



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Eighty-fourth session

### Summary record of the 2276th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 February 2014, at 10 a.m.

*Chairperson:* Mr. Calí Tzay

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention** *(continued)*

*Twentieth and twenty-first periodic reports of Poland* (continued)  
(CERD/C/POL/20-21; CERD/C/POL/Q/20-21)

1. *At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.*
2. **Ms. Różycka** (Poland), responding to questions about the size of the Roma community in Poland, said that, while there was no obvious discrepancy between the figures from the 2002 and 2011 national censuses, they failed to account for all persons of Roma origin, who were estimated to number between 20,000 and 25,000. Reports suggesting that the total was higher still were not based on facts. The 2011 census indicated that there was an increased awareness of the Roma community in Poland. It also showed that all ethnic minorities had grown in size, including the Jewish community, which had increased to over 7,000 from around 1,000 in 2002. Indicators suggested that minority ethnic groups did not have a lower socioeconomic status than the rest of the population, with the exception of the Roma, who had reduced health status, life expectancy and access to the labour market.
3. The Government would continue to cooperate closely with persons of Roma origin, who had played an active role in the development of policies and initiatives for the benefit of their community. There were 103 Roma organizations and associations in Poland, most of which had been founded over the previous decade. The Government was aware of the distinction between integration and assimilation. In fact, the latter was considered a taboo word and was prohibited under the Act on national and ethnic minorities and the regional languages.
4. With regard to the Programme for the Roma Community in Poland for 2004–2013, two evaluations had been conducted, both of which had found that the programme was flexible and comprehensive. Moreover, the projects it contained had been well-tailored to the needs of the Roma community. The evaluations also pointed to certain weaknesses, including budgeting and a lack of clear indicators. The programme for 2014–2020, which would be adopted and implemented shortly, would use an extensive set of indicators to gauge progress.
5. Roma education assistants had been introduced in the Polish education system on a permanent basis in order to assist the participation of Roma children and act as intermediaries between schools and families. Scholarships were offered to Roma children who chose to attend secondary school. There remained, however, numerous barriers to overcome, the most significant of which were cultural. The Roma community tended to attach less importance to education than the rest of the population, and mothers were reluctant to send their children to nursery school as they were expected traditionally to care for them at all times themselves.
6. Sixteen per cent of schoolchildren of Roma descent attended special schools, largely because doing so benefited their families financially. Some children were sent to such schools following a psychological evaluation, but ultimately only parents could decide which school their child should attend.
7. **Ms. Skórka** (Poland) said that schoolchildren learned about ethnic minorities from the outset of their education. The Government provided teaching aids and promoted initiatives that fostered intercultural dialogue. Schools with multicultural catchment areas were expected to cater for the local communities, and teachers at such schools would have

to take courses on intercultural communication from 2016 onwards. Moreover, textbooks could be approved for use in schools only if they adequately addressed the subject of ethnic minorities. In tertiary education, staff had the opportunity to improve their intercultural skills by taking a range of modules on such topics as communicating with the Roma and teaching Polish as a foreign language.

8. **Ms. Prejs** (Poland) said that combating racism and hate crime was one of the priorities of the Ministry of Interior in 2014. Data provided by the General Police Headquarters showed that the number of recorded hate crimes had risen between 2011 and 2013, although the increase was perhaps due to government initiatives to raise awareness of the issues of discrimination, intolerance and racism. It could also be considered indicative of greater trust in public institutions.

9. Since 2009, training in how to combat hate crimes had been provided to over 70,000 police officers across Poland thanks to the introduction of mandatory courses and seminars. In 2010, the recruitment process for the police force had been modified to test candidates for potential prejudice. Officers had access to leaflets containing information on how to detect and deal with hate crimes, as well as textbooks providing guidelines on how to interact with members of ethnic minorities. Several initiatives had also been undertaken by police units on the ground, including the organization of annual workshops on intercultural awareness and anti-discrimination.

10. A programme entitled “Safer together” had been implemented with a view to reducing violence and antisocial behaviour. Moreover, the Polish Film Institute co-financed projects that highlighted the value of tolerance and encouraged the prevention of racial discrimination. In March 2014, a campaign would be launched to raise awareness among foreigners of their rights and how to exercise them.

11. **Mr. Stachańczyk** (Poland) said that police officers had acquired a greater awareness of hate crime, and that they treated racially motivated offences more seriously.

12. **Mr. Cytrynowicz** (Poland) said that the National School of Judiciary and Public Prosecution provided human rights training, which included methods to prevent and combat discrimination on account of race, sex, religion or other grounds. The number of judges and prosecutors participating in such training had increased from 105 in 2012 to over 700 in 2013. Similar programmes had been developed for criminal defence lawyers, legal advisors and members of the prison service, of whom some 8,000 had received training between 2012 and 2013. The success of the training was reflected in the number of sentences that courts had handed down in relation to hate crimes and hate speech, which had risen from 28 in 2011 to 53 in 2012. When dealing with cases of detention, courts invoked international human rights standards based on the International Covenant on Civil and Political Rights.

13. **Ms. Malmón** (Poland) said that, although the Government had consistently condemned discrimination in sport, there had been some incidents involving banners bearing racist, xenophobic or neo-fascist slogans. Efforts to prevent such incidents had focused on more effective implementation and enforcement of the law, which required support from national sports associations and international bodies such as the Union of European Football Associations (UEFA). The majority of Poland’s 68 registered sports associations had signed a declaration entitled “No to racism in sport”, and the statute of the Polish Football Association explicitly prohibited discrimination on the grounds of ethnic origin, sex or religion. Moreover, its disciplinary by-laws provided for a number of penalties, ranging from fines to stadium bans, for cases involving discrimination, which included displaying offensive flags or banners.

14. With regard to cases involving racism or discrimination which had been dropped, the Appellate Prosecution Authority had assigned prosecutors to review proceedings that were potentially unsatisfactory and to reopen them if necessary.

15. **Ms. Kostrzewa-Zorbas** (Poland) said that, according to Polish law, the Ombudsman was entrusted with protecting the principle of equal treatment. The Ombudsman could serve as an intermediary between citizens and government authorities, request information from institutions involved in horizontal disputes, and call on the National Labour Inspectorate to take action in response to complaints from members of ethnic minorities alleging unequal treatment. Once a case had been concluded, the Ombudsman could participate in all proceedings, with the same mandate as the prosecution authority. The Ombudsman could not, however, act as a legal representative of any party in a court of law. Following a complaint related to the competencies of the Ombudsman in horizontal disputes, the European Commission had accepted the argument put forward by the Government of Poland and concluded that the Ombudsman had an extensive mandate to handle such cases. The budget allocated to the Ombudsman had increased from 36.5 million Zł in 2011 to almost 40 million Zł in 2014. Additional funds had been allocated to the Ombudsman in order to support implementation of the European Equal Treatment Directive.

16. The Act on the implementation of certain European Union provisions with respect to equal treatment had entered into force in 2011 and its relatively recent introduction explained the lack of case law. Systems had been set up in order to remedy the low level of complaints and to enable victims to come forward. A new method for collection of statistical data had been put in place by the Ministry of Justice in 2012. Comprehensive training and a textbook had been introduced to raise awareness of anti-discrimination issues for judges, prosecutors and public servants. Indirect discrimination was combated through the National Action Plan for Equal Treatment. Case law on indirect discrimination existed, including through the Supreme Court of Poland. Equal treatment legislation in Poland was in compliance with European Union legislation and had been reviewed by the European Union, by independent experts and by non-governmental organizations. Discrimination on the basis of race or national origin was covered by the law on equal treatment.

17. **Mr. Stachańczyk** (Poland), responding to a question from Mr. Avtonomov, said that the Slovincian language was a Kashubian dialect, which had not been spoken in Poland since the 1960s. National minorities were represented in the Polish parliament and in local government.

18. **The Chairperson**, speaking in his personal capacity, said that the Polish delegation had referred to a lack of importance accorded by Roma to formal education. He observed that, in Latin America, some states used a similar excuse to explain the failure to provide access to education for indigenous children. Yet it was his experience, as the child of an indigenous community, that the elders would rather encourage children to attend school, so that they in their turn would be able to defend indigenous rights.

19. He noted the reference by the delegation to the fine line between “assimilation” and “integration”, although he believed the two to be quite different. He would be grateful for more information on multicultural and intercultural education in Poland. Were the languages and cultures of different ethnic groups taught in schools? In his experience in South America, intercultural education resulted in indigenous children being encouraged to learn Spanish but not in the rest of society being encouraged to learn indigenous languages, a process that led to assimilation rather than integration.

20. **Mr. Avtonomov** inquired whether school textbooks had been issued in the written language of the Roma in Poland as was the case in Romania and the Russian Federation. He acknowledged that not all Roma had a written language but if so it was important that it should be recorded and preserved. He was aware that the tight-knit and patriarchal structure in Roma communities was sometimes a barrier to their interaction with the wider community, which prevented some families from giving children access to nurseries. He suggested that community relations might be improved if members of the Roma were

employed in the police force, as the Committee had suggested in its general recommendation No. 27 (2000).

21. He had heard that racist, Nazi and Communist symbols were banned at sports events in Poland; he did not believe that it would be practicable to ban Communist symbols since they would be represented in the flags of visiting teams from countries with Communist governments.

22. **Mr. Diaconu** said that means must be found to ensure that the language and thereby the culture of the Roma and of other minority groups were preserved. It was the duty of the Government to persuade the Roma that it was in their interests to preserve their language in writing. In Romania, the Roma language was used in the press and on television. The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, in an opinion on Poland adopted on 28 November 2013, had noted that a disproportionate number of Roma children were placed in special schools and that they did not have access to the preschools that would have enabled them to learn the Polish language and hence to take their places in mainstream primary schools.

23. **Ms. Crickley** encouraged Poland to continue to make efforts to integrate the Roma community. Polish law recognized four ethnic and nine national minorities and she hoped that other groups would be explicitly included, included the Roma who had not lived in Poland for any length of time. She was concerned that Roma families were encouraged through financial incentives to send their children to special schools and observed that Roma families in Poland as elsewhere in Europe had had little positive outcomes from engaging in mainstream education. She asked what action the Polish Government would take in order to combat the indirect discrimination that proved a barrier in accessing the education to which Roma parents increasingly aspired for their children. She supported Poland's efforts in the field of multicultural education and sought information on how it was ensured that intercultural education was a two-way process. What had been the impact of training on the police and the judiciary? What targets had the State party introduced with respect to the integration of Roma?

24. **Mr. Stachańczyk** (Poland), responding to questions from Mr. Avtonomov, said that Polish law prohibited the promotion of fascist or totalitarian regimes as well as incitement to hatred on racial or religious grounds. The question of employing Roma in the police force was not straightforward since, by joining the police, an individual was deemed to have left the Roma community, which would cease to cooperate with that person. A more successful strategy had been to employ police officers with Roma spouses. A Polish law on national and ethnic minorities and an associated commission with members from minority communities disseminated information on minority rights.

25. **Ms. Różycka** (Poland) supported the concept of cultural diversity. In her experience, Roma families did not encourage their children to stay at school to the same extent as families in the wider community. Great store was set by being able to provide for a family and Roma had often started families of their own by the age of 16 and had become grandparents by the age of 30. Attitudes were changing somewhat as far as primary school was concerned but no such tendency was evident in secondary or tertiary education.

26. She subscribed fully to the views expressed on protection of the Roma language and cultural identity. The Ministries of Education and the Interior had worked together since 2008 in order to standardize the Roma language in writing in partnership with Roma elders but that initiative had not been well received by the Roma community, who preferred to retain their spoken language. A primary school textbook had been prepared in two Roma dialects and a comic strip on the history of the Roma in Poland had been published in Polish and in two Roma dialects. She agreed that too many Roma children attended special schools and gave assurance that efforts were being made to rectify that situation,

particularly in the three provinces in which Roma children were overrepresented in special schools. Non-verbal diagnostic tools were being used to assess Roma children who might previously have been excluded from mainstream schooling because they had not had the opportunity to acquire the language skills of their more affluent peers. A simple brochure in both Roma dialects had been prepared explaining to Roma parents that, although special schools were friendly and familiar institutions which they might well have attended themselves, it would be better for their children to attend mainstream schools.

27. According to a recent university study, special schools in Poland were well equipped and had satisfactory pupil-teacher ratios and well trained staff. Furthermore, parents who themselves had attended special schools tended to consider them a good choice for their children. Efforts were being made to change that mindset and it was hoped that there would be positive results in the foreseeable future.

28. The new Roma strategy, in line with European Commission guidelines, covered the areas of education, employment, health and housing, with clearly defined objectives under each of the four headings.

29. **Ms. Skórka** (Poland) said that intercultural education was provided in all schools and at all levels. It involved students learning about the different cultural groups that lived in a given area, in order to promote mutual understanding and sensitivity to cultural differences and to learn about the history and culture of both minority and majority groups. Individual schools established projects in cooperation with their local communities or NGOs.

30. National and linguistic identity was fostered by teaching students about the language, history and geography of the region with which a given minority associated itself. It was for the minority community itself to decide whether instruction should be provided in the minority language. For example, in the area bordering Lithuania, several schools provided instruction in Lithuanian as well as Lithuanian language classes, while for the Belarus minority the language was generally an additional subject and not the language of instruction. It had also become possible for students to sit their final primary and secondary school exams either in Polish or in their language of instruction. Funding for minority language education came from the State budget.

31. **Ms. Malmón** (Poland) said that the results of police training were visible in the growing identification of hate crimes. The training had rendered police officers better able to analyse the motives behind crimes and to qualify them legally. Victims of hate crimes were increasingly trusting of police officers and more inclined to report such crimes. There was a corresponding increase in the number of indictments for racially motivated and xenophobic crimes. Fewer complaints were also being registered against the police. Some police activities to prevent and combat hate crimes involved close contact with NGOs and representatives of minorities.

32. **Mr. Vázquez** said that he welcomed the news that the provision on the reciprocity requirement was being revised, but he wondered why it would not take effect for more than a year. He asked to what extent Roma communities were involved in the formulation of policies affecting them rather than just their implementation. He would be interested to know more about the presence of Roma assistants in schools, and wondered whether such an initiative might not also be applied in the area of health care. Noting that the Roma strategy for 2014–2020 was awaiting signature, he asked when it was expected to be ready.

33. Although he agreed that an increase in the number of complaints did not necessarily mean an increase in the number of problems, the Committee had received information from NGOs indicating that there were still concerns with regard to police attitudes towards minorities. He wondered to what extent the various police training programmes were evaluated for effectiveness both internally and externally. He requested information on the

degree to which the Human Rights Defender had exercised its authority to initiate action on horizontal discrimination. Noting that one of the reasons cited for the rise in right-wing groups was the economic crisis, he said that it was his understanding that the country's economic performance had actually been comparatively successful during the crisis. He therefore wondered whether there might be any other explanations for the phenomenon.

34. **Mr. Lahiri** (Country Rapporteur) said that, in his view, there had been a disproportionate focus during the dialogue with the State party on Roma issues. Given that the Roma were not unique to Poland and that in any case less than 1.5 per cent of the overall population claimed non-Polish origin, he believed that the time could have been better spent on issues that concerned the majority of the population. He would take the issue up again when the Committee discussed its methods of work.

35. **Mr. Stachańczyk** (Poland) said that, as the reciprocity provisions were part of a major overhaul of the Criminal Code, time was needed to prepare all stakeholders for the changes before they took effect. With regard to the emergence of far-right groups, although Poland had not been as severely affected by the economic crisis as other countries, the unemployment rate still stood at 13 per cent and was particularly high among young people. In those circumstances, some young people were more susceptible to the rhetoric of far-right groups.

36. **Ms. Różycka** (Poland) said that Roma representatives were very actively involved in the formulation of programmes. The system of Roma assistants in schools had been proposed by members of the Roma community and had been modelled on successful programmes in Slovakia and the Czech Republic. There were currently approximately 100 such assistants in schools in all provinces throughout the country. They were employed as regular public servants with permanent contracts. The number of schools covered by each assistant depended on the number of Roma students enrolled in the school, but ranged from one to three. There had in fact been a proposal to apply the idea to the health sector, but it had been unsuccessful, largely because health was a taboo subject for the Roma. As an alternative, a system of community nurses had been developed to provide basic health care, such as vaccinations. The solution had proven very successful, and evaluators had warned that even if there were budget cuts, the system should not be scrapped.

37. Although there were no statistics on ethnic origin in the public service, members of the Roma community were employed in a variety of public sector jobs. However, they had simply applied for jobs and been offered them on their own merits rather than as part of a special government initiative.

38. **Mr. Stachańczyk** (Poland) said that there were no statistics on the number of cases of horizontal discrimination dealt with by the Human Rights Defender. Anti-discrimination training for the police was monitored and evaluated by the Ministry of the Interior and police headquarters. The number of complaints lodged against the police was also monitored and the issues that arose in the complaints were later brought up in training courses.

39. **Ms. Crickley** asked how minority groups that were not explicitly named in the Act on national and ethnic minorities were dealt with. She disagreed with the comments suggesting improvements in terms of hate crimes. Relations between the police and the Roma continued to be very bad, and she therefore encouraged the State party to ensure that police training improved the situation of all minorities and all those who faced police discrimination. She asked whether there were particular targets in relation to women from minorities. Although she shared some of the concerns expressed by her colleagues with regard to the attention paid to the Roma, the reality was that they were one of the biggest minorities in the country and the one that faced the greatest discrimination; there had even been indirect discrimination in some of the delegation's responses. She encouraged the

Government not just to talk about the symptoms but to seek to understand the underlying causes and create the conditions for change.

40. **Mr. Amir** said that he shared the views expressed by Mr. Lahiri with regard to the excessive focus on Roma issues. He regretted that there had been little discussion of the positive measures taken by the State party in response to the Committee's previous concluding observations, which were to be commended.

41. **Mr. Stachńczyk** (Poland) said that the Act on national and ethnic minorities had been drafted following extensive consultation with the representatives of minorities traditionally present in Poland. Close attention had been paid to ensure that no minorities were excluded. In the 10 years since the law had been in force, there had never been any complaints that a particular minority had not been mentioned. The Government was aware that the process of police training was open-ended, and comprehensive new training programmes with a focus on human rights would continue to be developed

42. **Mr. Kemal** suggested that the delegation should draw the attention of the law enforcement authorities to the Committee's general recommendation No. 35 on combating racist hate speech, given the worrying xenophobic tendencies that were flourishing underground.

43. **Mr. Khalaf** asked why the National Consultation and Intervention Centre for victims of trafficking in human beings had been attached only to the Ministry of the Interior and Administration and not also to the Ministry of Justice. He wondered whether all the complaints lodged with the prosecutors specializing in hate crimes had been admitted and whether there had been any court rulings. He would welcome additional information on the structure and role of the Government Plenipotentiary for Equal Treatment.

44. **Mr. Stachńczyk** (Poland) said that the plenipotentiaries had the rank of undersecretary of state and had the authority to monitor the activities of all State authorities in their field. The cases brought before the special prosecutors for xenophobia, discrimination and hate crimes had not yet been concluded and there were therefore no court rulings. However, the activities of all prosecution units were monitored closely and a good system of checks and balances was in place; for example, the prosecutor who had declared that the swastika was a symbol of happiness in Asia had incurred a disciplinary penalty. The National Consultation and Intervention Centre for victims of trafficking in human beings was financed by the Government and run by NGOs. It provided support to both Polish and foreign victims of trafficking.

45. **Mr. Lahiri** thanked the delegation for the fruitful debate and commended the Polish Government on the many steps it had taken to improve its legal framework and institutions and the practical implementation of equal treatment and non-discrimination. Nonetheless, the Committee still had a number of concerns with regard to gaps in the legal framework, statistics on minorities, hate crimes, far-right groups, the treatment of racial discrimination in the criminal justice system and anti-Semitic incidents.

46. **Mr. Stachńczyk** (Poland) thanked the Committee for its in-depth analysis. All the observations would be taken into consideration in an effort to continue to prevent and combat racism, xenophobia and intolerance in the State party.

47. **The Chairperson** welcomed the progress made by the State party to date. He invited the delegation to provide any outstanding responses in writing.

*The meeting rose at 1.05 p.m.*