

Roma MATRIX

Country Report: POLAND

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July 2014



With financial support from
the Fundamental Rights
and Citizenship Programme
of the European Union



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Acknowledgements

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This publication has been produced with the financial support of the Fundamental Rights and Citizenship Programme of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.

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Abbreviations

ECPA	Electronic Support System for the Programme for the Roma Community in Poland
ERRC	European Roma Rights Centre
ESF	European Structural Funds
EU	European Union
FPTP	First Past The Post
MofAD	Ministry of Administration and Digitisation
MofIA&A	Ministry of Interior Affairs and Administration
MofJ	Ministry of Justice
MofLSA	Ministry of Labour and Social Affairs
MofNE	Ministry of National Education
NGOs	Non Government Organisations
NRIS	National Roma Integration Strategy for 2014-2020

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Chapter 1: Introduction: Roma in Poland

According to the 2011 National Census of Population and Housing, 16,725 Polish citizens declared affiliation to Roma ethnicity (Central Statistical Office, 2001). Unofficial estimates based on data collected by regional authorities and Roma non-governmental organisations (NGOs) place the Roma population at around 20,000 to 60,000 (Mazur, 2010; and Mirga-Wójtowicz, 2011). Roma communities are dispersed across Poland, and do not constitute a majority in any region or locality. In Poland, Roma live mainly in urban areas - approximately 93% according to the 2002 National Census of Population and Housing¹ - in towns rather than in the large cities. Sometimes, Roma families live in close proximity to each other making small ethnic enclaves (see Topińska, 2011). However, the scale of segregation witnessed in other Eastern European states - like Slovakia, the Czech Republic and Bulgaria, for example - does not exist in Poland (Celinska and Gutkowska, 2013).²

Income poverty statistics showing at-risk-of-poverty rates or absolute poverty rates of Roma living in Poland are virtually absent. This is because the Roma population is too small to be representatively

identified in samples of household surveys both at national and at regional levels. Given the lack of quantitative data on Roma poverty, opinions rather than statistical estimates are often presented. The Ministry of Interior Affairs and Administration (MoIA&A), in their document 'Programme for the Roma Community in Poland for the Years 2004-2013',³ states that "next to unquestionably wealthy Roma individuals [...] there are entire communities living in poverty and penury" and that the "incomes of most of Roma families fall below the poverty threshold" (MoIA&A, 2003: annex 6, 16).⁴ Even without solid quantitative data, the MoIA&A has identified Roma as "the only ethnic minority group at risk of social-exclusion" (*ibid.*: 13).

¹ Raport z wyników Narodowego Spisu Powszechnego Ludności I Mieszkan z 2002 roku (2003) [The report of the results of the National Census of Population and Housing 2002] available at: <http://stat.gov.pl/spisy-powszechnne/narodowe-spisy-powszechnne/narodowy-spis-powszechny-2002/raport-z-wynikow-narodowego-spisu-powszechnego-ludnosci-i-mieszkani-2002,3,1.html>

² On this, see also Szczecinek (2012) and Ministry of Administration and Digitisation (2012).

³ The Programme constituted part of a Polish policy of equal opportunities that aims to 'equalise disparities between ethnic minorities and the rest of Polish population'. The programme will be discussed later in this report.

⁴ Still present is the opinion that many Roma are very rich (affluence of Roma 'kings' who live in palaces). This is quite a common opinion of Roma.

Chapter 2: The Policy Landscape

The Structure of the Administrative System

On January 1 1999, a new administrative division was introduced in Poland. The two-stage administrative division valid from 1975 was replaced with a three-tier division consisting of voivodships (*województwo*), counties (*powiat*), and communes (*gmina*). The administrative power in all these units is exercised by elected self-government authorities.⁵ The territorial units hold competences in the area of education, health, public welfare, social housing, cultural and sport activities as well as basic infrastructure and inspection. What should be noted is a dual power, exercised especially at the regional level - voivodship and county - where different offices have the same territorial scope, and, as practice shows, not entirely separate tasks. For example, both the Office of the Voivodship Governor and the regional Marshal Office are responsible for social inclusion and integration of national and ethnic minorities. However, these two offices do not adhere to a common policy strategy in these areas

⁵ The self-governments are composed of municipal councils, county councils and regional assemblies and, since 2002, single executive bodies of municipalities, reeves, mayors and city presidents. The self-governments are elected every four years. In the municipalities of non-towns with county rights, local elections are held according to the majority electoral system, the system of relative majority (in single-member constituencies, according to the principle of first-past-the-post (FPTP)). In cities with county rights, as well as counties and regions, there is a proportional system in which the votes are translated into seats according to the d'Hondt rule, favoring large groups. For further information, see: <http://www.sejm.gov.pl/english/konstytucja/ek5.htm>.

which leads to conflict and overlap. Although the central Ministry of Administration and Digitisation (MofAD)⁶ ensures the coherence of the social and minority policy carried out by these two public administration divisions, its oversight continues to be quite limited (see Bober, et al., 2013).

Public Institutions Active in Anti-Discrimination and Minority Integration

The Department of Religious Institutions and National and Ethnic Minorities, located within the central MofAD, is the main body responsible for developing - in consultation with representatives of other ministries - proposals for state policies towards different minority groups. It acts as the initiator and coordinator of specific minority programmes and provides support to the voivodships, which take steps to improve the protection and integration of minority groups in the region.

The Special Team on Roma Issues was established in 2002 within the MofIA&A. In 2008 the role of the team was taken over by the new Joint Commission of the Government and Ethnic and National Minorities, an advisory body established on the basis of the 2005 Act on National and Ethnic

⁶ MofAD was created in 2011 to replace the Ministry of Interior and Administration which, since 1997, was responsible for minority issues.

Minorities and Regional Languages. The team consists of 20 leaders of Roma communities representing different non-governmental organisations (NGOs) and representatives of the governmental bodies responsible for equality issues (it invites other persons if there is a need for any additional information or expertise). Since June 2008, the team has met 14 times⁷ and discussed a number of topics relevant to Roma communities including, for example, general problems related to grant programs, employment issues, and education (as well as individual court cases) (Bojarski, 2011). The team also develops materials related to the cooperation with institutions and organisations working for Roma communities, in the framework of the European Commission, the Council of Europe and the Organisation for Security and Cooperation in Europe. It must be mentioned that given the diversity of Roma communities - and the various interests and conflicts amongst these communities - it has been observed that the team is not a body that unites Roma communities or acts as a coherent mediator between the state and Roma communities (Biuro Obsługi Ruchu Inicjatyw Społecznych (BORIS), 2011).

The Plenipotentiary of the Governor for National and Ethnic Minorities is a one-person office appointed within the voivodship department of Civil Affairs and Foreigners (that is, the Marshall Office). The office is responsible for monitoring ethnic and national minority relations in the region, mediating conflict situations and creating a positive image of national and ethnic minorities in the media. It also provides advice and expertise during the implementation and management of the National Roma Integration Strategy for the Years 2004-2013. In some provinces this position is run by a member of Roma communities; however, this is not a result of any affirmative action plans or standardized procedure.

Other relevant public administrative bodies active in the field of anti-discrimination include:

- Government Plenipotentiary for Equal Treatment;
- Ombudsman for Civil Rights Protection (an equality body);
- Plenipotentiary of the Chief of Police for the Protection of Human Rights; and
- Team for Protection of Human Rights.

Non-Discrimination Legislation

The 1997 Polish Constitution contains a general anti-discrimination clause: "all people shall be equal before the law and have the right to equal treatment by public authorities and no one shall be discriminated against in political, social or economic life for any reason whatsoever".⁸ This principle does not specify the criteria for the prohibited forms of discrimination.

In 2005 Poland passed a new law protecting the rights of national and ethnic minorities. Pursuant to Article 2(4) of the Act of 6 January 2005 on national and ethnic minorities and on the regional languages (Dz. U. [Journal of Laws] No 17, item 141, as amended), Roma living in the territory of Poland constitute an ethnic minority. Article 6 of the Act specifically prohibits discrimination based on national or ethnic minority status and thus entitles Roma to the full scope of legal protection and state aid. Article 18 of the Act imposes on public authorities to take appropriate measures to promote activities aimed at the protection, preservation and development of cultural identity of minorities. Measures authorized by the law stipulate programs

⁷ The last meeting was 7 June 2014.

⁸ Polish Constitution (1997), Act 32, Par. 2. Available at: <http://www.sejm.gov.pl/prawo/konst/polski/2.htm>.

to promote civic integration of minorities (Article 18, Paragraph 2 Section 10 of the Act.). It is important to note that the law is restricted to Polish citizens and therefore does not apply to immigrants.

Until 2011 there was no single act comprising a general ban on discrimination on all grounds and relevant provisions were scattered across many different legal acts (for example, Labour Law and the Penal Code). With the accession to the European Union (EU), Poland was expected to transpose and implement EU Anti-Discrimination Directives 2000/43 and 2000/78. Poland fully complied in 2011, with an approval of the Act *The Implementation of Certain Provisions of the European Union in the Field of Equal Treatment*. According to 2011 Country Report on Measures to Combat Discrimination (Bojarski, 2011), the new law at present continues to raise serious doubts and discussions. The report points to the limited autonomy and competency of the newly established equality body - the Ombudsman for Civil Rights Protection - and questions the compatibility of new definitions of discrimination with the Constitution, the Labour Law and the Penal Code. The Act on Housing Allowances and the Act on the Protection of Tenants' Rights contain no provisions of a discriminatory nature. The same applies to health and social protection legislation.

Public Programmes for Roma Communities

In 2001, the government, taking into account the alarming situation of the Roma community, agreed to launch a two-year pilot programme in the Lesser Poland province (*Małopolska*). The programme was developed by the MoIA&A in cooperation with other ministries as well as the Regional Plenipotentiaries for Roma Issues and local authorities. The pilot was not properly implemented due to the difficult budgetary situation of the country. In addition, its execution did not go according to plan because local governments were given the power to decide on its

implementation and, as a result, some localities virtually suspended its implementation. However, an important development of the pilot was the introduction of the position of Roma teaching assistants, in an effort to eliminate segregation of children in the so-called 'Roma classes', provide language support and mediation between schools and families. In 2005 the position of Roma teaching assistant was recognized as an official job category, subsidised by the Ministry of National Education (Dobrzyńska, 2008).

Despite the shortcomings of the pilot, and critical lack of indicators and benchmarks, the MoIA&A advertised it as 'a good practice' and used the alleged lessons-learned as a blueprint for the preparation and implementation of a nationwide, multi-annual 'Programme for the Roma Community in Poland for the Years 2004-2013' (MoIA&A, 2003). The Programme constituted part of a policy of equal opportunities that sought to equalize disparities between ethnic minorities and the rest of the Polish population. It stated that "because of the extreme levels of exclusion and widely spread discrimination experienced by Roma communities, targeted programmes for Roma are seen as a necessary transition step to full mainstreaming" (MoIA&A, 2003: 3). The Programme was implemented on an annual basis and reports on its implementation were published annually by the MoIA&A. It was financed from the specific state budgetary allowance for the integration of the Roma community. The annual allocation amounted to PLN 10 million (approximately €2.5 million, which also covered educational tasks that was the Programme's main priority). Moreover, PLN 700,000 - around €175,000 - from the state budget managed by the Ministry of National Education (MoNE) was annually spent on textbooks and other school supplies for Roma students. The Ministry also granted funds for scholarships for gifted Roma students (since 2011 these are available at all levels of education (MoNE, 2011)). The Programme was coordinated by the MoIA&A, the Department of

Religious, National and Ethnic Minorities and by the voivodship offices.

The main priorities of the Programme covered eight policy areas: (1) education; (2) employment; (3) health; (4) housing; (5) security; (6) civic participation; (7) culture; and (8) intercultural learning. The thematic areas, however, were unevenly represented both with respect to the number of co-financed projects and their values. The majority of the co-financed projects (64%) were executed in the area of education, followed by culture (13%), housing (10%) and health (3%), and initiatives pertaining to employment constituted only 2%⁹ while security and intercultural activities reached 4% (BORIS, 2011: 16). According to the 2011 Evaluation Report prepared by BORIS,¹⁰ the Programme paid little attention to discrimination and failed to address the imperative need for intercultural dialogue. Except for the initiatives concerned with Roma teaching assistants, structural dimensions of exclusion were largely ignored (that is, the majority of initiatives offered practical 'one-time' assistance - renovation or training, for example - targeted almost exclusively at Roma). Moreover, less than 1% of available funds were used to finance initiatives which aimed to disseminate information and knowledge about Roma history, culture, and traditions (BORIS, 2011: 16).

The regional self-governments executed the majority of projects co-financed within the Programme: the Evaluation Report shows that in the area of housing, self-government delivered 93.3% of all the co-financed projects (BORIS, 2011: 25). However, it also revealed that numerous self-governments failed to treat the problems of Roma communities as important, from the perspective of

⁹ According the 2002 Census (see Central Statistical Office, 2003), the gravest issue affecting Roma communities was inadequate housing conditions and widespread long-term unemployment. Thus it is rather surprising that the amount spent on cultural activities - composed largely of festivals and entertainment - was higher than these two areas.

¹⁰ The evaluation report was commissioned by the MofIA&A.

managing the community and of taking care of the community members' quality of life. Engaging in issues relating to Roma communities frequently prevents winning the support of the non-Roma majority in the self-government elections and, consequently, these issues are not eagerly considered by the self-government representatives. The meetings of the Team on Roma Issues (see above) in turn revealed that there were a number of problems in the realisation of the programme. For example, local government did not use additional funds from the Roma programme to specifically support Roma communities but, instead, it was used to renovate schools or public buildings. Also Roma communities were often not consulted by the local government during the application and design process.

National Roma Inclusion Strategy (NRIS) 2014-2020

On 8 December 2011, Poland submitted its National Roma Integration Strategy for 2014-2020 (NRIS) in response to the adopted EU Framework for National Roma Integration Strategies. The draft presented to the European Commission is still to be ratified by the Polish Council of Ministers and budgetary allocations are yet to be announced. The strategy builds on previous experiences and reflects domestic and EU anti-discrimination and social inclusion policies as well as the priorities of the National Development Strategy 2020.

As in the previous programmes, NRIS is coordinated by the Department of Religious Institutions and National and Ethnic Minorities and by the voivodship offices. The direct executors of the strategy are the self-governments as well as local public services (such as social welfare centres, schools and community centres, for example) and NGOs including Roma-led groups. The Minister of National Education plays a supportive role in measures directed at education. The NRIS is to be financed from the state budget reserve (up to 2%),

which remains at the disposal of the Minister of Religious, National and Ethnic Minorities. Additional funding is to be provided by the regional governments (including the enhanced educational subsidy), international and national organisations interested in supporting Roma as well as the European Structural Funds (ESF) (MofAD, 2012).

The NRIS was developed by the MofAD who cooperated closely with other ministries as well as the Regional Plenipotentiaries for Roma Issues and local authorities. Consultations were held with a wide range of public agencies (including social care workers and field nurses) as well as Roma-led NGOs. Interested stakeholders were encouraged to submit written proposals via e-mail and/or participate in meetings held by the Department for Religious Institutions and National and Ethnic Minorities in Warsaw. The Roma Contact Point within the department was in charge of disseminating relevant information about consultation proceedings to all potential Roma stakeholders.¹¹

The official objective of the NRIS is to promote Roma integration in mainstream socio-economic activities. The support will be delivered through four priority areas: (1) education (cultural, historical and civic); (2) housing; (3) health; and (4) employment. Each field has been equipped with concrete measures and a set of quantifiable indicators (NRIS, 2012: 38-42). With regards to the human rights approach, the Polish NRIS entails some targeted anti-discrimination, anti-Gypsism and gender equality measures, but these are not clearly specified and appear rather insufficient, considering the escalating anti-Roma sentiments in Poland and across Europe more generally (Kostka, 2014). Of great concern is also the fact that NRIS does not address the issue of migration and immigration,

despite a steady inflow of Roma migrants from other European countries, and increasing rate of migration by Polish Roma (Nomada, 2013). It should be mentioned that NRIS is the mainstay of the national integration policy in relation to Roma, but this policy is becoming less and less specific and clear at the lower administration levels. The strategies for social integration in the voivodeships do not include any objectives referring directly to Roma integration and even the word Roma often does not appear in Social Integration Programmes or in the Voivodeship Strategy for Social Policy (that is, Mazovia (*Mazowsze*) or Lower Silesia (*Dolny Śląsk*)).

¹¹The list of organisations and public units who were consulted during the programme's creation can be found at:
<https://mac.gov.pl/dzialania/konsultacje-projektu-programu-integracji-spolecznosci-romskiej-w-polsce/>

Chapter 3: Reporting and Redress Mechanisms in Respect of Anti-Gypsyism

General Situation

Poland has seen extreme nationalistic movements and right-wing organisations and parties gain influence inside and outside the parliament over the past few years. However, the issue of hate crime is still rarely publicly debated in Poland. Right-wing politicians and media consistently and forcefully deny the existence of problems such as hate crime and xenophobia in Polish society. This approach is frequently reflected in activities (or lack thereof) of the judiciary and other state institutions, including local authorities. The voices of the targeted groups remain weak and are almost never heard by politicians. This 'silence' is exaggerated by ethnic and religious biases strongly embedded within the majority of the population (Grell, et al., 2009).

There are no up-to-date official statistics on hate crime available for Poland. The information provided by the Police Headquarters Press Office, the Ministry of Justice, and the Ministry of the Interior offer only a fragmentary view of the situation in Poland: they do not precisely indicate what types of crimes the authorities have registered, against whom the registered crimes were committed, or what legal steps were taken (if any) (Grell, et al., 2009). In general, data collection remains in the hands of NGOs, which have produced regular reports regarding patterns of discrimination and violent manifestations of anti-Gypsyism, anti-Semitism and racism throughout the country. For example, during the years 2009-2011, the

Association Never Again [*Nigdy Więcej*] registered approximately 130 cases of hate crime and hate speech.¹² With respect to attacks on Roma, the European Roma Rights Centre (ERRC) has reported that members of Roma communities in Poland are frequent targets of racially motivated violence, police abuse and systematic racial discrimination. The ERRC has repeatedly highlighted the failure of public institutions in Poland to protect Roma, up to the point of institutional denial of justice for Romani victims of racist crimes (ERRC, 2002). Similar conclusions are presented in the latest report prepared by the Polish Roma Association Szczecinek (2012). The report points to widespread discrimination in all policy fields, continuous violation of minority protection laws and anti-Gypsy attitudes amongst public servants such as bureaucrats, social workers and the police.

¹² The Brown Book - *Brunatna Księga* - is a documented monitoring of hate crimes, racist incidents, xenophobic and discriminatory acts taking place in Poland. The information contained in the Brown Book is provided by the correspondents of the Association, the representatives of minority groups and partnering organisations (both national and international). The document also incorporates newspaper articles, web publications, academic reports and all other reliable sources. The monitoring initiative started in 1997. For more details, see: <http://www.nigdywiecej.org/475-20>.

National Programmes and Contact Points

In 2004 the Polish government issued the National Programme for Counteracting Racial Discrimination, Xenophobia and Related Intolerance (2004-2009) as a monitoring tool to fulfill its obligation as mandated by the World Conference against Racism and Racial Equality Directive (the program was extended in 2009). The Office of the Plenipotentiary on Equal Treatment was made responsible for coordination and reporting activities. The first report was prepared in 2010 but it was criticized by the civil society organisations for its overly generalized assessment and lack of indicators.¹³ Scarce attention was paid to hate crime perhaps because of an absence of any tradition of action in this area and lack of reporting of hate crime by the minorities affected. For example, the 2011 Report on measures to combat discrimination revealed that there have been almost no cases brought by Roma and stated that "they are extremely rare, even despite the fact that there are reasonable possibilities of obtaining free legal advice and assistance" (Bojarski, 2011: 18). However, the reasons why Roma do not pursue cases of discrimination are often due to lack of legal awareness, lack of trust in the police, the prosecutor's office and the courts and fear of further prosecution.

An important contact point for victims of discrimination and hate crime is the Commissioner for Civil Rights (Office of the Ombudsman). As a constitutional and independent body, this office has access to relatively strong instruments of intervention in cases of discrimination as well as civil and human rights violations. The commissioner can demand the initiation of disciplinary or administrative proceedings. Everyone has the right to apply to the Office of the Ombudsman for assistance in protecting his/her civil and human rights if they have been infringed by representatives of a public

authority. In 2000, the scope of its influence was further extended by requiring the office to cooperate with associations and foundations active in human rights activities. In July 2004, the Ombudsman submitted the National Program for Crime Victims to the Minister of Justice (Moj). It was drafted with the help of NGOs that stressed the need for better information on services available to crime victims and improved practical support by government institutions. Information about contact points and different forms of support offered to crime victims was already collected in 2003 from the voivodeships; it was updated in 2005 and subsequently published on the Ombudsman's website. This information was supplemented with data from various victim support and legal aid organisations including government centres providing support to the victims (Local Support Centres) (Dąbrowska, 2007). In 2011, the Ombudsman office became the first equality body in adherence to the newly implemented *Act on the Implementation of Certain Provisions of the European Union in the Field of Equal Treatment*. The law obliged the Ombudsman to take a number of new responsibilities - mainly reporting and coordination - but it did not provide any additional funds to enable the proper fulfilment of the new competences (Ombudsman, 2011).

In the last five and a half years of the Office's operation, discrimination of Roma and escalation of anti-Gypsy sentiments did not receive extensive attention. The complaints against breaches of ethnic minority rights constituted a small percentage of cases sent to the Ombudsperson. Between 2008 and 2010, Plenipotentiary undertook only seven Roma matters (2% of all matters undertaken), mostly relating to social care and housing (Bojarski 2011: 132). However, since becoming an equality body, greater efforts have been made to address the extremely complicated and clearly unfavourable situation of Roma communities. For instance, the Ombudsperson organized some on-site visits to Roma communities and schools with Roma pupils,

¹³ See: <http://prawo.vagla.pl/node/9143>

and formulated recommendations concerning the difficult situation facing Roma. In 2011, the Ombudsman urged other public organisations - the Government Plenipotentiary for Equal Treatment and the Minister of National Education - to focus more on the protection of Roma rights and create awareness raising campaigns that would help to break negative stereotypes (Ombudsman, 2013).

The Civic and Legal Advice Centre for Roma was created by the Polish Roma Association Szczecinek in Oświęcim. It provides funds for the provision of legal advice, civil mediation and representation in court, delivers training and disseminates knowledge about the rights and duties of citizens. In addition, the Centre aspires to provide assistance to the former Roma victims of the Holocaust who, for various reasons, are denied the right to pensions. In 2013, it has assisted 28 persons and delivered a number of documents and manifestos to central and regional public offices (Szczecinek, 2013). It is not possible to assess how helpful this programme has been in generating legal awareness among Roma population as an evaluation has not been carried out.

National Penal Code

Although the Polish Penal Code does not explicitly refer to hate crime, a few articles are relevant for persecution of violence on the basis of ethnicity. Article 119 establishes penalties for the use of violence or threats against a group or a person on ethnic, racial, political or religious grounds. Section 1 states that whoever uses violence or makes unlawful threats towards a group of people or a particular individual because of their national, ethnic, political or religious affiliation, or their lack of religious beliefs, shall be subject to the penalty of the deprivation of liberty (or imprisonment) for three months to five years. According to Section 2, the same punishment shall be imposed on anyone who incites the execution of the offense specified under Section 1. Articles 256 and 257 punish incitement to

hatred and the public insult of a group or a person on the basis of their national, ethnic, racial or religious origin. Article 256 penalizes anyone who publicly promotes a Fascist or other totalitarian state system or incites hatred based on national, ethnic, race, religious differences or absence of any religious denomination. The offender will face a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to two years.

However, as indicated by numerous NGOs - Nigdy Wiecej and the Anti Defamation League, for example - and various supranational bodies (such as OSCE, Helsinki Foundation for Human Rights, and the European Union Agency for Fundamental Rights), the Polish Criminal Code neither calls for an enhanced penalty for crimes committed on the grounds of bias as an aggravating circumstance, nor does it pursue the investigation of anti-Semitic, anti-Gypsy, xenophobic or homophobic motivations (Grell, et al., 2009). Research conducted by the Association of Anti-Semitism and Xenophobia has demonstrated that most reported incidents of hate crime and hate speech are not taken seriously by Polish law enforcement agencies: it stated that crimes that fall within the ambit of Articles 256 and 257 are rarely investigated and its perpetrators are rarely prosecuted (Bodnar and Jagielski, 2010). The reason most often provided by the prosecuting authorities for this failure is that such crimes, such as hate speech, cause little social harm. According to NGOs, this concept of 'an act's insignificant social harm' is often used by prosecuting authorities as a reason for discontinuing or not bringing forward the prosecution in cases with racist elements (Grell, et al., 2009).

Polish law also provides social organisations with the opportunity to actively participate in administrative settlements and lawsuits. However, in Poland there are currently no lawyers or NGOs specialized in representing victims of racial discrimination or right-wing hate crime in court or administrative matters. NGOs with a broader

mandate, such as human/civil rights or humanitarian aid, usually offer legal aid programs that provide assistance to victims discriminated against on the basis of their national or ethnic group. Overall, their experiences with assisting victims of right-wing or racist violence in bringing their cases to court are very limited. As noted earlier, many victims are unwilling to press charges against perpetrators, which can be explained in part by a general mistrust in the effectiveness of the existing legislation and law enforcement system. Many are also afraid of secondary victimisation.

Chapter 4: Preparation for Roma Children Leaving Care

General Situation

According to the Central Statistical Office, at the end of 2011, foster families provided care for 54,200 children under the age of 18 and 3,200 young adults over the age 18 who remained in family care (over 95% of all cases) (CSO, 2012). Institutionalized centres provided care for 19,200 children and young adults up to the age 18 (*ibid.*). Existing statistical data regarding the number of children and young people in all kinds of foster care and institutional care is desegregated by age, gender and disability. The Central Statistical Office also collect data on foreigners placed in foster care (children and young people without Polish citizenship) as well as on adolescent mothers (data on adolescent fathers does not exist). Data is not desegregated by ethnicity, hence it is not possible to assess how many children and young adults belonging to Roma or any other minorities are placed or live in state care or foster care. Neither programmes for Roma communities nor Roma NGOs have collected this type of data. To date, there is no comprehensive research being conducted regarding children leaving foster and institutional care.

Legislative Provisions for Foster Care and Institutionalized Care

The reformation of institutionalized care for children took place in 2004 through the Polish Act on Social Policy. Article 80 of the Act stipulated that children without parental care can only be placed in a children's home if it is not possible to keep them in their own family or to place them in foster care (Article 80). The Act defined two main categories of childcare support: (1) foster families; and (2) childcare centres. Foster families are divided into three types: (a) related to the child; (b) unrelated to the child; and (c) professional unrelated to the child (providing specialized care and emergency assistance). Childcare centres are divided into one-day centres and 'round the clock' long-term care units which are further categorized according to their specialisation (that is, intervention units, socialisation units and large family units). The 2004 Act transferred the competencies for state sponsored childcare from the central government to local authorities, who now hold responsibilities for institutional care, foster care, adoption, programmes to support the family, and children and young people leaving state and foster care.

Despite increasing prioritisation of childcare policies, the Polish government has still not presented a clear and comprehensive national strategy for deinstitutionalisation. The old system of large institutions for 30 to 70 children still prevails. Moreover, the system is fragmented with 460 different counties responsible for institutional care and no effective monitoring procedure (Knuiman, et al., 2013). The main challenges outlined by the Diagnostic Report (Bielak, et al., 2011) include:

- The lack of coordination between different services (e.g. family courts deciding about placements, system for social support and institutional services);
- A limited exchange of information between local-level services (support to families and day care services providers) and county services (foster families and institutional care providers); and
- A shortage of services to support vulnerable families: for one child in four, poverty is the main reason for institutionalisation.

Empowering Young Adults Leaving Institutions and Foster Families

The issue of independence for individuals who have reached the age of maturity (18 years) in foster care is regulated by:

- Act of 12 March 2004 on social assistance (Journal of Laws of 2004, No. 233, item 2344, as amended);
- Regulation of the Minister of Social Policy of 23 December 2004 on the granting of aid for the empowerment and development of continuing education (Journal of Laws of 2005, No. 6, pos. 45); and

- Ordinance of the Minister of Social Policy of 03 August 2012 on the granting of aid for the empowerment and development of continuing education (Journal of Laws of 2012, No. 0, item 954).

According to the law, County Family Assistance Centres (*Powiatowe Centrum Pomocy Rodzinie*) are responsible for the preparation of young adults leaving foster families or institutions and for the disbursement of assistance (financial and practical). The centres employ guardians who work with young adults on an individual basis to prepare them for independence. Their tasks are mainly procedural in nature and include: assistance in the preparation of necessary documents; monitoring progress; and acting as a link between the leaver and public authorities or, when applicable, with his/her family.

Each person who is leaving a foster family or institution is required to prepare an Individual Empowerment Program which needs to be submitted to the County Family Assistance Centre for approval. The guardian is directly responsible for assisting the leaver with the development of the individual program and its submission. The program serves as a basis for granting cash benefits and other forms of assistance. It needs to specify initiatives which will be undertaken by the leaver in the field of education, employment, obtaining adequate housing and payable benefits. It also defines the relationship the leaver has with his/her natural family and the social environment. Failure to prepare such program may result in the denial or suspension of cash benefit payments.

A person becoming independent is eligible for social assistance which includes:

- Financial assistance for continuing education (PLN 494 per month);

- Financial assistance for becoming independent;
- Assistance in obtaining adequate housing, including protected social housing;
- Assistance in obtaining employment (consultations only); and
- In kind assistance (provision of household equipment, or specialized equipment for disabled persons) which cannot exceed PLN 4,941.

The amount of financial assistance for self-independence depends on the in-stay period in foster care or institutional care. It is a one-time payment, issued upon completion of education:

- PLN 4,491, if the length of stay was more than three years;
- PLN 3,294, if the duration of stay ranged from two to three years; and
- PLN 1,647, if the duration of stay ranged from one to two years.

It is important to mention that the leavers do not qualify for financial assistance for self-independence when their gross monthly income exceeds PLN 960 (around €250). There are also no gender specific allocations or special provisions for young or underage parents. For example, adolescent mothers are often directed to housing for single mothers, which do not run any educational or social programmes, and are not in any way prepared to assist teenage parents (Po Drugie, 2013). Additional funding can only be obtained by disabled people who require specific equipment or professional medical assistance. The form of financial assistance (the amount, procedures and eligibility) has been criticized by numerous non-governmental actors

working with children and young adults residing in foster care (Stawiński, 2013). Considering that this is the only standardized support provided by the state, the financial allocations are negligible, procedures are overly complex and not transparent, while eligibility criteria often serve as disincentives for undertaking employment or seeking other forms of assistance. For example, securing university scholarships automatically leads to the suspension of assistance for the continuation of education (Act of June 9, 2011, on family support and foster care system, DZ. Laws of 2013, item. 135, as amended).

Other Forms of Aid or Assistance

Interventions concerning young adults leaving state care or foster care are usually undertaken by NGOs or religious associations. The majority of such practical assistance is of a charitable nature, and provides young adults with household equipment, clothes and books. Although ad-hoc initiatives are often co-financed from the budgets of local or regional authorities, currently there are no regional strategies or comprehensive action plans which would combine financial, preparatory and psychological assistance. Over the years, despite numerous programs and workshops targeted at young adults and adolescents, there is no nation-wide or region-wide catalogue of 'good practices' and no initiatives are known of which conducted impact assessments of such programmes or projects. Some municipalities offer community-based services such as early intervention, family support and prevention programmes, but only the most affluent areas can afford such expenditure and even then they are often implemented on an ad-hoc, one-time basis (Knuiman, et al., 2013). It is assumed that care leavers in particularly vulnerable situations can access general social assistance - like child support, welfare payments and social housing - however, the legislation guiding social policy does not stipulate any special treatment for young adults without family ties or support.

In general, foster care and empowerment initiatives have not been prioritized by the Polish government or the regional authorities (Sierankiewicz, 2007). Although the latest Act on Family Support and the System of Foster Care, approved by the Polish Parliament in June 2011, introduces deinstitutionalisation reforms aimed at preventing children's separation from their families, they are not equipped with concrete tools and methodologies (Knuiman, et al., 2013). Moreover, there are not enough candidates qualified to become foster families or the so called 'mediating agents'.¹⁴

In the case of Roma communities, the placement of Roma children in foster care or institutionalized care is not extensively addressed by Roma community leaders. Roma groups tend to maintain that the abandonment of children or the elderly stands in contradiction to Romani culture and its strong respect for family ties. As such, they hold a common perception that Roma communities are not affected by dysfunctional patterns such as abandonment, drug abuse and child prostitution. At this point, due to a lack of research, it is impossible to prove the plausibility of these claims or assess the extent of any cultural change within Roma groups and communities. Some social workers claim that Roma children are often placed under the care of different family members or family friends in order to benefit from the financial assistance allocated to foster families by the state (Mróz, 2006). This situation however is not well documented and is often based on purely anecdotal accounts. More research into these issues is thus strongly recommended.

¹⁴ The 'mediation agents' are case social workers who provide assistance to families in financial difficulties who consider placing their children in state care.

Chapter 5: Employment

General Situation

The high rates of unemployment experienced by the Roma population in Poland are well documented (ENAR 2012; FRA, 2012; United States, 2012; Mróz 2006; and MofAD, 2003 and 2012). Exclusion from the labour market appears rooted in Roma's unfavorable starting point at the outset of the transition from planned to market economy. Low education levels and overrepresentation among low-skilled jobs continues to lead to labour market disadvantage, which has been compounded by discrimination by, and the low expectations of, employers. A report commissioned by the Polish Roma Association *Szczecinek* demonstrates that unemployment patterns are extremely complex and multi-dimensional, requiring a range of inputs from stakeholders involved in delivering on social, economic and physical development (Mróz, 2006). The individual barriers (lack of skills), cultural circumstances (traditional trades and different attitudes towards paid employment), and socio-economic context (low job opportunities and discrimination) faced by people with low employability are interrelated, overlapping and mutually reinforcing. Hence policy solutions aimed at one factor or only one part of the support system are unlikely to be successful owing to the counteracting impacts of other factors. The report concludes that comprehensive approaches and policies are still absent in the Polish policy landscape (*ibid.*).

The assessments of unemployment rates among the Roma rarely take into consideration involvement in trade activities in informal economic environments (sometimes referred to as the grey economy or 'black market'). Persistent reluctance of some Roma to register their business activities is often a result of legislation that does not offer favourable conditions for small-scale, family-owned, trading and vending ventures. Being active in the informal sector means that entrepreneurs do not pay taxes, do not have insurance, or opportunities to expand and standardize their business plans (since taking on a loan from a bank is often impossible, Roma often fall prey to loan-sharks). Officially they are classified as unemployed or long-term unemployed, and are presumed to live from welfare benefits (Mróz, 2006). This situation relates mainly to Roma living in Silesia (*Śląsk*) and Lower Silesia (*Dolny Śląsk*), especially those who used to live a nomadic lifestyle, and traditionally earned money from trading with the non-Roma (*ibid.*).

The opening of borders within the EU is also exploited by the Roma (Szczecinek, 2012). Although in the early 1990s many Roma families were already benefitting from the liberalisation of immigration policy and emigrated temporarily or permanently to Western countries, since Poland's accession into the EU and the consequential simplification of border formalities, migration has become an essential element of the organisation and

functioning of numerous Roma families.¹⁵ Many Roma treated migration as a possibility to expand their trade activities as well as an opportunity to take advantage of various social benefits and support for immigrants provided by receiving countries (Mróz, 2006). Migration now underpins a number of coping strategies undertaken by the Roma families living in Poland (especially the formerly nomadic groups). These include: (1) trading activity (registered business and non-registered enterprises); (2) support from family members living abroad (remittance); and (3) support from various aid programs, social welfare benefits and charity, for example.¹⁶

National and Regional Policies and Strategies Addressing Roma Employment

Surprisingly, the Programme for the Roma Community in Poland for the Years 2004-2013 did not prioritise employment and paid limited attention to unemployed Roma. The Programme allocated only 2% of funds to this thematic area, mostly in the form of ad-hoc vocational training projects. The 2011 Evaluation Report stated that training initiatives were neither reflective of labour demands nor attitudes and expectations of Roma minorities (BORIS, 2011). The initiatives were also not well coordinated with the activities of the state unemployment offices, and often provided only technical services without active interventions such as job placements. The report additionally revealed that despite the recommendation of the MofIA&A, the regional and local self-governments failed to co-operate (or co-operated insufficiently) with the Roma community at the level of project planning and did

not encourage Roma participation in the execution of programmes and public initiatives. Finally, the majority of initiatives were not gender sensitive and did not directly target Romani women, despite the changing traditional model of Roma families (increasingly women are becoming the breadwinners (see, on this, Woronko, 2013)) and a declared willingness of many Roma women to work.

As Polish citizens, Roma can take part in projects and programmes provided in line with employment strategies adopted by the Ministry of Labour and Social Affairs (MoLSA). The strategy guides the operation of the local District Employment Offices (the lowest tier of governance). The offices run activation programmes and serve as mediators between the job seekers and recruiting firms. The activation services provide training, counselling and recruitment into available public works. The mediating activities are based on cooperation with private firms and educational institutions, undertaken to facilitate the recruitment of registered unemployed people. In line with the MoLSA, the strategies prioritize:

- The promotion of graduate employment among small and medium-sized businesses;
- The promotion of self-employment;
- The modification of the system of education to reflect labour demands;
- The development of services in the field of career information and guidance;
- The organisation of graduate internships;
- The realisation of public works; and
- The provision of loans for starting-up small businesses.

¹⁵ At present there are no statistics regarding the number of Polish Roma living or working abroad.

¹⁶ Mróz (2006), commissioned by the Polish Roma Association, garnered these insights through research interviews with Roma men and women. No statistical data exists which would confirm these findings or provide estimates regarding the number of Roma traders, welfare beneficiaries or the amount of remittances they send.

However, none of these objectives specify strategies to eliminate unemployment among members of ethnic minorities or particularly vulnerable groups. For example, the main barrier for Roma in accessing unemployment programmes for graduates is the overwhelming lack of Roma high school or university graduates. Numerous Roma NGOs pointed to discrimination - especially acute among frontline staff and local employment offices - as a principal that translates into limited opportunities for Roma to participate in public works schemes or special projects introduced by the local units (see Szczecinek, 2012). The employment offices have been criticized in general for overly-complex procedures, a lack of networks with private firms, outdated technology, and weak dissemination tools (see Frączek, et al., 2011).

European Structural Funds (ESF)

Issues pertaining to Roma integration have been incorporated into the European Social Fund Programming (2007-2013) in the Roma Component of the Operational Program Human Capital. Close to €22 million was earmarked for employment and labour activation, education, social integration and health protection of Roma communities (Tokarz, 2012). Since 2009, five competitions were introduced, resulting in the recommendation of 86 projects totalling approximately PLN 73,000, with most projects being delivered in the Lower Silesia (*Dolny Śląsk*) and Lesser Poland (*Małopolska*) Regions.¹⁷ The results of the projects are still not available. It is important to note that over the years active Roma organisations have become more effective in securing funds for activities targeted at Roma (Tokarz, 2013).

¹⁷ The two regions contain the largest concentration of Roma population hence there is greater interest and need for integration projects. However, according to the Regional Plenipotentiary for Minorities in Lower Silesia, the number of ESF projects in the locality reflects the growing capacity of Roma-led organisations to secure funding and the increasing cooperation between the local authorities and civil society (Tokarz, 2012).

However, currently there is no compilation of 'best practices' or comprehensive impact evaluations of ESF projects targeted at Roma communities. Central government does not assess the use of the funds adequately, and instead of evaluation there is a more statistically-orientated reporting system in place showing the number of activities, their subject matter and the region where they take place. Data collected on the regional tier also rarely assesses the impact of implemented projects or their quality. As such, there is little knowledge about the real added value of ESF programs (CSES, 2011). Another important issue is that most projects are short-lived and undertaken at the local or regional level: examples of 'scaling up' and 'mainstreaming' are rare if not all together absent.¹⁸ Nevertheless, there are some examples worth mentioning because of their scale and ambition (EURoma, 2010):

- *Roma EQUAL project*: Developed by the International Organisation of Migration, this project set up four Roma social economy cooperatives with an aim to maintain the traditional craft skills of the Romani minority (in Olsztyn, Sławno, Szczecinek and Cracow). The project provided training in how to run cooperatives and gave on-going support. Complementary actions were carried out to raise the awareness of local communities about the work of Roma people. The value of this project was that it attempted to respond to the existing skills and traditions, but also to incorporate them in a new economic setting;
- *Project Social Integration and Vocational Activities for Roma People in Wałbrzych, Kłodzko and Wrocław City* developed by the Dyslexia Association in Świdnica (with headquarters in Wałbrzych): This integrated project combined employment activation (including professional training and

¹⁸ In many ways this is true of all Polish ESF projects targeted at exclusion.

qualification) with education (including a campaign against analfabetism, pre-school education and the prevention of early school dropouts). It directly benefited 90 Roma families. The value of this project was its multidimensional character, intercultural staff and propagation of Roma skills and values;

- Project *Innovative Roma on the Labour Market* (two rounds developed by the Polish Roma Association Szczecinek): This was perhaps the first sustainable initiative that benefitted unemployed Roma across the country. It focused on vocational training and the development of innovative methods for labour insertion (that is, employment of socio-vocational assistants in community centres and individualized programmes). The first round of the project benefited 800 unemployed Roma across the country, and obtained 107 employment contracts. The value of this project was its innovative character and its focus on placement in workplaces rather than the sole provision of training opportunities.

Chapter 6: Cross Community Relations and Mediation

General Situation

Before discussing community relations and mediation activities, it is important to underline that the Roma residing in Poland do not constitute a homogenous community. As such, mechanisms facilitating mediation and community interaction should be considered in the context of both Roma and non-Roma relations as well as relations among different Roma communities.

The Polish Roma community is highly diverse. It is divided internally and composed of different kinship groups (clans) which are often hierarchically structured. In Poland, the Roma belong to five sub-groups which differ in terms of their cultural, social and economic characteristics: Polska Roma (66.5%); Carpathian Roma (or Bergitka Roma) (25.5%); Kalderasze (Kelderai) (0.6%); Lowarzy (Lovara) (0.4%); and a small group of Sinti (MofAD, 2011). The main division is between the formerly nomadic groups (Polska Roma, Lovara and Kelderai) and the sedentary Roma (Carpathian Roma). Historically, different norms and deep-seated prejudices meant that inter-marriages between the representatives of the 'sedentary' and 'formerly nomadic' groups were forbidden and even contact or interactions were punishable with expulsion from the group (Mróz, 2006). Although inter-group antagonisms are slowly receding, it is still common for one group to look down upon the other, and for conflicting interests to emerge (Łodziński, 1998).

Such internal divisions are rooted in the past. In general the Roma of nomadic tradition - the Polska Roma - were forced to abandon their model of life in the 1950s and 1960s and were settled in places provided by the authorities (mostly in urban areas where they remain today). Despite forced settlement, they remained a highly mobile community, living mostly from trading and small entrepreneurial activities. In general these groups are considered to be very hermetic and not openly willing to integrate with the majority population (Mirga and Gheorghe, 1997; and Mirga, 1997). Conversely, the Carpathian Roma had led a sedentary life since the eighteenth century, mostly in rural areas of southern Poland. Although migration into the cities in the late 1950s did take place, it was largely driven by a 'voluntary' search for new sources of income. As such, Roma began to work in large centralized industrial complexes (such as Nowa Huta) and formed 'closer' relations with their non-Roma colleagues (Mróz, 2006). With the collapse of state-run industry in the early 1990s, large numbers of Carpathian Roma became unemployed and today it is documented that they are the poorest and most vulnerable Roma group living in Poland (Leśniak, 2008). Interestingly they are perhaps the most assimilated group, with a long history of intercultural interactions.

Programs and Initiatives

The only official policy that has touched upon inter-community relations was the previously discussed Programme for the Roma Community in Poland for the Years 2004-2013. One of its priorities was 'interculture' relations yet only 4% of funds were allotted to such initiatives (BORIS, 2011). Much more emphasis was placed on 'cultural activities' which received 13% of the available budget (*ibid.*). The MoIA&A (2003) asserted that the promotion of Romani culture is imperative given the scarce knowledge about Roma traditions among the majority population. It was believed that such propagation will diminish negative stereotypes and open the gates to intercultural dialogue and understanding. The majority of initiatives took the form of festivals, concerts and traditional music classes for children and young people.

Although the BORIS (2011) Evaluation Report of the Programme for Roma Community in Poland revealed that these activities had some positive effects, numerous Roma activists believe that such promotion does not represent the 'true' traditions of the Roma. Often Roma festivals were organized by the non-Roma - such as the local authorities - who simply hired Roma performers, a pattern that has been criticized for not generating cultural empowerment and reducing Roma culture to singing and dancing. Moreover, according to the Evaluation Report, festivals often have a 'local character' and do not bring together Roma from different groups, which in the long run fail to promote or demonstrate the true diversity of this minority (BORIS, 2011).

Nevertheless, not all of the activities focused strictly on music and performance. Numerous awareness raising and educational initiatives were also undertaken within the framework of the Roma Programme. Among the miscellaneous projects funded were: (1) research projects; (2) translations of text into Romani language; (3) Romowie-Roma-Romanies book for children; (4) the creation of

archives in public libraries containing material about Roma communities (such as the Documentation Centre in Legnica); (5) setting up websites and forums dedicated to Roma topics (like romowie.info); and (6) creating different media outlets and publications (the Dialog Pheniben Quarterly, for example). Available grants and co-financing from the Ministry of Culture and the voivodeships were used to support museum exhibits - the Museum in Tarnow, Lesser Poland Region, is the only museum in Poland with a permanent exhibition on Roma culture - as well as events commemorating the Romani victims of Nazi crimes in Poland (for example, Requiem for Auschwitz, a symphonic concert performed by Roma cameral orchestra). The majority of these initiatives were initiated and run by Roma NGOs often in close co-operation with local authorities, universities, private firms and other non-Roma NGOs. As such they constituted a primary engine for cultural interchange, awareness raising and empowerment. It is thus surprising that the new NRIS does not prioritize intercultural relations and does not include awareness raising campaigns in its priorities.

Community Mediation

Community mediation programmes are not well known in Poland and have not been strongly institutionalized at the local level. In the case of the Roma minority, the main 'mediating' institution is the Plenipotentiary for National and Ethnic Minorities located at the Voivodship Office. The Plenipotentiary is responsible for mediation and liaison between public officials and all national and ethnic minorities (not only the Roma). The activeness of the Plenipotentiary Office varies across the regions, often reflecting the determination and expertise of nominated individuals. In the Lesser Poland (*Małopolska*), Lower Silesia (*Dolny Śląsk*) and Silesia (*Śląsk*), activities of the Plenipotentiary have been increasingly pronounced, resulting in a growing number of intercultural programmes, awareness campaigns, and the involvement of

Roma NGOs in project design and delivery. For example, in the city of Wrocław, the Foundation for Social Integration *Prom* has been actively promoting intercultural awareness and challenging negative stereotypes in the Lower Silesia Region. Its latest One of Many (*Jedni z Wielu*) campaign - which is being conducted with the financial assistance of regional public authorities and the close involvement of Roma groups - aims to change the attitudes of mainstream Poles towards the Roma.¹⁹ Also the Centre of Information and Social Development runs a programme called Roma and Non-Roma on One Playground (*Romowie i Gadzie na Jednym Podworku*) which aims to bring both communities together in an active dialogue and cooperation.²⁰ An important component of this program is the cultural sensitivity training of public servants (including the police, city guards, and social workers).

Perhaps one of the most influential tools for mediation and inter-community dialogue is the position of Roma teaching assistant discussed earlier (see Halbersztat, 2013). In 2005 the position of Roma teaching assistant was recognized as an official job category, subsidised by the MoNE (Dz. U. Nr 265 poz. 2644, z późn. zm.). The position is reserved for Roma who have the trust of local communities. The main duties include facilitating contact between parents and schools, overseeing students' attendance and academic progress, and mediating potential conflicts or misunderstandings. As such, Roma teaching assistants are often described as 'our person' in school: 'our' refers to somebody who understands the Romani language, mentality and Roma's fears of the surrounding populations as well as the need for educating Romani children (Halbersztat, 2013). Thanks to the strong determination of both local authorities and persons employed as assistants, the program has been considered as a successful step in facilitating

¹⁹ For further details about the campaign visit:
<http://jednizwielu.pl/jedni-z-wielu/kampania-spoleczna>

²⁰ For details about the program visit:
<http://www.mops.wroclaw.pl/Romowie-i-Gadzowie-na-jednym-podworku-p377.php>

inter-ethnic coexistence (ibid.). For example, in Lower Silesia (*Dolny Śląsk*), ten Roma teaching assistants have been employed in schools located in Wrocław, Legnica, Wałbrzych, Kowary, Lubań, Świdźice, Bystrzyca Kłodzka and Głogów (Różycka, 2006).

Nevertheless, the programme is not without its shortcomings. It has been observed that Roma communities are often reluctant to delegate a person for the position (here intergroup differences and biases come to the forefront) (Tokarz, 2013). Moreover, the employment of Roma teaching assistants takes the form of a civic contract and not an employment contract and this limits job security (Różycka, 2006). According to the Polish Association of Roma, the position of teaching assistant is still not a universally accepted practice and this often results in a high-rotation of staff, conflict between regular teachers and assistants and a lack of job security.²¹ To overcome these problems - and also related to the low education level of available assistants - numerous programmes have been introduced, usually providing workshops and training opportunities for potential assistants as well as regular teachers and school management boards. The evaluation of the outputs and impacts of these programmes is still pending.

Recently initiatives were put forward by Roma NGOs to train and employ 'social mediators'.²² Although this position is still in the experimental stage, positive feedback has already been received from projects implemented in *Kamienna Góra* in Lower Silesia (Tokarz, 2012) and initiatives run by the Polish Roma Association *Szczecinek* in Western Pomerania (EURoma, 2010). Social mediators are persons of Roma origin who are supposed to aid

²¹ See this open letter on [romowie.info.pl](http://romowie.info.pl/post/deklaracja-programowa-stowarzyszenia-asystentow-edukacji-rosmkiej-w-polscie/92):
<http://www.romowie.info.pl/post/deklaracja-programowa-stowarzyszenia-asystentow-edukacji-rosmkiej-w-polscie/92>

²² As part of the EU funded project 'Innovative Roma on the Labour Market II' which commenced in 2010, see:
<http://www.romowie.com/innowacyjni2/>

Roma families by providing assistance during job searches, collection of welfare benefits, access to healthcare and social insurance. The position is still not officially recognized by the Polish authorities, yet, a growing number of Roma groups and regional offices train and incorporate social mediators in their programmes and projects.

Political Engagement

Roma are still not represented in Polish political parties, local councils and in high ranking bureaucratic positions. Representation of Roma issues is located predominately within a variety of civil society associations, foundations and NGOs. The influence of Roma civil society is on the rise, with organisations becoming more professionalized (the Association of Polish Roma in Oświęcim, in the Lesser Poland Region, is a notable example) and able to develop networks and relationships with public officials. In recent years, a few Roma leaders have run for councillor positions inside local governments. Although no Roma candidates were thus far elected, the interest and activism of Romani leaders demonstrates that politics are no longer considered an area reserved strictly for non-Roma individuals (Tokarz, 2012).

Chapter 7: Other Issues

Migration

Since accession into the EU in 2004, Poland has become an attractive place for migrants living outside of the EU zone. However, the subsequent influx of legal and illegal immigrants has caught Poland largely unprepared. Despite political commitments and initiatives intended to create favourable conditions for the newcomers, Polish immigration law and integration policies continue to be weak, procedurally complex and uncoordinated. Although EU membership had allowed for some simplification of mandates - especially for legal migrants from other Member States - implementation gaps, inadequate knowledge about EU migration policies among regional authorities and a lack of multilevel strategic action plans continue to dominate the policy landscape (EMN, 2012). Nowhere is this more visible than in the case of new Roma migrants arriving from Romania and Bulgaria (as well as other parts of Europe).

Although Roma have been arriving to Poland since the early 1990s, their numbers have been too small to generate public debates or to prompt the creation of concrete action plans. Moreover, in the 1990s, Roma from Romania or Bulgaria were treated as illegal immigrants, which meant that contact with the authorities often ended with their deportation (Nomada, 2013). With the arrival of EU membership, the situation has changed. Now Roma migrants enjoy the status of European Union citizens, even if they do not entirely fulfil the

bureaucratic requirements (registration permits, insurance and job contracts, for example). The newcomers often reside in 'illegal' settlements located on the outskirts of big cities. The majority of the settlements are composed of makeshift houses with no access to running water, electricity and the sewage system. Residents survive on begging and scrap collection: they have no access to health care and children do not attend schools. Often entire communities suffer from health problems and malnutrition. At this point in time it is acutely visible that public authorities lack any concrete solutions for this new situation (Kowalski, 2013).

Currently the most 'visible' instance of migration is the presence of Romanian Roma in the city of Wroclaw. The occupants of two illegal settlements, totalling around 120 people (the majority of whom are children and young people), are living in absolute poverty with no access to basic services and no proper documentation (such as passports, birth certificates, and/or residential permits). It is important to stress that some people have been living in Poland for more than nine years, while many children were born already on Polish territory. Despite striking levels of marginalisation and poverty, the majority of the settlement dwellers claim that their circumstances are much better in Poland than they have been in Romania (Nomada, 2013). They insist that through begging and scrap collection in Wroclaw, they can make enough

money to subsist, a situation no longer possible in rural parts of Romania.²³

Largely due to the involvement of the Association for Multicultural Society Integration (*Nomada*), in 2010 the community began to receive basic medical aid and legal counselling. Some children were also enrolled in informal schooling activities. The commencement of talks with city officials (specifically the Mayor's Office) led to the delivery of clean water containers, portable toilets and waste collection bins to the settlements. Despite the alleged willingness of the authorities to address the situation through integration programmes,²⁴ the city brought forward an eviction case against the inhabitants, accusing them of illegal occupation of public land.

The legal proceedings commenced on 22 November 2013 and will continue throughout 2014. According to Polish administrative law, the course of action undertaken by the city is legal. Polish legislation pertaining to the illegal occupation of public property does not take into account human rights issues or the personal circumstances of the alleged perpetrator. Similar legal stipulations have allowed for the demolition of illegal settlements in other countries (at Krasnohorske Podhradie in Eastern Slovakia, for example). In Poland this is an unprecedented case, without jurisprudence, and can potentially have a huge impact on the Polish legal system and the image of Poland across Europe (*Nomada*, 2013).

In recent years, Wroclaw has been extensively promoting its multicultural image using the slogan Wroclaw – The Meeting Place. However, the

ongoing publicity of the dramatic situation of Romanian Roma strongly diminishes these pretences. For months, the Mayor's Office has minimised the scope of the 'problem', perhaps hoping that it will eventually subside (Krawczyk, 2012). In the past the preferred approach was to demolish the illegal settlements as soon as they became visible and the subsequent fate of their occupants was generally ignored (*Nomada*, 2013). The entire situation has received limited attention from international Roma networks and academic institutions. In general, Polish citizens - whether Roma or non-Roma - view migrants through the prism of negative stereotypes and outright hostility (*ibid.*).

²³ See interviews with settlement residents:
http://wroclaw.gazeta.pl/wroclaw/1,35771,15300958,Romka_z_ko_czowiska__Czasem_zaluje__ze_mowie_po_polsku.html#LokWroTxt

²⁴ The City President's Office met on numerous occasions with the Helsinki Foundation for Human Rights, Amnesty International, the Ombudsman for Citizens Rights and the *Nomada* organisation.

References

Association Never Again (2009) Brunatna Księga [Brown Book].

Available at: http://www.nigdywieczej.org/index.php?option=com_content&task=view&id=261&Itemid=20

Bielak, A., Czepczyńska, E., Sitarczyk, M., and Sobiecka-Górniak, G. (2011) Raport Diagnostyczne: Pogłębiona i Zaktualizowana Analiza Sytuacji Pod Kątem Odbiorców i Użytkowników w Ramach Projektu 'Świat Dobréj Przyszłości' [Diagnostic Report: A Detailed and Updated Analysis of the Situation from the Point of View of Customers and Users of the Project 'The World a Good Future'].

Available at: http://fim.org.pl/wp-content/uploads/2012/06/Analiza_sytuacji_Odbiorcow_i_Uzytkownikow.pdf

Biuro Obsługi Ruchu Inicjatyw Społecznych (BORIS) (2011) Raport Końcowy z Badania Ewaluacyjnego Programu na Rzecz Społeczności Romskiej w Polsce [Evaluation of Programme for the Roma Community in Poland].

Available at: <http://mniejszosci.narodowe.mac.gov.pl/download/86/13474/Raportbadaniaewaluacyjnegoprogramunarzeczsposiecznosciromskiejwpolsce.pdf>

Bober, J., Hausner, J., Izdebski, H., Lachiewicz, W., Mazur, S., Nelicki, A., Nowatorski, B., Puzyna, W., Surowka, K., Zachariasz, I., and Zawicki, M. (2013) Narastające Dysfunkcje, Zasadnicze Dylematy, Konieczne Działania: Raport o Stanie Samorządności Terytorialnej w Polsce [Growing Disfunctions, Essential Dilemmas, The Necessary Action: Report on the State of Local Self-Governments in Poland], Cracow: University of Economics.

Bodnar, A. and Jagielski, M. (2010) Przestępstwa z Nienawiści w Polsce na Podstawie Badań akt Sądowych z lat 2007-2009 [Crimes of Hate in Poland Based on Research of Court Records from the Years 2007-2009].

Available at: <http://otwarta.org/wp-content/uploads/2012/03/Raport09-Przest%C2%A9pstwa-z-nienawi%C9Cci-lekki.pdf>

Bojarski, Ł. (2011) Report on Measures to Combat Discrimination, Directives 2000/43/EC and 2000/78/EC.

Available at: http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=18761

CBOS (2008) Stosunek Polaków do Innych Narodów [The Attitudes of Poles Towards Other Nations]. Warsaw: Communication from Research CBOS Nr. 193.

Center for Strategy and Evaluation Services (2011) Roma Thematic Report, Brussels, Directorate General for DG Employment, Social Affairs and Equal Opportunities.

Central Statistical Office (2003) Raport z Wynikow Narodowego Spisu Powszechnego Ludnosci i Mieszkan z 2002 Roku [The Report of the Results of the National Census of Population and Housing 2002].

Available at: <http://stat.gov.pl/spisy-powszechne/narodowe-spisy-powszechnie/narodowy-spis-powszechny-2002/raport-z-wynikow-narodowego-spisu-powszechnego-ludnosci-i-mieszkani-2002,3,1.html>

Central Statistical Office (2011) Narodowy Spis Powszechny Ludności i Mieszkań [National Census of Population and Housing].

Available at: http://www.stat.gov.pl/gus/5840_14782_PLK_HTML.htm

Central Statistical Office (2012) Opieka nad Dzieckiem Pozbawionym Opieki Rodzicielskiej [Care for Children without Parental Care].

Available at: http://www.stat.gov.pl/cps/rde/xbr/gus/WZ_Opieka_nad_dzieckiem_pozbawionym_opieki_rodzicielskiej.pdf

Council of Europe Commissioner for Human Rights (2007) Memorandum to the Polish Government: Assessment of the Progress Made in Implementing the 2002 Recommendations of the Council of Europe Commissioner for Human Rights. Strasbourg: CommDH13.

Dąbrowska, M. (2007) Issue Histories Poland: Series of Timelines of Policy Debates, Vienna: Institute for Human Sciences.

Dobrzyńska, D. (2008) Status Asystenta Edukacji Romskiej [Official Status of Roma Teaching Assistant].

Warsaw: Department of National and Ethnic Minorities DWRoMNiE MSWiA.

Available at: <http://romowie.edu.pl/o-projektie/asystenci/99-status-asystenta-edukacji-romskiej>

European Migration Network (EMN) (2012) Government Adopted a Strategic Document Entitled 'Migration Policy of Poland: The Current State of Play and the Further Actions'.

Available at: <http://erni.gov.pl/ese/news/9377,dok.html>

EUroma (2010) Roma and the Structural Funds.

Available at: http://www.euromonet.eu/newsroom/archive/euroma_report__roma_and_the_structural_funds.html

European Network against Racism (ENAR) (2012) Racism and Related Discriminatory Practices in Poland. Brussels: ENAR.

European Roma Rights Center (2002) The Limits of Solidarity: Roma in Poland after 1989. Budapest and London: ERRC Country Reports Series, Nr. 11.

European Union Agency for Fundamental Rights (FRA) (2012) The Situation of Roma in 11 EU Member States: Survey Results at a Glance. Luxembourg: Publications Office of the European Union.

Foundation 'Po Drugie' (2013) Przełom w Sprawie Nieletnich Matek [Breakthrough in the Case of Juvenile Mothers].

Available at: <http://www.podrugie.pl/3542/przelom-w-sprawie-nieletnich-matek/>

Frączek, M., Gorniak, J., Jelonek, M., Keler, K., Krupnik, S., Laurisz, N., Mazur, S., and Worek, B. (2011) Działalność Powiatowych Urzędów Pracy w Kontekście Potrzeb Pracowników [Activities of Districts Employment Offices from the Perspective of Employers].

Available at: http://www.obserwatorium.pracodawcyrp.pl/images/Raporty/Raport_IV.pdf

Grell, B., Köhler, T., Pankowski, R., Sineeva, N. and Stranawski, M. (2009) Hate Crime Monitoring and Victim Assistance in Poland and Germany. Warsaw: Nigdy Więcej.

Government Plenipotentiary for Equal Treatment, Ombudsman Office (2013) Wzrasta Liczba Przestępstw z Nienawiści [Increasing Numbers of Hate Crimes].

Available at: <http://rownetraktowanie.gov.pl/en/node/2321>

Halbersztat, A. (2013) Zawód – Asystent Edukacji Romskiej [Position – Roma Education Assistant].

Available at: <http://mniejszosci.edudemo.org.pl/dobre-praktyki/73-dzialaniemniejsosci/262-zawod-asystent-edukacji-romskiej>

Kostka, J. (2014) 'National Roma integration strategy: Do good intentions fail?' Roma Rights Journal.

Available at: <http://www.errc.org/article/roma-rights-2013-national-roma-integration-strategies-what-next/4238/5>

Kowalski, M. (2013) 'A poza tym nic na działkach się nie dzieje [Besides that nothing is happening]'. Dialog Pheniben, 10.

Available at: <http://www.dialog-pheniben.pl/?met=w/>

Knuiman, S., Rijk, C., Hoksbergen, R. and Baar, A. (2013) 'Children without parental care in Poland: Foster care institutionalisation and adoption', International Social Work, 0, June: 1-16.

Krawczyk, D. (2012) Wrocław – Miasto Spotkań. Nie z Romami [Wroclaw – A Meeting Place. Not with Roma].

Available at: <http://www.krytykapolityczna.pl/artykuly/kraj/20121116/wroclaw-miasto-spotkan-nie-z-romami>

Leśniak, M. (2008) Romowie: Bliscy czy Dalecy? [Roma People: Close or Distant?]. Cracow: AFM Publishing House.

Łodziński, S. (1998) 'Romowie: Bliscy i dalecy [Roma people: Close and distant]', Podkowiński Magazyn Kulturalny, 4(31/32).

Available at: <http://www.podkowianskimagazyn.pl/>

Mazur, S. (2010) 'Polityki Unii Europejskiej i jej państw członkowskich wobec Romów [EU politics towards member states and the Roma]' in Mazur, S. (ed.) Krajowe i Wspólnotowe Polityki Publiczne Wobec Mniejszości Romskiej: Mapa Aktywności Społeczno-Gospodarczej Romów, Cracow: MSAP.

Ministry of Interior Affairs and Administration (2003) Program na Rzecz Społeczności Romskiej w Polsce na Lata 2004-2013 [Programme for the Roma Community in Poland].

Available at: <http://mniejszosci.narodowe.mac.gov.pl/mne/romowie/program-na-rzecz-spole/program-na-rzecz-spole>

Ministry of Administration and Digitisation (2012) Program Integracji Społecznej Romów w Polsce na Lata 2014-2020 [National Roma Inclusion Strategy for 2014-2020].

Available at: <http://mac.gov.pl/wp-content/uploads/2011/12/PROGRAM-2.pdf>

Ministry of National Education (2013) Stypendia [Scholarships].

Available at: http://www.men.gov.pl/index.php?option=com_content&view=article&id=4725%3Astypendia&catid=303%3Astypendia&Itemid=397

Mirga, A. and Gheorghe, N. (1997) Roma in the XXI Century: Policy Paper, Princeton: Project on Ethnic Relations.

Mirga A., (1997) 'Romowie w historii najnowszej Polski [Roma in recent Polish history]' in Kurcz Z. (ed.), Mniejszości Narodowe w Polsce, Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.

Mirga- Wójtowicz, E. (2011) Estimates of Roma population in Poland. Warsaw: Instytut Obywatelski.

Mróz, L. (2006) Romowie na Rynku Pracy [Roma in the Labour Market]. Oświęcim: Stowarzyszenie Romów w Polsce.

Nomada Organisation (2013) Społeczność Romów Rumuńskich we Wrocławiu [Romanian Roma in Wroclaw]. Available at: http://issuu.com/krytykapolityczna/docs/romaraport_pl_final

Ombudsman Office (2012) Ombudsman Act: Competences and Responsibilities.

Available at: <http://rpo.gov.pl/index.php?md=8537&s=3>

Polish Penal Code (2009) Część Ogólna.

Available at: <http://karne.pl/karny.html>

Różycka, M. (2006) Zawód: Asystent Edukacji Romskiej [Employment: Roma Teaching Assistant].

Available at: <http://www.romowie.info/post/-zawod--asystent-edukacji-romskiej/88>

Sierankiewicz, E. (2007) 'Dom dziecka jako powszechna forma instytucjonalnej opieki całkowitej' [Children's homes as a widespread form of institutional care], in J. Kuźma (ed.) *Opieka i Wychowanie Dzieci Sieroczych w Polsce*. Cracow: Krakowskie Towarzystwo Edukacyjne.

Stawinski, I. (2013) *Usamodzielnienie: Czyli co System Daje Dzieciakom Opuszczającym Zakłady Poprawcze* [Independence: What our System Offers Children Who are Leaving State Care]. Poland: Foundation Po Drugie. Available at: <http://www.podrugie.pl/98/usamodzielnienie-czyli-co-system-daje-dzieciakom-opuszczajacym-zaklady-poprawcze/>

Szczecinek (Polish Roma Association) (2012) Raport o Sytuacji Społeczności Romskiej w Polsce [Report on the Situation of the Roma Community in Poland]. Available at: <http://www.romowie.com/raport.pdf>

Szczecinek (2013) Newsletter October 2013. ~

Available at: <http://fio.stowarzyszenie.romowie.net/index.php/czytnik-aktualnosci/items/newsletter-pazdziernik-2013r.629.html>

Tokarz, D. (2012) Wywiad z Dariuszem Tokarzem [Interview with Dariusz Tokarz].

Available at: <http://jedniz wielu.pl/romowie-w-polsce/wywiady/wywiad-z-dariuszem-tokarzem>

Topińska, I. (2011) Poland Second Semester Report: Promoting Social Inclusion of Roma. Brussels: Social Protection and Social Inclusion and Assessment in Social Inclusion.

Available at: www.peer-review-social-inclusion.eu

United States (2012) Poland: Country Reports on Human Rights Practices for 2011, Washington: US Department of State.

Ustawa z dnia 6 stycznia (2005) r. o mniejszościach narodowych, etnicznych i językowych regionalnych [Act from 6 January 2005 on national and ethnic minorities and on the regional languages] (Dz. U. [Journal of Laws] No 17, item 141, as amended).

Ustawa z dnia 12 marca (2004) r. o pomocy społecznej [Act from 12 March 2004 on Social Policy] (Dz.U. nr 64, 593).

Ustawa z dnia 9 czerwca (2011) r. o wspieraniu rodziny i systemie pieczy zastępczej [Act from 9 June 2011 on Family Assistance and Alternative Care] (Dz.U. nr. 149, 887).

Ustawa z dnia 3 grudnia (2010) r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania [Act of on the Implementation of Certain Provisions of the European Union in the Field of Equal Treatment] (Dz.U. z 2010 nr 254 poz. 1700).

Woronko, A. (2013) Status Kobiety Romskiej Wczoraj i Dzis [Status of Roma Women Today and Yesterday]. Available at: www.romologica.net/romologica-net/magazyn/2013-05/201305-art-Status-kobiety-romskiej.html

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