

Compilation of comments submitted to the 1st Report for the Secretary General of the Council of Europe on Implementation by the Republic of Poland of the European Charter for Regional or Minority Languages which have not been included in the main text of the Report

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A. Comments

“Through the additional comments which are compiled and included in the presentation prepared for the session of the Joint Commission of the Government and National and Ethnic Minorities on 12 May 2010 (during which there was not enough time for the presentation and discussion) let me express my opinion as a person who for many years (since 1998) has actively been observing the process of the preparation, popularisation, implementation and the monitoring of the *European Charter for Regional or Minority Languages* (hereinafter referred to as the Charter) by the Council of Europe, and also as an expert (independent) of this organisation during the preparation and ratification processes in its several Member States.

The first report (hereinafter referred to as the Report) for the Secretary General of the Council of Europe on implementation by the State-party of the provisions of the Charter is an especially significant stage in the monitoring process, because it allows to assess both the attitude of the State-party to the fundamental subject of the provisions laid down in the Charter – to regional or minority languages and multilingualism as an element of nationwide and Europe-wide wealth and heritage, to produce the first evaluation of the commitments which have been made and the actions taken for this purpose, as well as to perceive and – given goodwill on the part of the State-party – take actions aimed at improving shortcomings noticed during the first year of their implementation and operation.

At the beginning, once again there should be emphasised the totally innovative character of the Charter as the Europe-wide instrument supporting language and cultural diversity of the Continent through the creation of a universal list of actions which could replace the current limited anti-discriminative attitude with actions promoting languages, inspiring and which have the character of free, on the part of the (authorities of the) State, positive discrimination of the indigenous languages used on its territory.

This innovative character of the Charter after a year from its ratification by the Republic of Poland does not seem to be noticeable or recognised.

This can be observed e.g. in wording of the Report such as “... ratification of the European Charter (...) was another stage of the actions aimed at binding the Republic of Poland with conventions regulating the rights of people belonging to national minorities”. As is well known, the Charter does not grant any rights to people who belong to any minorities, including national minorities. This fragment shows that in Poland the Charter is understood as a form of international secondary legal basis of the national legislation concerning the rights of people who belong to minorities (however, not only national, because there were also mentioned ethnic minorities and a regional language), and not as a voluntary commitment to the support of the development of languages and the promotion of multilingualism. Therefore, in Poland there cannot be observed an intention of separating the protection and reinforcement of the endangered languages (due to being minority languages) from political

(individual and group) rights of national minorities – to the last ones, in fact, was designed the ratification of the *Framework Convention for the Protection of National Minorities*.

The Charter in the Republic of Poland – from a perspective of the observation of the ratification process and about a year of its functioning – does not have a dynamic character, e.g. because it almost completely copies the provisions of the *Act on national and ethnic minorities and on regional language*. Effectiveness of the Charter's instruments decreased through granting to all languages (and even minorities not using their ethnic languages any more, as in the case of the mentioned "language of the Tatar minority" being a complete linguistic novelty) the same provisions of the Charter, despite the fact that its instruments allow to adopt more general requirements in relation to all minority or regional languages (in part II) as well as detailed and more far-reaching solutions (in part III) in relation to languages with a better ecolinguistic position, whose fields in which the languages are used could be enhanced and extended by the supporting actions of the State. Such a static and non-differentiated adoption of the Charter shall certainly encounter a critical approach of the Committee of Experts – as, so far, it has been e.g. in the case of Croatia.

Therefore, you can say that the *Charter* ratified in Poland has not added values other than the ones introduced through the *Act on national and ethnic minorities and on regional language*. It was the Act that introduced the completely new, by far pro-ecolinguistic and promoting multilingualism, solutions to Polish public life (the most significant of them is the concept of auxiliary languages in the administrative life, and in particular in the public environment – in the form of bilingual place names). So far, the Charter has not contributed to the enhancement of these processes, although an intention of its authors and the Council of Europe was to make it a catalyst of novel, dynamic changes making the States-parties patrons of multilingualism and active protectors of the endangered national and regional languages.

Here, there should be mentioned one more terminological mistake made during the ratification of the Charter: the English original of the Charter (Article 10.2. g) applies the term "place names" (i.e. "nazwy miejscowe" [names referring to places]), whereas the Polish translation exclusively uses the term "names of places" ["nazwy miejscowości"] (another original French version of the Charter includes an even wider term – "Toponyms"). The too narrow (because too narrowly translated) understanding of the provisions of the Charter has already resulted in an aggressive media campaign (including the public media) towards a representative of the German minority who on their own territory in Dobrodzień/Guttentag used a street name in the Polish and German languages.

Among the definitely innovative and positive solutions created and implemented through the Act of 2005 (and only repeated in the Charter) is also, certainly, the granting to the Kashubian language the status of a regional language in Poland. The introduction to Polish nomenclature of the term: a *regional language*, despite some terminological and legal uncertainties, is more and more often a reference point of such language communities as Latgalian in Latvia, vöro-seto in Estonia, Piedmontese, Lombard, Venetian in Italy, Walloon in Belgium and France, Asturian and Aragonese in Spain or even Megrelian and Svan in Georgia, although among all of them the Kashubian language has the strongest position.

Here there should be emphasised the dynamic character of the Charter and the possibility of another opening of the ratification process with regard to minority or regional languages which are really used on the territory of the State-party and so far not considered in the ratification instrument (as e.g. the Vilamovian language which is still used in Wilamowice in Bielski Poviát by more people than the Karaim language, "Armenian", "Tatar", or "Silesian" – whose status and future should finally be discussed on the basis of a dialogue of all interested parties), which is shown in reports concerning the mechanisms of the Charter, as

e.g. the scenario of the public discussion about the status of language types taking into account the primary aim of the Charter – the protection of the diversity of languages:

“– a serious, documented discussion with the participation of all interested parties, the preparation and conduct of which is within the obligations of the State;

- research on the feeling (subjective) of language identity of users;

- objective reports of specialists and informing language users about them;

- if after such a campaign the feeling of language users remains different – it should be taken into consideration (Woehrling, Jean-Marie 2005. *The European Charter for Regional or Minority Languages. A critical commentary*. Strasbourg: Council of Europe. Page 63)".

The mechanism of the ratification of the Charter also provides the possibility of increasing the commitments of the State towards its minority or regional languages (it is impossible to decrease them), although this with regard to Poland shall not happen, due to the fact that some of the accepted, by now, commitments already surpass the actual state of languages (i.e. the commitment to the assurance of education on all levels, not carrying out towards almost all minority languages / a regional language, and completely unfeasible with regard to e.g. the “Tatar” language or the “Armenian” language).

In Poland the Charter is definitely poorly publicised (promoted) as an instrument which can serve as a basis for actions building multilingualism and supporting language diversity. Therefore, it is worth reminding what the process of its monitoring will look like in the nearest future. The Report in the version approved by the Polish Government shall be translated into English and sent to the Secretary of the Council of Europe in Strasbourg and there will be published on the webpages of the Secretariat of the Charter (www.coe.int/t/dg4/education/minlang/Report/default_en.asp). Then, all interest parties will be able to familiarise themselves with it and send to the Secretariat their comments and reservations (minlang.secretariat@coe.int). They should be taken into consideration by the Committee of Experts during the preparation of a monitoring visit. Such a visit (in Poland) will be paid by 3 representatives of the Committee of Experts (including its Polish member – Ms Aleksandra Oszmiańska-Pagett). Apart from the official delegations, they can meet not only minority language communities as such, their organisations and representatives but also independent experts on the actual situation of regional and minority languages. After the completion of the visit in Poland, the Committee of Experts prepares an opinion on the actual state concerning the implementation of the provisions of the Charter.

After consultations with representatives of language minorities in Poland, after getting acquainted with the initial version of the Report and comparing it with the experience of a dozen other States-signatories of the Charter – to the undersigned the following comments and conclusions come to mind:

1. The information presented in the Report has an extremely general character, which reflects the too general character of the actions in the field of implementing the provisions of the Charter. Among such general information there is very little detailed information (e.g. particularly poor is the initiation and support by the State of scientific research concerning minority languages and a regional language and the mentioned, within the research, project relating to the Karaim dictionary concerns the Crimean dialect of this language which in fact has never been used in Poland);

2. It is impossible to understand (and this, as a matter of fact, is the reason why the Report is so general) why: “*information on implementation of selected provisions of the Charter was presented together*”, and why “*presentation of the above-mentioned information separately for each minority language and a regional language would be an artificial effort*” – this tendency to generalise is already visible in the selection of the provisions of the Charter which

do not differentiate the policy towards particular minority languages and a regional language (against the spirit of the Charter) – now also the information which in fact requires detailed compilation is presented together;

3. Attitude to the Charter, its instruments and spirit requires much less political and national approach but more the ecolinguistic one – which has already been mentioned – the fundamental objective of the Charter is not to grant or respect national minority rights (individual or collective) but to preserve the existing language diversity and to support the multilingualism, which requires a more flexible and dynamic attitude to the Charter;

4. In this context there should particularly be stressed the innovative changes introduced in the Act on national and ethnic minorities and on regional language of 2005, for which the Charter could serve as a strengthening and extending instrument, and which introduce to public life the auxiliary languages (for the time being the German language, the Byelorussian language, the Kashubian and Lithuanian languages as well as partly the Lemkos language);

5. The unique Europe-wide and definitely positive, in terms of supporting the minority education, character has also the rule and scope of the educational system subsidy (120 and 150% with regard to children in schools offering education of a minority/regional language) – however, this is the provision introduced by the educational authorities much before the ratification of the Charter by Poland;

6. There can/should be corrected the terminological mistakes in the Report:

- what is the “language of the Tatar minority”, mentioned on page 10?
- the *Yiddish language* – derives from the Middle High German and not from the *medieval Upper German dialect*,
- in Polish the name *starowierzy* [Old Believers] sounds better than *starowiercy* [Old Believers];

7. The fragment on page 25 should be supplemented: “*The Joint Commission comprises representatives of all officially recognised communities using minority languages and a regional language in Poland*”

8. The Report on page 28 says that *Article 6 (2) point 3 of the Act on national and ethnic minorities and on regional language obliges public authorities to take appropriate measures in order to strengthen the intercultural dialogue.*

In particular here it might help the information on the actions taken by the authorities in the period 2009-2010.

9. It is advisable to include in the Report and in the actions to come within the provisions of the Charter initiatives of the State aimed at increasing awareness of all citizens of Poland of the presence of minority and regional languages in public life (school programmes, publications, actions within the Days of Languages, the Days of Native Languages etc.), which so far has been completely neglected;

10. The Report shows that the provisions of the Charter are applied by the State with regard to kindergarten, vocational and higher education only to a rudimentary extent. According to statistics, there are only 52 kindergarten units with 556 children operating for 7 minority languages/regional (a slightly better situation is solely with regard to children from the German minority). After all, the stage of (pre)kindergarten education is a crucial period for the acquisition of a native language! Most minorities are in danger of ecolinguistic demographic catastrophe soon! In the Report there is e.g. no information on the amounts spent on kindergartens and vocational schools teaching a minority/regional language or in such a language. However, the information received from representatives of the German minority shows that the so-called bilingual model in the minority education is bilingual in nothing but name (with 1-3 hours of teaching German - and what is more - as a foreign language), still there are no initiatives aimed to popularise the bilingual education and in a number of educational centres there is an even hostile attitude to it. The recently taken commitments by the government concerning the cooperation can initially regulate the situation of higher schools educating in Poland within the Minority Philology Schools which

in fact do not exist. It should also be expected that the State and educational authorities will take actions in the field of the so-called immersive education (teaching a language/languages through complete “immersion” in it/them with regard to models, most often, of the early bilingual education). The immersive programmes were particularly successful in the revitalisation of the Basque, Irish, Welsh, Breton, Sorbian-Lusatian, Sami and many other languages or during the bilingual education of children in Hungary, Canada or Hong-Kong.

11. The information on page 45 of the Report: *Textbooks for teaching history are authorised for the school use by the Ministry of National Education based on opinions of experts*, and a lot of other information of this kind refers more to the fulfilment of the provisions of the *Act* and not of the *Charter* in which there is information on the assurance of materials for teaching history and culture – and not on the “*their authorisation*”;

12. As regards the training of teachers for language minorities, the Report on pages 46-47 reads: “*In 2009, the methodological care over schools for minorities was exercised by 5 teachers – consultants and 12 methodological advisers specialising in minority languages*”. Whereas the Charter refers to the obligation of the State to “*provide teachers with basic and further trainings necessary to implement the points adopted by the Party*”. Is, according to the authors of the Report, the appointment of teachers – consultants and methodological advisers the same as the assurance of the training for teachers of minority languages and schools?

13. On page 50 the Report reminds that *Pursuant to Article 15 of the Act, costs connected with the introduction and the use of an auxiliary language are covered from the budget of the commune*. However, the Charter has the character of commitments of the State in relation to minority or regional languages. There may well be doubts as to whether imposing additional financial obligations on communes which introduce minority languages / a regional language as auxiliary languages / an auxiliary language is in agreement with the spirit and the provisions of the Charter.

14. In the part relating to the radio and television media the Report includes e.g. data concerning the total duration of the programmes broadcast in minority languages / a regional language (table page 61) – indeed they are impressive. If you read carefully the pages 58-60 of the Report, you will pay attention to the time when the programmes are broadcast: “*on Sunday mornings..., on Sundays – in the mornings..., on every Sunday morning..., at night..., on Sundays very early in the mornings..., at nights...*”, or finally: “*During holidays the programme was suspended*”. This is certainly an element of the language minority policy of the mass media which requires a definite change;

15. On page 65 there are mentioned the minority newspapers or magazines – such a compilation of them in the Report concerning the Charter is partly needless (because the Charter concerns languages and not minorities!). Whereas there is no information on what proportion of the mentioned press contents is published in minority/regional languages: yet there is almost nothing issued in the “Tatar” or “Armenian” languages and texts in the Karaim and Jewish languages are published only sporadically.

Conclusions: From the comparison of the intentions of the Charter, its instruments adopted in the States which have ratified it so far, and the language policy towards minorities in Poland on the one hand and the proposed Report on the other hand results that there is still a long way before Poland attains the goals assigned to the European countries by the authors of the *European Charter for Regional or Minority Languages* i.e. awareness of the unique wealth of minority/regional languages and the multilingual heritage of the continent and the particular countries. The most significant task seems to be the activation of the mechanisms of active support of this diversity through a positive attitude to them of the authorities, administration and communities – and for this purpose the Charter provides a lot of new possibilities of which, as it results from the Report, to a large extent they are still unaware.

B. Position of the Ministry of Interior and Administration

The comments in point 6 have been considered in the Report. However, one cannot agree with the statement that Poland does not regard minority languages and a regional language as the expression of the cultural wealth and also with the opinion about a lack of the state's activities for the support of language diversity. The Republic of Poland takes a number of actions which promote minority languages and a regional language for the purpose of their preservation and development. It should also be emphasised that connecting in the Report the issues of the development of minority languages and a regional language with the issues of the protection of minorities' rights results from the fact that users of minority languages remain mostly people who declare at the same time to belong to national and ethnic minorities.

With regard to the translation of the term "place names" into Polish, it should be noted that in the Polish translation of the Charter there was accepted the term "nazwy miejscowe" [place names] and not "nazwy miejscowości" [names of places] (Official Journal of 2009 No. 137, item 1121). Moreover, on the basis of the Act on national and ethnic minorities and on regional language, there is a possibility of using both additional traditional names of places and names of physiographic objects as well as streets.

Whereas, the Lemkos language still does not have the status of an auxiliary language in any of the communes in Poland.

2. Community of Lithuanians in Poland

A. 1. Comments

"The comments included in the 1st Report provide a quite detailed description of the legislation concerning the possibility of using in Poland the provisions of the European Charter for Regional or Minority Languages. However, in our opinion in the Report there is no thorough analysis and specific information on what proportion of members of the Lithuanian minority can really use the provisions of the European Charter for Languages. The statements in the Report concerning the possibility of exercising by representatives of national minorities all the rights resulting from the provisions laid down in the national law may not raise doubts, but the key indicators within what scope the national law guarantees the use of the vested rights are specific numbers and facts. We wish to emphasise that despite the introduction of the possibilities of using a minority language as an auxiliary language in contacts with the public administration, the introduction of the double names of places, the proportion of self-governments which in accordance with the national law could use this possibility is still symbolic. The Lithuanian minority in Poland pursuant to the national law can fully use the rights of the Lithuanian minority only on the territory of Puńsk Commune where in terms of the national membership is a "majority". In other self-government units where Lithuanians are a real minority, they do not have such rights. Presentation of such information in the report at least in the form of an opinion of the Lithuanian minority is necessary".

B. 1. Position of the Ministry of Interior and Administration

In accordance with the law in force, commune authorities are entitled to move for the introduction of an additional name of any place in the situation when there have been carried out social consultations as a result of which over 50% of the residents declared for its introduction. This provision enables residents of communes in which minorities do not account for at least 20% of the total number of residents to establish additional names and is used by national and ethnic minorities inhabiting Poland (the German minority, the Lemkos

minority). The Ministry of Interior and Administration does not have information on submitting to commune authorities motions for the establishment of additional names of places in the Lithuanian language by representatives of the Lithuanian minority inhabiting other than Puńsk, communes of Sejneński Powiat, first of all the rural Sejny Commune (where they account for 18.5% of residents) and the urban Sejny Commune (where they account for 7.8% of residents).

A. 2. Comments

“In different studies concerning the rights of the Lithuanian minority in Poland there is constantly mentioned the issue of the creation of Sejneński Powiat as an example of respecting the rights of the Lithuanian minority and strengthening the national structure of this area. Such statements are treated by the Lithuanian minority as purely political, because the creation of Sejneński Powiat has not improved the situation of the Lithuanian minority in Poland. The clear evidence of this statement is the fact that on the territory of Sejneński Powiat only in Puńsk Commune in a satisfactory way there are supported cultural centres, Lithuanian education, and there is protected the cultural heritage. The comparative information on this issue is publically available”.

B. 2. Position of the Ministry of Interior and Administration

The creation of Sejneński Powiat resulted, first of all, from the demographic conditions of the Lithuanian minority – the alternative solution, as would be the incorporation of the communes of this powiat into Suwalski Powiat, would cause that the Lithuanian minority would account for a small percentage of its residents. Thanks to the formation of Sejneński Powiat, Lithuanians have councillors in the Council of Sejneński Powiat and the Vice-Staroste.

The Lithuanian education receives the same support regardless of the location, because on the territory of Poland within this scope identical provisions are in force. Moreover, on the territory of Sejny support from the state’s budget is also given to a non-public unit – the Lithuanian school „Žiburys” („An Oil Lamp”), both through the educational system subsidy and through additional specified-user support given to the school’s authority, which does not apply to Puńsk Commune (there the Lithuanian education is concentrated in public units). Furthermore, an investor of the enlargement of the complex of schools with Lithuanian as the language of education in Puńsk is the Sejneński Powiat Starostship.

A. 3. Comments

“In the Report it is emphasised that an important element of the protection of the language rights of the Lithuanian minority are the bilateral contracts between the Republic of Poland and the Republic of Lithuania. We wish to stress that so far the Lithuanian minority has not had the possibility of participation in the implementation and evaluation of the implementation of these contracts. This resulted from the fact that we do not have our representatives in the Sejm of the Republic of Poland, the Chancellery of the President or the government structures in charge of the implementation of this type of agreements. The said structures have also never turned to representatives of the Lithuanian minority for evaluation or submission of motions for the implementation of the bilateral contracts with the Republic of Lithuania”.

B. 3. Position of the Ministry of Interior and Administration

The contracts and agreements between Poland and Lithuania which are in force do not provide for a special mechanism of the evaluation of their implementation by minorities. Whereas, representatives of the Lithuanian minority repeatedly presented the evaluation of the provisions of the bilateral contracts concerning the rights of minorities. There was an opportunity to present such evaluations during the sessions of the joint Polish and Lithuanian institutions: the Parliamentary Assembly of the Sejm and the Senate of the Republic of Poland and the Seimas of the Republic of Lithuania.

A. 4. Comments

“The provided figures concerning the teaching of the language of the Lithuanian minority on the particular stages of education differ from the actual state and require a correction”.

B. 4. Position of the Ministry of Interior and Administration

The figures shown in the Report which concern the teaching of the language of the Lithuanian minority on the particular stages of education are official data taken from the Educational Information System.

A. 5. Comments

“The Report mentioned the issue of the formation in 2002 of the Strategy for Development of Education of the Lithuanian Minority in Poland which served as an example of respecting and protecting language rights of the Lithuanian minority. According to the Lithuanian minority in Poland the foregoing strategy was created from political motives and conclusions of the Lithuanian minority during the formation of the strategy were not taken into consideration (e.g. the Team for Education of National Minorities at the Ministry of Interior and Administration denied the right to annex the records of divergences due to the fact that (Sic) the statute of the Team’s activities did not provide for it). Consequently, the most meaningful result of the said strategy was the liquidation of a few schools attended by the Lithuanian minority on the territory of Sejny Commune, which caused that from the budgetary resources of the Republic of Lithuania in a big hurry (which influenced the increase in the price of the investment) was built and established the Lithuanian school „Žiburys” in Sejny”.

B. 5. Position of the Ministry of Interior and Administration

Since 2002 in Poland there have been implemented the provisions of the *Strategy for Development of Education of the Lithuanian Minority in Poland*, prepared by the circles of the Lithuanian minority, self-government authorities and the government administration on the basis of consensus. During the works on the *Strategy* there were considered all demands proposed by representatives of the Lithuanian minority. While implementing its provisions there was increased e.g. the amount of the educational system subsidy granted additionally for each school child of a small school teaching a minority language or in a minority language – first it was increased to 50% (since 2002), and then to 100% (since 2005) and 150% (since 2006). The additional support for schools teaching a minority language or in a minority language aims at preventing liquidation of this type of units for economic reasons. Furthermore, implementation of one of the Lithuanian minority’s demands led to the concentration of the Lithuanian education from the territories of the urban and rural Sejny Commune in the territory of the town of Sejny. The argument about funding by Lithuania the school „Žiburys” in Sejny as a reaction to the risk to the Lithuanian education through unilateral actions of Poland can hardly be reconciled with the fact that the said concentration

of the Lithuanian education in Sejny occurred on application of the minority itself and was assigned to the *Strategy*. From the budgetary resources the school receives the same support as public schools teaching in a minority language i.e. the educational system subsidy increased by 150%. Moreover, the authority which runs the school, Bishop Antanas Baranuskas Foundation (of Antoni Baranowski), every year receives specified-user subsidies from the resources of the Ministry of Interior and Administration.

A. 6. Comments

“In the Report a lot of attention is paid to the media and first of all to the public service task fulfilled by public radio and television concerning the promotion of the language of the Lithuanian minority. We do not agree with the opinion in the Report that radio and television programmes in the Lithuanian language considerably contribute to the protection and popularisation of the Lithuanian language. On the contrary, we claim that the administrative decisions of these institutions are the evidence of its deliberate marginalisation. Since the beginning of May in the current year the 7-minute television programmes (TV Białystok S.A. [TV Białystok, PLC]) have been broadcast on Tuesdays at 4.20 p.m. ?????, whereas the Sunday radio programmes in Radio Białystok S.A. [Radio Białystok, PLC] is still broadcast at 6.30 a.m. The change, without any consultations with the Lithuanian circles, of the time of broadcasting programmes suggests a complete marginalisation of the role of the Lithuanian language in the preservation of cultural identity of Lithuanians and in propagating tolerance towards the national minority”.

B. 6. Position of the Ministry of Interior and Administration

Due to the extension of the catalogue of assignments connected with the fulfilment by the public radio and television of the public service task by the task related to the consideration of national and ethnic minorities' needs, in the Report there were presented only figures concerning the share of the programmes in minority languages and in a regional language broadcast in Telewizja Polska [Polish Television] and in the stations of Polskie Radio [Polish Radio] and also concerning the time of broadcasting the foregoing programmes as well as their financing.

A. 7. Comments

“In conclusions it should be stated that the Republic of Poland takes actions aimed to promote the use of minority languages and a regional language in public life. However, the current legislation gives the possibility of using such rights solely within a symbolic scope. With regard to the Lithuanian minority only on the territory of Puńsk Commune there are enough opportunities to foster and protect the Lithuanian language. The situation which has occurred requires to take quick actions for the purpose of reducing the bigger and bigger discrepancies concerning the possibilities of the protection of national identity of Lithuanians inhabiting Puńsk Commune and Sejny Communes (rural and urban). The current situation will only formally create the unjustified in practice impression of the good condition of the rights of the Lithuanian minority in Poland and in fact will contribute to even bigger deepening of stereotypes and prejudices which have been present for a long time especially towards the Lithuanians living in the town and commune of Sejny”.

B. 7. Position of the Ministry of Interior and Administration

The stable functioning and development of the chain of the Lithuanian schools, the activities in the field of culture as well as the introduction of additional names of places and

the auxiliary language in Puńsk Commune (inhabited by over 60% of Polish Lithuanians) are examples of the enjoyment of the Lithuanian minority of their rights within a wide scope.

3. The Polish Roma Union [Związek Romów Polskich]

A. Comments

“Works of the group of experts on the Roma language called Sulejowska Group after the place of their meeting whose task is to create theoretical fundamentals and rules of spelling, grammar and alphabet of the Roma language and the idea itself can be regarded as right and going in the right direction. Unfortunately, it is very alarming that people who do not come from the Roma environment and often have only scientific and theoretical knowledge of the Roma issues call themselves experts in this field. They attempt to teach the Roma how to use their own language, the language which the Roma have been using for hundreds of years. What is worse, they take the advantage of the fact that the Roma participants of this team are not educated in the field of linguistics and moreover, they invoke alleged recommendations of the internationally recognised Roma authorities within linguistics who categorically deny the information on their support of the idea of the Working Team on the Roma Language”.

B. Position of the Ministry of Interior and Administration

The reason for establishing the working team on the Roma language was the pilot project of the Council of Europe aimed at introducing for Roma school children the education of the Roma language in public schools of the Member States. 10 ministers of education (including the Polish minister) received invitations to participate in the foregoing project. For representatives of the countries which accepted the invitation – including Poland – there was organised in 2007 a seminar during which there was presented the prepared by specialists (together with the ERTF [The European Roma and Travellers Forum]) curriculum of the Roma language as a basis for the preparation of the national materials for teaching the language (the material is available on the web pages of the Council of Europe in the English and Roma languages). At the same time, the states participating in the pilot project were obliged to prepare information on taken actions and on results of the pilot project which was presented in autumn of 2008 on the Europe-wide conference.

The working group on the Roma language which was appointed in 2008 comprised 8 people, including 5 Roma people coming from different dialectal groups (an author of the first Roma primer, a professionally qualified educator and a head of a kindergarten for children of Roma descent, a retired teacher as well as an author of a Roma-Polish dictionary and Roma fairy-tales and also an educator being an assistant of Roma education and a co-author of several translations into the Roma language). The other experts in the group were people not coming from Roma environment, however, using the Roma languages (a Polish Studies specialist and head of the Parish Roma Primary School in Suwałki using the Polish Roma dialect, an ethnologist and author of many Roma studies publications who is a director of the District Museum in Tarnów using the Carpathian Roma dialect). A consultant of the language group was Marcel Courthiade, Roma linguist, academic teacher at the Institut National des Langues et Civilisations Orientales in Paris. Works of the group were technically supported by employees of the government administration from the Ministry of National Education, the Ministry of Interior and Administration and the Chancellery of the Prime Minister.

In 2008 there were held three two-three-day meetings of the language group. The works of the group concentrated solely on the preparation and establishment of the alphabet and spelling rules in 2 Roma dialects (Polish Roma and Carpathian Roma) in order to achieve the final form of primers by Karol *Parno* Gierliński.

4. Representative of the Karaim minority in the Joint Commission of the Government and National and Ethnic Minorities - Mariola Abkowicz

A. Comments

Proposed amendment concerning the number of people who use in household contacts minority languages and a regional language – with regard to the Karaim minority – 5.

B. Position of the Ministry of Interior and Administration

Data of the Central Statistical Office concerning the national census of people and dwellings 2002 did not show declarations concerning the use at home of a minority language with regard to the Karaim minority.

5. Representative of the Lemkos minority in the Joint Commission of the Government and National and Ethnic Minorities – Helena Duć-Fajfer

A. 1. Comments

“In the information on the particular minority groups on page 9 there was a comment about Lemkos which is not in conformity with the classifications and the classifying definition laid down in the *Act on minorities*.

The entry: Some Lemkos emphasise their Ukrainian national status, others declare that they have nothing in common with this nation (page 9), does not comply with the definition of an ethnic minority to which Lemkos were classified. As an ethnic minority they cannot declare their membership of the Ukrainian nation. Those who declare such membership belong, according to their own will and statement, to the Ukrainian nation. It is not true either that Lemkos say that they have nothing in common with this nation. Lemkos and Ukrainian relations in various spheres are known and acknowledged by everyone. However, there is a difference between acknowledgement of the relations and declaration of being a Ukrainian.

Thus, this identity-ethnic phenomenon should be specified in accordance with the valid definitions: Lemkos have their own ethnic identity. Some people of Lemko descent confirm their Ukrainian identity”.

In the point of the *Report: Organisations and other units supporting the protection and development of minority languages and a regional language* (page) there were listed a number of minority organisations of which not all support the development of minority languages. Whereas, those which beyond a doubt support such development were not mentioned.

As regards the Lemkos language (page 17) there were listed:

- the Association of Lemkos, ul. Zofii Kossak 6, 59-220 Legnica;
- the Federation of Lemkos (a member supporting the Association of Ukrainians in Poland), ul. Jagiełły 2, 38-300 Gorlice;
- the „Ruska Bursa" [Russki Boarding House] Society in Gorlice, ul. Sienkiewicza 28, 38-300 Gorlice;
- the Association of Enthusiasts of Lemkos Culture, ul. Wodociągowa 1A, 66-500 Strzelce Krajeńskie;

The Federation of Lemkos does not support the development of the Lemkos language but supports the development of the Ukrainian language, which is reflected both in the Status of the Federation of Lemkos and in the activities such as protests against teaching the Lemkos

language in schools (during Watra in Żdźnia this teaching was called “Another Vistula Operation”) and protests against the creation of the Lemkos Philology. Therefore, please do not distort this fact or cover it, because it ill serves the case”.

B. 1. Position of the Ministry of Interior and Administration

The comments are the results of the discussion inside the Lemkos minority. In accordance with Article 4 (1) of the Act of 6 January 2005 on national and ethnic minorities and on regional language (Official Journal No. 17, item 141, with subsequent amendments), everyone who belongs to a minority has the right to a free decision to be treated as a person belonging to a minority. Thus, the government administration is not entitled to contest such a declaration, e.g. when such people declare to belong to the Lemkos minority.

A. 2. Comments

“With regard to the information on the implementation of the point: d) facilitating or encouraging to speak and write in regional or minority languages in public and private life (page 26). In the whole paragraph there is not a single fact referring to the fulfilment of this task. There are rather mentioned rights, or even there is nothing more than just a reference to the fact that despite the entry concerning the Polish language the rights are not infringed: “At the same time, it should be noted that the regulations of Article 8 points 1 and 2 in relation to Article 19 (2) of the Act on national and ethnic minorities and on regional language provide that people who belong to minorities and communities using a regional language are entitled to the free use of their own language in private and public lives and to spread and share information in the language of the minority (pages 27-28)”.

“With regard to the information on the implementation of the point: *i) promotion of appropriate kinds of international exchange, in the fields covered by the present Charter, among regional or minority languages which are used in the identical or similar form in two or more countries.* (page 29) there should be included an opinion that currently a very narrow scope of such projects is developed and there is a need of widening this scope e.g. in the form of an exchange of students (now this form is very difficult especially with relation to states which are not in the European Union)”.

“With regard to the information on the implementation of the point: *provide teachers with a basic and further training necessary to implement the points from a to g accepted by the Party,* (page 45)

Answers: In 2009 the methodological care over schools for minorities was exercised by 5 teachers – consultants and 12 methodological advisers specialising in minority languages.

Supervision over the correctness of the organisation of the process of teaching minority languages and a regional language in public schools on the territory of particular voivodships is within the competence of voivodship superintendents of education (pages 46-47).

They do not concern the problem mentioned in this point of the *Charter*. Additionally, the said superintendents are not usually interested in the quality of teaching minority languages and it happens that e.g. under the banner of teaching the Lemkos language there are classes in Religion or the Ukrainian language or there are not any classes at all and nobody apart from parents and school children themselves pays attention to this fact”.

“As regards the information on the implementation of *Article 12 Cultural activities and objects of culture*

With regard to cultural activities and objects – and in particular to libraries, video libraries, cultural centres, museums, archives, associations, theatres and cinemas, as well as to literary and film works, common forms of cultural expression, festivals and cultural organisations, including e.g. the use of new technologies – the Parties undertake, on the territories where such languages are used, and to the extent within which the public authorities are competent, have the right or within which play a part in this field:

Especially the obligation to *support or facilitate the creation of institutions responsible for collecting, storing copies and presenting or publishing works made in regional or minority languages* (page 66)

The support laid down in the *Report* occurs almost only in the form of grants. There are no solutions defined by minorities as necessary i.e. the consent to and the support of the creation of institutions of culture which would look after the spheres of culture developing on the basis of the particular minority languages”.

B. 2. Position of the Ministry of Interior and Administration

These comments serve as an opinion and not as information.

A. 3. Comments

“With regard to the information on the implementation of the point *f) assurance of appropriate forms and means of teaching and learning regional or minority languages on all appropriate levels* (page 27)

The answer was as follows: *Polish system of education provides school children who belong to minorities with maintenance of their feeling of national, ethnic, language and religious identity and in particular with the possibility of learning the language as well as their own history and culture. The conditions and the way of carrying out these tasks were defined in the provisions of the educational law*

However, it was not pointed out that at this time there is no entry with relation to higher education. And this should be mentioned together with the annotation that there are works on the formulation of such entries with regard to higher education”.

B. 3. Position of the Ministry of Interior and Administration

The Report provided for the information on the demand of representatives of national and ethnic minorities and communities using a regional language concerning the creation of a system solution related to the functioning of the Minority Language Philology as well as the information on the taken actions in the Joint Commission of the Government and National and Ethnic Minorities concerning the issue of the functioning of the Minority Philology Schools.

A. 4. Comments

“With regard to the information on the implementation of the point *h) promotion of studies and research into regional or minority languages in universities or in similar scientific institutions* (page 28)

There are listed only the Kashubian and Karaim projects. What about others? I wonder why there was nothing mentioned that the project of the Lemko Dictionary was rejected due to the tendentious review of the linguist of Ukrainian descent who in the negative review stated that there is no need to create the dialect dictionary. In general, the state of the research into minority languages in Poland is very poor and there is no promotion in Poland of such

research”.

B. 4. Position of the Ministry of Interior and Administration

The Report provided the information on the research into minority languages on the basis of the data submitted by the minister in charge of science and higher education.

A. 5. Comments

“As regards the information on the implementation of *Article 11 The media*

With reference to the entry The Parties undertake with regard to users of regional or minority languages on the territories where these languages are used, depending on the situation of each language, within the scope of direct or indirect competence of public authorities, their entitlements or the part which they play in this field, and in accordance with the rule of independence and autonomy of the media:

a) to the extent within which radio and television fulfil a public service task:

(ii) to encourage to create or to facilitate to create at least one radio station and one television channel in regional or minority languages, or

(iii) to issue an appropriate provision requiring from broadcasters to offer programmes in regional or minority languages, (page 54)

The Report provides e.g. the broadcasting time filled by the transmission of the programmes intended for national and ethnic minorities. Unfortunately, there was given the time of broadcasting the programmes of which only a certain percentage meets the definitional requirements specified in the documents of the National Broadcasting Council concerning minority programmes. So here we have a considerable degree of distortion”.

B. 5. Position of the Ministry of Interior and Administration

In the Report there was presented information concerning the broadcasting time of radio and television programmes based on the data provided by the National Broadcasting Council.

A. 6. Comments

“With regard to the information on the implementation of *Article 14 Cross-border exchange The Parties undertake: to implement the existing bilateral or multilateral contracts which bind them with countries where the same language is used in an identical or similar form, or, if it is necessary, to take actions to conclude such contracts, in such a way as to make favourable conditions for contacts among users of the same language in the interested countries in the field of culture, education, information, vocational education and continuing education, (page 72)*

it was not stated that e.g. as regards the Lemkos community resettled to Ukraine in the period 1944-46 whose ethnic territory which it identifies with remains within the territory of Poland, there are not any forms of facilitating the relations. This is in particularly gross contradiction with the so-called “Polish Charter” which provides Ukrainian citizens of Polish NATIONALITY with a number of freedoms and rights concerning the easier use of cultural and intellectual goods made in Poland. This has an influence on the language processes and general state of the Lemkos language and is not favourable to the ecology of this language”.

B. 6. Position of the Ministry of Interior and Administration

Too detailed information.