

Minority Protection in Poland

PILOT GOVERNMENT PROGRAMME FOR THE ROMA COMMUNITY
IN THE MAŁOPOLSKA PROVINCE FOR THE YEARS 2001–2003.

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1. EXECUTIVE SUMMARY

In March 2001, Poland launched the Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003 (hereafter, the “Programme”).¹ The Programme focuses on the southern region of the country where the conditions of Roma have been described as “particularly difficult,”² but is intended to be expanded to other areas.

This is the first comprehensive policy of the Government for Roma, and it represents a welcome advance. The most serious impediment to implementation to date has been the Government’s failure to adequately fund the Programme; thus, the majority of the measures proposed have not yet been implemented and only a portion of the projects relating to education were funded. Without sufficient funding, the policy improvements that the Programme could represent will remain mere aspirations.

Even if fully implemented, however, the Programme would still require significant improvement. While its substantive provisions generally reflect the concerns of the Roma community, the problem areas it identifies are narrowly defined or not addressed at all, such as discrimination, even though Roma representatives have identified this as a problem, especially at the local level; no concrete measures are proposed to promote minority rights. Underlying the concerns of Roma is the assumption, evident in the Programme, that Roma are particularly responsible for their own plight, and that broader patterns of social discrimination on the part of the majority are perhaps less relevant to any reform effort.

Background

The initiative to launch the Programme stems from the Government’s awareness of the “particularly difficult situation” of the Roma community in Małopolska Province but also from its acknowledgement that local authorities cannot deal with the scale of the problems experienced by Roma on their own. A very positive aspect has been the significant effort of the Government to consult with local Roma leaders to determine the Programme’s priorities. Thus, its substantive provisions generally reflect the concerns of those who were consulted.

¹ Ministry of Internal Affairs, *Pilotowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001–2003* (Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003), Warsaw, February 2001, <www.mswia.gov.pl/index1_s.html>, (accessed 26 July 2002) (citations in this report are from the official English translation), (hereafter, the “Programme”). The Programme covers the region inhabited by Roma of the Bergitka group and by the “Polish Roma.”

² Programme, p. 3.

Administration

The Programme is formally coordinated by the Minister of Internal Affairs, while day-to-day administration and implementation is overseen by the Division of National Minorities within the Ministry, in close cooperation with the Task Force for National Minorities.³ An important role is also played by the Małopolska Province Plenipotentiary for National Minorities in facilitating cooperation at the local level.

The main actors are commune councils and municipalities in Małopolska Province.⁴ A few NGOs, including one Roma organisation, are also involved. Each year, local government units can submit project proposals to implement tasks for which they are listed as responsible in the Programme; they are required to contribute about 20 percent of the budget.

It is difficult to assess the mechanisms for Programme administration and evaluation due to the limited scale of implementation thus far, while the centralised mechanism for monitoring implementation is not sufficiently linked to compliance mechanisms. This might prove problematic, especially with respect to local governments whose cooperation is essential to successful implementation. However, the Division of National Minorities can exert some leverage on local bodies implementing tasks as information on project realisation and expenditures over the previous year must also be provided when they apply to realise new projects in 2003.

Stronger mechanisms for ensuring systematic participation by Roma are also necessary, especially at the local level.

EU Support

The Roma minority is not a priority for EU funding and the EU has not provided direct funding to activities of the Programme. It has, however, supported a project in Małopolska Province whose aim is to train Roma assistants for local schools, through the 1999 ACCESS Programme.

The European Commission took note of the Programme in its 2001 Regular Report, qualifying it as “a first step by the government to combat the precarious situation of

³ The Task Force for National Minorities consists of representatives of the relevant ministries and other Government bodies; neither minorities nor local government representatives are represented.

⁴ The Province (*województwo*) is a regional administrative unit controlled by the central Government. The next level is the District (*powiat*). This is followed by the Commune or County (*gmina*) which is a unit of local government, and the Municipality (*miasto*).

the Roma minority in Polish society [...],” but considered that it was too early to evaluate its implementation.⁵

Content and Implementation

The Programme proposes over 200 tasks to be carried out between 1 March 2001 and 31 December 2003 in seven issue areas: education; combating unemployment; health; living conditions; security; culture; and “knowledge in and about the Roma community.”⁶ Despite this impressive scope of activity, some important issues – such as discrimination and minority rights – are either not included or given an unnecessarily narrow scope.

A principal shortcoming is that the Programme does not identify discriminatory practices, and does not establish any mechanisms to monitor discrimination and intolerance, even though Roma leaders have identified discrimination as a problem. This gap is in apparent contradiction with the primary goal of the Programme “to achieve full participation of Roma [...] and to mitigate the disparities between this group and the rest of the society.”⁷ In fact, it attributes a large share of responsibility for their difficult situation to the Roma themselves. More generally, Poland also lacks comprehensive anti-discrimination legislation as well as a specialised body to promote equal treatment and to address racial or ethnic discrimination.

The education component aims to improve school attendance and completion rates of primary school but no measures are proposed to support access to secondary and university-level education. The section on “Combating Unemployment” proposes skills upgrading and some retraining but no comprehensive vocational training or support for establishing small businesses. The issue of equal access to public services is not discussed at all. Similarly, while the significant health problems faced by Roma are mentioned, access to health care is not addressed; nor is the question of whether Roma are treated equally by the criminal justice system.

While the Programme proposes to prevent crimes committed on ethnic grounds and to recruit Roma into the police, it does little to improve protection from such crimes or to raise awareness of existing channels for making complaints. At the same time, it asserts that Roma are reluctant to cooperate with the police and refers to the types of crimes Roma commit – despite the fact that no official data on the ethnicity of perpetrators is supposed to be kept – which tends to suggest an attitude that disregards the continuing salience of, and indeed to some degree partakes in, discriminatory attitudes towards Roma in the majority population.

⁵ European Commission, *2001 Regular Report on Poland's Progress Towards Accession*, Brussels, 13 November 2001, p. 24 (hereafter, “2001 Regular Report”).

⁶ Programme: Timetable for Realisation and Financing, Warsaw, February 2001.

⁷ Programme, p. 7.

The Programme proposes measures to promote Roma culture and devotes a separate section to raising the awareness within the majority population about Roma issues. However, no concrete measures are proposed to promote other minority rights such as effective participation in public life, access of Roma to public media, or promotion of the use of the Romani language in the public sphere. Government officials have stated that the Programme is not necessarily intended to protect Roma rights, as these are already protected by the Constitution. This seems an unnecessarily narrow reading of the Programme's proper mandate, and one that, again, suggests an insufficient commitment to truly thorough-going reform.

The major practical obstacle to implementation in 2001 was the withholding of funds by the Government from the special purpose reserve that was to cover the most substantial share of the planned budget. The Ministry of Education was able to provide some funding for some tasks in the area of education;⁸ no other component was implemented, with the exception of those funded exclusively from local sources. It is expected that, in 2002, tasks will also be implemented in other areas.⁹

The reaction of beneficiaries and the press to initiatives in the area of education has been generally positive. While recognising progress in this area, Roma leaders also emphasise the need to also fight unemployment and improve living conditions.

Conclusion

The Programme is without doubt a positive development; however, some important issues are not covered. Lack of funding remains the most significant practical impediment. By limiting implementation to the field of education, the Programme loses its most visible asset – its comprehensive approach. It is essential that measures be implemented also in other areas if significant results are to be obtained.

At the same time, those tasks which have been carried out have registered success. Initiatives in the area of education, such as Roma teacher's assistants and remedial classes, have had a positive impact on school attendance and performance. This also suggests that the Programme's attribution of a large share of the blame for low school attendance to Roma parents may require reassessment.

⁸ The Ministry of Education provided PLN 500,000 (€131,579); this represented only nine percent of the overall planned Government funds for 2001 (not including local sources) and 28 percent of the planned Government funds for the education component in 2001.

⁹ For 2002, the total amount of funding foreseen is about PLN three million (€789,474), including PLN two million (€526,316) from the special purpose reserve and PLN 600,000 (€157,895) from the Ministry of Education. Information provided by the Head of the Division of National Minorities, Ministry of Internal Affairs, Warsaw, 8 August 2002.

Opposition or delays at the local level present a potentially serious obstacle. Roma organisations and beneficiaries should also be involved more systematically in implementation, monitoring and evaluation. More efforts are also needed to inform local communities about the Programme's goals, ongoing activities and funding.

Preparations seem to have begun for a national programme covering the whole Roma population of Poland. It is essential that this new programme be more comprehensive, and that it address discrimination and positive minority rights. Systematic and structural solutions should be developed to respond to the problems identified, including measures for positive action in order to remedy the under-representation of Roma in various walks of life and to ensure their effective participation in society and its governance. The Programme and its nation-wide successor represent an opportunity for Polish society, not only to adopt comprehensive policies of reform, but to engage in a needed debate on the relationship of the majority and minority populations it contains.

2. THE GOVERNMENT PROGRAMME – BACKGROUND

2.1 Background to Present Programme

The Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003 (hereafter, the “Programme”) is the first comprehensive governmental policy aiming to improve the situation of a national or ethnic minority in Poland. The recently created Division of National Minorities is responsible for coordinating this complex programme.¹⁰

2.2 The Programme – Process

The idea for the Programme originated with a project of the European Institute for Democracy in 1999–2000 that included establishing a few local Roma plenipotentiaries.¹¹

¹⁰ Interview with an official of the Division of National Minorities, Warsaw, 22 March 2002.

¹¹ This was later mentioned as a task of the Programme. See Section 3.4.3; see also EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Open Society Institute, Budapest, September 2001, pp. 377–378 (hereafter, “*Minority Protection 2001*”).

The Programme¹² was adopted by a Resolution of the Council of Ministers in February 2001.¹³ The need to take action in response to the difficult situation of the Roma in Małopolska Province and the inability of local governments to cope with the situation had been highlighted during a session of the Inter-Sector Task Force for National Minorities¹⁴ in March 2000.¹⁵ The Programme was developed between June and September 2000 by the Ministry of Internal Affairs and Administration (hereafter, the “Ministry of Internal Affairs”), in consultation with the relevant units of local government, Roma organisations and NGOs, following a study visit by the Division of National Minorities to Małopolska Province.¹⁶ It was also reviewed by relevant ministries to check compliance with domestic and international legislation.¹⁷

The Programme declares that “the involvement of the Roma community in the development and implementation of the Programme is a key precondition of its success.”¹⁸ Indeed, special efforts were made to consult Roma organisations as well as

¹² Ministry of Internal Affairs, *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001–2003* (Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003), Warsaw, February 2001, <www.mswia.gov.pl/index1_s.html>, (accessed 26 July 2002) (citations in this report are from the official English translation) (hereafter, the “Programme”). The Programme covers the region inhabited by Roma of the Bergitka group and by the “Polish Roma.”

¹³ Resolution of the Council of Ministers of 13 February 2001 concerning the adoption of the multi-annual “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003.”

¹⁴ Since May 2002 known as the “Task Force for National Minorities.” The Task Force consists of representatives of relevant ministries and other State bodies at the national level; there are no formal representatives of Roma organisations or local governments. See *Minority Protection 2001*, pp. 374–375 (where this body is referred to as the “Interdepartmental Group for National Minorities”).

¹⁵ Programme, p. 6.

¹⁶ Programme, p. 6. These consultations were held as a follow-up to the project of the European Institute for Democracy.

¹⁷ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

¹⁸ Programme, p. 6.

other NGOs during the drafting process:¹⁹ the Division of National Minorities defined Programme priorities by asking Roma leaders what was needed;²⁰ discussions were also held with Roma organisations prior to the start of Programme implementation.²¹

The priorities of the Programme generally reflect the concerns of those Roma organisations that were consulted, although certain suggestions were not incorporated.²²

No consultations were held with the EU during the development of the Programme;²³ it was not discussed in any public fora during its elaboration.

2.3 The Programme – Content

The Programme is intended for areas inhabited by Roma of the Bergitka Group and by the “Polish Roma” (or “Polska Roma” which are part of a larger group known as the

¹⁹ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002. One Roma leader confirmed that “Government representatives, in particular the Head of the Division of National Minorities personally, together with the representatives of the Ministry of Culture and the Ministry of Education, consulted Roma organisations, especially the Association of the Roma in Nowy Sącz Region and the Social and Cultural Association of the Roma in Poland.” Interview with the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002. Another Roma leader stated that the components of the Programme corresponded exactly to the issues that had for a long time been highlighted by the Roma community. Interview with the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002. The leader of a third organisation confirmed being consulted, even though his association was not involved in implementation of the Programme as it is based in Cracow. Interview with the leader of the Association of the Roma in Cracow, Cracow/Nowa Huta, 5 April 2002.

²⁰ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

²¹ However, not all Roma organisations in Małopolska Province were involved. According to the leader of another Cracow-based organisation, “I became acquainted with the Programme thanks to kindness of the Małopolska Province Plenipotentiary for National Minorities in 2001 [...] Before that, not only had I not been consulted, but our Association had not been informed that such a programme was already in force.” Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

²² See, e.g., written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

²³ According to one official, it would not have been appropriate to consult the EU as this is an internal matter. Comments by the Head of the Division of National Minorities, Warsaw, 8 August 2002.

“Carpathian Roma”), the largest of four traditional Roma groups residing in Poland,²⁴ in the south of the country. The areas the Programme covers are: Limanowa, Nowy Sącz, Nowy Targ and Tatr districts, inhabited by the Bergitka Roma, and Tarnów, inhabited by the Polish Roma.

The Programme is designed as a pilot initiative, to be implemented in Małopolska Province from 1 March 2001 until 31 December 2003; it is to be extended to other parts of the country based upon the results and experience gained from its implementation. The Government explains its decision to focus initially on Małopolska Province by the fact that the Roma community there is in a “particularly difficult situation.”²⁵

The Programme begins with a general description of the situation of the Roma communities in Małopolska Province, followed by the justification for the initiative, its objectives, and a set of general measures in the following issue areas:

- Education
- Combating Unemployment
- Health
- Living Conditions
- Security
- Culture
- Knowledge in and about the Roma Community

Attached to the Programme is a “Timetable for Realisation and Financing”²⁶ which lists concrete activities in each of these areas, followed by the institutions responsible

²⁴ The other two Roma groups in Poland are the Vlach and the Sinti. The size of the Roma population living in Małopolska Province is estimated at 3,000 to 3,500 – between seven and 10 percent of the overall estimated Roma population of Poland. There are no official statistics on the size of the Roma or of other ethnic or national minorities living in Poland; thus, available data refer to estimates by experts. The census held in Poland in May and June 2002 included, for the first time since before World War II, a question on *narodowość* (“nationality” or ethnic origin) and language spoken “most frequently at home.” Census results are expected in Autumn 2002.

²⁵ Programme, p. 3.

²⁶ Ministry of Internal Affairs, *Pilotażowy program rządowy na rzecz społeczności romskiej w województwie małopolskim na lata 2001–2003: Harmonogram wykonania i finansowania zadań* (Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001–2003: Timetable for Realisation and Financing), Warsaw, February 2001, <www.mswia.gov.pl>, (accessed 26 July 2002). This document was prepared by the Division of National Minorities together with the Task Force.

for realisation (usually the relevant unit of local government), sources of financing, and the budget for 2001–2003.

While the key problems faced by Roma are acknowledged, responsibility for their difficult situation is placed to a significant extent on the Roma community itself. Thus, the Programme asserts that

[t]he key problems of the Roma community are related to the low level of education of its members [...]. Roma do not attach due importance to schooling, considering education to be of little benefit [...]. The financial situation of Roma families is exceptionally difficult due to the high rate of unemployment, the fact that families have many children, and alcoholism [which is] a common problem. Simultaneously, the community is characterised by a demanding attitude and feeble efforts undertaken to change the life situation of its own members.²⁷

At the same time, the Programme acknowledges that local governments have been unable to cope with the difficult situation of Roma in Małopolska Province on their own, and notes a need for the central Government to intervene.²⁸

Despite the Programme's impressive scope of activity, many topics are narrowly defined and some important issues are left unaddressed. A principal shortcoming is that, despite the Programme's objective to achieve the full participation of Roma and to mitigate disparities between Roma and the majority society,²⁹ the problem of discrimination is not addressed. Rather, it is assumed that it is sufficient to introduce measures to create equal opportunities in those areas in which Roma face particular difficulties.³⁰ As explained by a Government official, "the Programme concerns a weaker minority group which needs to be provided with such conditions that will lead to equal opportunities."³¹

Minority rights are likewise not addressed in any comprehensive fashion. The Programme confirms the status of Roma as a national and ethnic minority entitled to full protection and assistance from the State.³² It proposes measures in the area of

²⁷ Programme, p. 3.

²⁸ "The difficult situation of the Roma community in the Małopolska Province and the inability of local governments to cope with it were the factors underlying the decision about the involvement of government administration in solving the problems which have emerged [...]." Programme, p. 6.

²⁹ Programme, p. 7.

³⁰ "It is particularly important to achieve equal levels of development in areas such as education, employment, health, hygiene, accommodation conditions, skills for functioning in a civil society." Programme, p. 7.

³¹ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

³² Programme, p. 4.

culture, and also seeks to promote awareness of Roma identity and culture among the majority population. However, it does not propose measures to promote other minority rights such as effective participation in public life or promotion of the use of the minority language in the public sphere. Government officials emphasise that the Programme is not necessarily intended to protect Roma rights as these are protected by the Constitution.³³

Some of the areas that the Programme does address are too narrowly defined. Concerning education, for example, the focus is on improving completion rates of primary education but secondary education or access to higher education are not covered.³⁴ Other important issues left out include: ensuring access to public institutions, including State-owned media (as professional staff); vocational training; monitoring of discrimination and intolerance; and promoting awareness of existing channels for submitting complaints regarding racially motivated crime.

There are no other initiatives apart from this Programme that aim to protect the Roma minority (or minorities in general) as such. However, some initiatives of the Ministries of Education and Culture outside the scope of the Programme also benefit Roma and other minority groups.³⁵

2.4 The Programme – Administration/Implementation/Evaluation

Mechanisms for programme administration, monitoring and evaluation seem to be operating but, due to the limited scale of implementation thus far, it is difficult to assess their overall effectiveness. A centralised mechanism for monitoring the implementation of the Programme is in place, but is not sufficiently linked to compliance mechanisms; this might prove problematic with respect to local governments whose cooperation is essential to successful implementation. Stronger mechanisms for ensuring systematic participation by Roma representatives are also needed, especially at the local level.

The Minister of Internal Affairs bears overall responsibility for coordinating implementation of the Programme;³⁶ the Ministry's Division of National Minorities

³³ Interview with an official from the Division of National Minorities, Warsaw, 22 March 2002. See Section 3.4.

³⁴ There are no Government scholarships to encourage Roma to apply to universities. *Minority Protection 2001*, p. 355.

³⁵ See Section 3.4.5.

³⁶ Programme, p. 8.

administers and monitors implementation at the national level,³⁷ and cooperates with the Task Force for National Minorities³⁸ concerning implementation and problems that emerge.³⁹ The Division also maintains regular contact with local institutions as well as with Roma representatives. The Plenipotentiary for National Minorities plays an important role in facilitating cooperation between local governments and Roma communities.⁴⁰

Local actors play a key role in implementation as the Programme's projects are mostly supposed to be implemented by commune councils and municipalities in Małopolska Province (except for Cracow/Kraków, which is not covered by the Programme).⁴¹ Every year, local government institutions can submit project proposals to the Division of National Minorities concerning tasks for which they are responsible according to the Timetable for Realisation and Financing. Only twelve of the 228 tasks proposed in the Timetable under the responsibility of institutions other than these local government authorities; at present, only a small number of Roma and other NGOs are expected to be able to participate in implementing projects.⁴² Roma leaders have called for greater Roma participation in implementation.⁴³

³⁷ The Division of National Minorities was established in January 2000.

³⁸ The Task Force for National Minorities consists of representatives of ministries and other government bodies. Neither minorities nor local governments are represented. *Minority Protection 2001*, p. 375, footnote 139.

³⁹ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

⁴⁰ OSI Roundtable, Warsaw, July 2002. *Explanatory note: OSI held a roundtable meeting in Poland in July 2002 to invite critique of the present report in draft form. Experts present included representatives of the Government, Roma representatives and non-governmental organisations.* The Małopolska Province Plenipotentiary for National Minorities, appointed by the Governor of the Province, is not of Roma origin. There are, however, several plenipotentiaries of Roma origin who also assist with implementation (see Section 3.4.3).

⁴¹ Cracow will be covered when the Programme is expanded. OSI Roundtable, Warsaw, July 2002.

⁴² Governmental agencies include: the Małopolska Provincial Police, the National Police, representatives of the Catholic Church, NGOs, the Małopolska Department of Education, the local unit of the Health Service in Nowy Sącz. The Catholic Church and various NGOs are also mentioned. Only one Roma organisation, the Association of the Roma in Nowy Sącz Region, is listed as responsible for implementing tasks (five in total). Timetable for Realisation and Financing, pp. 20-21. A number of NGOs are also mentioned as being "involved in implementing the Programme" as they are realising projects which are considered to fall within its general scheme. Programme, p. 8.

⁴³ According to one leader: "The Roma should not play their role as beneficiaries only, but also as decision-makers. They should have real influence on their life and Roma organisations should really implement the Programme." Written comments of the Chair of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 August 2002.

Funding

The Programme is to be financed from various sources, the most substantial of which is a special purpose reserve within the State budget.⁴⁴ Normally, these resources are to be released at the request of the Minister of Internal Affairs, and transferred via the Małopolska Provincial Governor to local government units in the Province.⁴⁵ In general, about 80 percent is to come from the State budget, and 20 percent from predominantly local actors.⁴⁶

The budget of the Programme is as follows (all sources combined):⁴⁷

Areas	2001	2002	2003	Total
1. Education	PLN 2,093,659 (€550,963)	PLN 2,332,144 (€613,722)	PLN 2,301,972 (€605,782)	PLN 6,727,775 (€1,770,467)
2. Combating Unemployment	PLN 530,689 (€139,655)	PLN 893,749 (€235,197)	PLN 771,760 (€203,095)	PLN 2,196,198 (€577,947)
3. Health	PLN 232,340 (€61,142)	PLN 128,693 (€33,867)	PLN 107,621 (€28,321)	PLN 468,654 (€123,330)
4. Living Conditions	PLN 3,397,953 (€894,198)	PLN 4,853,590 (€1,277,261)	PLN 4,258,661 (€1,120,700)	PLN 12,510,204 (€3,292,159)
5. Security	PLN 252,942 (€66,564)	PLN 249,074 (€65,546)	PLN 255,212 (€67,161)	PLN 757,228 (€199,271)
6. Culture	PLN 326,800 (€86,000)	PLN 365,124 (€96,085)	PLN 318,663 (€83,859)	PLN 1,010,587 (€265,944)
7. Knowledge in and about the Roma Community	PLN 200,220 (€52,689)	PLN 232,820 (€61,268)	PLN 170,220 (€44,795)	PLN 603,260 (€158,753)
Total	PLN 7,034,603 (€1,851,211)	PLN 9,055,194 (€2,382,946)	PLN 8,184,109 (€2,153,713)	PLN 24,273,906 (€6,387,870)

Note: The exchange rate is calculated at PLN 3.8 (Polish złoty) = € 1.

⁴⁴ Other sources of funding foreseen include: the Ministries of Education and Culture, local departments of education, local units of the Health Service, the Labour Office, the Labour Fund, the Małopolska Provincial Office, the police, commune councils and municipalities, the Foundation for Supporting the Countryside, and Polish Television. Grants from international governmental and non-governmental sources are also foreseen. Programme, p. 8.

⁴⁵ Programme, pp. 24–25.

⁴⁶ Local governments often rely on NGOs and foundations to help fund-raise for specific projects. For example, the British Know How Fund helped commune councils and municipalities raise funds for the project of Roma assistants. Information provided by the Małopolska Province Plenipotentiary for National Minorities, via e-mail, Małopolska Provincial Office, 8 May 2002.

⁴⁷ See the Timetable for Realisation and Financing.

Every year, the Government announces the overall amount available for the realisation of projects planned in the Timetable for Realisation and Financing.⁴⁸ The Division of National Minorities proposes the actual allocation to specific components of the Programme.

In practice, the amount actually allocated by the Government differs greatly from the funds foreseen in the Programme's budget. Thus, in 2001, the Government announced that funds to be allocated from the State budget would amount to PLN 1,500,000 (€394,737). However, due to a crisis of public finances, funds from the special purpose reserve were withheld; no money was allocated from this source for implementation of the Programme in 2001. Although the Ministry of Education provided PLN 500,000 (€131,579) for the realisation of tasks related to education,⁴⁹ this represented only nine percent of the overall funds which the Government planned to allocate in 2001 (PLN 5,664,613, €1,490,688), and only 28 percent of planned Government funds for the education component for 2001 (PLN 1,755,677, €462,020).⁵⁰

For 2002, a total of PLN 3,000,000 (€789,474) is foreseen: PLN 2,000,000 (€526,316) has already been transferred from the special purpose reserve to the Małopolska Provincial Office for further distribution; PLN 600,000 (€157,895) is soon to be allocated by the Ministry of Education; and PLN 400,000 (€105,263) is expected from local sources.⁵¹ Again, this is much less than what had been foreseen.⁵² Moreover, the funding provided by the Ministry of Education is earmarked for tasks in the area of education only, while the amount allocated from the special purpose reserve is available for tasks in all areas (including education).⁵³

⁴⁸ Plans for Government financing of the Programme are modified every year according to the Budget Act which indicates the amount of public finances to be spent. Information provided by the Małopolska Province Plenipotentiary for National Minorities, via e-mail, on 2 August 2002.

⁴⁹ According to the Head of the Division of National Minorities, this testifies to the good will and responsibility of officers working in the Ministry of Education. Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

⁵⁰ These are figures for planned contribution by the Government, not including local sources, based on the Timetable for Realisation and Financing.

⁵¹ Information provided by the Head of the Division of National Minorities, Ministry of Internal Affairs, Warsaw, 8 August 2002.

⁵² A total of PLN 9,055,194 (€2,382,946) (all sources combined) had been foreseen in the Timetable for Realisation and Financing for 2002, of which PLN 1,950,842 (€513,379) was to be allocated from the special purpose reserve to tasks in the area of education alone. Thus, the budget for 2003, all sources combined, is one third of the original amount planned for that year.

⁵³ Comments provided by the Head of the Division of National Minorities, Warsaw, 8 August 2002.

Local actors can initiate requests for funding by presenting project proposals⁵⁴ along with a detailed budget and timeline for implementation.⁵⁵ Project proposals are first evaluated by the Małopolska Provincial Office, which transmits them, together with a written opinion, to the Division of National Minorities, which in turn also evaluates them; the final decision about approval is made by the Minister of Internal Affairs.⁵⁶

Roma organisations are not directly involved in the funding approval process, although they are consulted and may also submit projects for funding. One Roma organisation expressed concerns that Roma have no influence on the use of Programme funds placed at the disposal of local governments.⁵⁷ Reportedly, some local governments have been unwilling to propose projects for their Roma communities.⁵⁸

Monitoring and evaluation

The Małopolska Provincial Office is responsible for monitoring implementation of the Programme. Institutions responsible for implementing tasks of the Programme and all institutions that have received funding must report annually on the realisation of activities and expenditures to the Division of National Minorities via the Małopolska Provincial Office.

The Division of National Minorities determines whether the Programme is performed according to plan. Neither the Division nor the Government can require compliance

⁵⁴ Application forms for project proposals are available on the website of the Ministry of Internal Affairs at <www.mswia.gov.pl>, (accessed 26 July 2002).

⁵⁵ Information provided by the Małopolska Province Plenipotentiary for National Minorities, via e-mail, on 2 August 2002.

⁵⁶ Information provided by the Małopolska Province Plenipotentiary for National Minorities, via e-mail, on 2 August 2002; written comments of the Head of the Division of National Minorities, Warsaw, 8 August 2002.

⁵⁷ "Even though the funds [...] should serve to improve the situation of the Roma in Małopolska, we have no influence on how they are spent nor even the possibility to check the effectiveness of the use of these funds." Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

⁵⁸ "Some commune offices and municipalities ignore realisation of the Programme. For instance, Limanowa commune did not prepare any projects to improve the extremely difficult situation of the Roma in the Koszary settlement." Written comments of the Chair of the Association of the Roma from Nowy Sącz Region, Laskowa Górna, 27 August 2002. According to another Roma leader, "one of the biggest failures of the Programme is that decisions which are important for the Roma are left to the local administration." Written comments of the Chair of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 August 2002. OSI Roundtable, Warsaw, July 2002.

from the local bodies involved in implementation.⁵⁹ However, the Division may exert some leverage: the new application forms introduced in 2002 include sections on realisation and expenditures over the previous year; the fact that annual reporting has become a pre-condition for renewed funding is seen as a means of monitoring Programme implementation.⁶⁰

Monitoring also includes on-site visits by officials of the Division of National Minorities to see whether funding is being used appropriately.⁶¹ The implementation of projects under the Programme is also discussed in sessions of the Task Force for National Minorities in Warsaw.⁶²

A separate monitoring mechanism has been established for the education component, involving the Local Department of Education in Cracow which reports directly to the Małopolska Provincial Office.⁶³ In February 2002, an interim evaluation report focussing on the activities undertaken in the first half of the 2001/2002 school year was prepared by the Local Department of Education, together with the Division of Health and Social Policy (Małopolska Provincial Office);⁶⁴ this report has been sent to the Division of National Minorities but has not been made public. A more detailed report is due after the end of the school year, following a new round of evaluation.⁶⁵ Implementation of the education component is also discussed in the Sub-Section on the Education of National Minorities within the Task Force for National Minorities.⁶⁶

As no other components were implemented in 2001, no assessment can be made yet regarding the effectiveness of general monitoring and evaluation mechanisms.

⁵⁹ Municipalities, communes and district administration are not under the direct authority of the central Government.

⁶⁰ OSI Roundtable, Warsaw, July 2002.

⁶¹ OSI Roundtable, Warsaw, July 2002.

⁶² The Task Force used to meet monthly; however, since May 2002, it only meets irregularly. Interview with officials of the Division of National Minorities, Warsaw, 22 March 2002.

⁶³ Interview with officials from the Division of National Minorities, Warsaw, 22 March 2002.

⁶⁴ Małopolska Provincial Office, Division of Health and Social Policy, *Analiza i ocena realizowanych zadań, ujętych w Pilotażowym Programie Rządowym na Rzecz Społeczności Romskiej w Województwie Małopolskim, w zakresie edukacji, za okres VII–XII 2001 r.* (Analysis and Evaluation of Task Performance in Accordance with the Pilot Government Programme for the Roma Community in the Małopolska Province, concerning education, during the period July to December 2001), Cracow, 2 February 2002, (hereafter, "Education Report").

⁶⁵ OSI Roundtable, Warsaw, July 2002. As of July 2002, no such report was available.

⁶⁶ Protocols of the Task Force for National Minorities, <www.mswia.gov>, (accessed 26 July 2002).

Opinions vary as to whether the Programme can be modified.⁶⁷ According to one official, even if it emerges that a particular task is difficult to realise or has become irrelevant, it cannot be discontinued or replaced, for example the specialist courses for adults.⁶⁸

Preparations for a programme for Roma in the whole of Poland have begun through preliminary consultations with Roma leaders.⁶⁹ It is not clear how the results of implementation of the Programme will be used in designing the national programme.

There are no formal mechanisms for collaboration between governmental and non-governmental bodies.⁷⁰ There is also a lack of systematic consultations between governmental bodies and Roma representatives on assessing implementation, especially at the local level.

Some local Roma organisations are involved in implementation and evaluation of the Programme. For example, the Association of the Roma in Nowy Sącz Region assisted with the evaluation of the education component by organising the distribution of questionnaires to Roma parents and school directors. The Plenipotentiary for the Roma Community in Nowy Sącz also assists with implementation.⁷¹

However, some Roma representatives have criticised the level of cooperation with local officials,⁷² and the fact that there are no Roma members in the Task Force for National

⁶⁷ OSI Roundtable, Warsaw, July 2002.

⁶⁸ See Section 3.2.1.

⁶⁹ OSI Roundtable, Warsaw, July 2002; see also "Polish Government Works on Program for Roma," RFE/RL *Newsline*, 2 August 2002.

⁷⁰ NGOs implementing projects for Roma tend to cooperate with local government units rather than with the central Government.

⁷¹ A representative of the Association of the Roma in Nowy Sącz Region was appointed by the Division of National Minorities as Plenipotentiary for the Roma Community in Nowy Sącz Region in 2000; the Division of National Minorities defined his competencies and duties and also covers his salary. Information provided by the Małopolska Province Plenipotentiary for National Minorities, Małopolska Provincial Office, via e-mail, 8 May 2002. Two other Plenipotentiaries, also of Roma origin, have been appointed by the Division of National Minorities to facilitate cooperation with local officials as well as implementation of the Programme (see Section 3.4.3).

⁷² "The Roma community has problems in contacts with local administration officials. It may be due to the result of the low level of education of the Roma, but unfortunately it leads to the marginalisation and pauperisation of Roma society." Written comments of the Chair of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 August 2002. "We would welcome it if local officials had such contacts with us as the Minister [of Internal Affairs] does." Interview with the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002.

Minorities;⁷³ representatives of Roma organisations (and local governments) attend Task Force meetings on an *ad hoc* basis only.⁷⁴ Suggestions have been made to involve Roma in regularly monitoring Programme implementation and to systematically communicate with Roma communities to identify their needs,⁷⁵ for example through a permanent consultative body of Roma at the local level to improve cooperation with local authorities, or a sub-team of Roma representatives for more formal consultations at the national level.⁷⁶

2.5 The Programme and the Public

No official public campaign was carried out following the adoption of the Programme and there have been no systematic efforts to explain why it is needed or to promote its goals. However, officials of the Division of National Minorities visited the Nowy Sącz region to inform local communities about the Programme. Meetings with local government officials and Roma representatives to which the media was invited were also organised.⁷⁷ Efforts were also made to publicise the Programme through local media.⁷⁸

Media coverage of the Programme is based mainly on informal contacts between Government officials and journalists.⁷⁹ In most cases, the media has positively described its launch, which was reported mostly in the regional media or in regional supplements to the national press. For example, articles published by regional supplements of *Gazeta Wyborcza* tended to cover the adoption of the Programme in a positive light and informed readers

⁷³ The fact that many Roma are not informed about the specific activities of the Programme has also been criticised. The need for Roma to be able to participate in a dialogue with institutions responsible for implementation at the local level has been especially emphasised. OSI Roundtable, Warsaw, July 2002.

⁷⁴ OSI Roundtable, Warsaw, July 2002.

⁷⁵ Interview with J.C., a local Roma leader, Limanowa, 28 March 2002; interview with a representative of the Association of the Roma in Nowy Sącz Region, Laskowa, 27 March 2002.

⁷⁶ OSI Roundtable, Warsaw, July 2002.

⁷⁷ Written comments of the Head of the Division of National Minorities, Warsaw, 8 August 2002.

⁷⁸ OSI Roundtable, Warsaw, July 2002.

⁷⁹ Interview with the Head of the Division of National Minorities, Warsaw, 22 March 2002.

about the difficult situation of Roma, devoting a large number of articles to the question of education. *Rzeczpospolita*, a national daily, also focused on this issue.⁸⁰

Critical assessments in the media tend to focus on its limited implementation. For instance, a local newspaper, *Echo Tarnowa*, strongly criticised the lack of funding for the Programme in 2001, as well as the fact that no measures concerning housing were implemented, suggesting that local governments should have participated in financing the Programme.⁸¹ An article in the regional *Dziennik Polski* criticised the fact that Cracow was not included in the Programme, arguing that Roma there live in very difficult conditions, over 90 percent of them being unemployed.⁸² According to some experts, however, media coverage has also had a negative effect.⁸³

Interviews conducted among Roma communities benefiting under the Programme suggest that Roma are familiar with it.⁸⁴ However, some Roma representatives note that a large number of Roma in the region still lack information about the Programme and

⁸⁰ According to a press review conducted for the purpose of this report, in 2000 there were four articles, in 2001 – three articles, and in 2002 – three articles, in the national daily *Rzeczpospolita* describing the education situation of Roma children. There were also articles on unemployment: “Surveys conducted last year among the Roma in Świętokrzyska Province showed that only one out of 66 persons has a profession [...]. Unemployed Roma also rarely use social aid for the unemployed.” See “Szansa dla Roma” (An opportunity for a Rom), *Gazeta w Kielcach*, a regional supplement of *Gazeta Wyborcza*, 26 July 2001, p. 4.

⁸¹ “Wozy nie pojedą taborami” (Wagons will not budge in trains/caravans), *Echo Tarnowa*, 7 November 2001, p. 3.

⁸² “Są zbyt zaradni!” (They are too smart!), *Dziennik Polski*, 2001.

⁸³ The Director of the Ethnographic Museum in Tarnów points out that “the enthusiasm of journalists and the great interest in the [Małopolska] Programme was harmful both for the Programme and for the Roma community. The press quoted the amount of Government funding to be attributed for the realisation of particular tasks, which was interpreted by most Roma in Tarnów as an amount to be divided among individuals [...]” Interview with the Director of the Ethnographic Museum in Tarnów, Tarnów, 20 March 2002; see also: “Miliony dla Romów” (Millions for the Roma), *Gazeta w Krakowie* (regional supplement of *Gazeta Wyborcza*), 27 March 2001, p. 5.

⁸⁴ Ten interviews were conducted amongst the Roma community for the purpose of this report in the following villages and towns: Krośnica, Maszkowice, Laskowa, Ochotnica Górna, Limanowa and Nowy Targ. Eight out of ten persons confirmed knowing about the Programme, while two stated that they knew more or less about the Programme but lacked further information.

funding allocated to projects.⁸⁵ The text of the Programme is available on the website of the Ministry of Internal Affairs. However, it has been noted that not everyone – and especially not inhabitants of Roma settlements – can afford Internet access.⁸⁶

2.6 The Programme and the EU

The Programme declares that the “Roma problem” in Poland, “though acute, is of much less intensity than in some other countries of Central and Eastern Europe. Consequently, the European Union’s interest and its readiness to provide measurable and tangible assistance in solving problems in Poland is relatively low.”⁸⁷ Nonetheless, EU grants are considered a potential source of funding.⁸⁸

Protection of the Roma minority is not a priority area for EU funding.⁸⁹ The EU has accordingly not provided direct funding to the Programme,⁹⁰ although it has provided some financing through the 1999 Phare ACCESS Programme (€44,860) to an important initiative to train Roma assistants for schools in Małopolska Province.⁹¹

⁸⁵ OSI Roundtable, Warsaw, July 2002. According to one Roma leader: “[m]ost of the persons I visited in Roma settlements in 2001 did not know anything about the [Małopolska] Programme. I have appealed to representatives of the local government to disseminate information about the Programme [...]. I proposed to provide such information through television so that the Roma can get acquainted with the entire complexity of the Programme, but no such television programme was produced.” According to the same person, it is also hard to obtain information on the funding allocated to projects. Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

⁸⁶ OSI Roundtable, Warsaw, July 2002.

⁸⁷ Programme, p. 6.

⁸⁸ According to the European Commission Delegation, the Government has not requested any Phare support for the Programme. Information provided by an Official of the Delegation of the European Commission to Poland, Warsaw, 25 April 2002.

⁸⁹ The protection of Roma is not listed as a priority in Poland’s Accession Partnership. See the latest Accession Partnership, revised in 2001, based on the conclusions of the European Commission, *2001 Regular Report on Poland’s Progress Towards Accession*, Brussels, 13 November 2001, <http://europa.eu.int/comm/enlargement/report2001/appl_en.pdf>, (accessed 19 September 2002) (hereafter, “*2001 Regular Report*”).

⁹⁰ Information provided by an Official of the Delegation of the European Commission to Poland, Warsaw, 25 April 2002.

⁹¹ This project is being implemented by the Małopolska Association of Education since January 2002. Information provided by an Official of the Delegation of the European Commission to Poland, Warsaw, 4 September 2002.

Another project funded under the 1999 ACCESS Programme, while not specifically targeting the Roma community, also served it. Under the project “Mobile Citizens Assistance and Referral Services” (€142,000), a sub-project, implemented by the Polish-Roma Integration Association from July 2001 to September 2002, aimed to create a mobile outreach information system for Roma in Małopolska Province.

The European Commission noted the adoption of the Programme in its 2001 Regular Report, considering it a “first step by the government to combat the precarious situation of the Roma minority in Polish society[.]”⁹² It considered that it was too early to assess results of implementation.⁹³ Monitoring reports are available from the European Commission Delegation in Warsaw upon request; however, no final evaluation reports are available yet for these projects.⁹⁴

3. THE GOVERNMENT PROGRAMME – IMPLEMENTATION

3.1 Stated Objectives of the Programme

The main objective of the Programme is “to achieve full participation of Roma who live in [Małopolska Province] in the life of a civil society and to mitigate the disparities between this group and the rest of the society;” it is also stated that “[i]t is particularly important to achieve equal levels of development in areas such as education, employment, health, hygiene, accommodation conditions, skills for functioning in a civil society.”⁹⁵ Furthermore, the Programme is intended as a set of long-term solutions to the problems faced by Roma rather than “quick-fix” measures.⁹⁶

⁹² 2001 Regular Report, p. 24.

⁹³ Information provided by an Official of the Delegation of the European Commission to Poland, Warsaw, 25 April 2002.

⁹⁴ A third project under ACCESS 1999 (€142,000) addresses Roma issues in Northeast Poland as part of a project to support disadvantaged groups in border regions and is being implemented from August 2001 to October 2002. Information provided by an Official of the Delegation of the European Commission to Poland, Warsaw, 4 September 2002.

⁹⁵ Programme, p. 7.

⁹⁶ “The Programme is not designed to offer *ad hoc* assistance in a difficult situation which the Roma community has found itself in, but to develop mechanisms which would make it possible to achieve the above-mentioned objectives [...]. Its minimum duration should range between one and two decades. The three-year period as laid down in the law is clearly not long enough to achieve the strategic objectives of the Programme defined in Chapter III.” Programme, p. 7.

3.2 Government Programme and Discrimination

The Programme does not identify discrimination as a problem.⁹⁷ Rather, it refers to the difficult situation of Roma, recognising that the Roma community – and the Bergitka Roma in particular – suffered most during the period of systemic transformation.⁹⁸ Among other causes of this situation, the Programme mentions the influence of “far-reaching historical and social determinants as well as many errors committed during the Polish People’s Republic period.”⁹⁹ While it stresses the importance of achieving equal levels of development for Roma in various areas, it neither frames these objectives as issues of discrimination nor proposes concrete measures to achieve them.

Outside the framework of the Programme, basic anti-discrimination provisions are contained in the Constitution,¹⁰⁰ the Labour Code,¹⁰¹ and the Law on the Protection of Personal Data.¹⁰² The Law on National and Ethnic Minorities, currently being examined by the Sejm (Lower Chamber of Parliament), will reportedly also contain anti-discrimination provisions.¹⁰³

⁹⁷ It notes, however, that international organisations have identified discrimination against Roma in Poland as a problem, quoting for example a report by the European Commission Against Racism and Intolerance: “Prejudices against the Roma/Gypsy community persist in society and certainly lead to discrimination in everyday life [...]. It is reported that the Roma community is generally excluded from the Polish communities alongside which it lives and that conflicts on the local level occur, although they are seldom acknowledged to be on ethnic grounds [...]. Some sources have also indicated that Roma/Gypsy communities face discrimination on the part of local authorities in the provision of services [...]” Council of Europe, European Commission Against Racism and Intolerance (ECRI), *Second Report on Poland*, adopted on 10 December 1999, CRI (2000) 34, in Programme, p. 5, (hereafter, “CRI (2000)”).

⁹⁸ The reasons presented by the authors of the Programme as to why the Roma community has been negatively affected by the effects of transformation are “the low level of education of its members” and its so-called “cultural specificity.” Programme, p. 7.

⁹⁹ Programme, p. 3.

¹⁰⁰ The Constitution, Art. 32, establishes the general principle of equality and non-discrimination, without specifically prohibiting discrimination on racial, ethnic or other grounds; Art. 60 provides the right of equal access to public services; Art. 53 guarantees freedom of faith and religion. Constitution of the Republic of Poland, *Official Gazette*, No. 78, item 483, 2 April 1997.

¹⁰¹ The Labour Code, Art. 11(3), states that “any form of discrimination in labour relations, in particular on the grounds of [...] race, nationality, belief [...] cannot be admitted.”

¹⁰² The Law on the Protection of Personal Data, Art. 27, forbids the use of data on racial or ethnic origin. At the same time, it prevents the gathering of data on discrimination on the basis of racial or ethnic background. Law on the Protection of Personal Data, *Official Gazette*, No. 133, item 883, 29 August 1997; see also *Minority Protection 2001*, p. 351.

¹⁰³ OSI Roundtable, Warsaw, July 2002.

However, numerous provisions of the EU Race Equality Directive¹⁰⁴ are not yet incorporated into Polish law, which does not include any definition of direct or indirect discrimination based on national or ethnic origin; nor are there provisions for the reversal of the burden of proof in cases where direct or indirect discrimination is claimed.¹⁰⁵ Poland has not signed Protocol No. 12 to the European Convention on Human Rights and Fundamental Freedoms (ECHR). At present, no legislative changes have been proposed, even though Poland lacks comprehensive anti-discrimination legislation as well as a specialised body to promote equal treatment and to address racial or ethnic discrimination.¹⁰⁶

There are no official statistics to prove or disprove the existence of discriminatory practices against Roma, and no cases of discrimination against Roma on ethnic or racial grounds have been proven.¹⁰⁷ Moreover, Government officials have evinced a lack of belief that discrimination might be a problem; also, according to one expert, Roma are not discriminated against in the cultural sphere but are rather privileged compared to other groups; nor does he believe that they are discriminated against in the sphere of legislation or governmental policy.¹⁰⁸ The Ministry of Internal Affairs considers discrimination against national and ethnic minorities to be within its competence;¹⁰⁹ at the same time, it maintains that investigations into this issue could be wrongly interpreted – alleging, for example, that “the presence of an official from the Ministry in a court hearing could be perceived as pressure on the independence of

¹⁰⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of race or ethnic origin.

¹⁰⁵ See P. Filipek, *Legal analysis of national and European anti-discrimination legislation. A comparison of the EU Racial Equality Directive & Protocol No. 12 with anti-discrimination legislation in Poland*, European Roma Rights Center/Interights/Migration Policy Group, Budapest/London/Brussels, September 2001, pp. 10–11, 25, <<http://www.migpolgroup.com/uploadstore/Poland%20electronic.pdf>>, (accessed 26 September 2002); see also *2000 Regular Report by the Commission on Poland's Progress Towards Accession*, Brussels, 8 November 2000, pp. 56–57 (hereafter, “2000 Regular Report”).

¹⁰⁶ See P. Filipek, *Legal analysis of national and European anti-discrimination legislation*; see also CRI (2000); *Minority Protection 2001*, pp. 350–351.

¹⁰⁷ The Office of the Commissioner for Citizens' Rights (Ombudsman) has competence regarding minority rights. In 1998, it established a department for the protection of minority rights that employs a “Senior Specialist for the rights of aliens and national and ethnic minorities.” Reportedly, the majority of minority rights complaints received originated with Roma. *Minority Protection 2001*, pp. 372–373.

¹⁰⁸ Interview with the Director of the Ethnographic Museum in Tarnów, Tarnów, 20 March 2002.

¹⁰⁹ OSI Roundtable, Warsaw, July 2002.

courts[.]”¹¹⁰ There have been no governmental measures outside the Programme to promote full and effective equality (such as through affirmative action) for the Roma or other minorities.

Roma leaders have themselves identified discrimination as a problem,¹¹¹ citing problems of institutional discrimination by public officials, especially the police and local commune councils and municipalities, treatment as second-class citizens by the State administration, discrimination in the workplace, and exclusion from the rest of society;¹¹² discrimination against Roma women¹¹³ and children¹¹⁴ in particular has also been reported.

Discrimination against Roma, especially in education, housing and employment, is sometimes described in the Polish press.¹¹⁵ Reports by international NGOs also point

¹¹⁰ According to another official, “We have received a few complaints which could eventually serve as evidence of discrimination against the Roma, but the [Ministry of Internal Affairs] is not a division of complaints and cannot do much with that [...]” Interview with officials of the Division of National Minorities, Warsaw, 22 March 2002. For a comprehensive discussion of judicial independence in Poland’s courts, see EU Accession Monitoring Program, *Monitoring the EU Accession Process: Judicial Independence*, Open Society Institute, Budapest, October 2001; id., *Monitoring the EU Accession Process: Judicial Capacity*, Open Society Institute, Budapest, November 2002, both available at <www.eumap.org>.

¹¹¹ Officials claim that the Roma representatives consulted during the preparation of the Programme did not highlight the issue of discrimination as a top priority. OSI Roundtable, Warsaw, July 2002.

¹¹² Interviews with: the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002; the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002; and the leader of the Association of the Roma in Cracow, Cracow/Nowa Huta, 5 April 2002.

¹¹³ A recent survey conducted by a Roma organisation amongst young Roma women in one village in Małopolska Province showed that they need encouragement and equal treatment by schoolmates and teachers in order to make progress in education. They also complained about discrimination. Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

¹¹⁴ See *Minority Protection 2001*, p. 352.

¹¹⁵ See for example in the national daily *Rzeczpospolita*: “Czarny brat, czarna siostra” (A black brother, a black sister), 14 March 2000; “Katastrofa edukacyjna” (An educational catastrophe), 8 September 2001; “Prawa mają równe, szanse – nie” (They have equal rights but no chances), 13 March 2002; “Niektóre dzieci są całkiem białe” (Some children are totally white), 23 March 2002; and in another national daily *Nowy Dziennik*: “Cygańska dola” (Gypsy fate), 24 August 2001; in the regional daily *Gazeta Krakowska*: “Romowie jadą na odsiecz” (The Roma go for succour), 17 February 1999; “To jawny rasizm” (It’s obvious racism), 25 April 1998; in the monthly *Rrom p-o drom*: “Pieniądze albo życie” (Your money or your life), July/August 2000; in *Gazeta Lubuska*, a regional supplement of *Gazeta Wyborcza*: “U nas dole i niedole” (Our fate and bad fate), pp. 15–16, July 2000.

to discrimination and inequalities in certain areas.¹¹⁶ ECRI has called for establishing a system of monitoring and evaluating discrimination and racism against minority groups, especially the Roma community.¹¹⁷

3.2.1 Education

Education support is considered the Programme's priority because it is seen as a key to improving conditions in other areas.¹¹⁸ The hiring of Roma teacher's assistants and introduction of remedial classes have had a positive impact on school attendance and educational success of Roma children; they have also been positively received by parents and school directors; this also suggests that attributing the blame for low school attendance to Roma parents may require reassessment.

The Programme identifies the main problem as the "low level of education of Roma children which is related to internal community practices,"¹¹⁹ as well as to other factors such as poor knowledge of Polish, low levels of parental education, lack of pre-school preparation, and poverty. There is no mention of possible discrimination or disadvantages experienced by Roma children in the Polish educational system.

The Programme's main objectives are

to raise the level of education among Roma through increasing the completion rate [for primary education], improving school attendance and learning achievements of Roma children and young people, and facilitating further study in post-primary schools for Roma young people [sic].¹²⁰

The Programme clearly prefers an integrated rather than segregated education model, due to problems encountered with "Roma classes[.]"¹²¹ Reportedly, the practice of

¹¹⁶ P. Filipek, *Legal analysis of national and European anti-discrimination legislation*, p. 15; see also CRI (2000), p. 11, 12, 17.

¹¹⁷ CRI (2000) 34, p. 4.

¹¹⁸ Programme, p. 10.

¹¹⁹ "Roma children do not attend school regularly or at all; this is because their parents underestimate the role of education at a later stage of life and treat school as a repressive institution and as a threat to the Roma identity." Programme, p. 9.

¹²⁰ Programme, p. 10.

¹²¹ Programme, p. 9. Separate "Roma classes" were set up starting in 1991 as an experiment by a Catholic priest in order to address low literacy and high drop-out rates among Roma children. However, the quality of education of these classes tended to be very low. Roma representatives have advocated ending the practice of establishing such classes. For more on segregated classes and other issues in the area of education, see *Minority Protection 2001*, pp. 352–355.

setting up such classes has been discontinued in Małopolska Province and they are now organised only for older children and youths because of the practical difficulty of teaching older children who have completed only one year of primary education together with younger children.¹²²

Education projects constitute the largest group of projects to be implemented: between 2001 and 2003; 102 sub-projects are proposed in fifteen local administration units.¹²³ They include:

- Employing Roma assistants (in 15 schools);¹²⁴
- Providing financial support for education in “zero classes” (pre-school education) and ensuring the possibility of extending education at the pre-school level;
- Introducing compensatory classes;¹²⁵
- Providing financial support for purchasing textbooks, teaching aids and supplies;
- Hiring supporting teachers and organising special interest clubs and courses;
- Providing financial support for extra school meals;
- Providing financial support for children to attend nursery schools;
- Enabling Roma children to take part in summer and winter camps;
- Organising psychological and pedagogical support and setting up “therapeutic rooms” (both for children and their parents);
- Providing financial support for teachers helping Roma children;
- Organising educational activities for adults;
- Organising vocational courses for young people and adults;
- Introducing additional lessons in Polish;
- Providing financial support for transporting children to schools;

¹²² OSI Roundtable, Warsaw, July 2002.

¹²³ These are the cities of Limanowa, Nowy Targ, Nowy Sącz, Szczawnica and Tarnów, and the communes of Bukowina Tatrzańska, Czarny Dunajec, Grybów, Jabłonka, Krościenko nad Dunajcem, Limanowa, Łącko, Nowy Targ, Ochotnica Dolna and Szaflary. Timetable for Realisation and Financing, pp. 1–10; see also Programme, p. 11.

¹²⁴ These are teacher’s assistants of Roma origin. The Association of the Roma in Nowy Sącz Region is listed as responsible for implementing this task, together with the Małopolska Department of Education. Timetable for Realisation and Financing, p. 1.

¹²⁵ These are remedial classes including Polish language classes but not exclusively.

- Providing financial support for insuring pupils against accidents;
- Organising summer integration-oriented leisure activities in “Gypsy camps” for Roma and Polish children.¹²⁶

Roma representatives have pointed to the fact that the Programme does not propose any measures to encourage Roma to attend secondary schools and universities.¹²⁷ Government officials stress the need to address primary education first and expect that access to secondary and tertiary education, as well as courses to help applicants prepare for exams, will be dealt with later.¹²⁸

The following expenditures are foreseen in the field of education:¹²⁹

	2001	2002	2003	Total
Total estimated budget	PLN 2,093,659 (€550,963)	PLN 2,332,144 (€613,722)	PLN 2,301,972 (€605,782)	PLN 6,727,775 (€1,770,467)
Amount to be covered from local sources ¹³⁰	PLN 337,982 (€88,943)	PLN 381,302 (€100,343)	PLN 487,590 (€128,313)	PLN 1,206,874 (€317,598)

¹²⁶ Timetable for Realisation and Financing, pp. 1–10; Programme, p. 11.

¹²⁷ Interview with the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002; OSI Roundtable, Warsaw, July 2002.

¹²⁸ OSI Roundtable, Warsaw, July 2002.

¹²⁹ Timetable for Realisation and Financing, p. 10.

¹³⁰ Local sources of funding include local administration units, county labour offices, and the police.

Due to the withholding of the State budget's special purpose reserve, only PLN 500,000 (€131,579) provided by the Ministry of Education were available in 2001.¹³¹ This amount was allocated to fifty projects (out of the 102 planned) in thirteen local administrative units.¹³²

As the Government announced that less funding would be available than planned, local governments applied for fewer projects, although some funding was also provided by local governments themselves.¹³³ Project proposals submitted for areas other than education were not funded. One justification advanced for funding only education

¹³¹ PLN 1,755,677 (€462,020) should have been allocated from the special purpose reserve in 2001 for tasks in the area of education alone.

¹³²

Administrative units receiving funding in 2001	Number of projects approved	Funding from Ministry of Education PLN (€)
Association of Roma in Nowy Sącz Region (placement of Roma assistants)	1	0/NA
Bukowina Tatrzańska commune	4	PLN 45,000 (€11,842)
Czarny Dunajec commune	4	PLN 50,000 (€13,158)
Krościenko nad Dunajcem commune	3	PLN 12,000 (€3,158)
Limanowa commune	4	PLN 6,180 (€1,626)
Łącko commune	6	PLN 55,000 (€14,474)
Nowy Targ commune	3	PLN 4,100 (€1,079)
Ochońnica Dolna commune	4	PLN 30,000 (€7,895)
Szaflary commune	3	PLN 7,600 (€2,000)
Grybów commune	0/NA	0/NA
Jablonka commune	0/NA	0/NA
Limanowa city	5	PLN 35,000 (€9,211)
Nowy Sącz city	5	PLN 128,000 (€33,684)
Nowy Targ city	4	PLN 30,000 (€7,895)
Szczawnica city	1	PLN 7,120 (€1,874)
Tarnów city	4	PLN 90,000 (€23,684)
Total (estimate)	50	PLN 500,000 (€131,579)

Source: Małopolska Provincial Office, Division of Health and Social Policy, Analysis and Evaluation of Task Performance in Accordance with the Pilot Government Programme for the Roma Community in the Małopolska Province, (Cracow, 2 February 2002), covering the period July to December 2001.

¹³³ For e.g., the city of Tarnów contributed PLN 18,767 (€4,939), mainly for the purchase of school kits. Written comments of an official from Tarnów municipal office, 29 July 2002. No overview of the contributions of local governments is available yet for 2001.

projects is that raising the currently low levels of education will lead to improvements in all other areas.¹³⁴

The following is a summary of the education-related tasks realised under the Programme in 2001:¹³⁵

- *Roma assistants* were employed in four communes and four municipalities.
- *Supporting teachers* were also employed (to assist Roma children and teach compensatory classes but also, in some cases, to conduct special interest clubs) in three communes and two municipalities.
- *Compensatory classes* were organised in seven communes and four municipalities (though not exclusively for Roma).
- “*Zero classes*” were organised in one commune and two municipalities.
- “*Special interest clubs*” (dance, music, handicrafts, art, etc.) were set up in two communes and three municipalities (though not exclusively for Roma).
- *Textbooks and school kits* were distributed to Roma children in seven communes and four municipalities.
- *Teaching aids* (for compensatory classes) were purchased for schools in three communes and two municipalities.
- *Excursions* were organised in two communes; a *summer camp* for Roma children and a *workshop camp for Roma youth* were organised in one municipality.
- *Workshops for supporting teachers* were organised in one municipality.
- *A nursery school* was established in one commune.
- Eight pupils commuting from one commune received bus tickets, insurance and extra meals.

¹³⁴ OSI Roundtable, Warsaw, July 2002.

¹³⁵ The data presented below are drawn from the following sources: Małopolska Provincial Office, *Education Report*; and also *Ankieta dla dyrektora szkoły* (Questionnaire for school directors) – these were distributed to the directors of the schools covered by the Programme by the Association of the Roma in Nowy Sącz Region in February/March 2002, for use by the Division of National Minorities; ten interviews were also conducted in March 2002 for the purpose of this report with representatives of the Roma community in the following villages and towns: Krośnica, Maszkowice, Laskowa, Ochotnica Górna, Limanowa and Nowy Targ.

- A course (totalling 100 hours on reading, writing, mathematics, natural science, computer skills and “preparing for family life”) was organised for Roma parents in one commune.

Most of these projects were coordinated by local administration units, in cooperation with the local departments of education and the Ministry of Education. Roma participation in project coordination was confined to informal consultations.

Overall, most of the activities that received funding were implemented successfully, although some of the planned activities were not realised,¹³⁶ and a few others were implemented with some delay.¹³⁷ Preliminary data¹³⁸ suggests that about 520 Roma pupils and 40 adults benefited from the above-mentioned initiatives.¹³⁹

The joint evaluation of sub-projects prepared by the local Department of Education in Cracow and the Małopolska Provincial Office, based upon questionnaires distributed to Roma parents and school directors by the Association of the Roma in Nowy Sącz Region,¹⁴⁰ noted an increase in school attendance and an improvement in the performance of pupils.¹⁴¹ This appeared to be due to the involvement of Roma assistants in primary schools who have been credited by school directors with improving

¹³⁶ Such as, for example the educational courses for adults in Bukowina Tatrzańska commune. In Krościenko nad Dunajcem commune, no Roma assistant was employed (because the person proposed by the commune was not accepted by the local Roma community) and no “zero classes” were set up. In Limanowa commune, planned activities such as compensatory classes, the purchase of textbooks and school kits for Roma children, etc., were not implemented because Limanowa commune argued that there were no Roma attending schools on its territory. However, members of the Roma community do inhabit Limanowa commune and Roma pupils attend primary school No. 4 in the city of Limanowa. Małopolska Provincial Office, *Education Report*, p. 3.

¹³⁷ In Tarnów municipality, some textbooks and school kits were purchased in November rather than in September 2001. A local Roma leader from Krośnica also pointed out that the commune took a long time to solve problems related to purchasing textbooks and school kits for Roma pupils. Interview with a local Roma leader, Krośnica, 28 March 2002.

¹³⁸ A full evaluation of the education component is expected after the end of the 2001/2002 school year. Małopolska Provincial Office, *Education Report*.

¹³⁹ These estimates were compiled on the basis of information concerning the number of beneficiaries from tasks implemented by individual units of local government. Małopolska Provincial Office, *Education Report*.

¹⁴⁰ See Questionnaires for Roma parents, distributed by the Association of the Roma in Nowy Sącz Region in February/March 2002, for use by the Division of National Minorities.

¹⁴¹ Małopolska Provincial Office, *Education Report*, pp. 6–7.

communication between the school, pupils and their parents.¹⁴² The joint evaluation also found that the purchase of textbooks and school kits for Roma children has had a positive impact on their results at school.¹⁴³ There have also been reports that the Programme has contributed to decreasing prejudice towards Roma children in schools.¹⁴⁴

The overall reaction of Roma parents and the Roma community has also been positive – although it is sometimes difficult to separate their evaluation of the educational projects from criticism that other components of the Programme were not implemented in 2001. Thus, Roma parents are generally satisfied with Roma assistants and compensatory classes;¹⁴⁵ most Roma leaders also positively evaluated these initiatives.¹⁴⁶

Some failures were also pointed out in the joint evaluation. The attendance of children was low in some cases, while the courses planned for adult Roma were not held; one Government official suggested that the topic of these courses may not have been of sufficient interest for the community.¹⁴⁷

Roma leaders also identified some shortcomings, such as the lack of financial support for extra meals in schools¹⁴⁸ and delays in providing textbooks after the beginning of the school year.¹⁴⁹ Some parents mentioned the need for additional compensatory

¹⁴² Małopolska Provincial Office, *Education Report*. The same opinions are expressed by school directors; see Questionnaires for school directors, distributed by the Association of the Roma in Nowy Sącz Region for use by the Division of National Minorities, February/March 2002.

¹⁴³ Małopolska Provincial Office, *Education Report*, pp. 6–7.

¹⁴⁴ Interviews with: M. C., a Roma man, 28 March 2002, Limanowa; and W. S., a local Roma leader, Ochotnica Górna, 28 March 2002.

¹⁴⁵ See Questionnaires for Roma parents.

¹⁴⁶ Ten interviews were conducted with representatives of the Roma community in the following villages and towns: Krośnica, Maszkowice, Laskowa, Ochotnica Górna, Limanowa, Nowy Targ in March 2002 for the purpose of this report.

¹⁴⁷ “There are also tasks which could not be performed. These include, in particular, adult education. The lack of performance of such a task stems from the lack of the interest among the Roma society to participate in education courses.” Letter dated 9 January 2002 of the Małopolska Province Plenipotentiary for National Minorities, Division of Health and Social Policy, Małopolska Provincial Office, to the Secretary of the Inter-Sector Task Force for National Minorities, p. 2 (on file with EUMAP). OSI Roundtable, Warsaw, July 2002. However, allegedly, one Roma leader had asked about the possibility of covering the costs of education fees at the secondary level, computer courses, driving courses, and foreign language courses “but the executors of the Programme do not take into account that the Roma themselves know what they want to learn; instead, they propose their own offers.” Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002.

¹⁴⁸ Interview with a representative of the Association of the Roma in Nowy Sącz Region, Laskowa, 27 March 2002.

¹⁴⁹ OSI Roundtable, Warsaw, July 2002.

classes,¹⁵⁰ while others called for music and arts clubs to be established. A recommendation was also made for teachers working with Roma children to display more understanding and sensitivity.¹⁵¹

Roma leaders as well as local inhabitants also had critical remarks concerning the limited implementation of the Programme, stating that education initiatives were not sufficient, and that employment, housing and living conditions were the biggest problems confronting the Roma community.¹⁵² The need for better health care was also mentioned.¹⁵³

The Małopolska Province Plenipotentiary for National Minorities concluded that the Programme should be continued, with the education section as a priority, and that the quality of sub-project implementation should be monitored more closely.¹⁵⁴ It is not known exactly how much will be made available for education projects in 2002. At least PLN 600,000 (€157,895) is expected to be allocated by the Ministry of Education,¹⁵⁵ and it is expected that the educational component will continue to receive Government funding until it is fully implemented.¹⁵⁶

One general remark is warranted regarding the Programme's approach to the issue of education, which assumes that the low school attendance of Roma children stems from the attitude of parents towards education.¹⁵⁷ However, interviews with Roma parents have shown that they perceive the education of their children to be important or very

¹⁵⁰ Małopolska Province Office, *Education Report*, p. 7.

¹⁵¹ Questionnaires for Roma parents. Teachers from schools attended by Roma children are now reportedly being trained on the Roma culture and customs. OSI Roundtable, Warsaw, July 2002.

¹⁵² Interview with local Roma leaders in Maszkowice, Limanowa and Ochotnica Górna, 28 March 2002. "We are very satisfied with the new possibilities in education. But as concerns housing, we did not get any help. Also, unemployment is a big problem; almost everyone is unemployed." Interview with L. S., a Roma man, Ochotnica Górna, 28 March 2002.

¹⁵³ Interviews with local Roma leaders in Krośnica, Limanowa, and Maszkowice, 28 March 2002. Interviews with: M.C., a Roma man, 28 March 2002, Limanowa; and E. G., a Roma woman, Nowy Targ, 27 March 2002.

¹⁵⁴ Małopolska Provincial Office, *Education Report*, p. 7.

¹⁵⁵ This represents about 30 percent of the planned amount of funding from central sources. The PLN two million allocated from the special purpose reserve is also intended to cover tasks in the area of education, though not exclusively. Contributions from local sources are also expected.

¹⁵⁶ OSI Roundtable, Warsaw, July 2002.

¹⁵⁷ "[...] parents underestimate the role of education at a later stage of life and treat school as a repressive institution and as a threat to Roma identity." Programme, p. 9.

important.¹⁵⁸ Roma children attend school more frequently when accompanied by Roma assistants with whom they feel comfortable. Thus, blaming Roma parents for the low school attendance of their children does not seem to provide an optimal diagnosis of this problem's cause and may ultimately affect the impact of the Programme in the area of education.

3.2.2 Employment

The "Combating Unemployment" section of the Programme proposes to address the extremely high levels of unemployment among Roma in Małopolska region by:¹⁵⁹

- Creating subsidised jobs in traditional Roma occupations;
- Providing retraining courses;
- Promoting an active approach towards job seeking;
- Creating public works and companies willing to employ low-skilled workers.¹⁶⁰

Important issues not covered by this section of the Programme include: monitoring of racial or ethnic discrimination at the workplace,¹⁶¹ access to public jobs,¹⁶² and vocational training, including training on how to establish small private enterprises; however, some retraining is proposed.

¹⁵⁸ Interviews conducted in March 2002 for the purpose of this report with representatives of the Roma community in the following villages and towns: Krośnica, Maszkowice, Laskowa, Ochotnica Górna, Limanowa, Nowy Targ; see also Questionnaires for Roma parents.

¹⁵⁹ Even though unemployment among Roma is not statistically monitored, numerous sources acknowledge high rates of Roma unemployment. Estimates by Roma leaders put unemployment at 90 percent in Cracow and Tarnów, and at 99 percent in Nowy Sącz. *Minority Protection 2001*, p. 361.

¹⁶⁰ Programme, pp. 11–13.

¹⁶¹ Representatives of the Roma community confirm the existence of problems in this area: "I had many difficulties to get a job until I was employed as a Roma assistant," M.C. explained in an interview on 3 March 2002 in Limanowa. "Now everyone is unemployed and there is no chance to find a job," S.L., a Roma man from Ochotnica Górna, stated in an interview on 28 March 2002. Disadvantages experienced by Roma on the labour market are seen by ECRI as frequently attributable to direct discrimination and prejudice as well as to discrimination in other areas, such as in access to education and social inequality. CRI (2000) 34, para. 38.

¹⁶² Given the high unemployment rates among Roma and the general lack of higher education, it can be assumed that Roma representation in the sphere of public employment is equally low. *Minority Protection 2001*, pp. 369–370.

No tasks were implemented in 2001 or in the first half of 2002 due to lack of funding. Because funding has reportedly been allocated for tasks in all areas in 2002, it is expected that some tasks will be implemented in the area of employment in (the second half of) 2002.¹⁶³

Government officials also expect results in the area of employment as a result of activities to improve education levels, due to the belief that the greatest cause of unemployment is lack of education.¹⁶⁴ However, it has also been argued that better education will not guarantee jobs for the Roma and that it is an overstatement to assume education will solve all the problems.¹⁶⁵ The need to discuss what jobs can be made available for the Roma, based upon a needs assessment in a regional context, has also been highlighted;¹⁶⁶ one Roma leader pointed out that the Programme would be better accepted by the local community if it created job opportunities in general and not only for Roma.¹⁶⁷

3.2.3 Housing and other goods and services

Housing

The Programme notes that the premises inhabited by Roma in Małopolska Province need repairs, that apartments are overcrowded, and that existing housing often does not meet regulations or lacks construction licenses. Roma representatives, too, have repeatedly identified sub-standard housing and living conditions among the biggest problems the Roma community has to cope with.¹⁶⁸ The section on “Living conditions” aims to “improve Roma’s living conditions, and accommodation conditions in particular.”¹⁶⁹ Specific measures proposed include:

- Repairing existing apartments and buildings;
- Settling outstanding disputes about ownership of land;

¹⁶³ Written comments of the Head of the Division of National Minorities, Warsaw, 8 August 2002.

¹⁶⁴ OSI Roundtable, Warsaw, July 2002.

¹⁶⁵ OSI Roundtable, Warsaw, July 2002.

¹⁶⁶ OSI Roundtable, Warsaw, July 2002.

¹⁶⁷ Written comments of the leader of the Association of Roma Women, Cracow, July 2002.

¹⁶⁸ “We did not receive any aid for housing, we live in very difficult conditions.” Interview with S.L., a Roma man from Ochotnica Górna, 28 March 2002. “The most important thing is to provide us with water supply.” Interview with C.W., a local Roma leader from Krośnica, 28 March 2002. See also *Minority Protection 2001*, pp. 357–358.

¹⁶⁹ Programme, p. 15.

- Building low-cost or subsidised apartments;
- Allocating land for construction sites and arranging construction activities (drawing up technical documentation, purchasing construction materials, providing engineering supervision);
- Providing installations for electricity and water supply and connecting Roma settlements to water supply and sewage systems; etc.¹⁷⁰

It might be worth to add in this context that some Roma representatives call on the Government/local governments to use the services of Roma companies and firms employing Roma workers to carry out constructions and installations.¹⁷¹

The Programme does not recognise or address discrimination in access to housing, which Roma leaders allege is a serious problem.¹⁷²

No tasks of the “Living Conditions” component were implemented in 2001 due to withholding of Government funding. The municipality of Tarnów spent PLN 10,625 (€2,796) to renovate flats in 2001; however, this initiative did not target the Roma community specifically.¹⁷³ Because funding has reportedly been allocated for tasks in all areas in 2002, it is expected that some tasks will be implemented in this area later in 2002.¹⁷⁴

¹⁷⁰ Programme, pp. 14–15. It is worth noting that some activities planned under this section are in fact part of general commune investments, e.g. connecting Roma settlements to water supply and sewage systems, etc. Some other tasks are aimed at achieving “the financial situation which would make it easier for them to benefit from other areas of the Programme, e.g. Education.” Programme, p. 15. These tasks, e.g. special allocations for the purchase of clothing, fuel and medicine, will be briefly analysed together with the issue of social protection in Section 3.2.4.

¹⁷¹ Written comments of the Chair of the Association of the Roma from Nowy Sącz Region, Laskowa Górna, 27 August 2002.

¹⁷² Allegedly, racial discrimination in access to housing and segregatory practices are a problem. The Association of Roma Women has noted that some practices of local governments could lead to the “cleansing” of Roma from neighbourhoods, citing the resistance of local governments to deal with settling the question of land ownership or to assign grounds for building houses. Also, in the town of Bochnia (which is in Małopolska Province but is not taking part in the Programme), local officials have offered to build social flats if Roma move from the centre to the outskirts of the town. Written comments of the leader of the Association of Roma Women, Cracow, 26 July 2002; see also *Minority Protection 2001*, p. 357.

¹⁷³ Written comments of an Official from Tarnów municipality, 29 July 2002.

¹⁷⁴ Written comments of the Head of the Division of National Minorities, Warsaw, 8 August 2002.

Other goods and services

The Programme does not address the issue of equal access of Roma to goods and services.¹⁷⁵ According to the Head of the Division of National Minorities, no reports of such discrimination have been received recently.¹⁷⁶

3.2.4 Healthcare and other forms of social protection

Healthcare

The Programme notes that the health conditions of Roma living in the foothill areas of Małopolska Province as “extremely poor” and found that “[t]hey suffer from diseases such as viral hepatitis B, asthma, pneumonia, bronchitis, tuberculosis, anaemia, mental handicaps and hyperthyroidism.”¹⁷⁷ It also states that serious health problems result from “disastrous living conditions: no water supply and sewage system, no heat insulation in buildings and their appalling technical condition, lack of money for fuel, poor diet, limited access to healthcare services, and no tradition to monitor pregnancy among Roma women [...]”¹⁷⁸

The “Health” section of the Programme aims to improve health conditions by facilitating access to healthcare services for Roma and by improving hygiene practices, with special attention paid to children and young people. The measures proposed are mostly hygiene-related, including:

- Employing community nurses of Roma origin;
- Promoting vaccination;
- Carrying out summary examinations, and increasing the frequency of medical examinations for Roma women;
- Subsidising medicine;
- Promoting improvement in hygiene.¹⁷⁹

¹⁷⁵ It has been reported that Roma are frequently denied access to public accommodations and are refused credit by some businesses. *Minority Protection 2001*, pp. 359–360.

¹⁷⁶ Written comments of the Head of the Division of National Minorities, Warsaw, 8 August 2002.

¹⁷⁷ Programme, p. 13 (citing report by J. Beesley, Westminster for Democracy, November 1999).

¹⁷⁸ Programme, p. 13.

¹⁷⁹ Programme, pp. 13–14.

The Programme does not consider the possibility of discrimination in access to healthcare services.¹⁸⁰

This component was likewise not implemented in 2001 due to the withholding of Government funding. Because funding has reportedly been allocated for tasks in all areas in 2002, it is expected that some tasks will be implemented in the area of health in (the second half of) 2002.¹⁸¹

Social protection

Social protection is not addressed as a separate issue in the Programme but only indirectly in the section on “Living Conditions,” where it is noted that “the overwhelming majority” of the Roma [...] in Małopolska province [are] social welfare clientele” and that “social welfare benefits have so far been granted in the form of cash allowances, which enhances the already strong demanding attitude among Roma.”¹⁸² The issue of whether special institutions for providing social assistance to the Roma should be created was raised with the Minister of Internal Affairs.¹⁸³

In general, then, the Programme and the posture of relevant Government officials suggest that the problem is entirely one of socio-economic opportunity and access, rather than allowing the possibility that discrimination plays a role in limiting Roma’s level of social protection. The Programme does call for special social welfare programmes that take into account the “specificity” of Roma,¹⁸⁴ yet given the language employed – such as the description of Roma’s “demanding attitude”¹⁸⁵ – it is not clear

¹⁸⁰ This approach reflects the Government’s view that the problem is not one of limited access but that of the failure of Roma to use existing services. OSI Roundtable, Warsaw, July 2002. Roma suffer from inadequate access to healthcare providers, services and insurance; this results in increased vulnerability to diseases and illnesses. Poor living conditions also negatively affect the health situation of Roma. *Minority Protection 2001*, p. 356.

¹⁸¹ Comments provided by the Head of the Division of National Minorities, Warsaw, 8 August 2002. There are plans, for example, to train a Roma woman to work as a nurse in the city of Limanowa. OSI Roundtable, Warsaw, July 2002.

¹⁸² Programme, p. 14.

¹⁸³ The Minister of Internal Affairs was quoted as saying that “[t]his is a community which demands the same aid as settlements of unemployed or poor people. All such communities need our assistance, and it does not matter whether they are Poles or Roma.” E. Cichocka, Interview with Krzysztof Janik, Minister of Internal Affairs, in “*Mniejszości się nas boją*” (Minorities are afraid of us), *Gazeta Wyborcza*, 8 March 2002, p. 18.

¹⁸⁴ “Roma are a special group of social welfare beneficiaries due to their specific culture. Therefore, standard measures aiming to stimulate their psychosocial activity fail to bring desirable outcomes. Roma should be covered by special social welfare schemes which take into account their specificity.” Programme, p. 14.

¹⁸⁵ Programme, p. 3.

that specificity represents a fully good-faith effort to make meaningful and responsive accommodations.

Measures related to social protection include:

- Granting social benefits;
- Mobilising the Roma community in order to ensure its psychological and social independence through social work and guidance;
- Granting specific-purpose and periodical allowances for the purchase of clothes, medicines, fuel;
- Improving the skills of social workers.¹⁸⁶

None of these measures were implemented in 2001 due to lack of funding.

3.2.5 The criminal justice system

Equal access to the criminal justice system is not addressed in the Programme. Due to the limited research available as to whether Roma are discriminated against in the criminal justice system, it would be useful to further investigate this question.

3.3 Protection from Racially Motivated Violence

Racially motivated violence is one of the biggest problems faced by the Roma community in Poland; both international NGOs and Roma representatives have also identified racially motivated violence as a serious problem.¹⁸⁷ However, official acknowledgement of and response to this problem has been insufficient. According to one Roma representative, “even in cases of serious attacks, Roma do not mention the names of perpetrators to the police because they are afraid and they fear for their own and their children’s safety.”¹⁸⁸ Officials of the Division of National Minorities acknowledge that the statistical data gathered by the police do not show racially

¹⁸⁶ Programme, p. 15.

¹⁸⁷ See *Minority Protection 2001*, pp. 362–364.

¹⁸⁸ Interviews with: the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002; the leader of the Association of the Roma in Cracow/Nowa Huta, 5 April 2002; and the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002.

motivated violence against Roma as a problem because there is no indication of the ethnicity or race of victims.¹⁸⁹

There are no special governmental programmes to combat racially motivated violence. Racially motivated violence is prohibited by the Penal Code,¹⁹⁰ although there are no disciplinary regulations concerning racially motivated abuse by law enforcement personnel. Hate speech is prohibited by the Polish Constitution¹⁹¹ and the Penal Code.¹⁹² Since 2000, the Division of National Minorities has requested regular reports from Police Headquarters in Warsaw on racially motivated crime in Poland; since 2001, monthly reports must be prepared.

The Programme acknowledges the problem of racially motivated violence, but little is proposed to improve protection against racially motivated crime or to raise awareness of channels for complaint. While the Programme recognises that Roma are the minority most exposed to racist attacks in Poland,¹⁹³ it also states that, according to General Police Headquarters, Roma are not frequent victims of crimes, and that police react rapidly when crimes are committed against Roma.¹⁹⁴ The Programme does not deal directly with police abuse, stating rather that Roma have not submitted official complaints about the conduct of police officers.¹⁹⁵ Roma are depicted as being responsible to a certain degree for the fact that racially motivated crimes are rarely investigated. The Programme asserts that Roma are reluctant to cooperate with the police,¹⁹⁶ and refers to the types of crimes Roma commit, despite the fact that no official data on the ethnicity of perpetrators are supposed to be kept¹⁹⁷ – which tends to suggest an attitude that disregards the continuing salience of, and indeed to some degree partakes in, discriminatory attitudes towards Roma in the majority population.

¹⁸⁹ Interview with officials of the Division of National Minorities, Warsaw, 22 March 2002.

¹⁹⁰ Penal Code, Art. 119, *Official Gazette*, No. 88, item 553, 6 June 1997.

¹⁹¹ Constitution of the Republic of Poland (Art. 13), *Official Gazette*, No. 78, item 483, 2 April 1997.

¹⁹² Penal Code (Arts. 256, 257 and 119), *Official Gazette*, No. 88, item 553, 6 June 1997.

¹⁹³ Programme, p. 15.

¹⁹⁴ Programme, p. 15.

¹⁹⁵ Programme, p. 15.

¹⁹⁶ “Some Roma communities complain that the Police are sluggish in reacting to racist attacks, they do not however, submit official complaints about the conduct of individual officers. An important factor which makes it more difficult to detect perpetrators is the reluctance among Roma themselves to cooperate with the Police.” Programme, pp. 15–16.

¹⁹⁷ “Even though the Police does not keep any detailed registers of crime perpetrators or victims with respect to their ethnic origin, the experience gathered shows that offences or crimes most often committed by Roma are thefts, thefts with burglary, and robberies.” Programme, p. 16.

The Programme seeks to “improve security by enhancing the sensitivity of the Police to racist crimes and taking action to change the conviction that such acts are not socially harmful.”¹⁹⁸ Another stated objective is “to help Roma see the necessity for cooperation with the Police in combating crime and to build greater confidence in law enforcement agencies.”¹⁹⁹ Specific measures proposed in Programme include:

- Training police officers working in areas inhabited by Roma;²⁰⁰
- Preventing crimes committed on ethnic grounds and ensuring rapid reactions to such crimes; providing support for the victims;
- Patrolling areas inhabited by Roma;
- Recruiting persons of Roma origin in the police;
- Ensuring cooperation and exchange of information between the Police and representatives of the Roma community;
- Changing the attitude of Roma so that they see the necessity of cooperating with the Police in order to punish perpetrators of crimes against Roma, etc.²⁰¹

No task from this component was implemented in 2001 with central Government funding. However, the prevention department of the Cracow Police implemented a few initiatives to facilitate cooperation between the police and Roma. One Roma woman is being trained as a police officer in the city of Nowy Sącz; a number of Roma are also due to be trained in Tarnów.²⁰² While, according to one Government official, the increased presence of Roma police officers should lead to an improvement in the situation, some Roma representatives have expressed doubts that the hiring of Roma will result in improved protection from racially motivated violence.²⁰³

3.4 Promotion of Minority Rights

Minority rights are likewise not addressed in any comprehensive fashion. The Programme states that the Roma community is treated as a national and ethnic minority, and as such is entitled to receive full protection and assistance from the State in accordance with

¹⁹⁸ Programme, p. 16.

¹⁹⁹ Programme, p. 16.

²⁰⁰ Timetable for Realisation and Financing, p. 21.

²⁰¹ Programme, pp. 16–17.

²⁰² OSI Roundtable, Warsaw, July 2002.

²⁰³ OSI Roundtable, Warsaw, July 2002.

international agreements and with national legislation, including the Constitution.²⁰⁴ A Law on National and Ethnic Minorities has been in preparation since 1998.²⁰⁵

The Programme emphasises that Roma must be enabled to preserve their own cultural distinctness and that preserving the “positive elements of the Roma culture may help this community to find its place in the [sic] contemporary Poland.”²⁰⁶ Thus, it proposes to protect and promote the Roma identity and culture by supporting initiatives in the fields of education and culture.

A separate section is devoted to increasing awareness within the majority population about the Roma community as well as the Roma community’s own awareness about the changes taking place in Poland. The Programme identifies the problem that “[...] Polish society has too little knowledge about the situation of Roma [...]”. It also notes that relations between Roma and non-Roma in Poland are largely based on stereotypes.²⁰⁷

Measures proposed include:

- Promoting publications about Roma;
- Organising a Polish-Roma camp with an integration programme;
- Broadcasting regular programmes about Roma in local and national media.²⁰⁸

²⁰⁴ Programme, pp. 16–17, 4. The 1997 Polish Constitution contains a provision ensuring citizens belonging to ethnic and national minorities the right to “maintain and develop their own language, customs, traditions and culture.” (Art. 35). Provisions concerning national minorities are dispersed in Polish legislation, including the Electoral Law to the Sejm of the Republic of Poland and the Senate of the Republic of Poland (12 April 2001), the Act on Radio and Television Broadcasting (29 December 1992), and provisions guaranteeing education in the mother tongue (See Section 3.4.1). Poland finally submitted its report on implementation of the Framework Convention for the Protection of National Minorities (FCNM) (entered into force 1 April 2001) on 10 July 2002; see Report submitted by Poland Pursuant to Article 25, Paragraph 1, of the Framework Convention for the Protection of National Minorities, at <<http://www.humanrights.coe.int/minorities/Eng/FrameworkConvention/StateReports/2002/Poland%20state%20report.doc>>, (accessed 14 October 2002); see also the “shadow report” by S. Łodziński, *The Protection of National Minorities in Poland*, Helsinki Foundation for Human Rights, Warsaw, September 1999, <http://www.minelres.lv/reports/poland/poland_NGO.htm>, (accessed 26 August 2002).

²⁰⁵ A draft Law on National and Ethnic Minorities was developed by the Sejm Committee on National and Ethnic Minorities and submitted to the Sejm in 1998. *Minority Protection 2001*, p. 365.

²⁰⁶ Programme, p. 7.

²⁰⁷ Programme, p. 18; see Sections 3.4.3 and 3.4.4 for more on projects planned in this area.

²⁰⁸ Programme, p. 19.

However, none of these measures has received funding from the Government yet. More seriously, no measures are proposed to promote other, core minority rights, such as effective participation in public life or support for minority language media.

Government officials have emphasised that the Programme is not necessarily intended to protect Roma rights as these are protected by the Constitution.²⁰⁹ Such an attitude, together with the lack of any comprehensive measures addressing minority rights, constitutes an unnecessarily narrow reading of the Programme's proper mandate, and one that – when considered in the context of the seemingly moribund deliberations on the draft Law on National and Ethnic Minorities – suggests an insufficient commitment to truly thorough-going reform.

3.4.1 Education

The Programme's education section does not include any measures to promote the teaching of the Romani language or its use in the educational system. State-funded instruction of, or in, the Romani language is theoretically possible according to Polish legislation which provides for education in the mother tongue,²¹⁰ but it is not available on the territory covered by the Programme. There are no textbooks in the Romani language; textbooks for other national minorities are systematically published and financed by the Ministry of Education.²¹¹

While it is generally accepted that the Romani language is a fundamental component of Roma identity and that Roma, in general, want to preserve their specific language and culture, there is a need to assess the level of demand for instruction of, and in, the

²⁰⁹ Interview with an official from the Division of National Minorities, Warsaw, 22 March 2002.

²¹⁰ See Act on the Educational System (7 September 1991), Art. 13, *Official Gazette* 96.67.329, item 425, the Regulation of the Minister of National Education of 24 March 1992 on the organisation of the education system enabling students who belong to national minorities to sustain the feeling of national, ethnic and linguistic identity (*Official Gazette*, No. 34, item 150), and the Regulation of the Minister of National Education (21 March 2001, as later amended), on the rules of grading, classifying and promoting of students and learners and of conducting exams and tests in state schools (*Official Gazette*, No. 29, item 323). These measures provide for instruction in the mother tongue at the primary level if the child's parents so wish. A minimum of seven pupils is needed to constitute a State-funded class with a minority language as the language of instruction.

²¹¹ In 2002, for instance, it plans to publish three textbooks for the Belarussian minority, three textbooks for the Slovak minority, and five textbooks for the Ukrainian minority. Minutes of the Fifth Session of the Education Sub-section of the Inter-Sector Task Force, 4 October 2001, pp. 5–6.

Romani language.²¹² The Roma community should be informed that a right to be taught in their mother tongue exists, and the option of education in the mother tongue should be offered.²¹³

The Programme deals briefly with the need to train teachers and to include information on the Roma culture in mainstream schools. Thus, it states that supporting teachers working with Roma children “should have access to literature on Gypsy issues as well as to assistance of intercultural methodologists [...]”.²¹⁴ Reportedly, some teachers are being trained in such matters.²¹⁵ However, there are no plans to produce new textbooks with information on Roma history and culture for use in Polish schools.²¹⁶

The Programme also proposes to organise “classes devoted to Roma culture and traditions” and “education and integration classes for children and young people to promote tolerance and to support Roma’s adaptation in a new environment.”²¹⁷ No measures to this effect were included in the Timetable for Realisation and Financing, suggesting that they play a rather marginal role.

The section on “Knowledge in and about the Roma Community” does not propose any measures in the area of education.

3.4.2 Language

The Programme makes no provision for promoting the use of the Romani language on public signs or in communication with public authorities.

Polish is the official language (Constitution, Art. 27). Language issues are regulated, *inter alia*, by the Act on the Polish Language (7 October 1999).²¹⁸ The right of speakers of foreign languages to be provided with a translation in courts is also guaranteed.²¹⁹ In practice, Romanes is hardly ever used in official contacts.

²¹² OSI Roundtable, Warsaw, July 2002.

²¹³ OSI Roundtable, Warsaw, July 2002.

²¹⁴ Programme, p. 10.

²¹⁵ OSI Roundtable, Warsaw, July 2002.

²¹⁶ OSI Roundtable, Warsaw, July 2002.

²¹⁷ Programme, p. 11.

²¹⁸ *Official Gazette*, No. 90, item 999, 7 October 1999.

²¹⁹ See the Code of Administrative Procedure (14 June 1960), Art. 69; the Code of Criminal Procedure (6 June 1997), Art. 72; and the Code of Civil Procedure (17 November 1964), Art. 265.

The draft Law on National and Ethnic Minorities contains a section on the use of minority languages and would grant, *inter alia*, the right to freely use one's mother tongue in private and public affairs; the right to use one's name as it is spelled and pronounced in a minority language; and the right to display in the minority language information of a private nature visible to the public.²²⁰ Poland has not signed the European Charter for Regional or Minority Languages.

3.4.3 Participation in public life

The Programme's objectives include that of achieving the full participation of Roma in the life of civil society.²²¹ However, no concrete means of promoting the participation of Roma in public life are proposed.

One of the problems identified in the section on "Knowledge in and About the Roma Community" is that "[...] Roma [...] can hardly find their way in the contemporary realities of a civic society."²²² The isolation of the Bergitka Roma in particular is noted, as is the fact that "[...] living in social isolation which have been imposed on and chosen by them, Roma are distrustful and contemptuous of 'outsiders' [...]"²²³ The Programme thus proposes a series of tasks to raise the awareness of Roma of the changes taking place in Poland, as a complement to other tasks proposed in the same section to promote the tolerance and openness of the majority population towards Roma. None of these have been implemented yet. However, efforts to consult Roma representatives when drafting the Programme can be considered as a first positive step to promote the participation of minorities in policies affecting them.

There are no formal mechanisms to enable or ensure the participation of Roma in decision-making bodies at the local, regional and national levels. However, the leaders of the Roma community are regularly consulted by central and local Government officials.²²⁴

²²⁰ S. Łodziński, *The Protection of National Minorities in Poland*, Article 4.

²²¹ Programme, p. 7.

²²² Programme, p. 18.

²²³ Programme, p. 18.

²²⁴ Interviews with: the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002; the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002; and the leader of the Association of the Roma in Cracow, Cracow/Nowa Huta, 5 April 2002.

Participation in elections is provided for by the Act on Electoral Law to the Sejm of the Republic of Poland and the Senate of the Republic of Poland (12 April 2001);²²⁵ the Roma minority, however, has not yet benefited from this regulation as Roma have not yet formed their own election committee.

Measures proposed in the Programme include establishing posts of local plenipotentiary for the Roma community and organising a “mobile Citizen Consultancy Centre[.]”²²⁶ This component of the Programme was not implemented in 2001 due to the withholding of Government funding. However, three plenipotentiaries of Roma origin were appointed in 2000–2001.²²⁷

The Programme proposes no measures to directly increase the share of Roma in particular areas of public life. Certain proposed activities relating to health and security might lead to an increase in the share of Roma in public work places (such as activities to recruit persons of Roma origin for the police forces and as community nurses);²²⁸ it is doubtful, however, that they will have a significant impact on the overall representation of Roma in these areas. Furthermore, Roma’s generally low levels of secondary education present an obstacle to hiring for various positions.²²⁹

²²⁵ *Official Gazette*, No. 46, item 499; Art. 134 exempts election committees of registered organisations of national minorities from the requirement that they obtain at least five percent of the total number of votes validly cast nation-wide in order to be considered in the process of allocating seats between constituency lists of candidates for MPs. See also S. Łodziński, “The Protection of National Minorities in Poland: Law and Practice after 1989,” in *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989*, edited by Jerzy Kranz, Centre for International Relations, Warsaw, 1998; A. Szmyt, “Representation-Election-Democracy,” in *The Principles of Basic Institutions of the System of Government in Poland*, Sejm Publishing Office, Warsaw, 1999, pp. 119–133.

²²⁶ Programme, p. 19.

²²⁷ A Plenipotentiary for the Roma Community in Nowy Sącz was appointed in 2000; the second plenipotentiary represents the Roma of Limanowa district. Both plenipotentiaries were appointed in consultation with the Roma community and local governments but are paid by the Ministry of Internal Affairs. A third plenipotentiary, from Tarnów, has recently resigned.

²²⁸ Programme, p. 7. There are no official data on the number of Roma employed in the civil service, police, or judicial system.

²²⁹ It has been noted that, in legal terms, there is equal access but that the lack of secondary education makes it difficult to employ Roma as nurses, police officers, etc. OSI Roundtable, Warsaw, July 2002.

3.4.4 Media

The Programme does not contain a separate section on the media to support the development of Romani-language media or programmes prepared by Roma themselves.²³⁰ However, it recognises the importance of the media in the process of improving the image of Roma in Polish society and includes several projects to broadcast programmes about the Roma in the local and national media, such as:

- A regular television programme devoted to the Roma community;²³¹
- Education through the media;²³²
- Cyclic broadcasting in local media.²³³

Media-related projects proposed in the Programme were not implemented in 2001 due to the withholding of Government funds. There have nevertheless been some initiatives in the field of media. Since February 2002, the third channel of Polish Television has broadcast "*Klimaty Etniczne*" (Ethnic Climates), devoted to national and ethnic minorities, including irregular broadcasts of reports in the Romani language.²³⁴

Starting in September 2002, the Cracow branch of Polish Television plans to broadcast short, monthly reports in the Romani language which will be produced in cooperation with young Roma journalists. The news reports will be presented within the framework of the programme "*U siebie*" (At home) (a programme devoted minorities which has been broadcast since 1991, including regular broadcasts concerning the Roma). These reports are to be partially subsidised by funds from the Programme for 2002.²³⁵

²³⁰ The Romani language can be heard only very rarely on Polish State Television. For example, it can be heard very rarely in the programme "*Sami o sobie*" (About ourselves) produced by the regional branch of Polish Television in Białystok (Eastern Poland). There are no radio broadcasts in the Romani language. See also *Minority Protection 2001*, pp. 370–371.

²³¹ Timetable for Realisation and Financing, "Culture," p. 21.

²³² Timetable for Realisation and Financing, "Knowledge in and about the Roma Community," p. 23.

²³³ This is a broadcast which is repeated at certain intervals within a particular television or radio programme. Timetable for Realisation and Financing, Knowledge in and About the Roma Community," p. 24.

²³⁴ Information provided by the Editor of "*Klimaty Etniczne*," Polish Television, Warsaw, July 2002.

²³⁵ OSI Roundtable, Warsaw, July 2002.

The Division of National Minority Cultures in the Ministry of Culture supports two periodicals for the Roma community, although funding has been decreasing.²³⁶

3.4.5 Culture

The Programme aims to preserve and support the Roma culture through activities designed to present this culture to wide circles of society; it also seeks to promote tolerance and openness towards other cultures among Roma and other communities.²³⁷

According to the Ministry of Culture's Department of National Minority Cultures, Roma cultural initiatives ought to play a small role given the community's difficult socio-economic situation.²³⁸ On the other hand, Roma leaders emphasise the importance of protecting and promoting their culture and identity amongst the majority society.²³⁹

The Programme proposes to:

- Provide support for existing musical bands and for establishing new bands;
- Organise reviews of Roma artistic works;
- Provide support for a regular television programme devoted to the Roma community;
- Support young people in developing their artistic talents;
- Prepare historical documentation covering the history of Roma in Małopolska;
- Finance publications;
- Establish a House of Roma Culture in Tarnów;
- Support an International Memory Camp of the Roma;
- Provide support for cultural and sporting events organised by the Roma community.²⁴⁰

²³⁶ These are: *Rom p-o drom* (a monthly in both the Romani and Polish languages), and *Pheniben-Dialog* (a quarterly in Polish mainly). See *Minority Protection 2001*, p. 371.

²³⁷ Programme, p. 18.

²³⁸ "A big Roma festival does not have any meaning for the poor Roma, because they do not have the financial means to come to see it." *The Roma in 2000 and 2001*, internal document of the Department of National Minority Cultures, Ministry of Culture, 22 March 2002.

²³⁹ One Roma leader noted that "by maintaining our culture, we can show ourselves to the majority from a positive aspect." Interview with the leader of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 March 2002. Another Roma leader suggested opening a "World Centre of Promotion and Protection of the Roma Culture" in Tarnów, but there were no funds. Interview with the leader of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002.

²⁴⁰ Programme, p. 18.

According to one expert, the Programme planned for cultural projects on a scale beyond what was realistic.²⁴¹

Since no Government funds were appointed specifically to initiatives outlined in the “Culture” section of the Programme in 2001, the only cultural initiatives of Roma funded by the Government were those supported by the Department of National Minority Cultures, as well as small projects foreseen under the Programme but exclusively supported by local government units.²⁴²

Projects supported by the Ministry of Culture

While the Department of National Minority Cultures does not participate directly in the Programme, the cultural projects it administers in fact support the objectives of the Programme.²⁴³ The total amount of funds allocated to Roma cultural activities by the Ministry of Culture increased to PLN 569,100 (€149,763) in 2001, compared with PLN 391,000 (€102,895) in 2000; all of these projects were proposed by the Roma community and, in most cases, Roma organisations also implemented them.²⁴⁴

Projects of local government units

The city of Tarnów supported some Programme projects in the area of culture with its own resources, financing the modernisation of an exhibition of the Ethnographic Museum in Tarnów and publishing booklets for Roma children.²⁴⁵ However, a planned House of Roma Culture was not established due to lack of funding. In Tarnów, projects have also been proposed for 2002 (including a festival for Roma children and youth); it is not clear yet whether Government funding will be forthcoming.²⁴⁶

²⁴¹ The expert also noted that Roma associations have limited capacity to realise projects proposed under the Programme. Interview with the Director of the Ethnographic Museum in Tarnów, Tarnów, 20 March 2002.

²⁴² Interview with an official of the Department of National Minority Cultures, Ministry of Culture, Warsaw, 22 March 2002.

²⁴³ Interview with the Director of the Ethnographic Museum in Tarnów, Tarnów, 20 March 2002.

²⁴⁴ “The proposals should come from the minority itself, otherwise we would not finance them.” *The Roma in 2000 and 2001*, internal document of the Department of National Minority Cultures, Ministry of Culture, Warsaw, 22 March 2002.

²⁴⁵ “We did not receive any money from the Government, but the amount of money planned to be allocated to the Roma community from the municipal budget was used for this purpose.” Interview with the Head of the Division of Culture, Tarnów municipal office, Tarnów, 20 March 2002.

²⁴⁶ Interview with the Head of the Division of Culture, Tarnów municipal office, Tarnów, 20 March 2002.

4. EVALUATION

The Programme is the first comprehensive governmental initiative to improve the situation of a minority group in Poland. It is intended as a long-term effort, with education emphasised as key in achieving progress in other areas.

Although a welcome initiative, the Programme seems to incorporate social attitudes and assumptions that limit its potential for positive change. Although for the most part its substantive provisions reflect the priorities of the Roma community, it fails to recognise the seriousness of indirect social discrimination, assuming rather that formal guarantees of equal access will be sufficient. Moreover, it makes reference on several occasions to the Roma's supposed own large share of responsibility for the difficult situation which "they have found themselves in" as well as to their supposedly "demanding attitude."²⁴⁷ These omissions and postures suggest an incomplete commitment to reform, not only in economic and legal terms, but in the broader social context that meaningful improvement in the situation of the Roma will require. The problems of Roma in Poland are not merely economic or social; they are inextricably tied up in issues of identity recognition, community relations, and embedded discriminatory attitudes; the Programme does not confront or contemplate this reality.

More in-depth research into the marginalisation of Roma due to complex social practices is urgently needed, as the successful implementation of the Programme depends to a great extent on the assumptions upon which it operates. Monitoring of racial or ethnic discrimination and intolerance towards Roma is also needed. While this would not in itself improve the situation of Roma, it would make it easier to understand and identify the most serious problems.²⁴⁸ Positive action is also needed to rectify the under-representation of Roma in various spheres; here, too, monitoring is necessary to identify the nature and severity of the problem in specific fields.

Criticism is also warranted by limitations on the scope of the Programme's activities. Without doubt, limited funds were a constraining factor on the selection of priorities. It should be noted, nevertheless, that some areas have been defined in an unnecessarily narrow fashion, while others – such as discrimination and positive minority rights – have been left out. This will limit the effectiveness of the Government's efforts in the long run.

As a practical matter, the withholding of the special purpose reserve was the most significant obstacle to implementation of the Programme in 2001. Only a limited number of tasks were therefore realised in the first year. Although the Ministry of

²⁴⁷ Programme, pp. 7, 3.

²⁴⁸ See e.g. European Parliament, *EU Anti-Discrimination Policy: From Equal Opportunities Between Women and Men to Combating Racism*, Public Liberties Series, LIBE 102 EN, 02, Brussels, 1998.

Education's parallel funding efforts did allow core education projects to proceed, those funds were not nearly sufficient to make up the shortfall.

Furthermore, by confining implementation to education, the Programme has sacrificed the benefit from one of its most valuable aspects – its comprehensive approach.²⁴⁹ The education projects that have been realised in 2001 have been very successful – notably the programmes for Roma teachers' assistants and compensatory classes – and have been widely welcomed by Roma parents, leaders and school directors. At the same time, there has been a great sense of disappointment that other critical areas, such as unemployment, housing and healthcare, were neglected.²⁵⁰

Mechanisms for Programme administration, monitoring and evaluation seem to be operating, although the limited scale of implementation thus far makes it difficult to assess their effectiveness. Representatives of the Roma community have noted that successful communication with Government officials at the central level is not always matched at the local level. It might therefore be desirable to improve the coordination of the Programme between these two levels as well as to strengthen monitoring of projects, including local contributions, so that they are fully realised and according to schedule. Incentives to encourage the participation of local governments should also be considered.

Local Roma communities were consulted in a process of designing the Programme and enthusiastically welcomed its launch. They have also been involved in implementation, monitoring and evaluation, albeit to a limited degree. Later, however, significant criticism was raised due to the limited scale of implementation and the withholding of Government funds. It is therefore essential that the Programme be realised according to plan in 2002 and beyond in order to boost its credibility in the eyes of the local Roma communities.²⁵¹

There is also a strong need to establish a body for the systematic participation of Roma representatives, especially at the local level. As one Roma representative has pointed

²⁴⁹ "If someone has no work, no place to live, what use does he have from a book his child has received?" Interview with a representative of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002.

²⁵⁰ According to a local Roma leader, results would have been more visible had the tasks proposed in other fields been implemented simultaneously. He was also very concerned by the lack of funds, claiming that 2002 would be even worse in this respect than 2001. Interview with a representative of the Social and Cultural Association of the Roma in Poland, Tarnów, 3 April 2002.

²⁵¹ Here, a comment on the need for well-defined Government policy concerning the Roma in Poland should be noted: "In the past, effectiveness was measured by the amount of funds earmarked for the Roma. We hope now that the Programme will bring a well-defined policy of the state vis-à-vis Roma, which will incorporate a sustainable approach. OSI Roundtable, Warsaw, July 2002.

out, “[t]he Małopolska Programme should be implemented with the full participation of the Roma community, not only through consultation, but also in decision-making. It is also important to improve the mechanism for distributing funds so that they reach the Roma community and respond to its needs, without having to rely on the preferences and evaluation of local administration.”²⁵²

Both national and regional media generally support the idea of the Programme, although they have occasionally criticised the inadequacy of the funding. However, media reports about the money to be allocated under the Programme resulted in hostile reactions in some local majority communities. Isolated efforts to explain the need for the measures of the Programme to the majority have yielded very positive results, highlighting the importance of promoting the Programme and its goals to the local communities; in this connection, more efforts are also needed to provide information about ongoing and planned activities as well as the funding allocated.

In conclusion, while the Government has demonstrated its willingness to begin addressing the problems of the Roma community in Małopolska Province, there is still much to be done to move beyond a phase of good intentions and towards full and meaningful implementation that creates the conditions for real change. Adequate funding is needed to ensure that the Programme can be implemented in its intended scope, and it is essential that measures be implemented also in areas other than education if significant results are to be obtained. Roma organisations and beneficiaries should be involved more systematically in the implementation, monitoring and evaluation of the Programme. As preparations seem to have begun for a programme covering the whole Roma population of Poland, it is essential that this new programme be more comprehensive, embracing systematic and structural solutions, including measures for positive action to remedy the under-representation of Roma in various walks of life and to meet the objective of ensuring the effective participation of Roma in society and its governance. The Programme and its nation-wide successor represent an opportunity for Polish society, not only to adopt comprehensive policies of reform, but to engage in a needed debate on the relationship of the majority and minority populations it contains.

²⁵² Written comments of the Chair of the Association of the Roma in Nowy Sącz Region, Laskowa Górna, 27 August 2002.

5. RECOMMENDATIONS

To the Government

- Acknowledge that the ultimate success of the Programme and similar reform efforts will require commitment to change, not only in economic or social policy, but in the broader social context in which those policies are embedded. Recognise the continuing salience of deeply held social attitudes in limiting the participation and flourishing of the Roma communities.
- Review the content, scope, and underlying premises of the Programme to ensure that it incorporates approaches consistent with a genuine and thorough-going commitment to confront discriminatory and exclusionary social attitudes.
- Develop a more balanced and appropriate assessment of the problems faced by Roma, relying on in-depth empirical research.
- Ensure that implementation of the Programme is comprehensive, rather than restricted to a single field such as education.
- Expand the scope of the Programme to those areas the current Programme fails to address, including:
 - monitoring of racial or ethnic discrimination and xenophobia against Roma;
 - educating the society at large not only about Roma culture but also about forms of cultural dominance and discrimination;
 - instituting measures to rectify the presumed under-representation of Roma among school teachers, local government officials, nurses, police, etc;
 - supporting the access of Roma to public institutions, including public media;
 - supporting the access of Roma to higher and university-level education;
 - introducing courses on Roma culture and history in school curricula;
 - instituting vocational guidance and training, including support for establishing small private enterprises;
 - establishing effective systems for preventing racially motivated violence.
- Develop systematic and structural solutions for the problems confronting the Roma (such as capacity building and the development of institutional mechanisms) rather than simply providing them with goods.
- Strengthen coordination and cooperation between the national Government and local governing units in order to improve implementation.

- Incorporate stronger incentives for local actors involved in realising projects so that a greater number participate in implementation of the Programme.
- Design Programme mechanisms that ensure an even greater involvement of Roma organisations and beneficiaries in implementation and evaluation.
- Local and central government units responsible for Programme implementation should also seek to better inform their local constituencies, both Roma and non-Roma, about the rationale and provisions of the Programme, so as to increase public understanding and support for individual projects.