

P O L A N D

SECTION A

Capital

Warsaw 1,638,300 (1995 est.)

Area

312, 683 sq km (120,725 sq mi)

Form of government

Republic

GDP—per capita

Purchasing power parity—\$7,200 (1999 est.)

Population

38,608,929 (July 1999 est.)

Ethnic composition

Polish 97.6%

Ukrainian 0.6%

Other 1.8%

(German, Belarusian, Lithuanian, Jew, Roma, Russian, Slovak, Czech)

Official language

Polish

Minority languages

German, Ukrainian, Lithuanian, Belarusian, Hebrew, Romany

Legislation dealing with the use of languages

The Constitution of Poland, adopted on April 2, 1997

Polish Language Act adopted on October 7, 1999, which came into force on May 9, 2000, establishes the obligation to use the Polish language in legal trade conducted on the territory of the Republic of Poland between Polish entities, as well as in cases where one of the parties is a Polish entity. In particular, the requirement applies to names describing goods and services, offers, advertisements and commercials, user manuals, information on the features of goods or services, warranty terms and conditions, invoices, bills and receipts (Article 7.1)

During the legislation process, the European Integration Committee (Komitet Integracji Europejskiej) drew the attention of MP's to the fact that the Act is contrary to European Union Law.

It was said that although the obligation to use the Polish language regarding mandatory information on (or attached to) products is reasonable and justified, the requirement to use the Polish language for other information and descriptions constitutes an infringement of EU rules on the free movement of goods.

Despite this opinion on the Act, it was adopted by Parliament and, if it is signed and published by the President, will become valid. It should be noted, however, that Poland is currently involved in negotiations for accession to the EU. The question arises whether the Act will have to be amended soon at the insistence of EU negotiators. This question remains open.

To sum up, the use of proper names and commonly used scientific and technical terminology, as well as foreign languages in trademarks, commercial names and specifications of the origin of goods or services without their translation into Polish, will be allowed in legal trade in Poland.

With respect to the exception concerning trademarks - the Act does not state that registration has to have been completed. It is sufficient that an application has been made to the Polish Patent Office. Therefore, foreign-language names which have at least been applied for in Poland, as trademarks will not have to be translated into Polish.

Background notes

During most of its history Poland was a multiethnic society that included substantial numbers of Belarusian, German, Jewish and Ukrainian peoples. This ethnic diversity was reduced sharply by the atrocities of World War II and the migrations that followed it. Poland's communist governments consistently emphasized ethnic homogeneity. As a result of this process, in 1990 an estimated 98% of Poland's population was ethnically Polish.

Because of the importance of religion in Polish society, the relations of the Roman Catholic Church in Poland with the two largest minority religions has influenced the status of Ukrainian communities in various areas.

The Belarusian minority has been less assertive of its national identity than have been the Ukrainians. Therefore, low national self-awareness has led to an easy assimilation into Polish society.

Romany are less numerous and less controversial in Poland. However, there still exist some negative stereotypes and acts of violence against this minority.

SECTION B

Where does one observe language to be a problem in the country?

The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. However, controversy has arisen over the publishing of Lithuanian textbooks. In February 1998, the Lithuanian Ambassador to Poland, Antanas Valionis, complained to the Polish Minister of Education Miroslaw Handke that since 1991, 172 editions of textbooks in Polish had been published in Lithuania. Conversely, only four Lithuanian textbooks had been published in Poland since 1989. Mr. Valionis also noted that during 1997 Lithuania, despite significantly more modest financial resources published twenty-seven different textbooks for the 20,000 Polish pupils in Lithuania, while Poland published only three for Lithuanian pupils in Poland. There are approximately 800 ethnic Lithuanian students in 18 schools of various levels ranging from preschool to high school and vocational school. Some controversy continued during the year, but the two Governments continue to negotiate on issues related to minorities in their respective countries.

Did the country ratify any international treaty dealing with the protection of minorities?

Framework Convention for the Protection of National Minorities signed on February 1, 1995.

What else can be found about languages and minorities?

BELARUSIANS

(Called Belarusians in Poland) form a strong minority in Poland (estimates vary to between 250-300,000) and they are not always well treated by the authorities. To an outside observer everything might look fine. Belarusians have their organizations such as the "Center of Citizen Education: Poland - Belarus," and their events, such as an annual rock festival in Grodek. In other words, Belarusians can be Belarusians in Poland. However, in recent years, since the electoral victory of the Catholic right-wing coalition, "Jednosc" (Unity) in 1994, Belarusians in Poland have experienced the effects of quite overt anti-Belarusian policies. Mieczyslaw Wnuk, an essayist from Jerzy Giedroy's respected Paris-based journal "Kultura" (Culture) wrote: "The victorious Catholic right-wing makes it no secret that they want no Orthodox officials (and no ineffectual ones either) in the Bialystok region." And since the words "Orthodox" and "Belarusian" are synonymous in the minds of Bialystok authorities, both groups are discriminated against equally.

Some striking facts illustrate the growing discrimination against Belarusians. After the AWS (Solidarity Election Action) parliamentary victory in 1997, money for renovation of the Orthodox monastery in Suprasl (which had been kept in a special budget reserve) was taken away. In 1998, the Belarusian Society was refused funding for all its projects. The Belarusian Social-Cultural Society will not receive any money next year, although the Ministry of Finance has apparently already transferred the funds to the Ministry of Culture. Moreover Bialystok's 250th anniversary was celebrated without any reference to Belarusians' and/or Orthodox followers' contribution to the city's development.

Belarusians and followers of the Orthodox Church have always formed a vital part of eastern Poland's society. Not only after 1945 but also long before. The amount of money involved in subsidizing Belarusian/Orthodox projects is not that large, and, to cite Wnuk again, "it will save neither the region nor Poland, but may seriously harm Poland's image."

The LEMKO, a distinct ethnic group from the southeast corner of Poland, along with the Kashubians, Roma, Germans and other Polish minorities, have now begun to focus on preserving their unique culture and asserting their political rights. However, they seem to be caught in a continuing identity crisis, as a result of which they are unable to unify themselves into one community and create a strong political organization that could effectively represent their interests. A recent census of

minorities in Poland stated that there are between 50,000 and 150,000 Lemkos in the country.

The northern slopes of the Carpathian Mountains in Poland (near the Ukrainian border) have been the Lemko's home for centuries and this area is known to the locals as Lemkovyna, or Lemkowszczyzna in Polish. The Lemko belonged to the eastern branch of Christianity, used the Cyrillic alphabet and spoke an East Slavic language - yet they were neither Polish nor Ukrainian.

The Lemko are sometimes considered to be Ruthenian or Rusyn, a term that indicates a pro-Russian orientation. Their attractive onion-domed wooden churches are still scattered throughout the remote and sparsely populated areas of the Beskid Sadecki, Beskid Niski and the Bieszczady mountains. Due to the inaccessibility of this region, the Lemko lived here relatively undisturbed by outside influences for many years.

The Lemko are officially considered to be part of the Ukrainian nation. This is problematic for the Orthodox Lemko who prefer a Rusyn orientation.

The Polish Helsinki Committee has noted in recent years that the Lemko have had difficulty in obtaining instruction in their native language as the Polish government felt that this need was already provided for via Ukrainian language provisions. It should be noted however, that there are now several schools teaching the Lemko language. There has never been a complete denial of the existence of the pro-Rusyn Lemko, but there is a lack of understanding of their cultural and linguistic needs as well as their cultural identity.

The current situation among the Lemko, both within Poland and abroad, reveals a confusing mass of identities. Individuals may feel they are Polish, Ukrainian or Rusyn. They may attend the Orthodox or the Ukrainian Catholic Church. Due to assimilation and emigration, many may or may not feel that it is important to return to their homeland in order to be truly Lemko.

This confusion and the resultant lack of cohesion make it difficult for the Lemko to form a unified cultural identity. Therefore it is problematic for activist groups to adequately represent the entire society and protect their rights. While the tenacious existence of the Lemko ensures their survival, it is not yet known what form their future identity might take.

SECTION C

Legislation dealing with the use of languages

Updated (June 2002)

Although minorities are permitted by law to establish schools and classes for maintaining their identity and culture, the Roma minority has not benefited from these provisions.

Article 13 (1) of the Polish Act of September 7, 1991 on the Educational System states that “public schools shall enable pupils to retain their sense of national, ethnic, linguistic and religious identity, and in particular, shall make it possible for them to learn their own language, history and culture.” Minority classes and schools are supported in Article 13 (2) of the Act stipulating that “at the request of parents, the educational instruction may be conducted in separate groups, sections or schools.” Classes may also be held with additional lessons on the history and culture of the respective minority.

A 1992 resolution of the Minister of Education stated that: “native instruction for minority pupils as well as other classes will be organized on a volunteer basis.”

The minimum number of pupils required to form classes with minority language of instruction is 7 in primary schools and 14 at the secondary level (para.6). The resolution further establishes four types of minority schools: schools with non-Polish language of instruction; bilingual schools; schools with additional study of mother tongue of minorities; and inter-school groups of pupils from different schools with additional study of mother tongue.

In practice, none of these provisions has ever applied to the Roma minority. There is no tradition of teaching Romani languages, no trained teachers, and no textbooks. In addition, Polish authorities have never encouraged development in this area.

On the contrary, the fact that Roma children are fluent in the Romani language and have a poor command of Polish when they enter school is widely regarded as handicap. The variety of Romani dialects spoken by the Roma in Poland is considered an obstacle both to the teaching of the Romani language and to integrated education for Roma children.

MEDIA

The Act on Broadcasting does not guarantee airtime or length of broadcasts for minorities or funding for minority media, although it does call on public broadcasting programs to “take into consideration the needs of national minorities and ethnic groups.”

Roma media have received a disproportionately low level of government funding compared to the other minorities, and the level of funding has been decreasing.

The Department of National Minorities Culture within the Ministry of Culture has provided grants for about 30 – 40 minority periodicals in recent years, but the figure is set to decrease in favor of increased funding of minority cultural events and activities. In 1998, the Department subsidized 33 minority periodicals, of which 20 were published in minority languages, and two were bilingual Romani/Polish (the monthly “Rrom-po-Drom” and the quarterly “Dialog-Pheniben”).

Source:

http://www.eumap.org/reports/content/10/616/minority_poland.pdf,
The EU Accession Monitoring Program Report on Minority Protection,
Open Society Institute 2001 on
<http://www.eumap.org/reports/content/10>

Updated (September 2002)

CASHUBIANS

While the long expected Law on Ethnic and National Minorities is still being prepared in the parliament, the Cashubian-Pomeranian Association (founded in 1956) asked the Commission for National and Ethnic Minorities of the Polish parliament for the legal official recognition of this community as a national minority.

According to the report on the realization of the provisions of the Framework Convention for the Protection of National Minorities submitted by the Polish government to the Secretary of the Council of Europe, Belorussians, Czechs, Karaites, Lithuanians, Lemks, Germans, Armenians, Gypsies, Slovaks, Tatars, Ukrainians and Jews are the officially recognized national or ethnic groups in the country. The Cashubian community was left aside. Estimates concerning the overall number of Cashubians range between 200,000 - 500,000 people, though knowledge of the Cashubian language is rather low.

Source: Mercator News, September 2002,

<http://www.troc.es/ciemen/mercator/index-gb.htm>

The use of language in everyday life e.g. education, broadcasting and other

Updated (October 2001)

GERMAN SPEAKING MINORITY

According to the officials in Poland, 300,000 people belong to the German speaking minority but according to the minority itself, it is between 700,000 to 1 million. Most of minority members live in Upper Silesia, the southern part of Poland, bordering the Czech Republic and Slovakia.

As far as minority media is concerned, it is financed mainly by the German government and partly by the Polish government. They have 170 minutes in the private radio and 70 minutes in the state owned. One national print media provides the German minority with news once a week.

Peter Baron, head of the German Society for Education informs that so far 16,981 students in 174 elementary schools, and 1,700 students in 34 high schools were offered additional German mother tongue classes. There are also 8 bilingual classes. Only one grade with 53 students is completely in German.

According to Baron, minority is facing a lot of problems with establishing new classes for example problem with fear of parents to sign application in such classes, incompetence of principals, lack of appropriate pedagogical material, not enough financial support, not enough training for teachers. The tradition of mother tongue lessons is very young in Poland. Only in 1992 the Polish Ministry of Education released a law allowing the "preservation of the national, ethnic and linguistic identity of students belonging to minorities."

Did the country ratify any international treaty dealing with the protection of minorities?

Updated (April 2001)

Poland was one of the first states that signed the Framework Convention on the Protection of National Minorities; however, it was ratified only on December 20, 2000 and entered into force in April 2001. According to a non-published report carried out by the European Parliament, there are nine national minority languages in Poland: Bielorrussian, German,

Kashubian, Lithuanian, Romany, Slovak, Ukrainian, Russian and Yiddish.

Updated (May 2003)

On May 12, 2003, Poland signed in Strasbourg the European Charter for Regional or Minority Languages.

Source: Council of Europe, News, May 12, 2003, www.coe.int

What else can be found about language and minorities?

Updated (June 2002)

After the census in 1988 there is another one taking place in Poland in May 2002. The fact that the questions concerning ethnicity and language of domestic use were included to the census has arisen negative reactions among several organizations representing ethnic minorities.

The answers, according to the Polish Minister of Interior, should be used to create an updated database on minorities in order to serve as the basis for future policies. It is estimated that approximately 2 percent of the Polish population belong to one of the national minorities living in the country, such as Germans, Belorussians, Ukrainians or Tatars.

Updated (October 2002)

POLAND MINORITIES DISLIKED QUESTION ABOUT ETHNICITY IN THE CENSUS

Although the Interior Minister Krzysztof Janik appealed to the representatives of ethnic minorities not to be afraid to declare their ethnic origin ("narodowosc") in the general census, taking place from May 21 to June 8, 2002; they saw the situation differently.

The government assured minorities that census' results would be used for a special database, to work out an appropriate position for negotiations with the European Union regarding the protection of ethnic minorities. It would also serve as a basis for talks between the government and local self-governments in order to conduct a consistent policy toward the minorities.

However, recently expressed fears of minority organization activists in Poland show that the question about ethnicity in the census may only cause problems for those declaring different ethnic origin than the Polish one. According to Myron Kertyczak of the Union of Ukrainians in Poland,

Polish Ukrainians prefer not to disclose their ethnic identity because they are afraid of consequences in the offices or at schools.

Senator Henryk Kroll, who represents the German minority in Poland's upper chamber, pointed to an example of inequality in the census itself. When a Pole declares the Polish ethnicity, he does not have to answer further questions. When one declares different ethnicity, he has to answer additional questions, for example, about the language he uses at home, etc.

Jan Syczewski, the chairman of the Belarusian Social-Cultural Association, cast doubts on the reliability of data obtained by the census. They have conducted a poll in a school where all students were of Belarussian origin. The results of the poll showed that only one-fourth of the students declared their Belarusian roots...

The Association of Roma in Poland and the Union of Polish Tatars also spoke against the question about ethnicity in the general census. "People are afraid. There are still many anxieties and prejudices, primarily among older people. They still remember their postwar experiences. So the census may not provide actual data," Selim Chazbijewicz noted (Union of Polish Tatars).

Source: Minelres Archive, <http://lists.delfi.lv/pipermail/minelres/>, RFE/RL Poland, Belarus, and Ukraine Report Vol. 4, No. 9, 5 March 2002

APPENDIX A

MAP OF POLAND



APPENDIX B

POLAND - CONSTITUTION

(Adopted by National Assembly on April 2, 1997)

(Confirmed by Referendum in October 1997)

(Document Status in October 1997)

(Editor's Note: The ICL edition is based on the official Government translation provided to the public domain on the House of Representatives (Sejm) server)

Article 27

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements

Article 35

(1) The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.

(2) National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

Article 233

(2) Limitation of the freedoms and rights of persons and citizens only by reason of race, gender, language, faith or lack of it, social origin, ancestry or property shall be prohibited

Note: The complete text of the Constitution and further information on the constitutional background of Poland are provided by the International Constitutional Law Project at the University of Wuerzburg.

THE ACT ON THE POLISH LANGUAGE

(From October, 7 1999)

Prepared based on the Collection of Laws from 1999, no. 90, item 999;
from 2000 no. 29, item 358

The Parliament of the Polish Republic:

taking into consideration that the Polish language is a constituting element of the Polish national identity and national culture,

having considered the Polish historical experience that foreign rulers and occupants repressed the Polish language and endeavoured to denationalise the Polish nation,

having realised that it is inevitable to safeguard national identity in today's global environment,

having understood that the Polish culture helps create a unified and culturally varied Europe and that it can be preserved and developed only if the Polish language is preserved,

having adopted the idea, that the protection of the language is the responsibility of all Polish bodies and public institutions, as well as all Polish citizens,

hereby adopts this law.

CLAUSE 1

GENERAL PROVISIONS

Article 1

This law refers to the protection of the Polish language, its use in public and legal action on the territory of the Polish Republic.

Article 2

This law is not contradictory to:

1/ legal regulations about the relations between the state and churches and other organisations practising religious cults and rituals,

2/ legal regulations about the rights of national minorities and ethnical groups.

Article 3

1. The protection of the Polish language is based on the following principles:

1/ users apply and use the Polish language in its codified standard, make effort to improve their language proficiency, and endeavour to establish conditions for the optimum development of the language as a tool of human communication,

2/ fight against the vulgarisation of the language,

3/ spread of knowledge about language and its role in culture,

4/ honour to regional expressions and dialects, and their preservation,

5/ support of the Polish language world-wide,

6/ support of the Polish language teaching in Poland and abroad.

2. All bodies of the Public Administration, and institutions and organisations taking part in the public life shall protect the Polish language.

3. The Minister of Education shall publish decrees and regulations to determine the process of state exams for foreigners who apply for an official statement of Polish language proficiency.

Article 4

The Polish language shall be used as an official language at:

1/ Polish Constitutional bodies,

2/ local self-government and related institutions to the extent of their public duties,

3/ local bodies of Public Administration,

4/ public institutions,

5/ bodies, institutions and offices subordinate to bodies stated in paragraphs 1/ and 3/, which are responsible for carrying out and putting into practise tasks and duties assigned by their superior bodies, as well as by state bodies, to the extent of their public duties,

6/ other bodies of self-government and bodies of social, professional, co-operative and other entities to the extent of their public duties.

CLAUSE 2

LEGAL PROTECTION OF THE POLISH LANGUAGE IN THE PUBLIC LIFE

Article 5

Entities which execute public duties on the territory of the Polish Republic shall act in the Polish language, should not special regulations require otherwise.

The paragraph 1 above refers also to documents addressed to bodies specified in the Article 4 of this Act..

Article 6

1. All international agreements shall also be concluded in the Polish language and have a Polish version which shall be used as a basis for legal interpretation, if not required otherwise by special regulations.

Article 7

On the territory of the Polish Republic, the Polish language shall be used in all legal action between Polish entities as well as in cases when one of the parties is Polish. Specifically, this paragraph refers to names of goods and services, advertisements, instructions for use, information about properties of goods and services and warranty terms and conditions, invoices, bills and receipts.

A Polish entity, for the purpose of this law, is:

- 1/ an individual with permanent residence in the Polish Republic,
- 2/ a legal entity or a branch office without legal status which operates on the territory of the Polish Republic.

It is forbidden to use foreign expressions in legal action in the Polish Republic with the exception of personal names.

Foreign description of goods and services, bids and advertisements used in legal action, as specified in the Article 7, paragraph 1, shall also be accompanied by a Polish version.

Duties, as specified in paragraphs 1, 3, and 4, shall be controlled and reviewed by the Trade Inspectorate and Office for the Protection of Competition and Consumers.

Article 8

If a Polish entity is one of the parties who conclude an agreement which will be executed in the Polish Republic, the agreement shall be concluded in the Polish language.

An agreement concluded and written in the Polish language may be accompanied by its version(s) in a foreign language(s). If not agreed otherwise, the Polish version is used as an overruling version in case of future interpretations.

Should there be concluded an agreement which does not comply with the paragraphs 1 and 3 of this Article, this agreement is in breach with the Civil Code, Clause 74, Article 1, paragraph 1 and Clause 74, Article 2: no agreement written in a foreign language is a valid legal act, as specified in the Clause 74, Article 2 of the Civil Code.

Article 9

The Polish language shall be used for education and examination purposes and in theses at all types of public and private schools, at state and private universities and other educational institutions, if not required otherwise by special regulations.

Article 10

Notices and information in offices, public institutions and public transportation shall be written in the Polish language.

Names and texts in the Polish language may also be accompanied by their versions translated into foreign languages in cases and to the extent, as specified by a responsible minister.

Article 11

Articles 5-7, 9 and 10 do not refer to:

- 1/ personal names,
- 2/ foreign-language newspapers, magazines, books, computer software with the exception of instructions and descriptions,
- 3/ educational and scientific activities at universities and schools with a foreign educational language or at multi-lingual schools, teachers of foreign languages or other subjects, if specified in special regulations,
- 4/ scientific and artistic activities,

5/ generally accepted scientific and technical terminology,

6/ brand names, trademarks and other trade and service names.

CLAUSE 3

THE LANGUAGE COUNCIL AND SCOPE OF ITS COMPETENCIES

Article 12

The Language Council (further “the Council” only) shall function as an advisory and decision-making institution and shall detect issues in accordance with the Article 34 of the Act from 25 April 1997 on the Polish Academy of Sciences (Coll. of Laws no. 75, item 469 and no. 141, item 943, as well as from, 1999 no. 49, item 484).

The Council shall submit a Report on the Protection of the Polish Language to the Sejm and Senate at least once in two years, based on the principles specified in the Article 3.

Article 13

1. Initiated by the Minister of Education, Minister of Culture, the Chair of the Polish Academy of Sciences or by itself, the Council may submit a regulation about the use of the Polish language in public and legal action. The Council also adopts any spelling and punctuation guidelines.

2. Scientific and artistic organisations and universities may approach the Council for advice in respect of the language use.

Article 14

Bodies, as specified in the Article 4, may approach the Council for advice in case of serious doubts regarding the language use related to the scope of their activities.

Manufacturers, importers and distributors may approach the Council for advice if they do not have a suitable name for their products or services.

CLAUSE 4

PROSECUTION

Article 15

1. An entity, which, in a legal action, uses names of goods and/or services, bids, advertisements, instructions for use, information about

goods and services, warranty terms, invoices, bills and receipts exclusively in a foreign language without Polish version, may be charged a fine.

2: The fine, as specified in the paragraph 1, may not exceed 100,000 zlotys and shall be transferred to the account of the Fund for the Support of Creativity, founded in accordance with the Article 111 of the Act from 4 February 1994 on Authorship Rights and related regulations (Coll. of Laws no. 24, item 83 and no. 43, item 170, as well as from 1997 no. 43, item 272 and no. 88, item 554).

CLAUSE 5

AMENDMENTS AND FINAL PROVISIONS

Article 16

The Press Act from 26 January 1984 (Coll. no. 5, item 24, from 1988 no. 41, item 324, from 1989 no. 34, item 187, from 1990 no. 29, item 173, from 1991 no. 100, item 442, from 1996 no. 114, item 542, and from 1997 no. 88, item 554 and no. 121, item 770) is amended as follows:

1/ in the Article 12, paragraph 1, sentence 2, the period in the end of the sentence is replaced by a comma and the following sentence 3 is added:

“3/ try to use the language correctly and avoid use of vulgarisms.”

2/ in the Article 25, paragraph 4, the following sentence is added:

“At the same time, it is obliged to care for correct use of the language in all press materials and avoid language vulgarisation.”

Article 17

The Act from 29 December 1992 on Radio and Television (Coll. from 1993 no. 7, item 34, from 1995 no. 66, item 335 and no. 142, item 701, from 1996, no. 106, item 496, as well as from 1997, no. 88, item 554 and no. 121, item 770) is amended as follows:

1/ void

2/ in the Article 21, paragraph 1, the following sentence is added under 6a: “6a/ spreading the knowledge of the Polish language,”.

Article 18

The Decree on the State Language and the Language Used in Government and self-government Administrative bodies (Coll. no. 57, item 324) is abolished.

Article 19

This law becomes effective 6 months after its publishing.

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