

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2004)10 on the implementation of the Framework Convention for the Protection of National Minorities by Poland

*(Adopted by the Committee of Ministers on 30 September 2004
at the 898th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Poland on 20 December 2000;

Recalling that the Government of Poland transmitted its state report in respect of the first monitoring cycle under the Framework Convention on 10 July 2002;

Whereas the Advisory Committee accepted the invitation of the Government of Poland to send a delegation to gather further information in Poland, this visit taking place from 14-17 April 2003;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by Poland was adopted on 27 November 2003 and then transmitted to the Permanent Representative of Poland and communicated to the Permanent Representatives of all member states as document CM(2004)4;

Whereas the Government of Poland submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the Permanent Representatives of all member states as an addendum to document CM(2004)4, dated 19 May 2004;

Having examined the Advisory Committee's opinion and the written comments of the Government of Poland;

Having also taken note of comments by other governments,

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Poland:

- Poland has in many respects made valuable efforts to support national minorities and their cultures, including through certain sectoral legislative provisions in such fields as the educational and electoral systems and through the recent adoption of the Programme for the Roma Community in Poland;

- Although the legal and institutional framework protecting persons belonging to national minorities is fairly well developed in some areas, certain shortcomings remain. This is particularly the case for the use of minority languages in relations with administrative authorities, as well as the display of traditional local names and other topographical indications in minority languages. In these areas, legislative guarantees are needed as a matter of priority. The adoption of a comprehensive law on national minorities could strengthen legal coherence and facilitate state support for national minorities in practice;

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting parties casting a vote, including a majority of the representatives of the Contracting parties entitled to sit on the Committee of Ministers, vote in favour".

- Poland should pursue the efforts made to solve the issues linked to monuments and cemeteries affecting many national minorities including Germans, Ukrainians, Jews, Lemks and Karaites. These efforts should be made in a spirit of tolerance and intercultural dialogue and in consultation with those concerned. The same applies to demands by many national minorities, including the Ukrainians, Slovaks, Armenians, Russians and Belarusians with regard to the setting up of and support for cultural centres, museums and libraries;
 - Despite regular radio and television broadcasts in a number of minority languages, there is scope for improvement in the media sector, especially concerning additional radio programmes and geographical cover of broadcasting for dispersed national minorities. Greater attention should also be paid to involving more consistently persons belonging to national minorities in the preparation of programmes intended for them;
 - It is important that all means of maintaining schools offering teaching of and instruction in minority languages be explored in consultation with those concerned, especially as concerns Lithuanian schools whose situation has recently been given increased attention by the authorities;
 - Despite efforts by the government, there remain problems in the implementation of the Framework Convention as concerns Roma. Consultation with the Roma is crucial for the successful implementation of the newly adopted Programme for the Roma. Further action to address acts of discrimination and ensure equal opportunities for access to education is also required;
 - While participation in public affairs at local and regional level is satisfactory, there is a clear need to reinforce participation of persons belonging to national minorities at national level.
2. Recommends that Poland take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion.
 3. Invites the Government of Poland, in accordance with Resolution (97) 10:
 - a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.