



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

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined twentieth and
twenty-first periodic reports of Poland**

Addendum

**Information received from Poland on follow-up to the
concluding observations***

[Date received: 24 February 2015]

**Follow up to the recommendation in paragraph 9 of the concluding
observations (CERD/C/POL/CO/20-21)**

Providing the Ombudsman with appropriate human and financial resources

1. With regard to funding intended for the Ombudsman, the Polish authorities wish to emphasize that pursuant to Article 139(2) of the Public Finance Act of 27 August 2009, the Ombudsman shall have budgetary autonomy. It is manifested in the obligation to incorporate by the Minister of Finance revenue and expenditure reported by the Ombudsman in the draft budget bill for next year.
2. The institutions mentioned in Article 139(2), including the Ombudsman, shall be independent of the executive authority, and their draft financial plans shall be included by the Minister of Finance in the estimates (incorporation of draft budgets without negotiations). Changes in the revenue and expenditure plans of the aforementioned institutions can be introduced only by the Parliament on its own initiative, or on the initiative of the Council of Ministers or the Minister of Finance.
3. This means that the Ombudsman, shall have at his disposal as a rule (unless the Parliament decides otherwise) a budget corresponding to that planned by him, bearing in mind, however, in particular the need for implementation of statutory tasks, but also taking into account the limited capacity of the state budget, which is due to the currently difficult financial situation.

* The present document is being issued without formal editing.



4. In 2014, the Ombudsman received for carrying out his statutory tasks a budget of PLN 39,171,000 (approx. EUR 9,379,804). In 2014, the total number of posts in the Office of the Ombudsman was 318.

5. Given the special nature of the Ombudsman's activities, including the fight against all forms of discrimination, in previous years, budgets of the Ombudsman were given priority and were exceptions to the general rules laid down in the acts relating to the implementation of the budget (the so-called "budget-related" acts).

6. Article 24(3)(3) of the Act of 22 December 2011, amending certain acts relating to the implementation of the budget law, provides for additional funds for salaries in the amount of PLN 1,000,000 (approx. EUR 239, 458) intended for creating new posts in the Office of the Ombudsman in 2012.

7. Furthermore, Article 16(3)(1)(a) of the Act of 7 December 2012, amending certain acts in connection with the implementation of the budget law, provides for additional funds for salaries in the amount of PLN 667,000 (approx. EUR 159,718) to be paid in relation to the creation of new posts in the Office of the Ombudsman in 2013. According to the explanatory memorandum to the draft law, the increased amount of salaries was associated with the implementation of the tasks imposed on the Ombudsman, including those arising from the Convention on the Rights of Persons with Disabilities.

8. It should also be noted that despite the fact that a number of important state institutions have had their funds for salaries frozen since 2009, in the case of the Office of the Ombudsman measures have been taken to increase the budget and human resources of this institution for the purpose of carrying out tasks in the field of fight against discrimination. However, despite undertaking such measures, the Office of the Ombudsman points out that funds received by this institution are still insufficient for the full implementation of these tasks.

Ensuring that the Ombudsman deals with issues related to racial discrimination in both the public and private spheres

9. The issues related to the Ombudsman's capacity to act in the case of the so-called horizontal issues (with respect to the relationship between individuals) were being considered already at the stage of legislative work on the Act on the implementation of certain provisions of the European Union in the field of equal treatment. It was recognised then that the broad mandate of the Ombudsman — although it covers mainly issues related to vertical relations — satisfies the requirement to provide assistance to victims of discrimination arising from the European Union equality directives. Furthermore, the Ombudsman Act has been supplemented with a provision according to which while implementing the principle of equal treatment between individuals, the Ombudsman can take action to advise the applicant on measures available to them (Article 11(2) of the Ombudsman Act). It should also be noted that the Ombudsman has the capacity to act indirectly, i.e. he can make other competent authorities take action (such authorities include e.g. National Labour Inspectorate, Office of Competition and Consumer Protection, law enforcement bodies). A relatively broad mandate of the Ombudsman in terms of the capacity to participate in court proceedings, including civil cases, in which both parties represent the private sector (e.g. Grupa Allegro Sp. z o.o. against the Green Light Foundation) should also be noted. This is extremely important, considering the fact that in cases involving a breach of the principle of equal treatment, claims for damages or for the protection of personal rights are essential.

10. It is worth noting that the issues relating to the Ombudsman's competence as regards matters concerning relations between individuals were the subject of a complaint to the European Commission (EU PILOT No. 3276/2012/JUST). Having considered the matter,

the Commission concluded that the Ombudsman Act – in the terms of the Ombudsman’s powers as an independent body for equal treatment does not violate the minimum standards defined in the European Union equality directives. This position was communicated by the Commission in its letter of 13 September 2013 (Ref. Ares (2013)3D42546).

11. The way of exercising the mandate of the Ombudsman as an independent body for equal treatment remains — within the law — a sovereign decision of the Ombudsman. Extensive, published reports on the execution of the Ombudsman’s tasks related to the fight against discrimination and the implementation of the principle of equal treatment with respect to e.g. race, nationality and ethnic origin present numerous actions taken in this regard.

Results achieved by the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance

12. The Minister of Administration and Digitization was appointed Chairman of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance (hereinafter referred to as “the Council”) pursuant to the ordinance of the Prime Minister of 13 February 2013. The first meeting of the Council was held on 15 April 2013, and the last on 12 December 2014. The Advisory Board, referred to below, met for the last time on 7 November 2014.

13. It should be emphasised that the varied composition of the Council provides for a unique design that enables entities operating at different levels and in different areas to meet in one place. The Council consists of the Chairman – currently the Secretary of State in the Ministry of Administration and Digitization and two Deputy Chairmen: Secretary of State in the Ministry of Labour and Social Policy and Undersecretary of State in the Ministry of the Interior. The Board comprises also representatives of eleven ministries in the rank of Secretary or Undersecretary of State, or should they be absent their deputised representatives. These are the following Ministries: Ministry of Finance, Ministry of Culture and National Heritage, Ministry of Sport and Tourism, Ministry of Science and Higher Education, Ministry of Infrastructure and Development, Ministry of Foreign Affairs, Ministry of Health, Ministry of National Defence and Ministry of Justice. The meetings of the Council are attended also, as members, by: the Government Plenipotentiary for Equal Treatment, President of the Office of Electronic Communications, Head of the Office for Foreigners, Plenipotentiary of the Prime Minister for International Dialogue, as well as alternates appointed by the Commander-in-Chief of the Police, Commander-in-Chief of the Border Guard, the Patient Ombudsman and the Head of the Customs Service. Besides the aforementioned group, the meetings are attended by representatives with member’s rights of: the Ombudsman, the Ombudsman for Children, the Public Prosecutor General, the Chief Labour Inspector, the National Council of Radio and Television, the Public Benefit Works Council, the local government part of the Joint Commission of the Government and Local Government, the minorities part of the Joint Commission of the Government and National and Ethnic Minorities. The Chairman of the Council engages in its work on a correspondence basis the Plenipotentiaries of Province Governors for National and Ethnic Minorities.

14. The varied composition presented above enables the Council to effectively implement its key objective, i.e. coordination of the activities of the government bodies and their interaction with local government authorities and other entities as regards the prevention and fight against racial discrimination, xenophobia and related intolerance.

15. The Council work is supported by the Advisory Board which provides consultative assistance to the Chairman of the Council. The Advisory Board is composed of the persons who are actively involved in the fight against racial discrimination, xenophobia and related intolerance, or represent groups and communities at risk of discrimination.

16. The importance of the Advisory Board has been enhanced with the change of the chairman in June 2014. NGOs serving on the Advisory Board present their points of view as regards the scope of their activities and initiate topics for meetings of the Council. They also point to substantial problems of minorities represented by them, as well as those related to measures taken by the state as regards their protection. By organising meetings of the Advisory Board, these organizations have a real influence on the agenda of the Council meetings and topics discussed at them.

17. On 6 November 2013, the Council's Framework Action Plan was adopted. Directions of the Council's actions and those of its members were outlined in this document. Furthermore, four areas around which the actions should revolve were identified. These are: monitoring, responding, providing services and education.

18. During the Council meetings, information is exchanged between the individuals serving on the Council and the Advisory Board. Representatives of the ministries, central agencies and services present the most current data and information on the situation of minorities or victims of hate crimes. Government efforts being made at a given time to improve the situation of those people are also presented. As an example, the paper on the work on the Program for Social Inclusion of Roma Communities in Poland, or information relating to the work on the implementation of the EU Directive on assistance to crime victims can be invoked. This information is useful especially for non-governmental organizations that receive not only the current data on projects that interest them, but they can also ask questions to representatives of the ministries, or even provide their own comments on the work on a specific project.

19. Due to the cooperation of the Council and the Board with the plenipotentiaries of provincial governors for national and ethnic minorities, members of the Council and the Advisory Board can obtain current information as regards the situation in the various provinces, as the plenipotentiaries notify them of potential threats. The information provided by the Plenipotentiary of the Governor of the Lubelskie Province, who described the situation in Puławy with respect to the planned meeting of Polish Muslims in this city, can be given as an example.

20. As part of the work of the Council and the Advisory Board, best practices are also exchanged between participants of the meetings, as individual institutions can share their experiences and the encountered problems, as well as information about actions taken to combat hate speech and hate crimes.

21. The Chairman can establish, besides the Advisory Board, also working groups. At present, two such groups exist:

(a) A working group which deals with the creation of a repository of reports and statistics, whose objective is to develop a system for the collection and analysis of data from research on Poles' attitudes towards various groups (ethnic, national or social ones). Such research would be conducted based on raw data from the results of surveys conducted by Polish opinion research institutions, e.g. CBOS and OBOP;

(b) A working group which deals with the development of definitions of terms relating to hate speech. The objective of this group is to determine the degree of intensification of this phenomenon in the public space and to develop a dictionary of definitions that will be used in the future to categorize the degree of profanity of examined offensive terms.

22. The tasks of the Council include also a number of actions taken by its Chairman and Deputy Chairmen, e.g. supporting anti-discrimination measures in Białystok through personal commitment to them and financial support for initiatives implemented in the Podlaskie Province.

23. Furthermore, the Chairman of the Council has cooperated with the Council of Europe as regards combating hate speech through support of a campaign of the Council of Europe entitled “No Hate Speech Movement”. This support resulted in organising in Warsaw a conference entitled “Hate Speech in Public Debate. Where is responsibility?”, attended by foreign guests, including Thorbjørn Jagland, Secretary General of the Council of Europe. Moreover, the Chairman of the Council took part in a conference of the Council of Europe held in Belgrade, entitled Freedom of Expression and Democracy in the Digital Age (7-8 November 2013), as Deputy Chairman of the meeting.

Improved coordination and creating synergies between all bodies for the protection of human rights at the national level

24. In the light of the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment, the Government Plenipotentiary for Equal Treatment and the Ombudsman have been identified as bodies responsible for the performance of tasks relating to the implementation of the principle of equal treatment.

25. The Ombudsman, acting as an independent body in accordance with the provisions of the Ombudsman Act, undertakes — in relation to the principle of equal treatment — the following tasks (Article 17(b) and Article 19):

- Analysing, monitoring and supporting equal treatment of all persons;
- Conducting independent surveys concerning discrimination;
- Developing and issuing independent reports, as well as making recommendations with respect to problems related to discrimination;
- Complying with additional reporting requirements which involve providing the Parliament with information on the Ombudsman’s activities in the area of equal treatment and their results, as well as the situation as regards the observance of the principle of equal treatment. In carrying out the aforementioned tasks, the Ombudsman exercise the measures defined in the Ombudsman Act.

26. In the framework of the implementation of the above-mentioned tasks, the Ombudsman cooperates with associations, citizens’ movements, other voluntary associations and foundations.

27. Furthermore, the Ombudsman, primarily within his own priorities for action (these are currently the rights of people with disabilities, the elderly and migrants), takes action with respect to systemic problems that are outside the mainstream activities of state bodies, but require urgent intervention, such as protection of the rights of people with mental disabilities.

28. The Government Plenipotentiary for Equal Treatment, as the body responsible for implementing the government policy in regard of equal treatment, is an extremely important addressee of speeches delivered by the Ombudsman. Presenting a specific problem related to discrimination, the Ombudsman addresses the Plenipotentiary directly or sends him the content of his speech addressed to another body. As an independent body for equal treatment, the Ombudsman expects the Plenipotentiary to promote certain solutions proposed by him, as well as reports and recommendations presented within the government structures in order to implement them.

29. The Government Plenipotentiary for Equal Treatment, acting pursuant to the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment, is responsible for the implementation of the government policy with respect to equal treatment. The Plenipotentiary is therefore part of the national system

for combating discrimination and implementing the principle of equal treatment, yet this is not an independent body. In carrying out his tasks, Plenipotentiary collaborates on a regular basis with numerous public institutions (including the ministries and central agencies in accordance with the horizontal nature of the principle of equal treatment and competence of individual entities) and NGOs.

30. Tasks performed by the Plenipotentiary are to coordinate the government policy as regards equal treatment and involve:

- Issuing opinions on legal solutions – both existing and planned ones;
- Analysing and monitoring the situation with regard to equal treatment;
- Initiating and coordinating efforts to ensure equal treatment and protection against discrimination;
- Promoting and disseminating information on issues of equal treatment.

31. A strategic government document has been designed to implement actions in the field of equal treatment and non-discrimination. This is the National Action Plan for Equal Treatment for 2013-2016. The document sets medium-term objectives and government policy instruments for the promotion of equal treatment. The principle of equal treatment is a horizontal one, hence the measures provided for in the Plan are implemented by all ministries and selected offices in line with their competence, and in cooperation with non-governmental organizations, social partners and the local government units. The document organises and prioritizes the key measures to ensure the implementation of the principle of equal treatment, which are being taken or will be taken by the various ministries and subordinate offices. The Ombudsman, as the controlling body, pays particular attention to those areas covered with the planned intervention.

32. In order to ensure effective monitoring of the Plan and the creation of a permanent forum for cooperation in this regard, the Plan envisages the establishment of an Inter-Ministerial Group for Monitoring the Implementation of the National Action Plan for Equal Treatment – as an advisory body to the Council of Ministers. The Group will be composed of representatives of the ministries and central institutions delegated by those institutions, and its work will be supported by experts, representatives of state administration bodies, local government units, non-governmental organizations and other entities competent in the matters of the Group's work, acting in an advisory capacity. A draft ordinance of the Prime Minister concerning the establishment of the Group is in the phase of inter-ministerial consultations.

33. Regardless of the establishment of the Group for Monitoring the Implementation of the National Action Plan for Equal Treatment, in order to facilitate the implementation of the principle of equal treatment compliant with the principle of horizontality, coordinators and governors' plenipotentiaries for equal treatment have been appointed at the initiative of the Government Plenipotentiary for Equal Treatment in central and provincial offices, respectively. The desirability of such initiatives has been confirmed by the actions taken within the Equal Treatment as a Standard of Good Governance project, which was implemented by the Government Plenipotentiary for Equal Treatment in 2011–2013. As part of the project, a network of coordinators for equal treatment in all ministries, the Chancellery of the Prime Minister, provincial offices and selected public institutions was established. Analysis of the operation of the aforementioned network, performed in the framework of the project, proved the desirability of continuation of its efforts. Furthermore, the analysis showed that in the ministries and selected subordinate units, coordinators for equal treatment should be appointed, while in the provincial offices – provincial governors' plenipotentiaries for equal treatment.

34. The tasks of coordinators appointed in the ministries and in selected subordinate units should include, in particular:

- Regular evaluation and collecting information concerning compliance with the principle of equal treatment, as well as the implementation of the tasks arising from the National Action Plan for Equal Treatment;
- Promoting the principle of equal treatment and taking measures to comply with this principle in the office of the minister and organizational units subordinate to the minister.

35. The tasks performed by provincial governors' plenipotentiaries should focus particularly on:

- Taking action to promote the principle of equal treatment in the province and in the office supporting the provincial governor;
- Providing information at the request of the Plenipotentiary as regards compliance with the principle of equal treatment in the province and in the office supporting the provincial governor;
- Cooperation with NGOs working to promote equal treatment and anti-discrimination;
- Cooperation with the Government Plenipotentiary for Equal Treatment in the implementation and evaluation of activities arising from the National Action Plan for Equal Treatment.

36. According to data submitted to the Office of the Government Plenipotentiary for Equal Treatment, by the end of 2014, coordinators for equal treatment were appointed in 13 ministries (out of a total of 17), the Chancellery of the Prime Minister and the Central Statistical Office. Furthermore, a plenipotentiary for equal treatment was appointed in the uniformed services¹ subordinate to the Ministry of the Interior. Moreover, 13 provincial governors' plenipotentiaries for equal treatment were appointed, whereas in the three remaining provincial offices, individuals or departments were designated to perform similar tasks.

37. At the same time, the two aforementioned equality bodies — the Ombudsman and the Government Plenipotentiary for Equal Treatment — take part in the work of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, which coordinates the work of all its member institutions.

¹ The plenipotentiary's tasks include also cooperation with the Commander-in-Chief of the Police, Commander-in-Chief of the State Fire Service and the Head of the Government Protection Bureau, or their representatives, with respect to developing standards and procedures to be followed in cases where unequal treatment of women and men could occur, in particular on the grounds of gender, receiving reports concerning cases of unequal treatment of women and men in the uniformed services subordinate to, or supervised by, the Minister of the Interior (the so-called "yellow hotline" has been launched to notify of such cases).

Follow up to the recommendation in paragraph 10 of the concluding observations

Paragraph 10 (a)

38. Based on the responses received from 32 sports associations, it should be noted that in the vast majority of the associations there were no incidents in 2013-2014, which would show the characteristics of discrimination based on race, ethnicity, nationality, gender or sexual orientation. Incidents of a racist, xenophobic or homophobic nature occurred only during football and basketball matches. In the 2012/2013 season, the Polish Basketball Association recorded a single incident involving presenting a homophobic banner by supporters of Anwil Włocławek. Due to this incident, the Board of Polish Basketball League imposed on the sports club an administrative penalty. As part of the football games at the Premier League, 1st League and 2nd League levels, the Polish Football Association reported four incidents of a racist or anti-Semitic nature which occurred during the spring round of the 2012/2013 season, and 13 incidents which occurred during the whole 2013/2014 season. Football clubs were usually penalised with fines in the amount of PLN 5,000 (approx. EUR 1,197). Penalties in the form of bans on organised trips of groups of supporters for three matches were also imposed. Both sports associations have internal regulations on preventing and sanctioning discriminatory incidents. Furthermore, in 2013-2014, the Polish Football Association developed and published "Guidance for Match Delegates of the Polish Football Association", including a list of prohibited symbols of a racist nature. Moreover, in November 2013, one of the topics dealt with during the 13th edition of the Stadium Security Conference organised by the Polish Football Association, was combating barriers encountered by supporters with respect to access to stadiums, in particular those with disabilities. In 2013 and 2014, approximately 100 training courses were also conducted as part of the project, Stewarding – the Highest Quality of Event Organization, during which candidates for security and information services of the organiser were familiarised with the ways to counter racist incidents.

39. It should be emphasised that although no incidents of a discriminatory nature, including racism, have been recorded in most sports, the Statutes or Regulations, including Disciplinary Regulations, of numerous Polish sports associations contain provisions relating to the prevention and penalization of discrimination in sport.

40. For example, in June 2013, by a resolution of the Board of the Polish Handball Association, in the Rules and regulations for performing the functions of a delegate of the Polish Handball Association and the main referee in handball and beach handball tournaments, the following paragraph was added: "A delegate of the Polish Handball Association [and the main referee at a beach handball tournament] is entitled to take disciplinary decisions in the event of acts of racism and discrimination and other threats to the sporting conduct of games [...]". In June 2014, the Disciplinary Regulations of the Polish Handball Association were supplemented with the following provision: "Where the audience committed acts of hooliganism, or if racist or xenophobic slogans could be heard, a fine in the amount of up to PLN 15,000 (approx. EUR 3,592) shall be imposed [on the handball club hosting the tournament] and a ban on conducting the games in a sports facility, or a penalty in the form of conducting the games without supporters' participation". Furthermore, the Polish Handball Associations organised in 2013, in cooperation with the NIGDY WIĘCEJ (Never Again) Association, a conference devoted to racist symbols.

41. The Polish Weightlifting Association introduced in 2013 the following provisions in the Sporting Regulations of the Polish Weightlifting Association: "Participants of sports competitions are required to comply with these Regulations and other regulations of the

Polish Handball Association, the Organiser's instructions and rules of good manners. In particular, there will be no tolerance for racist, sexist and xenophobic acts."

42. The General Meeting of the Polish Association of Traditional Karate enacted in May 2014 Code of Ethics of the Polish Association of Traditional Karate, which includes a provision stating that "everyone without exception must refrain from conduct or making comments which contain elements of discrimination on the grounds of belief, religion, skin colour, sexual orientation, gender or social status." Should such incidents occur, the provisions contained in the Statutes of the Polish Association of Traditional Karate and in the Rules of Disciplinary Responsibility and Disciplinary Conduct of the Polish Association of Traditional Karate shall apply.

43. Some sports associations have announced plans to introduce into internal legislation provisions relating to the prevention and penalization of racism and other forms of discrimination.

44. For example, the Polish Athletics Federation plans to incorporate in the Rules and regulations of disciplinary responsibility of the Polish Athletics Federation a clause concerning the promotion of illegal content, containing the following provision: "A person who in the context of a sports competition promotes content of a discriminatory, particularly racist, nature shall be subject to disciplinary action excluding a warning and reprimand" (the other disciplinary penalties include a fine, deprivation of Polish champion title, suspension in the exercise of functions performed in the Association or the club for a period of up to 3 years, a lifetime ban on the exercise of those functions, deprivation of the function, temporary disqualification for a period of 5 years or for the lifetime).

45. The Board of the Polish Angling Association plans to amend its Statutes and include provisions relating directly to the prevention of discrimination. Currently, the internal law of the Polish Angling Association allows for imposition of penalties for non-compliance with the "rules of camaraderie and mutual respect".

46. The Board of the Polish Baseball and Softball Federation has declared that at its next meeting (scheduled for 2015), a resolution on measures to prevent and sanction racist incidents and discrimination on the grounds of ethnicity, nationality, gender and sexual orientation would be adopted.

47. Some associations conduct also preventive and educational activities (training, seminars) for players, coaches, referees and delegates. Such activities are carried out by the Polish Automobile Association, Polish Association of Bodybuilding, Fitness and Powerlifting, the Polish Field Hockey Association, the Polish Canoe Federation and the Polish Billiard Association. The Polish Taekwon-Do Association conducted in 2013-2014 training for security staff, aimed at the prevention of racism and adequate response to incidents, as well as educational activities for clubs and players.

48. Integration initiatives were also carried out. In 2013-2014, the Polish Baseball and Softball Federation organised games of the Little Baseball and Softball League, which were international sporting events for children from Europe, Africa and the Middle East. Furthermore, PZBall conducted a preventive project, involving the establishment of sports clubs for children, integrating young people from the embassies of the countries of Asia and America with children from Poland. The Polish Taekwon-Do Association has decided to create an inclusive Taekwon-Do club in Zabrze, integrating the Polish and Roma communities. The Board of the Polish Canoe Federation organised in 2013 and 2014, in cooperation with the International Canoe Federation, integration meetings for players from different countries.

49. The Ministry of Sport and Tourism has been taking for many years educational and preventive measures to combat discrimination in sport. As part of preparation for the final

tournament of UEFA EURO 2012 conducted in Poland, the PL.2012 Company developed, on behalf of the Minister of Sport and Tourism, an innovative project entitled KIBICE RAZEM (Football supporters together), aimed at building permanent structures for cooperation with local communities of supporters and supporting on a regular basis their positive initiatives, in particular efforts to democratize the supporters community and engage supporters in activities carried out for the benefit of the local community. The objective of the KIBICE RAZEM project is to educate next generations of supporters who will manifesting different attitudes, trying to solve their problems through discussions and dialogue rather than violence or acts of racism, xenophobia and homophobia. In 2010-2013, the KIBICE RAZEM project was being implemented in four cities: Warsaw, Gdynia, Gdańsk and Wrocław, by creating meeting places for supporters (local centres of the project), run by qualified coordinators acting as intermediaries between the supporters and football clubs, municipal offices, the media and NGOs. In 2014, another two centres were opened in Legnica and Tychy. In previous years, the centres established within the project conducted educational and preventive work among supporters, through e.g. workshops, training sessions, meetings with experts, building the “positive patriotism” attitude, i.e. one which is not based on violence and intolerance, but on respect for tradition and history, as well as cooperation with organizations working for people with disabilities in order to promote the idea of being a supporter as a way to get “out of home” and build positive relationships with others. The long-term result of the project will be the establishment of a nationwide network of local centres in order to enhance their impact on supporter communities. The KIBICE RAZEM project is funded by the Ministry of Sport and Tourism and local governments, and it is coordinated centrally by the Ministry of Sport and Tourism in cooperation with the Polish Football Association.

50. At the same time, based on communications from the National Police Headquarters and statistics of the Polish Football Association, the Ministry of Sport and Tourism monitors the situation in sports facilities and contacts by mail the presidents of sports clubs when racist or xenophobic incidents occur in such facilities. Such incidents can involve e.g. presenting banners with undesirable content by supporters or insulting sportspersons because of their origin. Such correspondence is aimed at obtaining detailed information about the incident. It also points to the need to take action to prevent such incidents in the future, and specifies whether cooperation with the supporter community should be initiated.

51. In 2013-2014, the Minister of Sport and Tourism was a honorary patron of events aimed at the prevention of discrimination in sport, such as the 9th Football Match played within the “Wykopmy Rasizm ze stadionów” (“Let’s kick racism out of stadiums”) campaign.

52. In 2013, the Ministry of Sport and Tourism commissioned comprehensive research on negative phenomena occurring in sport, including the following four issues: discrimination among supporters, corruption in sports, violations of bodily and mental integrity and barriers to gender equality in sport. The report on the discriminatory behaviour of supporters was transferred to the Ministry in June 2014. The other part of the research will be conducted by December 2014 and its results will be presented at a conference organised by the Ministry of Sport and Tourism. It is also planned to publish a report on the website of the Ministry.

53. It should be emphasised that recommendations of international bodies concerning the fight against racism in society, including sport, are of great importance for the development of educational culture in the Police and early prevention mechanisms. From an objective point of view, the number of racist incidents in stadiums may still seem alarming, but response to this phenomenon by public authorities, mainly the Police, is incomparably more visible and effective than a few years ago. The Police do not perform

traditionally understood evaluation of the impact of actions taken by the Police on the scale of racism in sport.

54. However, the Police have been taking for years a variety of measures aimed at combating racism in sport. On 16 February 2005, a National Contact Centre for Mass Sporting Events was established within the structures of the Main Police Staff of the National Police Headquarters. On 1 June 2010, its name was changed for the National Information Centre for Sporting Events. Currently, the main task to be performed by the Centre is to implement the provisions of Section 7 of the Act of 20 March 2009 on safety during mass events, related to the collection and processing of information concerning safety during mass sporting events. The tasks carried out by the National Information Centre include:

- Collecting and processing information concerning safety during sporting events;
- Running a database of information concerning safety during mass sporting events, performing analyses of information on safety during mass sporting events;
- Cooperation with foreign entities.

55. Furthermore, the institution of a spotter was established within the Polish Police in May 2009. Before the Final Tournament of the UEFA European Football Championship EURO 2012, in the framework of preparation for the event as regards its safety, a group of police officers was established — Spotters Team Polska — on 20 May 2011. Those officers executed tasks associated with ensuring public safety and order in the stadiums during all matches played by the Polish national football team in Poland from July 2011, as well as during all matches played in Poland during the Tournament (in the stadiums and fan zones). The activities carried out by the officers of Spotters Team Polska during the Final Tournament of UEFA EURO 2012 yielded tangible results, helping to ensure safety during the event. The usefulness and effectiveness of the spotters during the Tournament were acknowledged and very well evaluated. Therefore, Spotters Team Polska continues its operations, performing tasks related to ensuring public safety and order during matches played by the Polish national football team within competitions taking place both in Poland and abroad. Moreover, where appropriate, the scope of the operations performed by the group includes also exhibition games.

56. The decision to introduce spotters to the Polish Police forces was preceded by a thorough analysis of the performance of such services in the European Union. The work was based not only on the mere analysis of the documentation. Operations performed by such officers could also be observed in reality, e.g. due to posting Polish officers to cooperate in ensuring safety during matches played in European cups, as well as championship events: the World Cup in Germany in 2006 and the European Championships in Austria and Switzerland in 2008. The solution applied in Poland is a combination of the European model – a police officer who is friendly and willing to provide assistance to supporters, with the local characteristics of this profession, i.e. an officer having multi-dimensional expertise related to the effective fight against “stadium” crimes.

57. Officers are trained in this regard primarily based on the Curriculum for a specialist course for police officers – spotters, introduced by Decision No. 265 of 18 June 2013 (Dz. Urz. KGP of 19 June 2013, item 49). An officer who has completed the course is prepared to perform professional duties which involve:

- Permanent contact with supporters;
- Identification and addressing risks related to sporting events;
- Cooperation with external entities responsible for ensuring safety during sporting events;

- Cooperation with police officers from other organizational units.

58. Lectures delivered within the aforementioned course concern also racist, neo-fascist and nationalist symbolism and behaviour in stadiums, the definitions of racism, neo-fascism and nationalism, as well as discrimination, prejudice, hate crimes, hate speech, etc. The participants also learn about the severity of this problem in Poland and the difficulties associated with collecting evidence. By referring to the participants' knowledge, antagonised groups of football hooligans who use stadium hate speech are described, and the possible ways to prevent incidents of this type are presented.

Paragraph 10 (b) and (c)

59. In 2010, a Department for Fight against Cybercrime was established at the National Police Headquarters. Its main tasks included:

- (i) Identifying and monitoring areas at risk of cybercrime;
- (ii) Interaction with administrators and owners of computer networks, telecommunication companies and electronic service providers in the framework of operational and investigatory procedures;
- (iii) Identifying, for the purposes of domestic and foreign law enforcement agencies, individuals who have committed offences with a high degree of complexity, with the use of information technology;
- (iv) Initiating the implementation of IT tools to combat cybercrime;
- (v) Improving the system for the exchange of information on findings relating to cybercrime;
- (vi) Technical support for the Internal Affairs Bureau/Central Bureau of Investigation/Provincial Police Headquarters/Municipal Police Headquarters and state institutions in the framework of ongoing investigations.

60. The Department provided also support for all Police forces in the fight against cybercrime having characteristics of hate crimes.

61. On 15 July 2014, as a result of reorganization of the Criminal Police Office at the National Police Headquarters, the Department for Support in Fight against Cybercrime was transformed into the Department for Fight against Cybercrime of the Criminal Police Office at the National Police Headquarters. One of the tasks of the Department is to monitor the Internet to detect crimes and illegal content, including offenses relating to the promotion of fascist or another totalitarian system of the State, or incitement to hatred on the grounds of nationality, ethnicity, race, religion, or due to lack of religious beliefs. For this purpose, both the most popular websites and sites or forums spreading intolerance and violence in relation to specific social groups are verified. Where such information is detected, further steps are taken to establish the personal data of Internet users responsible for promotion of such attitudes. The collected data are then transferred to the relevant Police units. In more complex cases, the officers of the Department for Fight against Cybercrime of the Criminal Police Office at the National Police Headquarters establish cooperation with competent Police units. Based on analysis results, the Police unit which received the material, decide either to take further steps to deepen their knowledge or transfer it to the competent local prosecutor's office which will initiate preparatory proceedings.

62. By Decision No. 36 of the Director of the Criminal Police Office at the National Police Headquarters of 29 July 2014, the tasks of the Department for Fight against Cybercrime include in particular:

- (i) Initiating and coordinating Police activities as regards identifying major criminal threats on the Internet, methods and forms of combating them and cooperation

between Police units with authorities and bodies unrelated with the Police in order to combat such threats effectively;

(ii) Cooperation at national and international level with state institutions and the private-public sector in obtaining information on the methods and forms of crimes committed in cyberspace, including acquisition and cooperation with personal sources of information;

(iii) Determining the types of cooperation with public, private and academic sectors' actors and determining the channels and ways of collecting and exchanging information on crimes, as well as preserving evidence of cybercrime;

(iv) Developing the concept of the use of eligible operational work methods to offensively identify and combat crimes related to the Internet;

(v) Carrying out multi-source technical consultations and cooperation with national and foreign actors in order to identify innovative solutions and implement them in the fight against crime perpetrated in the virtual world;

(vi) Implementing and maintaining dedicated IT systems to perform tasks such as monitoring the Internet to detect offenses, illegal content and anonymous users of the Internet, ensuring remote access to dedicated systems units to the Provincial Police Headquarters and the National (Warsaw) Police Headquarters;

(vii) Evaluating and developing proposals for legislative changes as regards IT security;

(viii) Organising opportunities for professional development of police officers with respect to the Department's competence;

(ix) Carrying out operational and investigatory procedures, including forms of operational work with respect to the Department's competence.

63. The following are provided as examples of the activities carried out successfully by the Department in 2014:

(a) Measures taken in respect to the 28th Meeting of Polish Muslims held on 14-17 August 2014 in Sielpia: on 14 August 2014, Polish Defence League organised in the village of Sielpia Wielka a protest related to the 28th Meeting of Polish Muslims. The event was being monitored. Links inciting and inviting to join the protest were found on Facebook, a social networking site. The organiser of the protest was established. So was the accommodation of its participants. The monitoring covered also Swedish websites based from which detailed information concerning the leader of the Swedish Defence League, who intended to participate in the demonstration, was obtained. The collected materials were transferred to the Criminal Police Department at the Provincial Police Headquarters in Kielce. Due to the information on the possible risks to the conduct of the Meeting posed by members of the Polish Defence League, operational and investigatory procedures, as well as preventive measures, were taken to identify and eliminate these risks. Within those procedures, the route to be covered by people associated with the Szczecin Division of the Polish Defence League from Szczecin to Sielpia was established and monitored. The identities of those people were checked when they were arriving in the Świętokrzyskie Province. At the same time, the findings and the resulting potential risks to the Meeting of Polish Muslims were accounted for in preventive security plans. The behaviour of people from the Polish Defence League continued to be monitored also in Sielpia, as part of operational and investigatory procedures. The materials and banners brought by those people were also checked for any illegal content. No violations of the law by the members of the Polish Defence League were recorded during the Meeting.

(b) Action taken in connection with the “Orle Gniazdo 2014” national music concert in the village of Kępa: information on starting preparations for the concert was obtained; due to suspected promotion of fascist content action was taken to establish the personal details of people responsible for the organization of the concert, as well as its timing and location. In order to broaden the information held, cooperation with the District Police Headquarters in Radomsko was established. The information thus obtained was transferred to the Department for Combating Terrorist Acts of the Central Bureau of Investigation at the National Police Headquarters. As a result of undertaken activities, the identity of the concert’s organisers was established, so was its location and the date, the number of participants and the compositions of the bands. The data were confirmed in police databases. In connection with the acquired information, the Police took special interest in the event concerned. Procedure performed on-site involved securing the event both in preventive and operational and investigatory ways. The above-mentioned procedures were carried out by police officers from the District Police Headquarters in Radomsko and those from the Criminal Police Office of the National Police Headquarters and the Central Bureau of Investigation at the National Police Headquarters. Over 600 police officers were involved in those operations performed for four days. The identity of the organiser and those of the owners of the area on which the “Orle Gniazdo” music festival was to take place were established. Those people were then inquired about the organization of the “Orle Gniazdo” music festival. While being inquired, they were advised on legal consequences of violation of Article 256(1) and Article 257 of the Penal Code. In the course of police operations performed to ensure security during the “Orle Gniazdo” music festival, the identity of a total of 534 individuals was checked and 338 vehicles were inspected on 3-6 July 2014. No acts with constitutive elements of crimes referred to in Article 256 and Article 257 of the Penal Code were found.

(c) Action taken in connection with the “Jedność to Siła 2014” national music concert held in Ostróda: the “Jedność to Siła” festival was held in the village of Parolewo near Ostróda, in the Warmińsko-Mazurskie Province. A total of 14 musical ensembles performed during the “Jedność to Siła” festival, and 11 of them took part also in the “Orle Gniazdo 2014” festival. Due to a suspicion of promoting fascist content, in addition to the monitoring of information on the concert posted on the Internet, the Department cooperated closely with the Criminal Police Department of the Provincial Police Headquarters in Olsztyn. As a result of undertaken activities, the identity of the concert’s organisers was established, so was its location and the date, the number of participants and the compositions of the bands. The data were confirmed in police databases. The collected material was submitted to the District Police Headquarters in Ostróda. In order to ensure security during the concert, operational and investigatory, as well as prevention measures were taken. No criminal incidents (including racist or xenophobic ones) were reported.

(d) Measures taken in connection with the riots in Andrychów – because of the risk of a Polish-Roma conflict in Andrychów, content posted on the Internet in connection with this situation was monitored. Posts violating Article 257 of the Penal Code were found on various websites. The evidence was safeguarded and the identity of five people responsible for posting the content concerned was established. The material was transferred to the Criminal Police Department at the Provincial Police Headquarters in Krakow, so that it could start preparatory proceedings.

64. Since 1 October 2014, specialist units established to fight against cybercrime have been operating also in Provincial Police Headquarters, including the National Police Headquarters. Their tasks include monitoring Internet resources in order to disclose criminal offenses, including hate crimes and hate speech.

65. On 6 February 2014, a Group for developing methodological guidance for prosecutors as regards prosecuting hate crimes committed via the Internet and analysis of

non-criminal prosecutor's actions in this field, as well as analysis of legislation and case-law concerning the above-mentioned issues, was established in the Prosecutor's General Office. Documents developed by the Group were transferred to other organizational units in the Prosecutor's General Office for feedback in the form of comments or proposals. The Group's work was completed in September 2014 with development of the "Guidelines for Prosecutors with respect to cases involving hate crimes committed via the Internet". The document was signed by the Public Prosecutor General on 27 October 2014 and forwarded to all prosecutors to be followed. The Guidelines include instructions concerning the methods of securing and preserving evidence, opportunities for collaboration with other state institutions and bodies, as well as non-governmental organizations, also with respect to non-criminal actions undertaken by prosecutors.

66. The following options were indicated as regards the aforementioned non-criminal actions:

- Arising from Article 14 of the Act of 18 July 2014 on the provision of electronic services, and concerning the opportunity to forward to a provider of electronic services official notices indicating the unlawful nature of the data published on the Internet by that provider, unless such data were removed earlier,
- Requesting for civil proceedings to be initiated, or that these are conducted with participation of a prosecutor based on the conditions laid down in Article 7 of the Code of Civil Procedure,
- Notifying by the prosecutor of his/her intention to participate in proceedings pending before administrative courts in connection with complaints filed by victims of cybercrime, who were refused by a final decision to have the personal data of the perpetrators disclosed,
- Initiating procedures leading to outlawing parties or associations defined in the Act of 27 June 1997 on political parties and the Act of 7 April 1989 – Law on Associations, where in the course of preparatory proceedings it was established that the content or the image in question had been posted on the website of a political party or association, or there is a link on such a website to the page with such image or content, also when the image or content includes a reference to the symbols or program of a given party or association.

Paragraph 10 (d)

67. Polish law provides protection against the activities of political parties and organizations that promote racial discrimination.

68. When it comes to political parties, the Constitution of the Republic of Poland provides for a legal basis for their activities, under the principle of political pluralism, according to which citizens can organise and create political parties depending on their program objectives and political views. The Constitution guarantees freedom of creation and functioning of parties, stipulating at the same time that it is forbidden to form parties whose functioning would be based on undemocratic methods of action. Compliance of the actions and objectives of the party with the Constitution is safeguarded by the Constitutional Court.

69. The scope of competence of the Constitutional Court is defined in Article 188 of the Constitution. This is mainly hierarchical control of standards, with particular attention paid to the protection of human rights guarantees. Pursuant to Article 31(1) of the Act on the Constitutional Court, proceedings before the Court may be initiated only in the complaints procedure. A request to initiate such proceedings may concern e.g. assessment of compliance by political parties' objectives or activities with the Constitution (Article 188(4)

of the Constitution). Articles 191 and 192 define a broad range of bodies authorised to initiate proceedings. These include:

- The President of the Republic of Poland;
- The Marshals of the Sejm and the Senate;
- The Prime Minister;
- 50 deputies or 30 senators;
- The First President of the Supreme Court or the President of the Supreme Administrative Court;
- The Public Prosecutor General;
- The President of the Supreme Chamber of Control;
- Ombudsman.

70. Proceedings before the Constitutional Court are aimed at establishing whether the objectives or activities of a political party are compliant with all provisions of the Constitution. In particular, the Court examines compliance with Article 11(1) which stipulates, as mentioned above, that an organization which wishes to be recognised as a political party must unite its members “on a voluntary basis and on the grounds of equality of Polish citizens, to influence via democratic methods the State policy”, and Article 13 which prohibits the existence of parties which “refer in their programs to totalitarian methods and practices of Nazism, fascism and communism”, as well as those whose “programs or activities assume or allow for racial and national hatred, as well as violence in order to gain power or influence the State policy, or provide for the secrecy of structures or membership.”

71. Records of political parties are kept by the Regional Court in Warsaw. Where, prior to the entry of a party in the records, the Court become doubtful as to the compliance of the party’s objectives or rules with the Constitution, it is obliged, as specified in the statutes, to request the Constitutional Court to examine such compliance. A ruling of the Constitutional Court stating that the objectives of a given political party are incompliant with the Constitution results in a refusal to enter the party in the records (the same applies where the party has introduced changes to its statutes, which violate the principles of internal democracy). Where the Constitutional Court has ruled that the objectives or activities of an existing political party are contrary to the Constitution, such a party is removed from the records and is to be wound up.

72. Pursuant to the Act – Law on Associations, the court, at the request of the prosecutor or the supervisory body of an association, can dissolve such an association, if the activities of this organization demonstrate a flagrant or persistent violation of law or the provisions of its statutes, and there is no possibility of restoring the activities compliant with law or the statutes. This mechanism is at the same time independent of any criminal proceedings pending in the case.

73. In this context, the Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty, that provides for the possibility of ruling against certain organizations (e.g. companies, associations or political parties) a ban on the use of various forms of financial support from public funds or assistance of international organizations of which Poland is a member, should also be noted.

74. Recognising the need to standardize practice in the conduct of criminal proceedings with regard to offenses committed to the detriment of a group of people or an individual due to their national, ethnic, racial, political or religious affiliation or because of their lack of religious beliefs, regardless of the legal classification of an offense, and subject to the

need to eliminate irregularities which may occur in the course of the proceedings, the Public Prosecutor General issued, pursuant to Article 10(1) of the Act of 20 June 1985 on prosecution service, Guidelines of 26 February 2014, ref. No. PG VII G 021/54/13 with respect investigation of hate crimes.

75. The Guidelines contain also a paragraph concerning proceedings other than criminal ones, as well as organizational issues. This section includes recommendations that, where the findings made in the course of the preparatory proceedings with respect to hate crime indicate the need to take measures in the field of administrative or civil law or to forward a notification to the supervisory authority, relevant requests or other pleadings shall be drawn up in accordance with separate legislation. Regularity of taking this kind of action is examined by superior prosecution offices which, if necessary, provide consultation to help decide whether the respective writings should be referred and assist in their development.

76. Therefore, the aforementioned provision obliges prosecutors to gather evidence in the framework of criminal proceedings, as well as take relevant non-criminal measures, including requesting for outlawing organizations whose activities are in breach of Article 13 of the Constitution.

77. It should be noted that on 11 June 2014, the District Prosecutor in Białystok referred to the District Court in Białystok, 12th Commercial Division of the National Court Register, pursuant to Article 8(5)(2) in conjunction with Article 28, Article 29(1)(2) and (3) of the Act of 7 April 1989 — Law on Associations, a request for a dissolution of “Dzieci Białegostoku” — the Association of Supporters of Jagiellonia Białystok, due to blatant and persistent violations of law and the provisions of the statutes by the members of the association, and the impossibility of resuming activities compliant with law. The District Court in Białystok, 12th Commercial Division, rejected the request by the decision of 17 October 2014. The decision is final. Stating the grounds for its decision, the Court pointed out, among other things, that some of the judgments relied on by the applicant, were not binding, and part of the court proceedings were in progress, as well as that some of the convictions for offenses or crimes concerned individuals who were no longer members of the association, and that the applicant had failed to demonstrate and prove an adequate causal relationship between the existence and functioning of the Association and the commitment of specific offenses by specific individuals who were members of the Association. Although the motion to dissolve the association was dismissed, the mere conduct of proceeding in this respect and putting that motion forward had positive aspects, because it coincided with, or even resulted in, a number of personnel changes in the association’s authorities. Moreover, a number of people were removed from the register of the members of the association, and no riots have been reported recently during matches played by Jagiellonia Białystok. The District Prosecutor in Białystok indicated that the situation will continue to be monitored by the prosecution and on validation of the judgments that have been delivered in respect to the members of the association and on the completion of legal proceedings that are still pending, as well as on the completion of the prosecution procedures, a decision will be taken whether, and to what extent, the provisions contained in Article 28 of the Act – Law on Associations should be applied, as the dismissal of the motion to dissolve the association does not have the force of *res judicata* and at any time, referring to the new arrangements, the procedure in this regard can be initiated again.

78. Moreover, a number of other non-criminal procedures aimed at implementing the recommendations of the UN Committee for Elimination of Racial Discrimination were performed in the various prosecutor’s offices in 2014. These included training for prosecutors and police officers on issues related to combating hate crimes and prosecuting these cases, joint meetings of prosecutors and the heads of Police units, issuing guidelines for Police units with respect to the conduct of proceedings in cases of hate crimes, joint

initiatives and cooperation with other public institutions and NGOs in the area of counteracting hate crimes, as well as obtaining information on manifestations of intolerance in a given area from other institutions, including local governments.

Follow up to the recommendation in paragraph 13 of the concluding observations

79. Since 2001, Poland has been continuously providing stable funding for assistance to the Roma community. Such assistance is provided in legal terms, by adapting the provisions to subsequently diagnosed needs of the Roma community (e.g. entering the profession of Roma teacher assistant in the list of professions, increased funding for education of pupils and students from national and ethnic minorities, etc.), institutional ones (e.g. the establishment of a network of plenipotentiaries of provincial governors for national and ethnic minorities, the Group for Roma in the Joint Commission of the Government and National and Ethnic Minorities, etc.) and working ones (ongoing consultations with respect to applications, implementation of projects, etc.).

80. Each planned systemic measure is consulted from the very beginning with representatives of this community, both at the central level (the Group for Roma in the Joint Commission of the Government and National and Ethnic Minorities) and at the regional one (through the system of working cooperation of plenipotentiaries of provincial governors for national and ethnic minorities with regional non-governmental organizations, including Roma ones).

81. Education remains a priority. However, in order to improve the quality of education of this group it is essential to change the perception of education in this community: not as a tool of assimilation, but a tool which will help improve their economic situation. Potential barriers in access to education have been compensated by the grant systems at all levels of education (including the higher one), as well as financing preschool education and school kits for Roma pupils (textbooks and school supplies). Roma pupils are covered with a support system reserved exclusively for this group.

82. A significant obstacle to continuing education at the post-primary school level is the tendency to set up families at an early age, which in the case of this community implies termination of the learning process. It should be emphasised that the problem is due not to absence of opportunities for continuing education by young mothers and fathers, but the cultural pattern according to which young parents should focus on their families rather than learning.

83. The problem of over-representation of Roma pupils in special needs schools remains one of the most serious challenges, and requires changes also in the attitudes prevailing in this community and making professionals diagnosing those children more sensitive to the specific problems of Roma schoolchildren. In 2012 and 2013, in cooperation with the competent bodies: the Ministry of National Education, the Education Development Centre (an agency of the Ministry of National Education, dealing with the improvement of teachers' qualifications) and school superintendents, a series of training courses were conducted, both with respect to the cultural dimension and the specific needs of Roma schoolchildren, and professional diagnostic methods which take account of biculturalism and bilingualism of those children. The aforementioned measures resulted, among other things, in the development of a Diagnostic Manual, delivered to all psychological and educational centres in Poland. It should be emphasised that, in accordance with applicable law, only the parents/guardians may choose (despite holding a psychological-educational diagnosis certificate) to place their children in a special needs school. Moreover, schoolchildren with a diagnosis of a minor disability can learn in regular schools, and the

school is required to take into account the recommendations delivered by a psychological and educational centres in the curriculum of a particular schoolchild.

84. Furthermore, measures were taken to eliminate the so-called Roma classes, as well as ad hoc measures to promote knowledge on diagnosing Roma children and provide them with adequate educational support.

85. No evictions or cases of segregation with respect to housing were reported with regard to the Roma minority in Poland. The housing problem is due primarily to “congested dwellings”, which is a result of setting families up at an early age by successive generations, the inability to buy a flat due to unemployment and consequent lack of creditworthiness. Implementing measures with respect to housing, the negative effects of ghettoization are emphasised for preventive purposes from the very beginning of their implementation.

86. Unemployment is one of the biggest problems of this community, which is a consequence of lack of education, professional qualifications and professional experience. The results of the 2011 National Census with respect to economic activity in this group are as follows: only 13.3per cent of people aged 15 and older have work, 15.54per cent of Roma people aged 15 and older are unemployed (registered in labour offices), whereas the remaining 71.16per cent of them are economically inactive or of unknown status. Their absence in the labour market is a derivative of the level of education in this community: 82per cent of those people have primary education (half of whom – incomplete).

87. To strengthen the professional capacity of this group, in 2007-2013, funds from the European Social Fund were used. As a result of competitions carried out in 2008-2013, 117 projects were granted financial aid in a total amount of approx. PLN 93,500,000 (approx. EUR 22,389,311). The vast majority of projects focused on pro-employment activities which included internships and professional training courses, individual career counselling and other activities aimed at enhancing the professional capacity of members of the Roma community and enabling them to start/return to work. In the framework of those projects, support was provided to 14,881 beneficiaries, including 8,153 Roma people.

Funding of measures undertaken in respect of the Roma in 2011-2013

	<i>Program for the Roma community in Poland (Ministry of Administration and Digitization)</i>	<i>Additional funding for education (Ministry of National Education)</i>	<i>Grant schemes (Ministry of Administration and Digitization)</i>	<i>School kits (Ministry of Culture (Ministry of Administration Education) and Digitization)</i>		<i>Total</i>
2011	10,000,000	16,692,000	360,000	700,000	895,424	
2012	10,000,000	17,511,000	470,000	700,000	1,507,540	
2013	10,000,000	17,988,000	440,000	700,000	1,040,106	
PLN total	30,000,000	52,191,000	1,270,000	2,100,000	3,443,070	89,004,070
EUR Total	7.5 Million	13 Million	0.3 Million	0.5 Million	0.86 Million	22.16 Million

Funding of individual areas of support under the Program for the Roma community (2011-2013)

	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>PLN total</i>	<i>EUR total</i>
Education	5,770,623	5,773,021	5,222,091	16,765,735	4.2 Million
Work	192,851	208,209	219,660	620,720	0.15 Million
Health care	261,200	266,435	315,370	843,005	0.2 Million

	2011	2012	2013	PLN total	EUR total
Housing	2,473,178	2,384,369	2,893,260	7,750,807	1.9 Million
Security	30,000	11,000	0	41,000	0.01 Million
Roma people and civil society	285,344	376,990	522,430	1,184,764	1.2 Million
Knowledge about Roma people	240,460	219,810	227,650	687,920	0.17 Million
Culture	746,344	760,166	599,539	2,106,049	0.52 Million

88. Although Roma people remain the least liked group, there is a clear change in the way they are perceived by the majority society: the number of respondents declaring positive attitudes to the Roma increased in 2014 to 20per cent (from 6per cent in 2014, since when regular annual surveys have been conducted), while the level of animosity decreased from 75per cent of negative declaration in 1994 to 55per cent in 2014.

89. Experience gained during the implementation of aid measures helped partially redesign another program intended for that community to be implemented in 2014-2020. The changes include placing greater emphasis on the support for Roma women, both as individuals subject to double discrimination, and clearly more active members of this community. The Program for Inclusion of the Roma Community in Poland (2014-2020) was adopted by the Council of Ministers on 7 October 2014. However, due to the late date of the adoption of the new program, the minister competent for religious denominations and national and ethnic minorities guaranteed in 2014 in the budget of the relevant ministry funds in the amount of PLN 5 million (approx. EUR 1,197,289), which enabled the continuation of measures undertaken with respect to education and housing (as measures related to professional activation will be implemented by mid-2015 in the framework of the aforementioned projects financed from the European Social Agenda). The new program provides for the continued support of the Roma ethnic minority by 2020 in the amount of PLN 86,200,000 million (approx. EUR 20,641,268).

90. Measures taken to date by the Ministry of National Education for the benefit of the Roma community (including the provision of funds) will be continued as part of the implementation of tasks in the field of education provided for in the governmental Program for Inclusion of the Roma Community in Poland (2014-2020).

91. The specific objective of the government program scheduled for 2014-2020 with respect to education is to increase participation in education by schoolchildren and students of Roma origin. This objective is expected to be achieved by:

- Supporting and promoting early childhood education of Roma children;
- Organising additional remedial classes of Polish in kindergartens and schools, especially in the early stage of education (due to poor knowledge of the Polish language observed in part of Roma children brought up in a bilingual and bicultural environment);
- Assistance in providing Roma schoolchildren with school kits;
- Enforcing compulsory schooling of Roma schoolchildren;
- Promoting good school attendance e.g. by rewarding schoolchildren with the highest attendance with subsidies to organised forms of spending summer holidays;
- Supporting measures aimed at education and the development of individual talents and skills of Roma children;

- Taking measures to reduce the proportion of Roma children in special needs schools (through collaboration with parents, teachers and Roma teacher assistants, as well as psychological and educational centres);
- Pursuing the implementation of grant schemes for Roma schoolchildren and students;
- Covering Roma teacher assistants and teachers supporting education of Roma schoolchildren with systemic support;
- Support for adult education of Roma people – lifelong learning;
- Emphasis on conducting integration activities (abandoning measures aimed at conducting classes for Roma schoolchildren only);
- Infrastructural and refurbishment support with respect to premises serving as community centres or offices of Roma NGOs;
- Cultural, historical and civil education; and
- Promotion of interactive and innovative forms of education.

92. As regards employment, in the first half of 2014, projects under Sub-measure 1.3.1 Projects for the Roma community OP HC were implemented. From the beginning of the year until the end of June, 879 people of Roma origin were covered with aid within numerous projects.

93. Most of the projects were implemented to combat unemployment, though guidance and professional counselling supplemented with vocational training as well as internships and work placements. In the first half of 2014, funding was awarded also to projects related to job matching, increased vocational activation and support in the labour market.

94. Another group of measures comprises projects designed to raise awareness about the Roma community, which are implemented in the form of reports, regular TV/radio broadcasts, knowledge competitions or publications. Educational activities are also directed towards the community itself (literacy support, language courses or computer classes).

95. As part of Sum-measure 1.3.1, four projects as regards health care are also being implemented. Their implementation involves mainly organization of “white days” (regular preventive health tests and health counselling), meetings and workshops on the dangers of substance abuse, unhealthy lifestyle or poor diet. As part of those measures, assistance to the Roma community offered by health visitors and medical assistants was also provided for.

96. In 2014, projects in the area of intercultural education and anti-discrimination, addressed to public institutions, were also implemented. Workshops for local government units are organised to share good practice in working with Roma people and address issues related to change of deeply-rooted social attitudes. Training aimed at raising awareness and standards of services is organised in institutions acting on behalf of the Roma. Activities funded under the OP HC are aimed also at increasing their social inclusion by providing access to legal advice, civil advocacy and organization or social skills workshops.

97. It is also worth noting that in the future financial framework for 2014-2020, it is planned under the Operational Program: Education, Development, Knowledge, to take measures targeting the Roma community in order to reduce poverty and social exclusion, improve education and increase employment, as well as action to eliminate the barriers to employment and social inclusion of the Roma.

98. Legislation developed by the Ministry of Labour and Social Policy, as well as solutions aimed at providing assistance to the unemployed and people seeking jobs via

public employment services are designed in accordance with the principle of equal treatment of all individuals eligible for such assistance. Access to services and labour market instruments which support the entry or re-entry of the unemployed and job seekers on the labour market is equal for all, and people in an especially difficult situation as regards the labour market are provided additional assistance by the State, as they are offered the opportunity to participate in additional tailor-made activities.

99. In this regard, the provisions of the Act of 20 April 2004 on employment promotion and labour market institutions (Journal of Laws of 2013, item 674, as amended), since its entry into force, i.e. 1 June 2004, refers to the equal treatment of citizens entitled to receive assistance regardless, among other things, of their gender, race, religion, nationality, ethnic origin or religion. Public employment services (PES), coordinated by the minister competent for labour, do not distinguish among its customers Roma people or other ethnic groups, as PES activities are aimed at identifying the problem related to the unemployment of a person and finding such a solution so that the provided assistance is best suited to the needs of that person. This is to be facilitated by the amended provisions of the Act on employment promotion and labour market institutions, which entered into force on 27 May 2014 and introduced in this regard several solutions that will allow for a more individualised approach to the provision of assistance to those registered by employment services.

100. Each person applying for assistance by a district labour office is assigned a personal customer advisor, i.e. an office worker who will assist this person and facilitate handling all matters to be dealt with in the office. The first task to be performed by the customer advisor is to determine an assistance profile for this person, which will enable the assistant to assess the customer's capabilities and limitations in order to determine what kind of assistance is required. Then, based on these findings, the customer advisor prepares, together with the registered person, an individual action plan (IAP), which will help outline further proceedings so as to find employment for this person. Implementation of the IAP is carried out using the labour market services and instruments defined in the Act of 20 April 2004 on employment promotion and labour market institutions, including those designed for people in an especially difficult situation who are unable to find job for various reasons. This group includes people who have no professional training or motivation to look for a job. They will be able to participate e.g. in the Activation and Inclusion Program and special programs which can be organised by labour market institutions other than labour offices. This is due to the fact that the labour office is authorised to commission the provision of such assistance to external institutions, while controlling the effectiveness of their activities.

101. Assistance provided under the Activation and Integration Program (AIP) and special programs will address the problems of Roma people, as both forms of assistance help create opportunities for activation and social inclusion of people who have lost the ability to take up work due to a long period of unemployment, do not have the relevant qualifications, have insufficient skills, and have difficulty in functioning in the work environment. The AIP is directed especially to those who, being unemployed for many years, are vulnerable to social exclusion and at risk of all sorts of addictions and pathologies. The aim of the AIP is building a proactive attitude in the social and professional lives of those people, by participation in, among others, specialised group counselling, workshops with coaches and in support groups, as well as practical activation of those people in the framework of socially useful work. It is worth noting that both programs are aimed at providing assistance to people who want to return to or enter the labour market.

102. It should be emphasised that the use of the assistance provided by the PES is voluntary. Every person who registers with the district labour office has equal access to the assistance offered by the office. Reduction of the problem of low employment among Roma men and women does not depend only on effective support from the labour office, or

other institutions and employers. Based on the evaluation of the Program for the Roma Community in Poland, carried out in the framework of the Q quality – Improvement of the Quality of Activities Performed under the Program for the Roma Community project, it was found that one of the reasons for the low level of employment among Roma people is a strong reluctance among the representatives of this ethnic group to adopt the generally accepted standards, or adapt their values to those standards, as well as a strong attachment to tradition. Research has shown a strong reluctance to resort to assistance offered by the offices and low confidence in the effectiveness of their actions. Absence of positive effects of actions taken on behalf of customers of the offices (not only those of Roma origin) is due not only to the individual attitudes of particular persons, but also to lack of willingness to cooperate in order to achieve the goal, i.e. find employment.

103. It is to be hoped that regular provision of information about the possibility of obtaining assistance from the labour office, the promotion of such aid by welfare institutions and local communities, as well as raising awareness among citizens will make Roma people wish to use assistance offered to them and take full advantage of it.

104. In this context, it is also worth mentioning the development of a report entitled Employment of immigrants/members of ethnic minorities in Poland in 2011-2013 and the impact of emigration and immigration on the labour market. This measure is being implemented under the systemic project entitled Analysis of processes taking place in the Polish labour market and in the area of social inclusion in the context of the current economic Policy.

105. The contents of the report devoted to immigration, re-emigration and ethnic minorities focus, among other things, on the following issues:

(i) Analysis of the situation of the members of ethnic minorities and immigrants in the Polish labour market in terms of access to the labour market, services provided by public employment services, the education system, health and social care, housing and access to financial services which account for the legal as well as social and economic situation of those people;

(ii) Review and analysis of labour market policies in Poland and other EU countries in terms of existing professional development programs and socio-economic activation ones, as well as other types of projects aimed at social inclusion of ethnic minorities, immigrants and returnees;

(iii) Development of a model program(s) aimed at activation and inclusion of ethnic minorities, returnees and immigrants, taking into account the increasing economy's demand for work performed by foreigners, the aging process taking place in the Polish population, the scale and structure of emigration by Poles. Such model program(s) should also account for the content of the document entitled Polish migration policy – the current status and postulated action and European solutions in this field, as well as consulting it/them with interested social groups.

106. The main purpose of the Report is to provide PES with substantive support in their efforts to increase professional activation of ethnic minorities, returnees and immigrants. The implementation of this task will indirectly help increase the professional potential, as well as activity and independence of disadvantaged groups in the labour market. This will reduce the scale of the exercise of social welfare support by them.

107. The project provides also for the implementation of the following measures:

(i) Translation of the Report into English and its publication;

(ii) Organising a conference aimed at popularization of the report and purchase of promotional materials.

108. On 21 November 2014, a conference was held to promote the conclusions of the research included in the Report. Its aim was to popularize the results of the research, disseminate knowledge on the proposed measures and encourage the participants to take advantage of them or implement them in their own communities. Furthermore, the conference provided for an opportunity to exchange experiences as regards solutions applied abroad, and present opinions concerning the measures proposed to improve the situation of ethnic minorities, returnees and immigrants in the Polish labour market.

109. The applicable provisions of the Act of 13 October 1998 on the social security system stipulate that the Polish social security system is based on the principle of equal treatment of all insured individuals, regardless of their nationality, citizenship and place of residence. The principle of equal treatment applies in particular to:

- (i) The conditions to be met in order to be included in the social security system;
- (ii) The obligation to pay and calculate the amount of social security contributions;
- (iii) Calculation of the amounts of benefits;
- (iv) The period of benefit disbursement and retaining the right to benefits.

110. In Article 2(3) of the aforementioned act, the Polish legislature provided for judicial review of compliance by the disability authorities with the principle of equal treatment. Each insured person who claims that he/she has not been treated in accordance with the principle of equal treatment, has the right to seek redress with respect to social security before the ordinary court.

111. In order to be included in the social security system, it is sufficient to meet just one criterion, i.e. take up work in the legal forms specified in the Act on the social security system.

112. Measures relevant to the implementation of the principle of equal treatment with respect to Roma people are also included in the National Action Plan for Equal Treatment for 2013-2016, coordinated by the Government Plenipotentiary for Equal Treatment.

113. It is worth noting that large number of the measures provided for in the Program are horizontal and apply to all groups potentially exposed to discrimination. Such measures include efforts to improve the anti-discrimination policy (Area: Anti-discrimination policy), the promotion and dissemination of information related to equal treatment in school curricula and educational and teaching materials (Area: Equal treatment in the education system), as well as efforts to change the stereotypical and discriminatory perception of members of vulnerable groups in media coverage (Area: Equal treatment in access to goods and services).

114. Measures to promote equal treatment irrespective of nationality and ethnic origin (including Roma minority), enshrined in the National Action Plan for Equal Treatment for 2013 to 2016, include:

- (i) Equal treatment in the labour market and within the social security system:

Support for groups vulnerable to discrimination (including Roma) in the labour market by increasing education of Roma adults in order to increase their chances in the labour market, as well as through the use of best practices in the conduct of a policy favouring the management of diversity in the labour market.

- (ii) Prevention of violence:

Increasing the level of knowledge about violence against people belonging to other ethnic or national groups through the monitoring of hate crimes committed on the

grounds of nationality and ethnicity, and analysis of acquired information in order to develop the characteristics of this phenomenon, as well as the presentation of the results of using good practices in the prevention of violence and hate crimes.

(iii) Equal treatment within the education system:

Reducing barriers to education of children belonging to the Roma minority, by e.g.: development and implementation of a system of teaching Polish as a foreign language (taking into account the activities of inter-school glotto-didactics groups), analysis and practical implementation of legal regulations related to the functioning of Roma children in the education system, preparing personnel (teachers, teacher assistants, cultural assistants) to work in multicultural classes (at the level of teacher education and in the form of lifelong learning), promoting the institution of “cultural assistant”, developing and supplementing the Scholaris website and the website of Ośrodek Rozwoju Edukacji (Education Development Centre) with information on working methods and good practices, as well as institutions which deal with issues related to multiculturalism, inclusion and the prevention of exclusion, conducting nationwide research (taking into account the cultural characteristics of the Roma community) with respect to the validity of educating Roma children in special need schools and verification of the existing procedure as regards referring Roma children to special needs schools, depending on the research results.

115. The aforementioned tasks are performed by the various ministries and central agencies in line with their competence.
