits the possibility of using a regional or minority language in contacts with the authorities of municipalities and puts a legal obligation on the adoption of place names in such languages to municipalities where persons belonging to the respective minority or the Kashub linguistic group make up at least 20% of the population. However, the 20% threshold deprives the regional or minority languages of protection in a considerable number of the geographical areas where their speakers are traditionally present and where they constitute a substantial number for the purpose of the Charter. Amendment proposals foresee a lowering of the threshold to 10%, but they are still under debate. The Committee of Experts underlines that the provisions under Article 10 apply also to those local and regional authorities where the regional or minority language speakers do not attain the 20% threshold but represent nevertheless a sufficient number of speakers for the purpose of the undertakings concerned. Furthermore, there exists still no legal possibility for speakers of regional or minority languages of submitting oral or written applications in their languages in relation to districts/*powiaty* (local authorities) and voivodships/*województwa* (regional authorities), as required by Article 10.2.

M. In the field of public broadcast media, Poland undertook to encourage and/or facilitate the creation of at least one radio station and one television channel in each of the regional or minority languages. However, no radio station or television channel exists in regional or minority languages exist. Even for languages in a relatively favourable situation such as **Belarusian**, **German**, **Kashub**, **Lemko**, **Lithuanian** and **Ukrainian**, only radio and television *programmes* are broadcast. While private radio programmes are broadcast only in **Belarusian**, **German** and **Kashub**, private television programmes exist only for **Kashub**. Newspapers exist only for **Belarusian**, **German** and **Ukrainian**.

N. In the field of cultural activities and facilities, the authorities subsidise projects submitted by minority associations. However, the existing grant system does not ensure the continuous functioning of cultural institutions, and a more stable and long-term solution needs to be identified in order to allow for the development of minorities' cultures.

O. Regional or minority languages are only to a very limited extent present in economic and social life. Further efforts are needed from the Polish authorities to encourage their use in this sector and more generally in public life.

The Polish government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Poland. At the same time it emphasised the need for the Polish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1242<sup>nd</sup> meeting on 1 December 2015, the Committee of Ministers adopted its Recommendation addressed to Poland, which is set out in Part B of this document.

## Appendix I: Instrument of Ratification



**Poland:**

### **Declaration contained in the instrument of ratification deposited on 12 February 2009 - Or. Engl.**

The Republic of Poland declares that it shall apply the Charter in accordance with the Act on national and ethnic minorities and on regional language, dated 6 January 2005.

**Period covered: 1/6/2009 -**

The preceding statement concerns Article(s) : 1

### **Declaration contained in the instrument of ratification deposited on 12 February 2009 - Or. Engl.**

The Republic of Poland declares, in accordance with Article 3, paragraph 1, of the European Charter for Regional or Minority Languages that, within the meaning of the Charter, minorities languages in the Republic of Poland are: Belarusian, Czech, Hebrew, Yiddish, Karaim, Kashub, Lithuanian, Lemko, German, Armenian, Romani, Russian, Slovak, Tatar and Ukrainian.

The regional language is the Kashub language. The national minorities languages are Belarusian, Czech, Hebrew, Yiddish, Lithuanian, German, Armenian, Russian, Slovak and Ukrainian. The ethnic minorities languages are Karaim, Lemko, Romani and Tatar. The non-territorial languages are Hebrew, Yiddish, Karaim, Armenian and Romani.

**Period covered: 1/6/2009 -**

The preceding statement concerns Article(s) : 3

### **Declaration contained in the instrument of ratification deposited on 12 February 2009 - Or. Engl.**

The Republic of Poland declares, in accordance with Article 2, paragraph 2 of the Charter, that the following provisions of Part III of the Charter will be applied for the languages listed above:

#### Article 8

Paragraph 1 a (i), b (i), c (i), d (iii), e (ii), g, h, i,  
Paragraph 2;

#### Article 9

Paragraph 2 a;

#### Article 10

Paragraph 2 b, g,  
Paragraph 5;

#### Article 11

Paragraph 1 a (ii), (iii), b (ii), c (ii), d, e (i), f (ii), g,  
Paragraph 2,  
Paragraph 3;

#### Article 12

Paragraph 1 a, b, c, d, e, f, g,  
Paragraph 2,  
Paragraph 3;

Article 13

Paragraph 1 b, c, d,  
Paragraph 2 b;

Article 14

Subparagraphs a, b.

**Period covered: 1/6/2009 -**

The preceding statement concerns Article(s) : 2

## Appendix II: Comments from the Polish authorities

In connection with drawing up by the Committee of Experts of the European Charter for Regional or Minority Languages of the report for the Committee of Ministers of the Council of Europe on the implementation by the Republic of Poland of the provisions of the Charter, pursuant to Article 16(3) of the Charter, the Polish Government presents the following information.

### Chapter 1 Background information

Ad 4.

We may not agree with the argument that „Great discrepancies exist between census data and other types of national statistics on the number of speakers for all regional or minority language groups. This opens up problems both for the monitoring of the application of the Charter and its very implementation.” Such discrepancies do not exist and the Committee of Experts has not submitted any reliable data that the reverse is true.

Ad 8.

It should be noted that there are no thresholds in relation to determining additional names of places or physiographic objects in a minority or regional language. An additional name of place or physiographic object may be determined, if determining such a name has been supported during consultation by more than half of the inhabitants participating in consultation. Consultation is not required if the number of the inhabitants of a municipality belonging to a minority or community using a regional language is at least 20%.

Ad 29.

It should be pointed out that Poland conducts a dialogue with all minority and regional language speakers.

Ad 33.

The Committee of Experts wrongly interpreted the data it had been provided with. The press edition, which it mentions in the report, is not individual but total. Similarly, in case of addressees, one person could have been the addressee of several projects. In this situation, this person was counted several times. However, it should be ensured that the data regarding the addressees of the projects, invoked by the Committee of Experts, shall be taken into account when deciding on the minority and regional languages.

Ad 34.

There are no differences on the figures between the National Statistical Office and the Ministry of Administration and Digitization. Pursuant to the Act on public statistics, official statistical data are the data determined by the National Statistical Office and these data are used by the Ministry of Administration and Digitization. Affiliations to the national and ethnic and to communities using a regional language were declared during the national census by 394,332 persons.

In accordance with the arrangements with the Joint Commission of the Government and National and Ethnic Minorities, the National Statistical Office recognizes a person belonging to a national or ethnic minority as a person who, in responding to at least one of two questions about the nationality, declared affiliation to a national or ethnic minority. In accordance with these arrangements, also persons who declared Polish nationality in the first place, in case where, in responding to the second question about the nationality they mentioned the minority nationality, have been included into national or ethnic minorities.

Ad 36.

The concerns presented in this point are completely groundless. The Committee of Experts did not provide any single example which would justify this type of presumptions. The threshold of 20%

mentioned in the report does not affect the organization of teaching the language of national and ethnic minorities and regional language.

Ad 37.

It should be stressed that the only official statistical data are the data of the National Statistical Office. There is also no need to complement the census data with other data. They would certainly be less reliable.

Ad 41, 111, 114, 117, 120, 224, 228, 233, 337, 340, 343, 448, 451, 454, 457, 654, 657, 660, 760, 765, 770, 771.

The Polish State provides legal and financial possibilities for such education. The practical use of these possibilities depends entirely on minority and regional language speakers.

Ad 42 and 62.

Recently, the special working group of the Joint Commission of the Government and National and Ethnic Minorities has developed a plan for issuing missing textbooks for the years to come. It consists of the representatives of the Government administration and of national and ethnic minorities.

Ad 52.

The representatives of the regional or minority languages speakers were kept informed of the course of the preparations for a campaign within the framework of the Joint Commission of the Government and National and Ethnic Minorities. In connection with the completion of the campaign in the first half of this year, it is difficult to assess to what extent the knowledge about the provisions of the European Charter for Regional or Minority Languages increased.

Ad 71.

In this point, the Committee of Experts lists situations that did not take place ("vandalism on Orthodox church sites", "opening new classes where German is taught, regularly meets with the reluctance or unwillingness of local authorities"), or treats individual situations as permanent phenomena ("Bilingual place-name signs in all regional or minority languages are recurrently sprayed over"). Generalizations adopted on this basis ("recurring incidents point to the lack of tolerance and of a favorable atmosphere towards regional or minority languages and their speakers") should be recognized as groundless.

Ad 75.

The parents' decision on the choice of the education model for their child is a sovereign decision, and in matters relating to the choice of how to maintain their linguistic and cultural identity (which is connected with the choice of the language teaching model) any interference on the part of the authorities is legally unwarranted. The authorities may only apply the incentive measures by implementing system solutions, which is not noted properly by the Committee of Experts. The actual lack of kindergartens or schools teaching minority and regional languages, resulting from the lack of persons willing to learn language in such form, cannot constitute a basis for an allegation that the Polish authorities fail to meet the undertakings with regard to implementing the provisions of the European Charter for Regional or Minority Languages. This is only a basis to state that there are no such schools, despite the legal and financial possibility of creating them. In fact, it is not possible to make the school available when there are no students and parents are not interested. In the Polish legislation, each school is required to organize minority language education at the request of the parents.

Ad 78.

The Committee of Experts does not prove the argument that "local authorities seem unprepared, and in some cases unwilling to organize regional or minority language education".

Ad 80.

In order to find solutions to improve the current financing system of education for national and ethnic minorities and regional language, Joint Commission of the Government and National and Ethnic Minorities set up a working group for financing of educational tasks aimed at maintaining the national, ethnic and language identity. It consists of the representatives of the Government administration and of national and ethnic minorities.

Ad 83.

Introducing the recommendations of the Committee of Experts could hinder the development of minority and regional languages education would be in contradiction with the principles of the Charter. It also would violate the principles of self-government and the applicable Polish legal regulations.

Ad 105.

It is not true that the developed principles of functioning of the Institutes of National and Ethnic Minorities envisaged their financing by the state only in 50%. In fact, the project envisaged that they would be financed from public funds but revenue of the Institutes “may be also income from pursuing own activities, other grants, donations, revenue from renting and leasing of assets”. In addition, the project envisaged that the competition jury selecting directors of the Institutes would consist of “in equal numbers: the representatives of the Minister and the representatives of the minorities”.

Ad 126, 459, 239 665 and 777.

Participation in learning own history and culture for students learning the minority language is not voluntary – submitting an application regarding participation in learning a minority language automatically includes also obligatory participation in learning own history and culture of the minority.

Ad 133-135.

The monitoring system of the *Education development strategy of the Belarusian minority in Poland* provides for the right way of monitoring of progress achieved in teaching the Belarusian language as a minority language. The minutes of the monitoring meetings are always published on the Internet.

Ad 142-143.

The Committee of Experts itself notes that “Polish legislation permits the use of a regional or minority language in contacts with the local authorities of municipalities”. It also notes that the Belarusian language “may be used in contacts with local authorities in five municipalities”. In this situation, we may not agree that the obligation to provide Belarusian language speakers with the possibility of submitting oral or written requests in this language has not been fulfilled.

Ad 145.

The sentence “There is no legal possibility for the Hajnówka, Bielsk, Białystok, Siemiatycze, Sokółka districts, and the Podlaskie voivodship of adopting their Belarusian names” is untrue. In all villages located in these districts in and in the entire Podlaskie voivodeship there is a possibility of introducing additional names in Belarusian, should such will be expressed, during consultation, by more than half of the inhabitants of the village, whose Polish name is to be accompanied by an additional name.

146.

The described incident took place in May 2012, and has not repeated since then.

Ad 163.

Support for the weekly “Niva” has remained at the unchanged level for years.

Ad 192, 309, 418, 552, 623, 727, 849.

The Ministry of Administration and Digitization respects any candidature of the minority party of the Joint Commission of the Government and National and Ethnic Minorities, meeting the criteria established by the Joint Commission. The issue of their national affiliation is not examined by the Ministry, and the

decision on the nationality of the representative of the minority party of the Joint Commission is made by the Commission itself.

246-248.

The monitoring system of the *Education development strategy of the German minority in Poland* provides for the right way of monitoring of progress achieved in teaching the German language as a minority language. The minutes of the monitoring meetings are always published on the Internet.

254-255.

The Committee of Experts itself notes that “Polish legislation permits the use of a regional or minority language in contacts with the local authorities of municipalities”. It also notes that the German language “may be used in contacts with local authorities in 22 municipalities”. In this situation, we may not agree that the obligation to provide German language speakers with the possibility of submitting oral or written requests in this language has not been fulfilled.

356.

Since the last year, ethno-philology has been made available at the University of Gdańsk.

389.

In the recent years, *inter alia*, in connection with financial incentives on the part of the Polish authorities, “Pomerania” has changed its nature – from the magazine issued mainly in Polish, it has turned into the bilingual magazine. The Committee of Experts did not note that evolution.

568-570.

The monitoring system of the *Education development strategy of the Lithuanian minority in Poland* provides for the right way of monitoring of progress achieved in teaching the Lithuanian language as a minority language. The minutes of the monitoring meetings are always published on the Internet.

575-575.

The Committee of Experts itself notes that “Polish legislation permits the use of a regional or minority language in contacts with the local authorities of municipalities”. It also notes that the Lithuanian language “may be used in contacts with local authorities in Puńsk”. In this situation, we may not agree that the obligation to provide Lithuanian language speakers with the possibility of submitting oral or written requests in this language has not been fulfilled.

578.

The sentence “There is no legal possibility for the district of Sejny or the Podlaskie voivodship of adopting their Lithuanian names” is untrue. Both in Sejny and in the entire Podlaskie voivodeship, there is a possibility of introducing additional names in Lithuania, should such will be expressed, during consultation, by more than half of the inhabitants of the village, whose Polish name is to be accompanied by an additional name.

586.

There are no counterindications to broadcasting radio programs in Lithuanian. The rules for the granting of subsidies encourage to submit applications for such tasks, but so far the representatives of the Lithuanian minority have not submitted such applications.

672-674.

The monitoring system of the *Education development strategy of the Ukrainian minority in Poland* provides for the right way of monitoring of progress achieved in teaching the Ukrainian language as a minority language. The minutes of the monitoring meetings are always published on the Internet.

683.

In all villages, should such will be expressed, during consultation, by more than half of the inhabitants of the village, whose Polish name is to be accompanied by an additional name, it is possible to introduce additional names in Ukrainian. Persons belonging to the Ukrainian minority were informed of that possibility and encouraged to make use of it in the course of the campaign carried out by the Ministry of Administration And Digitization.

693.

There are no counterindications to broadcasting radio programs in Ukrainian. The rules for the granting of subsidies encourage to submit applications for such tasks, but so far the representatives of the Ukrainian minority have not submitted such applications.

797.

In all villages, should such will be expressed, during consultation, by more than half of the inhabitants of the village, whose Polish name is to be accompanied by an additional name, it is possible to introduce additional names in the national, ethnic or regional minority language.

805.

There are no counterindications to broadcasting radio programs in a national or regional minority language. The rules for the granting of subsidies encourage to submit applications for such tasks.

Ad 3.1.I

It should be noted that for education, no specific grants but subsidies are granted. From the point of view of the promotion of minority and regional languages, this solution is extremely beneficial, as it makes the local authorities interested in introducing and maintaining education in these languages. This solution should be considered as a model from the point of view of the promotion of the objectives pursued by the European Charter for Regional or Minority Languages.

Ad 3.1.J

Information about the requirement for the annual submission of applications by the parents is untrue. There is no such requirement – application submitted once relates to the entire period of the student's stay in a given school, which ensures the stability of his/her language and cultural education.

Ad 3.1.N.

We could not agree with the claim that “the existing grant system does not ensure the continuous functioning of cultural institutions”. The Committee of Experts did not take into account the specific nature of the applicable system, which is fundamentally different from the classic grant system, as it takes into account the specific situation of national and ethnic minorities, the principle of consensus and cooperation of the minority party with the Government administration. Consideration should be given to the practice and traditions associated with the applicable system. Its practical functioning provides the continuity of projects that have worked and have a long-term tradition.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Poland**

### **Recommendation CM/RecChL(2015)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Poland**

*(Adopted by the Committee of Ministers on 1 December 2015  
at the 1242nd meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Poland on 12 February 2009;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Poland;

Bearing in mind that this evaluation is based on information submitted by Poland in its initial periodical report, supplementary information given by the Polish authorities, information submitted by bodies and associations legally established in Poland and the information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Polish authorities on the contents of the Committee of Experts' report;

Recommends that the Polish authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. strengthen efforts to promote awareness and tolerance in Polish society as a whole vis-à-vis regional or minority languages and the cultures they represent;
2. make available education in Belarusian, German, Kashub, Lemko and Ukrainian as a medium of instruction at pre-school, primary and secondary levels;
3. provide updated textbooks and other teaching materials for regional or minority language education in accordance with the New Core Curriculum and the basic and further training of a sufficient number of teachers who are able to teach subjects in Belarusian, German, Kashub, Lemko and Ukrainian;
4. take measures to strengthen the offer of broadcasting in all regional or minority languages;
5. reconsider the application of the 20% threshold with regard to the undertakings in Article 10 and create the legal possibility of submitting oral or written applications in the regional or minority languages also in relation to districts and voivodships;
6. establish, in close co-operation with the speakers concerned, a structured policy and take flexible measures facilitating the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages.