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# Executive summary

## 1. Legislation and policy instruments
- Migration and integration are still not social issues of strategic importance in Poland due to the following reasons: (1) Poland is an emerging immigration country with a relatively small number of non-Polish citizens and it is also ethnically homogenous; (2) given country’s geopolitical position and historical factors, policies related to border protection on countering irregular migration as well as policies targeting persons of Polish origin are prioritized; (3) Poland is dealing with the growing phenomenon of return migration of Polish citizens; (4) Poland is perceived by many migrants as a transit country, not attractive to settle in.

- In recent years, a slowly increasing interest in the topic of migration can be observed, in particular in relation to the problem of population shortages. Migration to Poland, especially economic migration from the neighbouring countries, is starting to be seen as a potential remedy.

- Policy documents addressing the question of migrant integration in Poland are:
  1. Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*), adopted by the Council of Ministers on 21 July 2012; 
  2. Implementation plan for the Polish migration policy – status quo and postulated actions (*Plan wdrażania dla dokumentu “Polityka migracyjna Polski – stan obecny i postulowane działania”*), adopted by the Council of Ministers on 28 May 2014; 

- A definition of integration is contained, i.a., in the last document, describing it as a ‘dynamic, two-way process engaging both migrants and the host society and aimed at full and equal membership of migrants in the society of the receiving state’. It further states that ‘integration should be aimed at migrant’s ability to function independently in Poland, including the labour market and his/her independence from benefits and social assistance’. Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*) states that integration should be aimed at enabling migrants’ participation in social life and their enjoyment of civil rights, in the conditions where their cultural and religious needs are respected.

- The current target group of integration policies and state-funded integration programmes are refugees and persons granted international protection as well as their families upon successful completion of the family reunification procedure;

- They are entitled to a 12-month long Individual Integration Programme which includes financial allowance (covering the costs of living and Polish language courses), medical insurance and professional consultations (psychologist, job counsellor).

- In the process of forming of the Polish migration policy special attention is paid to repatriates. These persons acquire Polish nationality by virtue of law at the moment their arrival in Poland but they face integration difficulties similar to those experience by immigrants. The responsibility for providing repatriates with decent living conditions upon arrival lies with local municipalities.

- Strategic documents recommend that integration measures be developed also in relation to other groups of migrants, including temporary residents, permanent residents and long-term EU residents (measures such as Polish
language courses, pre-integration measures or civic competence courses). At the moment, no such measures exist yet.

- The greatest challenge related to the existing and potential integration programmes is the lack of adequate financial resources.

2. Equal treatment and discrimination

- There is no evidence available on the awareness of migrants concerning the right to equal treatment.
- Promoting equal treatment and anti-discrimination legislation by national authorities is very unimpressive. There were very few outreach or awareness raising campaigns, training schemes etc. targeting migrants and their descendants on the national anti-discrimination framework.
- Statistics on complaints lodged by migrants are not available as they are not registered in respect of nationality or national origin of the complainant (the only exception is the Ministry of the Interior, Human Rights Protection Team).
- No initiatives are undertaken to aiming at facilitating reporting incidents of discrimination apart from the possibility to submit a complaint in different languages to the Polish Ombudsperson.
- A key development from the point of view of equal treatment that has an impact on migrants and their descendants is the adoption of the Act on equal treatment transposing the Racial Equality Directive’ standards, designed to improve the situation of individuals of any race and ethnic origin in areas such as access and conditions of social security, services (including housing, moveables and acquiring legal rights or energy), health care and education (including higher education) and employment. The effectiveness of the Act on equal treatment raises many concerns and is subjected to criticism of nongovernmental organizations and human rights activists.
- In the Act on equal treatment as well as the Labour Code an additional ground of “narodowość” (national origin) is included apart from the grounds mentioned in the Race Directive (racial and ethnic origin). Cases of discrimination on grounds of nationality may be considered as cases of discrimination on grounds of national origin.

3. Political and societal participation

- Modification of the rules governing naturalisation were introduced by the 2009 Act on Polish Citizenship which entered into force in 2012. The modification concern two aspects: (1) issues of procedure – decisions as to granting citizenship are now non-discretionary administrative decisions issued by the voivodes and are governed by relevant rules of procedure, the most important of which are the obligation of justification on the part of the granting authority as well as the competence of judicial review granted to the administrative courts, (2) some categories of foreigners benefit from an important reduction of the period of time required after which they can acquire Polish citizenship but have to meet a number of special requirements.
- Important factors influencing the participation of migrants and their descendant in public life are the legal provisions that limit the right to vote and stand for election in national elections to Polish citizens only.
- Only Polish citizens can set up and be members of political parties.
- Two Polish citizens of migrant background were elected for members of the Polish parliament in 2011.
- Consultation bodies (with a solely advisory role) composed of migrants exist in the Municipal Office and in the Masovian Voivodeship Office in Warsaw and they constitute positive practices encouraging migrant participation in public life.
- There are no legal limitations as to the participation of migrant workers in trade unions, craft associations, as well as in professional associations (professional and scientific or related to media, sports and culture).
- No data is collected on participation of migrants (or their descendants) in public life, therefore all information has a descriptive character.
- In general, actual participation of migrants in such organisations is very limited, due to several factors, including (1) the deficit of knowledge among migrants concerning their rights and a general lack of interest from their part to be involved in public life, (2) poor awareness about the existence of trade unions or professional associations and on the conditions to become members thereof, (3) Polish trade unions, craft associations, scientific and professional associations do not see the need to encourage the participation of any particular group of persons (such as migrants), (4) negative experience of some groups of migrants (in particular: Vietnamese, Chinese) with Polish public authorities.
- Only Polish citizens can set up associations, however migrant can become members thereof. In practice, this means that migrants can join an existing association formed by Polish citizens. Migrants can set up foundations according to the same conditions which apply to Polish citizens.
- There are several active migrant and diaspora organisations, representing the most active and numerous migrant groups in Poland, i.e. the Ukrainian, Vietnamese, Belarusian and African populations. However, these organisation are based only in Warsaw and depend heavily on external funding.
- In the years 2007-2013, the main source of funding for non-governmental organisations working in the field of migration (including migrant organisations) was the European Refugee Fund and the European Fund for the Integration of Third-country nationals. Funding from these sources is available only until June 2015. In 2015, the Asylum, Migration and Integration Fund (FAMI) was supposed to start operating in Poland. The new call for proposals for projects was issued only in late April 2015.
- Since 2010, under the Act on education, schools with migrant students can obtain special teaching assistants who support the class teacher and facilitate interactions between migrant and Polish children.
- There exist also examples of extracurricular activities engaging children and parents of migrant background and focusing on civic/citizenship education. These solutions are implemented mostly through the cooperation with non-governmental organization.
- A symbolic reference to a multicultural society has been made in the free of charge schoolbook introduced by the Ministry of Education in 2014 which presented a “typical” Polish class as a multicultural one.

4. Social cohesion and intolerance
- There is no clear definition of social cohesion in neither of the policy documents. The Polish migration policy – status quo and postulated actions
Polityka migracyjna Polski – stan obecny i postulowane działania) postulates only there that ‘the integration strategy should include activities aimed at counteracting negative stereotypes concerning migrants, fostering intercultural dialogue and creating platforms for cooperation and exchange of ideas in order to prevent the emergence of conflicts on the basis of cultural or religious differences.

- There are no measures addressing social cohesion specifically foreseen in the policy documents.
- Recommended activities addressing the host society and fostering intercultural dialogue are information campaigns. Several such campaigns were conducted in the recent years by public authorities in cooperation with non-governmental organisation in the cities of Warsaw and Białystok, Łomża and Wólka Kosowska which host significant number of immigrants.
- Recent examples of legal measures affecting social cohesion in Poland are: (1) the debate and legal proceedings concerning the legal status of ritual slaughter in Poland. The debate, started in 2012 with the participation of animal rights activist, farmers and the Union of Jewish Religious Communities in Poland led to the 2014 Constitutional Court ruling which confirmed the legality of ritual slaughter in Poland, (2) the case of a former civil servant, a Muslim convert, who was dismissed for misconduct from the Marshal Office of the Świętokrzyskie Voivodship in 2013 which she claimed was an act of discrimination against her on the basis of religious grounds. In 2014, an employment tribunal stated that her dismissal was unlawful and ordered her reinstatement.
- Polish migration policy – status quo and postulated actions (Polityka migracyjna Polski – stan obecny i postulowane działania) contains only one reference to racism and xenophobia, stating that a ‘systematic research on the barriers to integration is necessary; racism and xenophobia, together with discrimination are mentioned as phenomenon to be studied’.
- There are examples of projects for young people related to the prevention racism and intolerance implemented by non-governmental organisations, such as antidiscrimination workshops and activities promoting cultural diversity.
- As to combatting racism and intolerance, there are very few policy measures, initiatives or practices to accommodate for ethnic or religious differences.
- Practices encouraging social interaction as well as measures or programmes aiming at building trust in public institutions among migrants are mostly initiatives of Polish NGOs.
### 1. Legal and policy instruments for migrant integration

#### 1.1. Description of existing instruments and target groups

This section should present the overall state of play concerning national and, where applicable, regional legal and policy instruments focusing on how they address fundamental rights, core EU values and principles, as well as international legal standards and related EU law and policies, such as the Common Basic Principles and the Common Agenda on integration of migrants. Please complete the **template in Annex 2.**

Please make sure the brief information you provide in the table includes the following aspects:

| Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation. | Policy documents addressing the question of migrant integration in Poland are the following:

- Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*), adopted by the Council of Ministers on 21 July 2012;
- Implementation plan for the Polish migration policy – status quo and postulated actions (*Plan wdrażania dla dokumentu "Polityka migracyjna Polski – stan obecny i postulowane działania"*), adopted by the Council of Ministers on 28 May 2014;

Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*) contains the following definition of integration:

"Integracja to złożony i długotrwały proces, wymagający wizji oraz przemyślanej odgórnej inspiracji w ramach procesu kształtowania, wdrażania i monitorowania"

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1. You can use and update the information as in the Table 1.7 of the FRA Annual Report 2012 (pp.62-63). You should add more detail, for example, instead of identifying 'education' under the category 'focus area' be more specific, e.g. review of curriculum in secondary education to address integration issues, etc. provided this level of detail is specifically mentioned in the relevant policy instruments.


polityki w tym obszarze, stanowiącym jeden z kluczowych elementów szeroko rozumianej polityki migracyjnej. Celem integracji jest umożliwienie imigrantom samodzielnej egzystencji pozwalającej na korzystanie z możliwości oferowanych przez rynek pracy, systemy edukacji i ochrony zdrowia, a także uczestnictwo w życiu społecznym oraz korzystanie z praw obywatelskich, w warunkach poszanowania kulturowych i religijnych potrzeb osób zainteresowanych.

English translation:

‘Integration is a complex and long-lasting process, demanding a vision and an informed top-down inspiration in the process of forming, implementing and monitoring of relevant policies, constituting one of the key elements of a broadly understood migration policy. The aim of integration is to enable immigrants an independent existence, allowing for the use of possibilities available in the labour market, in the education and healthcare systems, as well as their participation in public life and enjoyment of civil rights, under in conditions ensuring the respect of cultural and religious needs of all interested parties’.

A definition of integration is contained also in the Polish policy on migrant integration – principles and guidelines (Polska polityka integracji cudzoziemców – założenia i wytyczne) and reads as follows:

‘Integracja to złożony i dynamiczny proces dwustronny, angażujący zarówno cudzoziemców jak i społeczeństwo przyjmujące, którego celem jest pełne i równe członkostwo cudzoziemców w społeczeństwie państwa przyjmującego. Celem integracji powinno być doprowadzenie do możliwości samodzielnego funkcjonowania cudzoziemca w Polsce, w tym na rynku pracy oraz uniezależnienie się imigranta od świadczeń i pomocy społecznej’.

English translation:


Integration is a dynamic, two-way process engaging both migrants and the host society and aimed at full and equal membership of migrants in the society of the receiving state. Integration should be aimed at migrant’s ability to function independently in Poland, including the labour market and his/her independence from benefits and social assistance.

| Are there specific references in the national strategy or relevant legal or policy instruments to fundamental rights in relation to migrants? | Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*) states that integration should be aimed at enabling migrants’ participation in social life and their enjoyment of civil rights, in the conditions where their cultural and religious needs are respected. It further recommends to undertake actions preventing any kind of discrimination in public institutions, in the labour market, healthcare system and in social interactions. It also postulates a discussion on the possibility of granting voting rights in local elections to migrants with permanent stay permits.

Polish policy on migrant integration – principles and guidelines (*Polska polityka integracji cudzoziemców – założenia i wytyczne*) contains a chapter on political rights of foreigners. It acknowledges that the provisions which regulate the migrants’ right to vote in Poland are among the most restrictive in Europe, as they allow for the participation in elections only of the EU citizens and in local election exclusively. Also, the law does not allow for migrants (i.e. non-Polish citizens, both EU and non-EU nationals) to set up or become members of political parties. As to the right to association, migrants cannot form associations, however they have the right to join an existing one. In this document, it is recommended that all migrants residing in Poland on the basis of a permanent residence permit be granted the right to vote and the right to stand for election in local elections as well as the right to vote in European Parliament elections. Furthermore, permanent residents should be given the right to become members of political parties. The law on associations stating that each association should have at least one Polish citizen as a member of the board should be amended; it should be replaced by a provision requiring that at least one migrant with permanent residence period be member of each association.

Implementation plan for the Polish migration policy – status quo and postulated actions (*Plan wdrażania dla dokumentu "Polityka migracyjna Polski – stan obecnby i postulowane działania") contains a reference to the

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question of political rights on foreigners. It states that the above-mentions recommendations are (as of July 2014) being debated, including consultations with the National Electoral Commission and representatives of local governments. Further decisions can be taken only after the adoption of the integration policy document, scheduled for 20159.

Polish policy on migrant integration – principles and guidelines (Polska polityka integracji cudzoziemców – założenia i wytyczne) refers to the following target groups:

- **Existing measures:**
  - Refugees and persons granted international protection as well as their families upon successful completion of the family reunification procedure, are entitled to a 12-month long Individual Integration Programme including financial allowance (covering the costs of living and Polish language courses), medical insurance and professional consultations (psychologist, job counsellor). The programme is commenced upon a contract signed by a beneficiary with one of the Family Support Centres which are institutions of the local government responsible for the implementation of Individual Integration Programmes. The contract contains several conditions to be fulfilled by the beneficiary, including the obligation to register in the labour office and to attend Polish language classes.

- **Recommended measures** (not yet implemented):
  - Other groups of migrants:
    - permanent residents, long-term EU residents (Polish language competency requirement for applicants, Polish language courses – specialized institutions, partial state subsidies)
    - temporary residents, permanent residents (pre-integration measures, e.g. civic competence courses – NGOs and local government, external sources, e.g. Asylum and Migration Fund, AMIF)10

Polish policy on migrant integration – principles and guidelines makes also a specific reference to a particular group of migrants, namely repatriates. They are included in the list of groups that should be given priority in the process of forming of the Polish

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| Migration Policy | Information on measures targeting the majority population is contained in the implementation plan for the Polish migration policy – status quo and postulated actions (Plan wdrażania dla dokumentu "Polityka migracyjna Polski – stan obecny i postulowane działania"):

1. Specific target groups:
   - Raising intercultural competences of public officers, law enforcement officers (Police, Border Guard) and social assistants through trainings (ongoing);
   - Awareness raising actions aimed at improving the observance of the rights of migrants in public institutions, labour market, education and healthcare systems, for example: antidiscrimination handbooks for police officers, (ongoing);
   - Trainings on multiculturalism and migration and educational materials for school teachers (ongoing)

2. General population
   - National and local information campaigns on migrants and migration phenomena, campaigns encouraging the employment of migrants and preventing discrimination and exclusion (ongoing).

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12 Poland, Law on repatriation (Ustawa z dnia 9 listopada 2000 r. o repatriacji), 9 November 2000.
1.2. Drivers & barriers in developing, implementing and assessing legal and policy instruments

<table>
<thead>
<tr>
<th>Main barriers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Poland is an emerging immigration country with a relatively small number of non-Polish citizens; it is also ethnically homogenous – these two factors contribute to the fact that migration and integration are still not seen as social issues of strategic importance;</td>
</tr>
<tr>
<td>• Due to country’s geopolitical location and historical factors, policies related to border protection on counteracting irregular migration as well as to the persons of Polish origin are being prioritised;</td>
</tr>
<tr>
<td>• Lack of adequate funding and capacities;</td>
</tr>
<tr>
<td>• Perception of Poland by migrants as a transit country, not attractive to settle in.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Main drivers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• (Slowly) increasing interest in the topic of migration, in particular with regards to its role as a remedy to population shortages;</td>
</tr>
<tr>
<td>• Availability of the EU funding schemes;</td>
</tr>
<tr>
<td>• Liberalisation of the migration law.</td>
</tr>
</tbody>
</table>

1.2.1. Drivers

<table>
<thead>
<tr>
<th>The key drivers for successful integration policies, therefore factors that are considered to contribute positively in the design, development, implementation, assessment and accomplishment of policy goals and in strengthening social inclusion and participation of migrants and their descendants. For example, are these policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>• (Slowly) increasing interest in the topic of migration, in particular in relation to current problems of population shortages; migration to Poland, especially economic migration from the neighbouring countries (in particular from Ukraine), is starting to be seen as a potential remedy and as a phenomenon that should be facilitated and encouraged;</td>
</tr>
<tr>
<td>• Availability of the EU funding schemes: In the years 2007-2013 the main source of funding for non-governmental organisations working in the field of migration (including migrant organisations) was the European Refugee Fund and the European Fund for</td>
</tr>
</tbody>
</table>

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18 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.
21 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.
22 Poland, Act on Foreigners (Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach), 12 December 2013.
mainstreamed in other public policies, for example in employment, education, housing, etc. and how is this achieved?

the Integration of Third-country nationals. Funding from these sources is available only until June 2015. In 2015, the Asylum, Migration and Integration Fund (FAMI) was supposed to start operating in Poland. So far (March 2015), however, no call for projects has been issued, which can potentially result in a discontinuation of many of these organisations’ activities (such as free legal aid, integration assistance, cultural projects, language courses, etc.)

COMMENT:
A call for proposals has been issued in late April 2015.

- Recent changes in the migration law introducing more liberal provisions and facilitating certain procedures (e.g. introduction of the single permit procedure for stay and work, extension of the maximum duration of a temporary stay permit from 2 to 3 years, Polish university graduates entitled to apply for a temporary residence permit for the purpose of seeking employment in Poland).

1.2.2. Barriers

<table>
<thead>
<tr>
<th>Barriers, limitations, constraints or resistance faced in designing, developing and implementing such policies and measures, therefore factors that may hinder their effectiveness and influence negatively their outcomes. For example, budgetary limitations, or problems of coordination of governance levels, priority of interventions, lack of training or lack of mainstreaming of relevant policies, lack of action by competent actors or limited data about the interested population, could be factors that may function as obstacles or affect negatively the implementation</th>
</tr>
</thead>
</table>
| Poland is an emerging immigration country with relatively small number of non-Polish citizens. according to the last national census, only 0,15% (57 456) of permanent residents are non-Polish citizens. According to the data of the Office for Foreigners, at the end of 2013 there were only 121 000 valid stay permit issued to third-country nationals in relation with temporary or permanent stay permits or long-term EU resident stay permits. In addition to that, Poland is also ethnically homogenous – these two factors contribute to the fact that migration and integration are still not social issues of strategic importance;

- Due to country’s geopolitical location and historical factors, policies related to border protection and counteracting irregular migration as well as to the persons of Polish origin are prioritised; Poland, as an EU external border country, bears responsibility for successful management of migration flows; In addition to that Poland is dealing with the growing

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phenomenon of return migration of Polish citizens went to other EU countries following Poland’s EU accession\textsuperscript{30}.

- Lack of adequate funding and capacities; for example, there is only one expert at the Ministry of Labour and Social Policy assigned to the coordination of works related to the adoption of the Polish integration policy document (this is a senior expert working at the Department of Social Assistance and Integration of the Ministry of Labour and Social Policy\textsuperscript{31}.

- Poland is perceived by many migrants as a transit country, not attractive to settle in. Therefore, there is still a very limited pressure from the part of migrant or diaspora organisations to place migration and integration-related issues higher on the political agenda\textsuperscript{32}.

### 1.2.3. Language learning and integration tests

| Main language learning support programmes and courses. Provide details about organisation of such programmes and actors implementing them, funding support, location, duration, frequency, numbers of beneficiaries, entitlements and limitations for accessing courses. | A foreigner is entitled to state-funded Polish language courses only if he or she is a recognised refugee or has been granted subsidiary protection. Such a foreigner participates in the Individual Integration Programme in the framework of which she/he is provided with financial benefits which are to cover the costs of living and Polish language education. Polish language courses are provided by specialised institutions and non-governmental organisations alike and their quality may vary. Commercial Polish language schools are located in larger cities. There are very few organisations providing free language classes, and majority of them are located in Warsaw; they are usually highly depended on external funding (ERF, EFI) and there are periods where projects are discontinued. Foreigners usually prefer to attend cost-free language classes, as the financial allowance is not specified according to the purpose of expenditure\textsuperscript{33}. |
| Knowledge level of the language achieved through such programmes (please use the Common European Framework Reference levels - CEFR) | There are no requirements as to the level of language achieved through the programme. However, a gradual progress enabling basic language competence is one of the conditions of the migrant’s contract with the institution of the local government \textsuperscript{(_(Powiatowe Centrum Pomocy Rodzinie)\_)} responsible for |


\textsuperscript{31} Information received from the expert during an informal conversation.


\textsuperscript{33} Information received during a phone interview with the representative of the Warsaw Family Support Centre (Warszawskie Centrum Pomocy Rodzinie) which is an institution of the local government responsible for the implementation of Individual Integration Programmes.
| Language tests required for migrants to access residence or other legal status affecting equal treatment and access to rights. Please provide information about their content and character, level of knowledge required, numbers of participants, and rates of success/failure. | A command of Polish language is required for persons who apply to the Voivode for recognition as a citizen. Language proficiency must be confirmed with a school-leaving certificate (e.g. elementary, secondary or tertiary school) in Poland or a school-leaving certificate obtained from a school abroad with Polish as the language of instruction or with the official certificate obtained after passing a State examination. Certificates for Polish language skills are issued by the State Commission for the Certification of Proficiency in Polish as a Foreign Language. Currently, to receive a certificate the applicant must pass an exam organised by the commission at intermediate level (B1). In the years 2004-2014, there were 4703 entrants out of which 4300 succeeded at examination (91% success rate). |
| Integration tests for access to residence or other status affecting equal treatment and access to rights. Please provide information about their content and character, range of knowledge required, numbers of participants, and rates of success/failure. | There are no integration tests for access to residence or other status in Poland, with the exception of the procedure for granting ‘Karta Polaka’ (Pole’s Card) which is a migration instrument dedicated to persons of Polish descent. In this procedure, familiarity of the applicant with the Polish history, customs and traditions is verified during an interview at the Polish consulate abroad. |
| Mother tongue learning programmes for children of migrants. | According to the Polish law, the school can support pupils in maintaining their national, ethnic and religious identity as well as their language if their parents express such a wish. Schools are not obliged to organise native language classes for migrant children, however they should provide classrooms for the organisation thereof, if requested by a cultural association or embassy of the children’s country of origin. |
| Please provide insights about key issues, debates, challenges or problems related to the implementation of the above measures and policies. The findings should be substantiated through existing assessments, research or studies and case | There has been no debate on the need to introduce integration tests in Poland. The greatest challenge related to language learning are insufficient financial resources for the provision of free of costs language courses. |

35 Poland, Law on Polish citizenship (Ustawa z dnia 2 kwietnia 2009 r. o obywatelstwie polskim), 2 April 2009.  
38 Poland, Law on education (Ustawa z dnia 7 września 1991 r. o systemie oświaty), 7 September 1991.  
39 Interview with Anna Piłat, Institute of Public Affairs on 26 February 2015.
### 1.2.4. Monitoring and assessment – Use of indicators

In this section please outline monitoring and evaluation procedures applied by public authorities at national and regional level, as applicable, for migrant integration. In particular, please present any indicators used for the monitoring, assessment and review of integration policies in the areas of political and social participation, social cohesion, and intolerance, inclusive and welcoming society. Please make sure to report here the link of such indicators with fundamental rights and the way their use reflects to the review of such policies.

According to the information received from the Ministry of Labour and Social Policy there is currently no monitoring or evaluation mechanism in place\(^40\). This is cause by the lack of systemic actions for the integration of foreigners residing in Poland. The only group of foreigners to which some integration measures are addressed in Poland are the beneficiaries of international protection (recognised refugees and subsidiary protection holders). Monitoring of individual integration programmes is conducted by the same institution of the local government \((\text{Powiatowe Centrum Pomocy Rodzinie})\) which is responsible for the implementation of the Individual Integration Programme, according to the provisions set forth in the Regulation of the Ministry of Labour and Social Policy of 9 March 2009 on providing assistance to refugee status holders and beneficiaries of international protection in Poland\(^41\). The evaluation should take place not less often than once in 3 months, counting from the date of the start of the programme. Foreigners’ progress is assessed in 3 dimensions which include: 1) language competence – knowledge of vocabulary enabling basic communication, 2) professional functioning – progress in search for employment or other activities aimed at gaining economic independence, 3) social functioning – contacts with the local environment, participation in social, cultural and public life. Progress is assessed through observation, conversations with the foreigner and his or her family and opinions provided by other institutions participating in the integration process (e.g. language schools). In case insufficient progress is observed, the implementing institution tries to modify and adapt the programme so that it better fits foreigner’s needs or possibilities\(^42\).

No indicators relating to social and political participation, social cohesion, tolerance or inclusive and welcoming society are being applied to monitor and evaluate the integration policy as a whole\(^43\).

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\(^{40}\) Poland, Ministry of Labour and Social Policy (Ministerstwo Pracy i Polityki Społecznej, formal response of 17 March 2015 to the request upon access to public information of 20 February 2015.


\(^{43}\) Poland, Ministry of Labour and Social Policy (Ministerstwo Pracy i Polityki Społecznej, formal response of 17 March 2015 to the request upon access to public information of 20 February 2015.
Provide full wording and translation in English of each indicator used per area and dimension covered as well as its full definition, legal basis, rationale, and link with fundamental rights or EU law (use table in the Annex 4).

Please provide data and evidence about the adoption of related Zaragoza indicators, especially in the dimensions of active citizenship and welcoming society. Please consult the publication Using EU Indicators of Immigrant Integration (ESN, MPG) and report more detailed and updated specific descriptions and mapping of indicators used in the Member States.

The Zaragoza indicators relating to employment, education, social inclusion and active citizenship have not been implemented. According to the Ministry, this is due to the low percentage of foreigners in the Polish society.

1.2.5 Funding integration policies (EIF, ERF, EMIF)

Please provide information about the distribution of funds for integration of migrants, as well as their social inclusion and participation. In particular, provide specific breakdown of funding per general area of integration policies – with particular focus on active citizenship, participation, welcoming society, social cohesion - in the last year and for the period 2010-2014 if available. (Use the table in the Annex 5).

Inquiries sent to the Ministry of Labour and Social Policy and the Ministry of Administration and Digitalisation have been forwarded to the entity responsible for direct distribution of funding (COPE, Centrum Obsługi Projektów Europejskich). In a phone interview of 4 May they informed us that they are in the process of collecting the requested data and the response should be expected within 14 days.

Information was provided by the COPE on the 17.06.2015. Tables in the Annex 5 have been completed.

2. Promoting equal treatment and non-discrimination

2.1. The implementation of anti-discrimination legislation and equal treatment

Briefly provide information on the following:

| Outreach and awareness raising campaigns, training schemes, etc. undertaken by national or regional public | There were very few outreach or awareness raising campaigns, training schemes etc. targeting migrants and their descendants on the national anti-discrimination framework. The campaign entitled "Rights |

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44 Poland, Ministry of Labour and Social Policy (Ministerstwo Pracy i Polityki Społecznej, formal response of 17 March 2015 to the request upon access to public information of 20 February 2015.
of migrants in practice” (“Prawa migrantów w praktyce”) is currently carried out (III.2014-VI.2015) by IOM in partnership with the Ministry of Interior and Labour Inspection. The campaign is focused on informing about rights and obligations of foreigners, including problems of discrimination as an element of awareness raising of migrants. Other campaigns targeting migrants and their descendants concerned topics such as new law on foreigners (Campaign “Poland. I live here” (“Polska. Tu mieszkam”) conducted by Foreigners’ Office45) or reporting hate crime incidents (information campaign "Racism. Say it to fight it" conducted within the framework of the project entitled Immigrants against hate crimes – how to effectively assert your rights, carried out by the Ministry of the Interior46).

There is no evidence available on the awareness of migrants concerning the right to equal treatment.47

Evidence through polls, surveys, academic research, etc. on the awareness of migrants and/or their descendants concerning the right to equal treatment. Please indicate differences between ethnic/migrant groups, living in different geographic areas, gender and age, as well as trends in time.

Evidence of complaints lodged by migrants and/or their descendants - % of total complaints to equality bodies, % of admissible complaints, statistics about outcomes of investigation, % of cases establishing discrimination. Please indicate differences between ethnic/migrant groups, geographic areas, gender and age, as well as trends in time.

- The Plenipotentiary for Equal Treatment does not possess statistics on complaints lodged by migrants and their descendants. In practice this is part of complaints classified in categories race, ethnic or national origin and nationality. All these cases constituted a small part of all complaints received by the Plenipotentiary – between 0.5 – 0.8 %. In years 2011-2014 the total number of complaints was 1808 including 69 complaints concerning ethnic or national origin, 44 complaints concerning religion and 25 concerning nationality. Because of small number of cases it is difficult to indicate differences between ethnic/migrant groups and other factors such as gender or age. The Plenipotentiary does not undertake decisions establishing discrimination. The majority of incoming complaints is passed to other public authorities whose competence is to undertake action or issue information48.
- There were 12 cases concerning discrimination of foreigners that were received in years 2010-2014 by the Ministry of the Interior, Human Rights Protection Team. They constituted less than 1% of all complaints received by this unit. Problems

45 http://cudzoziemcy.gov.pl/
46 http://www.reportracism.pl/
48 Poland, Plenipotentiary for Equal Treatment (Pełnomocniczka Rządu do spraw Równego Traktowania) (2015) information received on 9 March to the request upon access to public information of 20 February 2015.
concerned activities of the Police, Border Guard as well as activities of the Head of the Foreigners’ Office and voivods. Due to the low number of cases it is not possible to indicate differences between ethnic/migrant groups, geographic areas etc. The Polish Ombudsperson does not possess statistics on complaints lodged by migrants and their descendants because information on nationality or national origin is not registered. The Ombudsperson received the following number of complaints regarding discrimination based on race and ethnic origin:

- 2011: 25 complaints (2.4%; number of all complaints concerning discrimination - 1033)
- 2012: 16 complaints (0.8%; number of all complaints concerning discrimination - 1960)
- 2013: 18 complaints

Tools, measures and positive initiatives aiming at facilitating reporting incidents of discrimination – e.g. translation facilities to report and submit complaints in multiple languages – and tackling under-reporting and low rights-awareness.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Complaints</th>
<th>Percentage of All Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>25</td>
<td>2.4%</td>
</tr>
<tr>
<td>2012</td>
<td>16</td>
<td>0.8%</td>
</tr>
<tr>
<td>2013</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

The Plenipotentiary for Equal Treatment did not introduce any tools or measures aiming at facilitating reporting incidents of discrimination as its role is not the one of the independent equality body but conducting government’s policy in the field of equal treatment.

It is possible to make a complaint to the Polish Ombudsperson in any language. Such complaints are translated by the Ombudsperson’s office.

In particular, provide information about any legal protection on grounds of nationality, which is not covered by the EU anti-discrimination Directives, but is a prohibited ground in several Member States. Please explain how unequal treatment on the basis of nationality is treated and provide exemplary cases, if

In the act on implementation of certain provisions of the EU on equal treatment and in the Labour Code an additional ground of “narodowość” (national origin) is included apart from the grounds mentioned in the Race Directive (racial and ethnic origin). Cases of discrimination on grounds of nationality may be considered as cases of discrimination on grounds of national origin. For example, the Helsinki Foundation for Human Rights issued a statement concerning a practice of some of restaurants and pubs owners not to serve Russians (“We do not serve Russians”). This took place in a heat of discussion about sanctions against Russia.

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49 Poland, Ministry of the Interior, Human Rights Protection Team (2015) information received on 19 March to the request upon access to public information of 20 February 2015.
50 Poland, Polish Ombudsperson (2015) information received on 18 March to the request upon access to public information of 20 February 2015.
51 Biuletyn Rzecznika Praw Obywatelskich, 2012, nr 1
52 Biuletyn Rzecznika Praw Obywatelskich, 2013, nr 1
53 Information received from Anna Mazurczak, lawyer at the Ombudsman’s office on 7 May 2015.
54 Poland, Plenipotentiary for Equal Treatment (Pełnomocniczka Rządu do spraw Równego Traktowania) (2015) information received on 9 March to the request upon access to public information of 20 February 2015.
55 Poland, Polish Ombudsperson (2015) information received on 18 March to the request upon access to public information of 20 February 2015.
57 Poland, Act on implementation of certain provisions of the EU on equal treatment of 3 December 2010 (Ustawa z dnia 3 grudnia 2010 r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania), Dz. U. 2010, nr 254, poz. 1700; “Act on equal treatment”
any. Please provide information on the relevant practice and case law (use template in Annex 9) for invasion of Crimea. The HFHR made an argument that this amounts to discrimination on ground of national origin in access to goods and services⁵⁹.

Please provide information about the application of the legislation concerning discrimination against migrants – on any ground – in accessing law enforcement and judiciary services. In particular please clarify whether and when the latter are considered and treated, or not, as services available to the public, therefore falling within the scope of the directives and the jurisdiction of Equality Bodies.⁶⁰

There is no information available on application of the legislation concerning discrimination against migrants and their descendants in accessing law enforcement and judiciary services.⁶¹

Please provide statistical data about numbers of discrimination cases/complaints submitted to competent bodies (Equality Bodies, Administrative Courts), as well as about their outcomes (use the tables in the Annex 8).

2.2. Implementation of equal treatment of various permit holders

Please summarize briefly in this section any key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation; these could be, for example, practical issues and bottlenecks, administrative delays, coordination and cooperation of public authorities, etc.

Please substantiate findings, as far as possible, through formal evaluations, as well as research or studies and case law (use template in Annex 9). Please bear in mind that no assessment of the legal transposition process is required. In regard to the five categories below, please provide statistical data issued in 2014 or valid on 31.12.14. (use annex 3)

<table>
<thead>
<tr>
<th>2.2.1. Long Term Residence (LTR) status holders (Art.11 of the Directive 2003/109/EC)</th>
<th>General comment: No data is collected according to the implementation of equal treatment of holders of different permits. Lawyers of most important NGOs providing legal assistance to foreigners (HFHR, Association for Legal Intervention) that were interviewed point to the fact that in most cases immigrants ask them for help to acquire particular status and they do not complain about discrimination. Therefore it is not possible to classify information on discrimination according to the permit held by a particular foreigner.</th>
</tr>
</thead>
</table>

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⁵⁹ Opinia Helsińskiej Fundacji Praw Człowieka w sprawie odmowy świadczenia usług Rosjanom (Opinion of the Helsinki Foundation for Human Rights on the refusal of access to services to Russians) of 11 September 2014, L.Dz. 2379/2014

⁶⁰ Please note that these are considered non-economic services by the EU Commission (Services of general interest, including social services of general interest: a new European commitment, COMM 725 (2007) of 20 November 2007, yet not always they are considered by Equality Bodies to fall in the areas of application of the anti-discrimination directives.

Institute of Public Affairs recently conducted a research on access to banking services by foreigners but it did not analyse the unequal treatment from the point of view of the kind of a permit held by a particular foreigner. Similarly their earlier research on access to housing or labour market do not differentiate unequal treatment according to different kinds permits held by foreigners. They rather differentiate between economic migrants and refugees in general terms.  

2.2.2. **Single-permit procedure** permit holders (Art.12 and 13 of the Directive 2011/98/EU)

No problems found during desk research and interviews with NGOs representatives.

2.2.3. **Blue card** holders (Art.14 and 12 of the Directive 2009/50/EC)

No problems found during desk research and interviews with NGOs representatives.

2.2.4. **Family reunification permit holders** (specifically in terms of access to labour market - Art. 14 of Directive 2003/86/EC)

No problems found during desk research and interviews with NGOs representatives. This group is generally very narrow. For example in years 2012-2014 the number of such permits issued by eight voivods was two (for the following Voivods: podlaski, lódzki, świętokrzyski, lubuski, śląski, warmińsko-mazurski, kujawsko-pomorski, pomorski). People who would like to receive help in acquiring such permit for their family members and who come to NGOs providing legal assistance constitute several persons per year.

2.2.5. **Beneficiaries of international protection long term residence status holders**

No problems found during desk research and interviews with NGOs representatives.

2.3. **Key developments and trends**

Please include in this section key developments in the area of equal treatment and anti-discrimination that concern only migrants and/or their descendants. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that concern only migrants or their descendants. Most important legislative reforms and cases have an impact also on national and ethnic minorities.

- A key development from the point of view of equal treatment that has an impact on migrants and their descendants is adoption of the major legal act concerning the issue of discrimination – the Act on equal treatment transposing the Racial Equality Directive’ standards. It was passed by Polish Parliament in December 2010 and entered into force on January 1, 2011. The Act on equal treatment was designed to improve the situation of individuals of any race and ethnicity.

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62 Interview with Anna Piłat, Institute of Public Affairs on 26 February 2015

63 Interview with Maja Łysienia and Małgorzata Jaźwińska, Helsinki Foundation for Human Rights on 27 February 2015.


have had or may have an impact on the implementation of the anti-discrimination legislation and equal treatment policies that related to the rights of migrants and/or their descendants (for presentation of case law, use template in Annex 9). Such developments may also affect the actual situation on the ground, including public debates and perceptions among the native population and migrants.

origin in areas such as access and conditions of social security, services (including housing, movables and acquiring legal rights or energy), health care and education (including higher education) and employment (in particular when it concerns taking up vocational and professional skills development training). However, the effectiveness of the Act on equal treatment raises many concerns and is subjected to open criticism of nongovernmental organizations and human rights activists. On May 28, 2012 the Polish Ombudsperson presented her official statement concerning this issue in a letter to the Plenipotentiary for Equal Treatment. The Ombudsperson indicated that the Act on equal treatment does not provide adequate legal protection as its scope of application changes depending on the ground of discrimination. The Ombudsperson evoked the argument of the Coalition for Equal Chances (Koalicja na rzecz Równych Szans) and pointed out that the terminology of the Act on equal treatment is inconsistent. Furthermore, the Ombudsperson emphasized that due to incoherence with the provisions of the Polish Civil code the possibility of obtaining the compensation on the basis of Act on the equal treatment is questionable. In the Ombudsperson’s view, the Act on equal treatment cannot be regarded as an effective mechanism of combating discrimination, as there have only been 30 claims for compensation on the grounds of its provisions in 2011 and in most cases the compensation was not granted or the claim was dismissed.

- There were two cases which had an impact on public debate and perception of migrant population and that were broadly commented in 2012. The first case concerned discrimination on the ground of ethnic origin in access to services (see Annex 9). The second one concerned racist and misogynistic remarks about Ukrainian women working in Poland made by two journalists during the morning entertainment programme. In response to the incident the Council of Ethics of the Media (Rada Etyki Mediów) issued an official statement in which their behaviour was presumed as “not only a sign of xenophobia and blatant boorishness but as a

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67 Coalition for Equal Chances is an informal platform of over 40 Polish nongovernmental organizations working in the field of human rights and equal treatment (www.ptpa.org.pl/koalicja).
68 Art. 14 (1)-(3) of the Act on equal treatment.
typical example of hate-speech as well (...) and a violation of the rules of respect and tolerance of the Ethics Charter of the Media”⁷⁰. Accordingly, the National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji; ”NBC”) after examining the case unanimously held that there was a violation of relevant provision of the Act on radio broadcasting and television (Ustawa o radiofonii i telewizji). Two weeks after the incident, right before the NBC’s decision the programme was taken off the air⁷¹. In the NBC’s decision the broadcaster “Radio Eska” was ordered to pay 75 000 PLN fine. In justification of the decision the president of the NBC emphasized that the broadcaster Radio Eska has been punished for “presenting on air ethnic origin-based insults, which could have been regarded by listeners as public approval of discrimination on grounds of ethnic origin and gender or incitement to bias-motivated hatred”⁷².

3. Participation of migrants and their descendants in society

3.1. Political rights at national level

3.1.1. Citizenship acquisition

In this section please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other ‘socialization’ requirements. -Path to citizenship for foreign born third country nationals (the so-called ‘1st generation’)

Please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other ‘socialization’ requirements. -

• There are no specific requirements or criteria that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other „socialisation” requirements. The only condition that could be mentioned here is knowledge of Polish language required in most cases when a foreigner applies for nationality before a voivod (art. 30 (2) of the Act on Polish Citizenship of

⁷¹ The case was written about at “Wirtualna Polska” website, available at: http://wiadomosci.wp.pl/kat,1342,title,KRRiT-wypowiedzi-Kuby-Wojewodzkiego-i-Michula-Figurskiego-naruszaja-ustawe-o-rtv,wid,14705531,wiadomosc.html
### Debates, issues and challenges concerning the implementation of citizenship policies

Before the new Act on Citizenship of 2009 entered into force, there was a huge debate on the narrowing of competences of the President vis-à-vis voivods (regional representatives of central government). In 2009, a new Act on Polish Citizenship was passed by the Polish Parliament and it was transmitted for the final signature to the Polish president, who raised a constitutional veto. In the opinion of the president, the regulations of the bill which give powers to the voivods to grant citizenship to foreigners who meet criteria posed in the statute were unconstitutional because the Polish Constitution of 1997 proclaims in art. 137 that ‘The President grants Polish citizenship’. The President of Poland filed a motion to the Constitutional Tribunal in which it was argued that broadening the competences of voivods to grant citizenship (in the special ‘acknowledgement procedure’) violated the constitution in that it stripped the president of prerogatives of the Presidency. The Constitutional Tribunal decided on 18 January 2012 (case call no. Kp. 5/09) that the new Polish citizenship law did not violate the constitution. According to the Tribunal, Article 30 of the new nationality law that gives new competences to voivods in the field of naturalisation did not violate the constitutional provision according to which ‘the President confers nationality’. Finally, the Constitutional Tribunal has remarked that the new law presents an 'open vision of nationality'.

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74 Pudzianowska D., Naturalisation procedures for immigrants in Poland, Migration Policy Group in collaboration with Robert Schuman Centre for Advanced Studies, SCAS/EUDO-CIT-NP 2013/31, p. 2; the research report is available at: [http://cadmus.cui.eu/bitstream/handle/1814/29793/NPR_2013_31-Poland.pdf?sequence=1](http://cadmus.cui.eu/bitstream/handle/1814/29793/NPR_2013_31-Poland.pdf?sequence=1)

75 Pudzianowska D., Obywatelstwo w procesie zmian, Warszawa 2013, s. 168-169

76 „Ukształtowana w art. 30 ustawy z 2009 r. instytucja uznania za obywatela jest przejawem otwartej wizji obywatelstwa” (“Acknowledgment of Polish citizenship as regulated by Article 30 of Act on Citizenship of 2009 presents an open vision of nationality”), judgement of the Constitutional Tribunal of 18 January 2012 (case call no. Kp. 5/09), p. 24
After the new Act on Citizenship of 2009 entered into force there weren’t many discussions and the only problem concerned the level of language knowledge required at the moment of the application for nationality\(^77\). From time to time nationality is conferred by the President to sportsmen who want to play in Polish national football team which stirs some public discussion\(^78\).

### Key developments and trends – case law

The new Act on Polish Citizenship which entered into force in 2012 modified the rules governing naturalisation in two important aspects. First of all, the modification concerns issues of procedure – decisions as to granting citizenship to specified categories of foreigners are now administrative decisions issued by the voivods and are governed by relevant rules of procedure, the most important of which are the obligation of justification on the part of the granting authority as well as the competence of judicial review granted to the administrative courts. Secondly, some categories of foreigners benefit from an important reduction of the period of time required after which they can acquire Polish citizenship but will have to meet a number of special requirements of a successful naturalisation (those include the requirements concerning adequate command of the Polish language as well as the condition of demonstrating a source of regular income)\(^79\).

### Please indicate key and/or milestone dates – e.g. of major reforms - regarding citizenship acquisition for migrants and/or their descendants.


### Naturalisation rate - % of migrants that have been naturalized compared to migrant stock and to general population – listing the most numerous groups on the basis of their previous nationality, by gender and age-group if available. **Please provide the latest available data.** The most recent data provided by

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\(^77\) “Naturalizacja imigrantów będzie łatwiejsza” („Naturalisation of migrants will be easier”), Biuletyn Migracyjny, no 49, October 2014, news item available at: http://biuletynmigracyjny.uw.edu.pl/49-pazdziernik-2014/naturalizacja-imigrantow-bedzie-latwiejsza

\(^78\) See for example a news item on naturalisation of basketball player of Nigerian origin: “Szczechowiak otrzymała obywatelstwo polskie” (“Szczechowiak acquired Polish nationality”) available at: http://sport.wp.pl/kat,1797,title,Szczechowiak-otrzymala-obywatelstwo-polskie-

\(^79\) Pudzianowska D., Naturalisation procedures for immigrants in Poland, Migration Policy Group in collaboration with Robert Schuman Centre for Advanced Studies, SCAS/EUDO-CIT-NP 2013/31, p. 1; the research report is available at: http://cadmus.cui.eu/bitstream/handle/1814/29793/NPR_2013_31-Poland.pdf?sequence=1
Eurostat concern the year 2012.

Numbers of naturalisations and citizenship acquisitions in the last 2 years (in 2013 and in 2014) by mode of acquisition, by gender and age-group if available, and for the 10 most numerous groups on the basis of their previous nationality Please provide the latest available statistics - (please use the relevant table in the Annex 6)

### 3.1.2. National elections voting rights – turnout

<table>
<thead>
<tr>
<th>Third county nationals are allowed in exceptional cases to vote in national elections. In this section please provide the specific requirements and criteria for participation of citizens of migrant background (and third country nationals in the very few cases where this is foreseen) in national elections, as well as any available data on their voting turnout. Please specify any differences in different geographic areas or by type of national level voting circumstances (e.g. parliament, referendum, president of the republic etc.). In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.</th>
<th>At present the right to vote and to be elected on the national level is limited to Polish citizens only(^{80}). No information concerning the migrant background of candidates in national elections is collected by public authorities(^{81}).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</td>
<td>There were no programmes or information campaigns aiming at informing migrants or citizens of migrant background about their political rights and encouraging the exercise of the right to vote. An important factor here is the small percentage of foreigners in Polish society. This group is not seen as an important political resource. Consequently, it is not included in the political strategies of various political groups or considered by politicians themselves(^{82}).</td>
</tr>
</tbody>
</table>

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\(^{81}\) Interviews with Witold Klaus President of Association of Legal Intervention on 24 February 2015, Anna Piłat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.

### 3.1.3. National level election – representation

<table>
<thead>
<tr>
<th>The number of candidates with migrant background (where available, specify own or parent’s country of birth) at the latest national level elections (specify date)</th>
<th>No information available(^{\text{63}})</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of elected representatives with migrant background at national level (e.g. parliament, senate).</td>
<td>No information concerning the migrant background of representatives to Sejm or Senat or those elected to public office is collected(^{\text{84}}). On the basis of analysis of personal web pages of the MPs it is possible to determine that during the latest elections to the Parliament (9 October 2011) two representatives of migrant background were elected to Sejm: John Abraham Godson – Polish citizen of Nigerian origin and Killion Munyama – Polish citizen born in Federation of Rhodesia and Nyasaland. Both are members of Civic Platform (Platforma Obywatelska). The Sejm consists of 460 representatives.</td>
</tr>
<tr>
<td>Those appointed to public office (e.g. ministers, secretaries of state, etc.) by end of 2014.</td>
<td>No information available(^{\text{65}})</td>
</tr>
</tbody>
</table>

### 3.2. Political rights at regional/local level

#### 3.2.1. Regional/Local elections voting rights – turnout

<table>
<thead>
<tr>
<th>Specify what regional/local voting rights are given to third country nationals and any different entitlements according to residence status, permit type or length of stay etc</th>
<th>By fulfilling its obligations relating to its EU membership, Poland granted voting rights – in local elections, on the level of municipality (gmina) – to foreigners who are EU citizens and permanently reside on the territory of a given self-governing community. Such foreigners can both vote and stand for election to the municipality council (the right to vote and candidacy right). However, they can only vote, but not stand for election (the right to vote) in mayoral (wójt, burmistrz, prezydent miasta) elections(^{\text{86}}).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key and/or milestone dates regarding the voting and/or</td>
<td>2004: The right to vote was granted to foreigners who are EU citizens. Changes to the local electoral system were introduced in 2004 due to the fact that the Polish</td>
</tr>
</tbody>
</table>

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\(^{\text{63}}\) Desk research and interviews with Witold Klaus President of Association of Legal Intervention on 24 February 2015, Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015.

\(^{\text{64}}\) Desk research and interviews with Witold Klaus President of Association of Legal Intervention on 24 February 2015, Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015.

\(^{\text{65}}\) Desk research and interviews with Witold Klaus President of Association of Legal Intervention on 24 February 2015, Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015.

election rights for migrants and/or their descendants at regional/local level

national law had to comply with the requirements of the European Union\textsuperscript{87}.

2005: Judgment of the Constitutional Tribunal of 11 May 2005 (case call no. K 18/04). A group of applicants claimed that the right of foreigners to vote in local elections, as provided by the Treaty on European Union, makes “citizens’ rights guaranteed in the Constitution for Polish citizens only ... were unlawfully expanded to other persons, which is an infringement of citizens’ rights guaranteed by the Constitution.” It was alleged that the provisions of the Treaty were incompatible with Art. 1 of the Constitution of the Republic of Poland (“The Republic of Poland shall be the common good of all its citizens”) and Art. 62(1) which provides that Polish citizens have the right to vote for representatives to organs of local government. The Tribunal stated that Art. 19 of the TEC is not incompatible with the specified provisions of the Constitution.\textsuperscript{88}

Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.

There were no such programmes or information campaigns\textsuperscript{89}.

In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.

Obstacles to the political participation of immigrants in Poland indicated by representatives of immigrant communities are the following\textsuperscript{90}:

1) a deficit among immigrants of knowledge and awareness of foreigners’ rights.

2) insufficient representation of immigrants’ interests. Here the problem is that the immigrants do not speak for themselves. It is, for example, NGOs that speak on their behalf. Foreigners do not have sufficient time or financial means and are not substantively prepared to take part in public debate. Selected representatives of public administration also emphasised these issues.

3) a negative experience of contact with public authorities — for some immigrants the authorities emerge as an oppressive rather than supportive body. One of the reasons for this is the sense of alienation that

stems from the exclusion of foreigners from the staff of authorities that deal with immigrant matters.

4) **immigration officers did not communicate to foreigners the rights applicable to persons with different residence statuses.**

This restrained attitude on the part of officials is interpreted as avoiding the communication of crucial information. Such an attitude, regardless of the reason behind it, may be interpreted as an act of discrimination. It is expected that official bodies fulfil their educational role, especially in the first stages of contact between an immigrant and a host country: they are regarded as the most reliable sources of information.

5) **the state does not show any interest in the participation of immigrants in public life.**

This is both in terms of the support for immigrant organisations (which receive fewer subsidies than other Polish NGOs) and the lack of integration policies aimed at these communities. It is believed that the state takes up inclusive measures due to its legal obligations rather than for any other reasons.

Obstacles to the political participation of immigrants in Poland indicated by representatives of public administration are the following\(^\text{91}\):

1) **the fear of state surveillance which influences the attitudes of the Vietnamese and Chinese communities in particular.**

This fear relates to all issues of providing information to official bodies, and also has an impact on the process of legalising a stay and any activities on the territory of the host country which could lead to the notification of the authorities of the country of origin about the current situation and place of residence of a citizen, which could, in turn, lead to negative repercussions against this person or their family remaining in the country of origin.

2) **national and racial stereotypes which often determine the perception of foreigners by Poles.**

After 11 September 2001, religious prejudice — especially the perception of a relationship between Islam and a leaning towards terrorism and violence — is also an important element. Representatives of public administration have noted that this could

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indirectly cause a decrease in interest in becoming integrated on the part of immigrants. This leads to isolation-oriented immigration, based on a reluctance towards social contact and to educating children in Polish schools, etc. It is also believed that a negative role in the formation of relationships between Poles and selected groups of immigrants is played by historical “grudges” with regard to our relations with, for example, Ukraine, Belarus or Russia.

3.2.2. Regional/local level election – representation

The number of candidates that were third country nationals and/or with migrant background at the latest regional/local level elections (specify date)

No information concerning the migrant background of candidates is collected. According to the data gathered by the Institute of Public Affairs the number of candidates which might have migrant background is estimated as no more than 19 persons in the Mazovian region

The number and % of elected representatives with migrant background at regional/local level (e.g. municipalities, regions, prefectures etc.)

In 2010-2014 in municipality councils there were two representatives who did not have Polish nationality at the moment of elections: Frédérique Coppin (French) and Franz Paul Becker (German). Frédérique Coppin is a member of the municipality council in Tułowice and Franz Paul Becker in Parchowo.

Those who were elected or appointed to a high public office (e.g. mayor, vice mayor etc.) by end of 2014.

A foreigner cannot be a mayor in Poland. No such information is available on those with migrant background.

Please identify related limitations and challenges or public debates, as well as relevant research, studies and assessments.

See above in section 3.2.1

3.3. Consultation

3.3.1. Consultative bodies at national/regional/local level

Are there any migrants’ consultative bodies in place at national / regional/ local level

There are no migrants consultative bodies at national or local level foreseen in the law. However, there exist examples of such bodies. One of them is the

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92 Information received from Anna Pilat (Institute of Public Affairs) by e-mail on 20 March 2015.
94 Desk research and interviews with Witold Klaus President of Association of Legal Intervention on 24 February 2015, Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015
foreseen and/or operational in practice? Since when and on which legal basis (please provide reference). Please specify whether migrants' consultative/advisory/representative bodies are established by law or other type of normative regulation, policy or practice.

What is the mandate of the body – duration and procedures? In particular specify if and by which modalities these bodies are competent to participate in consultations only on migration or integration issues or if they participate also in consultations on other issues? How do these bodies work in practice?

<table>
<thead>
<tr>
<th>Frequency of convening of the body/-ies/ meetings with</th>
<th>According to the Commission statute\textsuperscript{98}, Commission’s meeting should be conveyed according to the needs,</th>
</tr>
</thead>
</table>


\textsuperscript{96}Poland, Forum on Foreigners [\textit{Forum Cudzoziemców}]\textsuperscript{96} at the Masovian Voivodship Office in Warsaw: http://mazowieckie.pl/pl/dla-klienta/ngo/fora/8426,dok.html.

\textsuperscript{97}Information available at the Commission’s website, including the statute and meeting minutes: Poland, Commission for Social Dialogue on Foreigners [\textit{Komisja Dialogu Społecznego ds. Cudzoziemców}] at the Municipal Office, Capital City of Warsaw: http://ngo.um.warszawa.pl/komisje/komisja-dialogu-spo-eczngo-ds-cudzoziemc-w.

\textsuperscript{98}Poland, Municipal Office of the City of Warsaw (\textit{Urząd miasta stołecznego Warszawy}), \textit{Regulamin Komisji Dialogu Społecznego ds. Cudzoziemców}
<table>
<thead>
<tr>
<th><strong>competent public authorities.</strong> What is foreseen and how is it implemented in practice?</th>
<th>but not less often than once per quarter. Number of meetings of the Commission conducted since the establishment of the body: 2 in 2012, 9 in 2013, 9 in 2014. The Forum on Foreigners held 1 meeting in 2011, 2 meetings in 2012, 2 meetings in 2013 and 1 meeting in 2014.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Role in relation to other public or private bodies. Is there a statutory role of coordination and cooperation with other public or private stakeholders foreseen? How is this implemented in practice?</strong></td>
<td>The above-described consultative bodies have no statutory role of coordination and cooperation with other public or private stakeholders.</td>
</tr>
<tr>
<td><strong>Participation in decision-making (consultative, observer status, voting right etc.). Are such bodies competent to participate in decision-making at national/regional/local level in regard to the design, implementation, assessment and/or review of integration-specific, migration or other policies of general interest? Are such bodies and/or their representatives participating in any way to allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level?</strong></td>
<td>These bodies have a consultative role and do not participate in decision-making. They hold open sessions where every participant can express his/her opinions, suggestions and postulates. Member can also propose a topic to be discussed during the sessions. Commissions also sometimes present a joint opinion on a matter which is a result of the consensus achieved through discussion or voting. As consultative bodies, these commissions provide insight on the problems and needs of migrants and give opinions on important decisions related to migrants, e.g. on the form and scope of activities of the Warsaw Multicultural Center, matters related to the registry office, labour office, consultation of the priorities for forthcoming calls for proposals for projects funded from the Office budget (but NOT: evaluation of proposals).</td>
</tr>
</tbody>
</table>
What is foreseen and how is it implemented in practice?

representatives of non-governmental organisations, together with Polish representatives\(^ {105, 106}\).

On which criterion are migrant groups represented (migrant status, foreign-born, foreign nationality etc.)? What is foreseen and how is it implemented in practice?

In the case of the above-described consultative bodies, all interested migrant organisations and civil society organisations working in the field of migration were invited to participate\(^ {107, 108}\).

Is there any evidence through formal evaluations or academic research on awareness about such national level consultative bodies among migrants and their descendants, and among the general public?

No. The above-described consultative bodies have been operating for a short period of time and according to our knowledge and the knowledge of the expert interviewed, there has been no research conducted on host society or migrants’ awareness about their role and activities\(^ {109}\).

3.4. Participation in trade-unions and professional association

In this section based on available data, research, surveys, studies, etc. please provide information about:

Membership and participation of migrant workers in workers’ unions and craft associations:

- Are there any legal or practical limitations or barriers for the membership of migrant workers in trade unions and craft associations?

There are no legal or practical limitations or barriers for the membership of migrant workers in trade unions. The only condition is legal employment\(^ {110}\). There are also no legal or practical limitations or barriers for the membership of migrant workers in craft associations (pl - czech) and the only condition to become a member of such association is to conduct an economic activity which is classified as craft according to the Crafts Act of 22 March 1989\(^ {111}\).

- Do workers’ associations encourage and support membership and participation of migrant workers? E.g. through information and raising awareness initiatives in more languages, translation

  - The All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zwodowych; OPZZ) issued leaflets for Russian-speaking workers informing about working rights in Poland (within a project Baltic Sea

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\(^ {108}\) Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015.

\(^ {109}\) Poland, All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zwodowych; OPZZ) (2015) information of 2 March to the request upon access to public information of 20 February 2015.

and language support services etc.  

Labour Network\textsuperscript{112}. On the webpage of OPZZ there is information for foreigners in English\textsuperscript{113}.  
- NSZZ Solidarity Committee of Employees pointed to the fact that they conduct on regular basis campaigns which aim at recruitment of new members but they target specific branches of trade or companies and not national group\textsuperscript{114}.  
- The Craft Association of Hairdressers answered that they do not undertake any kind of activities encouraging craftsmen to join this craft association\textsuperscript{115}.

| What is the rate of participation (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant workers in the most representative workers’ unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of workers represented and degree of association), | The rate of participation of migrant workers in the most representative workers’ unions and associations is not known.  
- OPZZ replied that such data is not gathered\textsuperscript{116}.  
- NSZZ Solidarity Committee of Employees also does not gather data on members who are migrant workers. However, NSZZ mentioned that there are cases of membership of migrant workers, for example in the office of National Commission of NSZZ Solidarity Committee of Employees there are 3 foreign employees (one from US and two from Russia) who are also members of this trade union\textsuperscript{117}.  
- Polish Craft Association also does not gather information in this respect\textsuperscript{118}. |

| Are migrant workers elected as representatives of trade unions and workers’ or craft associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced by migrant workers. | Migrant workers are rarely elected as representatives of trade unions and workers’ or craft associations.  
- NSZZ Solidarity Committee of Employees mentions that once a citizen of US was elected as such representative\textsuperscript{119}.  
- Polish Craft Association and OPZZ did not answer our request for information in this respect. |

| Are there differences between associations for high and low skill workers, different industries and trades, and/or different geographic area of | On the basis of received replies it is not possible to answer this question. No data found on this topic during desk research. |

\textsuperscript{112} Poland, All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych; OPZZ) (2015) information of 2 March to the request upon access to public information of 20 February 2015.

\textsuperscript{113} http://www.opzz.org.pl/en1

\textsuperscript{114} Poland, NSZZ Solidarity Committee of Employees (NSZZ Solidarność) (2015), information received by e-mail on 4 March to the request upon access to public information of 20 February 2015

\textsuperscript{115} Poland, Craft Association of Hairdressers (Cech Fryzjerów) (2015), information received by e-mail on 26 February to the request upon access to public information of 20 February 2015

\textsuperscript{116} Poland, All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych; OPZZ) (2015) information of 2 March to the request upon access to public information of 20 February 2015

\textsuperscript{117} Poland, NSZZ Solidarity Committee of Employees (NSZZ Solidarność), (2015), information received by e-mail on 4 March to the request upon access to public information of 20 February 2015

\textsuperscript{118} Poland, Polish Crafts Association (Związek Rzemiosła Polskiego), (2015), information received by e-mail on 26 February to the request upon access to public information of 20 February 2015

\textsuperscript{119} Poland, NSZZ Solidarity Committee of Employees (NSZZ Solidarność), (2015), information received by e-mail on 4 March to the request upon access to public information of 20 February 2015
<table>
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<tr>
<th>Membership and participation of migrant entrepreneurs and expert professionals to professional and scientific associations:</th>
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</thead>
<tbody>
<tr>
<td>Are there any legal or practical limitations or barriers for the membership of migrant workers in professional, employer and scientific associations (such as medical, engineer, bar associations)?</td>
</tr>
<tr>
<td>There are no limitations or barriers for the membership of migrant workers in professional, employer and scientific associations which would be based on person’s nationality. Conditions of membership in professional associations concern only professional qualities which are determined in the relevant statutes.</td>
</tr>
<tr>
<td>Do professional associations encourage and support membership and participation of migrant professionals? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</td>
</tr>
</tbody>
</table>
| • The Polish Chamber of Physicians and Dentists (pol - Naczelna Izba Lekarska) does not encourage membership and participation of migrant professional. Membership is obligatory for those who want to practice medicine in Poland\(^\text{120}\). Information on the webpage\(^\text{121}\) is provided also in English and information is issued to those interested in practicing in Poland on individual requests.  
• The Polish Bar Council does not encourage or support membership and participation of migrant professionals aimed at particular social group, including foreigners. If a person fulfils requirements specified in statutes she/he can ask for being enlisted as a member of the Polish Bar Council. Information on the webpage\(^\text{122}\) is provided in Polish and in English\(^\text{123}\).  
• Warsaw Scientific Association (pol - Towarzystwo Naukowe Warszawskie) does not conduct any campaigns encouraging foreigners to join it\(^\text{124}\). |
| What is the rate of participation and membership (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant professionals in the most representative professional, employers’ and scientific unions and associations? Please specify the geographic and workforce range/type of associations |
| • Third country nationals constitute 0.54 % of all members of the Polish Chamber of Physicians and Dentists (no data is available on members with migrant background)\(^\text{125}\).  
• No information was provided by the Polish Bar Council on this issue. On the webpages of District Bar Councils there are lists with names of foreign advocates which however do not reveal any information on nationality of such persons (these persons can be Polish citizens who acquired license to practice as advocate abroad).  
• Warsaw Scientific Association replied that within its members there are no third country |

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\(^{120}\) Poland, The Polish Chamber of Physicians and Dentists (Naczelna Izba Lekarska) (2015), information of 3 March to the request upon access to public information of 20 February 2015

\(^{121}\) www.nil.org.pl/english

\(^{122}\) www.nra.pl/nra.php?setlng=en

\(^{123}\) Poland, The Polish Bar Association (Naczelna Rada Adwokacka) (2015), information of 27 February to the request upon access to public information of 20 February 2015

\(^{124}\) Poland, Warsaw Scientific Association (Towarzystwo Naukowe Warszawskie) (2015), information received by e-mail on 2 March to the request upon access to public information of 20 February 2015

\(^{125}\) Poland, The Polish Chamber of Physicians and Dentists (Naczelna Izba Lekarska), (2015), information of 3 March to the request upon access to public information of 20 February 2015
<table>
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<tr>
<th>(referring to national, regional, local and to the range of professional represented and degree of association).</th>
<th>(referring to national, regional, local and to the range of professional represented and degree of association).</th>
</tr>
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</table>
| nationals or citizens with migrant background. According to the statute of this scientific organisation its members constitute extraordinary academics and there are no barriers concerning nationality\(^\text{126}\). The webpage is only in Polish.  
  - Polish Academy of Arts and Sciences (pl – Polska Akademia Umiejętności) informed that among its members are many third country nationals, however no precise data is available. It should be also noted that foreigners who are members of this scientific organisation do not necessarily live in Poland\(^\text{127}\).  
  - Among members of the Poznań Society of Friends of Sciences (pol – Poznańskie Towarzystwo Przyjaciół Nauk) there are no foreign members but such membership is possible\(^\text{128}\). | Are migrants elected as representatives of professional, employers’ and/or scientific associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced. |
| Are there differences between associations for different professions, different skill levels and/or types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender? | Are there differences between associations for different professions, different skill levels and/or types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?  
  - In case of Polish Chamber of Physicians and Dentists 13 third country nationals were delegates to Regional Medical Assemblies (pl – Okręgowe Zjazdy Lekarskie) which are highest authorities of the regional chambers. However, no such foreigner was a delegate to the General Medical Assembly\(^\text{129}\).  
  - The Polish Bar Council replied that there are no “potential” barriers to become a member Polish Bar Council’s authorities as elections are conducted on democratic basis\(^\text{130}\).  
  - Third country nationals were never members of the authorities of the Poznań Society of Friends of Sciences\(^\text{131}\) but it is possible. |
| On the basis of received information it is not possible to answer this question. No data found on this topic during desk research. | On the basis of received information it is not possible to answer this question. No data found on this topic during desk research. |

\(^{126}\) Poland, Warsaw Scientific Association (Towarzystwo Naukowe Warszawskie), (2015), information received by e-mail on 2 March to the request upon access to public information of 20 February 2015  
\(^{127}\) Poland, Polish Academy of Arts and Sciences (Polska Akademia Umiejętności), information of 26 February to the request upon access to public information of 20 February 2015  
\(^{128}\) Poland, Poznań Society of Friends of Sciences (Poznańskie Towarzystwo Przyjaciół Nauk), information of 27 February to the request upon access to public information of 20 February 2015  
\(^{129}\) Poland, The Polish Chamber of Physicians and Dentists (Naczelna Izba Lekarska), (2015), information of 3 March to the request upon access to public information of 20 February 2015  
\(^{130}\) Poland, The Polish Bar Association (Naczelna Rada Adwokacka) (2015), information of 27 February to the request upon access to public information of 20 February 2015  
\(^{131}\) Poland, Poznań Society of Friends of Sciences (Poznańskie Towarzystwo Przyjaciół Nauk), information of 27 February to the request upon access to public information of 20 February 2015
In this section based on available data, research, studies, etc. provide information about the membership and participation of migrants and their descendants in media, cultural organisations and public life:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any legal or practical limitations or barriers for the membership of migrants in professional associations related to the media, sports and culture?</td>
<td>According to our knowledge and to the information received from an expert, there exist no legal limitations for the membership of migrants in professional associations related to the media, sports and culture. In practice, however, very few migrants participate in such organisations. This is related first of all to their very small number in general, poor awareness and lack of interest from the part these organisations to encourage their participation.</td>
</tr>
<tr>
<td>Do media, sports, culture professional associations encourage and support membership and participation of third country nationals as members? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</td>
<td>No. According to the information received from several selected organisations, these organisations, in general, do not see the need to encourage participation of migrants, as of any other particular group. Responses received underlined the equality of conditions for membership or becoming a representative for both Polish and non-Polish persons.</td>
</tr>
<tr>
<td>What is the rate of participation in the most representative professional associations? (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available).</td>
<td>This rate is very small, however no exact figures were provided by the organisations, with the exception of the Press Club Polska which estimated the number of its foreign members as 0.5%.</td>
</tr>
<tr>
<td>Are migrants elected as representatives of professional associations related to the media, sports and culture?</td>
<td>No. According to the information received from the organisations which responded to our inquiries, migrants are and were not in the past elected as representatives in none of them.</td>
</tr>
</tbody>
</table>

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132 Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015,
133 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015,
134 Poland, Polish Journalists Association (Stowarzyszenie Dziennikarzy Polskich) (2015) to the request upon access to public information of 20 February 2015.
135 Poland, Association Journalists of Poland (Stowarzyszenie Dziennikarzy RP) (2015) to the request upon access to public information of 20 February 2015.
136 Poland, Press Club Poland (Press Club Polska) (2015) to the request upon access to public information of 20 February 2015.
137 Poland, Authors Associations 'ZAiKS' (Stowarzyszenie Autorów ZAiKS) (2015) to the request upon access to public information of 20 February 2015.
138 Poland, Polish Artists' Association 'ZASP' (Stowarzyszenie Polskich Artystów Teatru, Filmu, Radia i Telewizji ZASP) (2015) to the request upon access to public information of 20 February 2015.
139 Poland, Polish Athletic Associations (Polski Związek Lekkiej Atletyki) (2015) to the request upon access to public information of 20 February 2015.
Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.

Is there a visible or notable presence (or absence) of migrants and their descendants as media professionals?

There are only single cases of persons with migrant background present in the media, mostly in the entertainment industry. Examples (Wikipedia entries):

- Omena Mensah
- Aleksandra Szwed
- Misheel Jargalsaikhan

Are migrants and/or their descendants present, visible and actively participating in public? (E.g. in public events, TV and electronic media, cultural events). Please substantiate on the basis of existing data or contacts with relevant authorities, actors and stakeholders, making sure to cover a wide spectrum and obtain as much as possible objective information.

There is very little visible presence of migrants in public. There is no existing research on this issue and only descriptive data is available. Among very few examples of persons of migrants actively participating in the public are:

- Ton Van Anh – a Polish citizen of Vietnamese origin, member of the anti-government opposition, independent journalist and correspondent, human rights activist, member of the Free Speech Association (Stowarzyszenie Wolnego Słowa), candidate in 2014 local elections;
- Mamadou Diouf – Polish citizen of Senegalese origin, musician, journalist and activist, author of books on African culture, creator of the Foundation ‘Africa Another Way’ (Afryka Inaczej);
- Miron Sycz – Polish politician of Ukrainian origin, activists, teacher, member of the parliament (2007-2011 and 2011-present);
- Alosza Awdiejew – film actor, singer, Polish philologist, linguist and academic professor of Russian descent, acquired Polish citizenship.
- Weronika Marczuk – Ukrainian actress and film producer.

137 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015 and own observations.
139 Aleksandra Szwed, Wikipedia entry: http://pl.wikipedia.org/wiki/Aleksandra_Szwed
143 Miron Sycz, Wikipedia entry: http://pl.wikipedia.org/wiki/Miron_Sycz
144 Alosza Awdiejew, Wikipedia entry: http://pl.wikipedia.org/wiki/Aleksy_Awdiejew
<table>
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<tr>
<th>Question</th>
<th>Answer</th>
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</thead>
<tbody>
<tr>
<td>Are there legal or practical limitations for the media, culture or other type of public events by migrants and/or their descendants? (E.g. are there national language requirements for TV or radio stations, bureaucratic and representation requirements, etc.).</td>
<td>According to to our knowledge and the knowledge of the experts interviewed, there exists no such limitations(^\text{146}).</td>
</tr>
<tr>
<td>Are there positive measures for promoting or restrictions/barriers to the operation of migrant and ethnic minority (owned, directed or audience specific) media?</td>
<td>According to our knowledge and the knowledge of the experts interviewed, there exist no such limitations(^\text{147}).</td>
</tr>
<tr>
<td>Are there practical measures encouraging and promoting the visibility, voice and public presence of migrants and/or their descendants in the media, culture or other type of public events? (E.g. are there programmes and information provided by the media in other than the country official language, and migrants’ languages, quotas for journalists and public programmes reflecting the diversity in society etc.?)</td>
<td>No. The only programmes broadcast in languages other than Polish are dedicated mostly to Polish national minorities. In the Polish regional television in Podlaskie Voivodship in eastern Poland (TVP Białystok(^\text{148})) there programmes broadcast in Belarusian once per week and in Russian once per month. They deal with problems and the situation of the Belarusian and Russian minority in Poland respectively. In addition to that, the local radio (Radio Białystok(^\text{149})) has a programme in Belarusian language broadcast daily(^\text{150}).</td>
</tr>
</tbody>
</table>

### 3.5.1. Diversity in the public sector

In this section based on available data, research, studies, etc. please provide information about recruitment of migrants and their descendants in the public sector:

**Please describe how legal provisions allow or prevent the recruitment of third country nationals in the public sector. Please indicate specific areas, requirements, quotas if any, upward mobility and promotion limitations if any, as well as if and how these provisions are applied in practice.**

Polish legal provisions stipulate that the civil service is limited to Polish citizens exclusively\(^\text{151}\).  

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\(^{146}\) Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.  
\(^{147}\) Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.  
\(^{148}\) Poland, TVP Białystok (online broadcast in Belarusian): http://bialystok.tvp.pl/17669899/tydzien-bialoruski.  
\(^{149}\) Poland, Radio Białystok: http://www.radio.bialystok.pl.  
\(^{151}\) Poland, Law on Civil Service (*Ustawa o służbie cywilnej z dnia 21 listopada 2008 r.*), 21 November 2008.
<table>
<thead>
<tr>
<th>Please indicate if citizens of migrant descent can also be affected by limitation – e.g. on the basis of their ethnic origin or migrant background or naturalisation - in public sector recruitment, for example in education, law enforcement, judiciary, etc.</th>
<th>According to the knowledge of our experts, there have been no such cases reported in media nor by migrants’ or human rights organisations.152</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please indicate proportion of recruitment (% on the total of posts for this category or service) for the interested categories of third country nationals, if any.</td>
<td>Does not apply.</td>
</tr>
<tr>
<td>Please indicate any affirmative action and positive action either for third country nationals or citizens with a migrant background, if any, e.g. quotas, reserved posts for people of migrant background etc. as well as promising practices in this area. Please provide information specifically for law enforcement, judiciary, and education.</td>
<td>According to the knowledge or the experts interviewed, there has been no such action.153</td>
</tr>
</tbody>
</table>

### 3.6. Political activity – active citizenship

Membership and participation of migrants in migrant and/or diaspora organisations and associations:

| Are there any legal or practical limitations or barriers for the self-organisation membership of migrants in migrant and or diaspora associations and organisations? | 3 of the Constitution guarantees everyone freedom of association. The possibility of association fixed by that provision is the realisation of the systemic principle of a civil society formulated in Art. 12 of the constitution and is of essential importance for public participation. “Association” (zrzeszenie) in Polish legal language is a general and abstract term. Various types of associations are defined. They come in different legal forms and statutes define the rules for membership in such associations. According to the Polish law, only Polish citizens can set up associations [pl – stowarzyszenie], however foreign citizens (of both EU and non-EU countries) can become members thereof.154 In practice, this means that |

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152 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015; Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015.

153 Interviews with Anna Pilat, Institute of Public Affairs on 26 February 2015; Maja Lysienia, Helsinki Foundation for Human Rights on 27 February 2015.

154 Poland, Law on Associations (Ustawa z dnia 7 kwietnia 1989 r. Prawo o stowarzyszeniach), 7 April 1989.
migrants can join an existing association formed by Polish citizens. Foreign citizens can set up foundations according to the same conditions which apply to Polish citizens.155

Are there notable cases of active migrant and/or diaspora associations and organisations? Please indicate the most known, active or representative ones on the basis of existing data about membership – please include size/numbers of members - and through contacts with competent actors and stakeholders. Please specify their character and eventual differences, including aspects concerning their religious, culture or geographic scope.

There are several active migrant and/or diaspora organisations, their scope of activities and influence correspond to the size and importance of respective diasporas156, 157:

- **Ternopilska Foundation** *(Fundacja Ternopilska)* – Ukrainian migrants, less than 10 members, support for Ukrainian and other migrants in the labour market, trainings and conferences for migrants and Polish employers, promotion of the Ukrainian culture, membership in consultative bodies158.
- **‘Our Choice’ Foundation** *(Fundacja 'Nasz Wybór')* – Ukrainian migrants, less than 10 members, helpline and consultations for migrants, publishing of ‘Nash Vybir’, a newspaper dedicated to Ukrainian migrants, research on the situation of Ukrainians in Poland, workshops for children, women’s club, membership in consultative bodies159.
- **Association of the Vietnamese in Poland ‘Solidarity and Friendship’** *(Stowarzyszenie Wietnamczyków w Polsce 'Solidarność i Przyjaźń')* – Vietnamese migrant organisation established with the support of the Vietnamse Embassy in Warsaw, more than 500 members, assistance to Vietnamese migrants, improvement of Polish-Vietnamese relations, Vietnamese-language magazine ‘Que Viet’, activities dedicated to the 2nd generation of migrants (e.g. Vietnamese language classes for children)160.
- **Foundation for Somalia** *(Fundacja dla Somalii)* – set up by Somali refugees, it now employs persons of Polish and migrant origin alike, 10-15 members, it initially focused on humanitarian projects in Africa; now it carries out also projects dedicated to all groups of migrants in Poland, Polish language courses, free legal aid for foreigners, employment counselling, business incubators161.
- **Foundation for Development ‘Beyond Borders’** *(Fundacja Rozwoju 'Oprócz Granic')* – set up by Belarusian migrants, it now employs persons of

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155 Poland, Law on Foundations *(Ustawa o fundacjach z dnia 6 kwietnia 1984 r.), 6 April 1984.*
Polish and migrant origin alike, less than 10 members, Polish language courses, free legal aid for foreigners, opinions to draft legal acts, membership in consultative bodies, information campaigns\textsuperscript{162}.

All of the above-listed organisations are based in Warsaw.

Please provide any data on the participation of migrants and their descendants in the most representative migrant and/or diaspora organisations and associations? (figures and % of migrants and/or persons with the specific ethnic or other background as members, or descriptive data if statistical data is not available).

No statistical data is available. According to the public information on membership available on organisations’ websites it can be stated that members of Ukrainian and Vietnamese organisations are almost exclusively migrants or persons with migrant background\textsuperscript{163, 164, 165}. In the Foundation for Somalia and the Foundation for Development ‘Beyond Borders’ and employees and volunteers are both Polish and persons of migrant background\textsuperscript{166, 167}.

Are such associations and organisations encouraged and/or supported financially or in other means (e.g. offices) by the national, regional or local authorities? Is there in place a mechanism linking such associations at national level? (e.g. network of migrant associations).

In the years 2007-2013 the main source of funding for migrant organisations was the European Refugee Fund and the European Fund for the Integration of Third-country nationals. Funding from these sources is available only until June 2015. In 2015, the Asylum, Migration and Integration Fund (FAMI) was supposed to start operating in Poland. So far (March 2015), however, no call for projects has been issued, which can potentially result in a discontinuation of many of these organisations’ activities (such as free legal aid, integration assistance, cultural projects, language courses, etc.) The European Fund for the Integration of Third-country Nationals was the main source of funding of all of these activities as well as of the activities of non-migrant NGOs, so all of the projects were in danger of discontinuation\textsuperscript{168}.

\textbf{COMMENT:}
As of May 2015 the situation has changed because the call for proposal has been issued (in late April 2015)\textsuperscript{169}.

There is no network of migrant organisations.

Membership and participation of migrants in civil society organisations and voluntary work:

\begin{itemize}
  \item \textsuperscript{162} Poland, Fundacja Rozwoju ‘Oprócz Granic’: \url{http://www.frog.org.pl/}
  \item \textsuperscript{163} Poland, Fundacja Ternopilska (team): \url{http://ternopilska.com/?page_id=117}
  \item \textsuperscript{164} Poland, Fundacja ‘Nasz Wybór’ (team): \url{http://www.naszwybor.org.pl/index.php?option=com_content&view=article&id=49&Itemid=59}
  \item \textsuperscript{165} Poland, Stowarzyszenie Wietnamczyków w Polsce ‘Solidarność i Przyjaźń’: \url{http://queviet.eu/}
  \item \textsuperscript{166} Poland, Fundacja dla Somalii (team): \url{http://fds.org.pl/o-nas/}
  \item \textsuperscript{167} Poland, Fundacja Rozwoju ‘Oprócz Granic’: \url{http://www.frog.org.pl/}
  \item \textsuperscript{168} Interviews with Anna Piłat, Institute of Public Affairs on 26 February 2015, Maja Łysienia, Helsinki Foundation for Human Rights on 27 February 2015.
  \item \textsuperscript{169} Poland, Ministry of the Interior (Ministerstwo Spraw Wewnętrznych): \url{http://fundusze.msw.gov.pl/ue/nabory-projektow/fundusz-azylu-migracji/}
\end{itemize}
Are there any legal or practical limitations or barriers for the membership of migrants in civil society organisations?

There are no legal limitations, however there exist some barriers for the membership of migrants in such organisations; they include first of all poor awareness of the existence and role of thereof, especially among economic migrants.\(^\text{170}\)

Do civil society organisations encourage and support membership and participation of migrants and/or their descendants? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.

The most important civil society organisations usually have their websites and/or materials translated into English, however this seems to be more related with their international activities that with the attempt to reach out to the Polish population. Civil society organisations in general do not encourage or support the participation of migrants. Migrants are sometimes employed by organisations working in the field of migration as, for example, interpreters, translators, intercultural trainers, cultural assistants etc. Some persons work as experts on particular issues related to the situation in their respective countries of origin.\(^\text{171}\)

Please provide any data on the participation and membership of migrants and their descendants in the most representative civil society organisations? (figures or % of organisation members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available).

Only descriptive data is available. According to the staff description available on Internet websites of the most important civil society organisations, there are only single cases where migrants or persons with migrant background are members/employees thereof.\(^\text{172}\)

Membership and participation of migrants in political parties:

Are there any legal or practical limitations or barriers for the membership of migrants in political parties, initiatives (e.g. petitions, signature collections) and movements?

The Polish Constitution limits the freedom of association in political parties by stipulating, in Art. 11(1), that this freedom is guaranteed to Polish citizens. The justification for this restriction is based on the political parties’ participation in constitutional setup of the state. This restriction is repeated in Art. 2 of the Political Parties Act of 27 June 1997 – according to the article, only citizens of the Republic of Poland can be members of political parties. The issue of foreigners not being able to be members of political parties became increasingly valid following Poland’s accession to the European Union. Following the right of EU citizens to participate in local and European Parliament elections, the question of whether they should have the possibility of association in political parties became hugely valid. It is evident that due to the enormously important role played by parties in the political process, it is impossible to effectively exercise election rights in local and European Parliament elections without the possibility of association in political parties. Foreigners (EU citizens) do not have this possibility.

\(^{170}\) Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015.

\(^{171}\) Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015.

\(^{172}\) For example:
Poland, The Rule of Law Institute (team): [http://panstwoprawa.org/pl/o-nas/zespol-fundacji/zespol-fundacji/0,-h,1,17](http://panstwoprawa.org/pl/o-nas/zespol-fundacji/zespol-fundacji/0,-h,1,17).
which is undoubtedly an obstacle to standing in elections.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do political parties encourage and support membership and participation of migrants and/or their descendants in their activities? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</td>
<td>No, they do not. Law and Justice Party (Prawo i Sprawiedliwość) answered that it does not encourage participation of any particular social group, they are open to all persons irrespective of their race, origin or social status. Green Party never issued any leaflets encouraging people of migrant background to join their party.</td>
</tr>
<tr>
<td>Please provide any data on the participation and membership of migrants and their descendants in the political parties, initiatives and movements? (figures or % of party members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available).</td>
<td>Foreigners cannot associate in political parties. According to the information we were able to gather via desk research and interviews we identified two politicians of migrant origin who are members of Civic Platform: John Abraham Godson and Killion Munyama. In the Warsaw chapter of the Green Party there is one member of Algerian origin.</td>
</tr>
<tr>
<td>Are migrants elected as representatives of political parties, initiatives and movements? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.</td>
<td>Foreigners cannot become representatives of political parties. We were not able to identify Polish nationals of migrant background who was elected as representative of political parties.</td>
</tr>
</tbody>
</table>

### 3.7. Civic and citizenship education

The participation of migrants and their descendants (with a distinct linguistic, cultural background) in education:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have teachers of migrant background equal access to employment in education, as teachers? If yes, what is the rate of participation (% of teachers with migrant background at national level)? Are they represented in professional teacher associations? Please identify</td>
<td>There are no legal limitations in the access to employment in education as teachers related to citizenship or background in general. However, only Polish citizens can become ‘appointed teachers’ (nauczyciel mianowany) i.e. be promoted and receive a state certificate granting them certain privileges, including increased salaries and more stable employment (contract for indefinite duration). According to the available data, received from the Ministry of Education, there were 575 persons with citizenship or background in general.</td>
</tr>
</tbody>
</table>

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174 Poland, Law and Justice Party (Prawo i Sprawiedliwość) (2015) information of 8 May to the request upon access to public information of 8 May 2015 (by e-mail).
175 Interview with Agnieszka Grzybek, the President of the Polish Green Party, 8 May 2015.
176 Interview with Agnieszka Grzybek, the President of the Polish Green Party, 8 May 2015.
<table>
<thead>
<tr>
<th>limitations, challenges and promising practice.</th>
<th>non-Polish citizenship (both EU and non-EU nationals) employed in the Polish education system (pre-schools, primary and secondary schools; information on higher education was not available) as of June 2015\textsuperscript{178}. The total number of teachers equals 670,461, so the percentage of non-Polish teachers is less than 1%. No information on teachers with migrant background is available\textsuperscript{179}.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any particular gender issues?</td>
<td>There have been no such cases reported in media reports or through the experience of migrants’ or human rights organisations\textsuperscript{180}.</td>
</tr>
<tr>
<td>Are parents of migrant background actively participating in the school life? Please provide evidence concerning their participation in parents associations, school and community events and extracurricular activities, consultations etc.\textsuperscript{181}</td>
<td>According to the information received from an expert\textsuperscript{182}, it is not possible to provide a definite answer to this question. Some parents surely do participate, but no study has been conducted on this issue.</td>
</tr>
<tr>
<td>Are there extracurricular activities involving and engaging with children and parents of migrant background and/or focussing on civic and citizenship education? Please identify limitations, challenges and promising practice.</td>
<td>There are examples of such initiatives, engaging with parents of migrant background. In a school in Mroków where 10% of pupils are of Vietnamese origin three projects were conducted in cooperation with the NGO World Within Hand’s Reach Foundation. During these projects a series of trainings for teachers were provided. A guide in Polish, Chinese and Vietnamese was prepared concerning basic cultural competences needed in contacts with schools (what is the organization of school year, how to behave at school, information that presents are generally not accepted, except for flowers for certain occasions). Another initiative aiming at improving cooperation between schools and parents of children of foreign origin was employment of two cultural assistants (one Vietnamese and one Chinese). Their role is to help in translating conversations, meet regularly with parents and help in individual matters (for example in acquiring PESEL number). Moreover, there is a plan to translate all school documents, including a statute of the school into Chinese and Vietnamese to make it easier for parents of children of Asian origin to contact the school\textsuperscript{183}\textsuperscript{184}.</td>
</tr>
<tr>
<td>Are there provisions for bilingual education? If yes, is it supported by trained teachers</td>
<td>As mention in section 1.2.3., according to the Polish law, schools are not obliged to organise native language classes for migrant children, however they</td>
</tr>
</tbody>
</table>

\textsuperscript{178} Poland, Ministry of Education (Ministerstwo Edukacji), formal response of 19 June 2015 to the request upon access to public information of 24 February 2015.

\textsuperscript{179} Poland, Ministry of Education (Ministerstwo Edukacji), formal response of 19 June 2015 to the request upon access to public information of 24 February 2015.

\textsuperscript{180} Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015.

\textsuperscript{181} For more information about involving the community in the school life and vice versa please refer also to the findings of the SIRIUS Network http://www.sirius-migrationeducation.org /

\textsuperscript{182} Interview with Anna Pilat, Institute of Public Affairs on 26 February 2015.

\textsuperscript{183} Prawa wyborcze dla cudzoziemców – tak czy nie?, str. 79-82

\textsuperscript{184} Prawa wyborcze dla cudzoziemców – tak czy nie?, str. 79-82
and training programmes, curriculum provisions and dedicated school manuals and books? | should provide classrooms for the organisation thereof, if requested by a cultural association or embassy of the children’s country origin.

Is there evidence of school segregation and/or policies of separate/distinct schooling of migrants? | There is no such evidence.

Is there evidence of modifying school curricula and teaching materials can be modified to reflect the diversity of the school population? Is the teacher regular curricula/training dealing with specific reference to immigrants or ethnic minorities and respect/promotion of diversity? | At the state level, there is example of such an attempt, however it has rather a symbolic meaning. In 2014 the Ministry of Education introduced ‘Our ABC’ (Nasz Elementarz) – a free of charge school book, made available to Polish primary schools (an in the future also to lower secondary schools – gimnazja). The idea behind the project was to decrease the school-related costs that parents had to bear, by providing an alternative to expensive schoolbooks available in the market. The content of the book was elaborated by specialist, and it includes elements referring to the idea of an open and diverse society; for example the content of 1st year schoolbook is based on the story of an imaginary school class that has among its members a child with disabilities, a child of a single mother, a Vietnamese child called Hoan and a dark-skinned girl called Żaneta. The teacher regular curricula/training do not officially refer to immigrants or ethnic minorities and respect/promotion of diversity. However, there exist many additional trainings and teaching materials for teachers on how to work with a foreign student or/and how to work in a multicultural class prepared in the framework of educational project of non-governmental organisations, such as Polish Migration Forum (Polskie Forum Migracyjne) and Foundation for Social Diversity (Fundacja na rzecz Różnorodności Społecznej). Many of these activities/publications were possible thanks to the funding from the European Fund for the Integration of Third-country Nationals.

Are all students – not only of migrant background – targeted and involved by civic education and activities related to migrant integration at schools? | Activities involving both Polish students and students of migrant background are, for example, antidiscrimination workshops or activities promoting intercultural dialogue (examples provided in chapter 4.1.) Civic education projects are often dedicated to specific groups, e.g. parents of migrant children.

The implementation of specific measures and initiatives aiming at (the following possible practices on the left is an indicative and non-exhaustive list):

**Please use the following as indicative list of possible practices to report on:**

- Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values

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186 Poland, Polish Migration Forum: www.forummigracyjne.org.
diversity in society through curricular and extracurricular activities. Are there specific programmes helping young people to learn how to live in a society with people from different cultures and religions?

Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values?

Facilitating equal opportunities in education for children with migrant background?

Facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities?

Providing language learning support to students of migrant background?

Improving attendance and reducing drop-out of students with migrant background?

Improving school and teachers’ capacity to embrace, build on and/or manage diversity?

In particular, please specify if there are promising practices, including affirmative action / positive action practices designed to tackle structural inequalities

Other...

In 2014 the Ministry of Education introduced ‘Our ABC’ (Nasz Elementarz) – a free of charge school book, made available to Polish primary schools (an in the future also to lower secondary schools – gimnazja). The idea behind the project was to decrease the school-related costs that parents had to bear, by providing an alternative to expensive schoolbooks available in the market. The content of the book was elaborated by specialist, and it includes elements referring to the idea of an open and diverse society; for example the content of 1st year schoolbook is based on the story of a imaginary school class that has among its members a child with disabilities, a child of a single mother, a Vietnamese child called Hoan and a dark-skinned girl called Zaneta.

- **Improving school and teachers’ capacity to embrace, build on and/or manage diversity**
  Additional trainings and teaching materials for teachers on how to work with a foreign student or/and how to work in a multicultural class prepared in the framework of educational projects of non-governmental organisations, for example: Polish Migration Forum (Polskie Forum Migracyjne)\(^\text{188}\) and Foundation for Social Diversity (Fundacja na rzecz Różnorodności Społecznej)\(^\text{189}\).

- **Facilitating equal opportunities in education for children with migrant background**
  Since 2010, under the act on education, schools with migrant students can obtain special teaching assistants who support the class teacher and facilitate interactions between migrant and Polish children\(^\text{190}\). An application for funding should be made to the school’s governing authority. This solution draws on a model that has been previously developed by NGOs with regard to Chechen children in the form of ‘cultural assistant’ – a person from the migrant community with a good knowledge of Polish language and culture who acts as interpreter and intercultural mediator. It is considered one of the best models to be introduced in a multicultural class. However, funding shortages do not allow for employing assistants in every school receiving migrant children.

- **Facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities**
  Project “My neighbour is an Asian” and “Let’s get to know each other. Lesznowola municipality of many

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\(^\text{188}\) Poland, Polish Migration Forum: [www.forummigracyjne.org](http://www.forummigracyjne.org).


cultures” (the latter with cooperation with the Foundation “Świat na wyciągnięcie ręki”). During these projects a series of trainings for teachers was conducted. A guide in Polish, Chinese and Vietnamese was prepared concerning basic cultural competences needed in contacts with schools (what is the organization of school year, how to behave at school, information that presents are generally not accepted, except for flowers for certain occasions). Another initiative aiming at improving cooperation between schools and parents of children of foreign origin was employment of two cultural assistants (one Vietnamese and one Chinese). Their role is to help in translating conversations, meet regularly with parents and help in individual matters (for example in acquiring PESEL number). It is a pilot project but self-government authorities plan to prolong it if it proves successful. Moreover there is a plan to translate all school documents, including a statute of the school into Chinese and Vietnamese to make it easier for parents of children of Asian origin to contact school.\textsuperscript{191}

### 3.8. Drivers, barriers for the implementation, monitoring and assessment of legislation & policy measures

Previous paragraphs indicated in detail aspects about the actual implementation of participation policies, normative framework and measures. In this section briefly summarize the most important drivers, positive factors and the barriers, resistance or negative factors that have been identified regarding the design, implementation, monitoring and assessment of policy measures and normative framework for the political and social participation of migrants and their descendants. Please base the analysis on governmental and non-governmental reports, as well as research and studies.

<table>
<thead>
<tr>
<th>Main positive factors:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Since 2012, decisions as to granting citizenship to specified categories of foreigners are administrative decisions issued by the voivods and are governed by relevant rules of procedure, the most important of which are the obligation of justification on the part of the granting authority as well as the competence of judicial review granted to the administrative courts.\textsuperscript{192}</td>
</tr>
<tr>
<td>• There are no legal limitations as to the participation of migrant workers in trade unions, craft associations, as well as in professional associations (see section 3.4); migrants can set up foundations (fundacje) (see section 3.6)</td>
</tr>
<tr>
<td>• There are several active migrant and diaspora organisations (however, only in Warsaw, and these organisations are heavily dependent of external funding) (see section 3.6);</td>
</tr>
<tr>
<td>• Two Polish citizens of migrant background were elected for members of the Polish parliament in 2011 (see section 3.1.3);</td>
</tr>
<tr>
<td>• Consultation bodies composed of migrants exist in the Municipal Office and in the Masovian</td>
</tr>
</tbody>
</table>

\textsuperscript{191} Prawa wyborcze dla cudzoziemców – tak czy nie?, pp. 79-82
\textsuperscript{192} Pudzianowska D., Naturalisation procedures for immigrants in Poland, Migration Policy Group in collaboration with Robert Schuman Centre for Advanced Studies, SCAS/EUDO-CIT-NP 2013/31, p. 1; the research report is available at: http://cadmus.cui.eu/bitstream/handle/1814/29793/NPR_2013_31-Poland.pdf?sequence=1
Voivodeship Office in Warsaw (see section 3.3.1.);
• There exist examples of extracurricular activities engaging children and parents of migrant background and focusing on civic/citizenship education (see section 3.7);
• A symbolic reference to a multicultural society was made in the content of the free of charge schoolbook introduced by the Ministry of Education in 2014 (see section 3.7);

Main negative factors:
• Integration measures are developed only in relation to certain groups of migrants (refugees and persons granted international protection as well as their families upon successful completion of the family reunification procedure) and do not include temporary residents, permanent residents and long-term EU residents (see section 1.1.)
• The right to vote and stand for election in national elections is limited to Polish citizens only (see section 3.1.2)
• Only Polish citizens can set up and be members of political parties; only Polish citizens can set up an association (stowarzyszenie) (see section 3.6)
• No statistical data is collected on participation of migrants (people with migrant background) in public life, therefore all information has a descriptive character (see sections 3.1 and 3.2)
• Deficit of knowledge among migrants concerning their rights and a general lack of interest from their part to be involved in public life\textsuperscript{193};
• Negative experience of some groups of migrants (in particular: Vietnamese, Chinese) with Polish public authorities, resulting in a reluctance to come into contact\textsuperscript{194};
• In general, Polish trade unions and professional associations do not see the need to encourage the participation of any particular group of persons (such as migrants) (see section 3.4).

3.9. Use of funding instruments (EIF, ERF, EMIF)

Please provide briefly information and documented insights about the allocation and distribution of funds aimed

Inquiries sent to the Ministry of Labour and Social Policy and the Ministry of Administration and Digitalisation have been forwarded to the entity responsible for direct distribution of funding (\textit{Centrum}).


at supporting political and social participation, and active citizenship measures for migrants and/or their descendants. 

In a phone interview of 4 May they informed that they are in the process of collecting the requested data and the response should be expected within 14 days.

According to the information received, the neither the ERF nor EIF funding was distributed according to these specific areas of integration policies195.

In particular provide a breakdown of funding for the relevant actions and measures by area (political participation, social participation and membership, indicating the source of funding (EIF, ERF, national, regional, other funding source) by using the Annex 5

### 3.10.Key legal and policy developments, and relevant case law

In this section, please provide information about developments regarding the above legal and policy instruments concerning participation (political, consultation, membership and association, active citizenship and civic education), including any new legislative or policy initiatives in the framework of migrant integration in the country. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of legal and policy instruments and on the actual situation on the ground, including public debates and perceptions among the native population and migrants. (Use template in Annex 9).

- 2012: decisions as to granting citizenship to specified categories of foreigners are administrative decisions issued by the voivods and are governed by relevant rules of procedure, the most important of which are the obligation of justification on the part of the granting authority as well as the competence of judicial review granted to the administrative courts

- 2004: the right to vote was granted to foreigners who are EU citizens

- 2013: changes in the migration law introducing more liberal provisions and facilitating certain procedures (e.g. introduction of the single permit procedure for stay and work, extension of the maximum duration of a temporary stay permit from 2 to 3 years, Polish university graduates entitled to apply for a temporary residence permit for the purpose of seeking employment in Poland)196.

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195 Poland, Centrum Obsługi Projektów Europejskich, (2015) information received by e-mail on 17 June to the request upon access to public information of 24 February 2015 (copy of the letter send by Centrum to the Ministry of Labour and Social Policy).

196 Poland, Act on Foreigners (Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach), 12 December 2013.
### 4. Social cohesion and community relations

#### 4.1. Social cohesion policies

<table>
<thead>
<tr>
<th>Does the national integration legal and policy framework refer to social/community cohesion? Is there a clear definition of social/community cohesion? Please report it here – in original language and in full English translation.</th>
<th>There is no clear definition of social cohesion in neither of the policy documents. The Polish migration policy – status quo and postulated actions (<em>Polityka migracyjna Polski – stan obecny i postulowane działania</em>) refers indirectly to community cohesion in its section on host society. It is postulated there that the integration strategy should include activities aimed at counteracting negative stereotypes concerning migrants, fostering intercultural dialogue and creating platforms for cooperation and exchange of ideas in order to prevent the emergence of conflicts on the basis of cultural or religious differences.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any specific measures in place to strengthen social cohesion? Please refer to promising practices and examples of challenges. Use the template for promising practices in Annex 7 highlighting the most important and/or successful.</td>
<td>There are no measures addressing social cohesion specifically foreseen in the policy documents. Recommended activities addressing the host society and fostering intercultural dialogue are information campaigns.</td>
</tr>
<tr>
<td>Are there indicators used by authorities to assess, monitor and support social cohesion policies? E.g. social distance, social interaction, intergroup relations, etc. Please provide available relevant data, figures and findings, if any, and present them briefly in the relevant table of the Annex (4).</td>
<td>No.</td>
</tr>
<tr>
<td>Please outline available research, studies, and surveys about the sense of belonging and identification of migrants and/or their descendants with diverse types of local, regional and national identities. Please summarise briefly key findings and any differentiations by nationality or ethnic origin, gender, age and geographic area.</td>
<td>There exists no research on the sense of belonging and identification of migrants and/or their descendants with local, regional and national identities specifically. There exist studies on particular groups of migrants in Poland, however, they contain information on their integration.</td>
</tr>
</tbody>
</table>

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Please indicate legal measures and case law affecting social cohesion and community relations, for example the banning of specific religious or ethnic dress, such as the ‘burqa’.

One example of legal measures affecting social cohesion are the debate and legal proceedings concerning the legal status of ritual slaughter in Poland. The debate started in 2012 when following a complaint lodged by animal right activists, the Constitutional Court decided that a regulation of the Minister of Agriculture dating from 2004 on the basis of which ritual slaughter in Poland was being performed, should be deemed unconstitutional. The reason was that it violated the Animal Protection Act of 1997 which strictly requires that an animal is stunned before killing. This problem was expected to be solved in 2013 by an amendment to the Act allowing for the killing of an animal without stunning, however, the Polish Parliament rejected the amendment. In response to that, the Union of Jewish Religious Communities in Poland (Związek Gmin Wyznaniowych Żydowskich w Polsce) lodged a complaint to the Constitutional Court, stating that the Act violates the provisions of the Polish Constitutions relating to the freedom of religion. In December 2014, the Court ruled that the Act and the criminal responsibility for performing the practice resulting thereof are unconstitutional and in conflict with the Article 9 of the European Convention on Human Rights. As a consequence, ritual slaughter is (as of March 2015) legal in Poland. The second example is the case of a former civil servant, practising Muslim, who was dismissed for misconduct from the Marshall’s Office of the

Świętokrzyskie Voivodship in April 2013. In 2008, she converted to Islam and took on the Islamic dress-code: *hijab* and long dark dresses. She claimed that her superiors did not like it and tried to put a pressure on her to change the way of dressing. She was first transferred to a different post where she was not required to have direct contact with the clients, and later dismissed. Officially, her dismissal was due to improper comments on her Marshall’s Office superiors she had posted on the Internet. The women, however, believed that this was an act of discrimination against her on the basis of religious grounds. In July 2014, an employment tribunal stated that her dismissal was unlawful and ordered her reinstatement.[207]

| Does the action plan or strategy on integration and inclusion of migrants and their descendants address combating racism, xenophobia and intolerance? | Polish migration policy – status quo and postulated actions (*Polityka migracyjna Polski – stan obecny i postulowane działania*) contains only one reference to racism and xenophobia; in its recommendation section it states that a systematic research on the barriers to integration is necessary; racism and xenophobia, together with discrimination are mentioned as phenomenon to be studied.[208]

There are examples of projects for young people related to the prevention racism and intolerance implemented by non-governmental organisations, for example:

- ‘Szkola Dialogu’ (School of Dialogue), carried out since by the Forum of Dialogue among Nations, aimed at broadening young people’s knowledge about the long presence of Jews in Poland through the exploration and commemoration of the pre-war Jewish history in the place they live; activities are targeted at Polish middle school and high school students.[209];
- Antidiscrimination workshops for highschool students conducted by the Association Against Antisemitism and Xenophobia ‘Open Republic’[210] (since 2010) and Association of Culture and Dialogue 9/12 (since 2009)[211];
- Workshops ‘Dzieci dla integracji’ (Children for integration), Association for Legal Intervention, 2011 – cultural activities in Moszna an Brwinów municipalities dedicated to Polish children aged 8-15 and refugee children from the nearby reception centre[212];

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211 Poland, Association of Culture and Dialogue 9/12, [http://9dwunastych.org/kronika.htm](http://9dwunastych.org/kronika.htm).

212 Poland, Association for Legal Intervention, [www.interwencjaprawna.pl/dzieci](http://www.interwencjaprawna.pl/dzieci).
There has been no study conducted on the impact of these projects and it is difficult to evaluate their effects. They are not linked to general integration and/or social inclusion and/or cohesion policy.

Please provide information about state and non-state responses via positive measures, campaigns, partnerships involving migrants and communities. Please provide information only about those actions that focus on migrants and on prevention and promotion of peaceful living together and integration as mutual accommodation combatting racism and intolerance. Please outline any assessment about their impact and identify any relevant promising practice. (Use the template for promising practices in Annex 7).

<table>
<thead>
<tr>
<th>4.2. Combatting racism and intolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any policy measures, initiatives and practices to accommodate for ethnic or religious differences, for example in regard to sharing public space, such as swimming pools at local level? Identify any promising practices encouraging social</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

### Interaction and Contacts of People of Different Backgrounds

At the local level (please read the template for promising practices in annex 7),

- Campaign “Białystok. Traditionally multicultural” (“Białystok. Tradycyjnie wielokulturowy”) conducted by the Foundation Dialogue (Fundacja Dialog) aims at building intercultural dialogue between foreigners and Polish citizens living in Białystok. Within this campaign – are organized such events as: culinary workshops, multicultural swap party (exchanges of food and cloths).

- Partnership for Active Neighbourhood (“Partnerstwo na rzecz aktywnego osiedla”) is a common initiative of NGOs, schools, churches and police that are based within three neighborhoods were racist incidents took place in 2013 in Białystok. Its aim is to organize events that would make neighbours closer to each other.

- Campaign “From tolerance to integration” (“Od tolerancji do integracji”) conducted by Polish Migration Forum (Polskie Forum Migracyjne) together with Foundation for Somalia (Fundacja dla Somali) and Foreigners’ Office. Within this campaign a series of meetings and workshops takes place for Polish citizens as well foreigners applying for refugee status in Poland.

### Please Indicate Concrete Measures, Initiatives or Programmes

Please indicate concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions, especially at local level. E.g. campaigns, opening doors and reaching out to citizens, social centres, informal collective bodies, cultural events etc.

Please provide notable examples of promising practice (please read the template for promising practices in annex 7).

- Municipality Office of the city of Warsaw founded ‘Warszawskie Centrum Wielokulturowe’ (Multicultural Centre in Warsaw) organized by several non-governmental Polish and migrant organization which started its activities in 2014. It serves as an information point for migrants, including the newly arrived.

- Infolink Wrocław create with the support of the city of Wrocław – it was created with the daily challenges in mind faced both by immigrants living in Wrocław and by tourists visiting Wrocław. It provides information on a wide range of affairs and subjects, both legal, business, private matters and leisure time activities.

### Are There Any Specific Ethical or Other Guidelines or Rules Concerning the Language Used by Media or Journalists

Are there any specific ethical or other guidelines or rules concerning the language used by media or journalists, when writing about migrants and/or their descendants? In this case please provide briefly information about actual application of such rules and challenges.

## 4.3. Mixed marriages

Mixed marriages is often used as an index for social distance and integration or, even, assimilation. Mixed (citizenship) marriages are defined as those where one of the spouses has foreign citizenship and the other has national citizenship (including registered partnerships, common-law marriages). Please indicate legal limitations, if any, for marriages between nationals and foreigners, e.g. for asylum seekers, third country nationals, etc. Do these limitations result in practical barriers?

<table>
<thead>
<tr>
<th>Are there any official or non-official data and information on mixed marriages (between nationals and people with another citizenship)? Please provide % proportions on the total number of marriages in a given period, as well as data – where available - about ages, country of origin/birth of migrant spouses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>According to Eurostat statistics Poland was in a group of countries which had the smallest percentage of mixed marriages (together with Romania and Bulgaria. Mixed marriages constituted only c. 2 % of all marriages (data for year 2005-2007 and 2008-2010)(^{217}).</td>
</tr>
</tbody>
</table>

\(^{216}\) Marriage in Poland. Information for Foreigners, leaflet prepared by Polish Migration Forum (Polskie Forum Migracyjne).  
\(^{217}\) Lanzieri, Giampaolo, Population and Social Conditions, Eurostat. Statistics in Focus, 29/2012
Annex 2: National and regional level action plans on integration

<table>
<thead>
<tr>
<th>National / regional level (specify region)</th>
<th>Year of the first edition and Year of latest update (e.g. First edition: 2004, Most recent update: 2011)</th>
<th>Responsible ministry – public authority – reference details (URL – links)</th>
<th>Target groups identify migrant and refugee groups as beneficiaries (e.g. on the basis of their residence status)</th>
<th>Main aims, actions and activities foreseen in the focus areas – link to fundamental rights [provide both key dimensions and specific actions and aims of the policy instruments in each focus area (use a different row for each focus area if needed)]</th>
<th>Targeting general population?</th>
<th>Yes/No – explanatory comments where needed</th>
<th>Insert here definition of integration (in EN) if any. Alternative: Indicate the core aim/objective of the NAP related to social inclusion and/or integration of migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>Polish migration policy – status quo and postulated actions (Polityka migracyjna Polski – stan obecny i postulowane działania), adopted on 21 July 2012</td>
<td>Ministry of the Interior</td>
<td>Refugees and persons granted international protection (existing measures) Other groups of migrants, not specified (recommended measures)</td>
<td>Polish migration policy – status quo and postulated actions (Polityka migracyjna Polski – stan obecny i postulowane działania) states that integration should be aimed at enabling migrants’ participation in social life and their enjoyment of civil rights, in the conditions were their cultural and religious needs are respected. It further recommends to undertake actions preventing any kind of discrimination in public institutions, in the labour market, healthcare system and in social interactions. It also postulates to open a discussion on the possibility of granting voting rights in local elections to migrants with undetermined duration stay permits.</td>
<td>Yes</td>
<td>Yes – explanatory comments where needed</td>
<td>Integration is a complex and long-lasting process, demanding a vision and an informed top-down inspiration in the process of forming, implementing and monitoring of relevant policies, constituting one of the key elements of a broadly understood migration policy. The aim of integration is to enable immigrants an independent existence, allowing for the use of possibilities available</td>
</tr>
</tbody>
</table>
in the labour market, in the education and healthcare systems, as well as their participation in public life and enjoyment of civil rights, under conditions ensuring the respect of cultural and religious needs of all interested parties’

<p>| National | Implementation plan for the Polish migration policy – status quo and postulated actions (Plan wdrażania dla dokumentu “Polityka migracyjna Polski – stan obecny i postulowane działania”), adopted on 28 May 2014 | Ministry of the Interior | Refugees and persons granted international protection (existing measures) Other groups of migrants (recommended measures): – permanent residents, long-term EU residents (Polish language competency requirement for applicants, Polish language courses – specialized institutions, partial state subsidies) | Implementation plan for the Polish migration policy – status quo and postulated actions (Plan wdrażania dla dokumentu “Polityka migracyjna Polski – stan obecny i postulowane działania”) contains a reference to question of political rights on foreigners. It states that the above-mentions recommendations are being debated, including consultations with the National Electoral Commission and representatives of local governments. Further decisions can be taken after the adoption of the integration policy document, scheduled for 2015. | Yes | – |</p>
<table>
<thead>
<tr>
<th>National</th>
<th>Polish policy on migrant integration – principles and guidelines (Polska polityka integracji cudzoziemców – założenia i wytyczne), published on 25 September 2013, adoption expected in 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Labour and Social Policy</td>
<td>Refugees and persons granted international protection (existing measures) Other groups of migrants (recommended measures): – permanent residents, long-term EU residents (Polish language competency requirement for applicants, Polish language courses – specialized institutions, partial state subsidies) – temporary residents,</td>
</tr>
<tr>
<td>Polish policy on migrant integration – principles and guidelines (Polska polityka integracji cudzoziemców – założenia i wytyczne) contains a chapter on political right of foreigners. It acknowledges that the provisions which regulate the migrants’ right to vote in Poland are among the most restrictive in Europe, as they allow for the participation in elections only of the EU citizens and in local election exclusively. Also, the law does not allow for migrants to set up or become members of political parties. As to the right to association, migrants cannot form associations, however they have the right to join an existing one. In this document, it is recommended that migrants residing in Poland on the basis of a permanent residence permit</td>
<td></td>
</tr>
<tr>
<td>Ministry of Labour and Social Policy</td>
<td>Polish policy on migrant integration – principles and guidelines (Polska polityka integracji cudzoziemców – założenia i wytyczne) contains a chapter on political right of foreigners. It acknowledges that the provisions which regulate the migrants’ right to vote in Poland are among the most restrictive in Europe, as they allow for the participation in elections only of the EU citizens and in local election exclusively. Also, the law does not allow for migrants to set up or become members of political parties. As to the right to association, migrants cannot form associations, however they have the right to join an existing one. In this document, it is recommended that migrants residing in Poland on the basis of a permanent residence permit</td>
</tr>
<tr>
<td>Yes</td>
<td>‘Integration is a dynamic, two-way process engaging both migrants and the host society and aimed at full and equal membership of migrants in the society of the receiving state. Integration should be aimed at migrant’s ability to function independently in Poland, including the labour market and his/her independence from benefits and social assistance’</td>
</tr>
<tr>
<td>permanent residents (pre-integration measures, e.g. civic competence courses – NGOs and local government, external sources, e.g. AMIF)</td>
<td>be granted the right to vote and the right to stand for election in local elections as well as the right to vote in European Parliament elections. Furthermore, permanent residents should be given the right to become members of political parties. The law on associations stating that each association should have at least one Polish citizen as a member of the board should be amended; it should be replaced by a provision requiring that at least one migrant with permanent residence period be member of each association.</td>
</tr>
</tbody>
</table>
Annex 4: Indicators monitoring migrant integration - social inclusion/cohesion

N/A.
Annex 5: Use of funding instruments

Table 1 - European Integration Fund (EIF)

<table>
<thead>
<tr>
<th>Year</th>
<th>European Integration Fund (EIF) - TOTAL</th>
<th>Own funds</th>
<th>Funds distribution / Thematic areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Participation</td>
</tr>
<tr>
<td>2010</td>
<td>1 716 875.29 EUR</td>
<td>208 942.71 EUR</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>2 033 361.13 EUR</td>
<td>244 656.67 EUR</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>1 889 319.92 EUR</td>
<td>205 302.33 EUR</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>2 359 451.76 EUR</td>
<td>248 717.67 EUR</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>4 675 842.51 EUR</td>
<td>562 996.45 EUR</td>
<td></td>
</tr>
</tbody>
</table>

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

---

218 Poland, *Centrum Obsługi Projektów Europejskich*, (2015) information received by e-mail on 17 June to the request upon access to public information of 24 February 2015 (copy of the letter send by Centrum to the Ministry of Labour and Social Policy). The table shows the distribution of funding. According to the information received, the total of allocated funding exceeded on average by around 10% the actual distribution. This difference was due to the fact that not all funds allocated for the implementation of projects have been used by the grant beneficiaries.
Table 2 - European Refugee Fund (ERF) aiming at integration of beneficiaries of international protection –

<table>
<thead>
<tr>
<th></th>
<th>European Refugee Fund (ERF) - TOTAL</th>
<th>Own funds (national/regional)</th>
<th>Funds distribution / Thematic areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Participation</td>
</tr>
<tr>
<td>2010</td>
<td>1 186 409.97 EUR</td>
<td>138 328.19 EUR</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>1 326 904.74 EUR</td>
<td>161 694.27 EUR</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>2 335 856.56 EUR</td>
<td>290 084.96 EUR</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>2 068 067.71 EUR</td>
<td>258 501.39 EUR</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>1 671 241.75 EUR</td>
<td>205 860.41 EUR</td>
<td></td>
</tr>
</tbody>
</table>

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

---

219 Poland, *Centrum Obsługi Projektów Europejskich*, (2015) information received by e-mail on 17 June to the request upon access to public information of 24 February 2015 (copy of the letter send by Centrum to the Ministry of Labour and Social Policy). The table shows the distribution of funding. According to the information received, the total of allocated funding exceeded on average by around 10% the actual distribution. This difference was due to the fact that not all funds allocated for the implementation of projects have been used by the grant beneficiaries.

NOTE: the ERF distribution concerns only funds that were distributed on a competitive basis (through calls for proposals), information on funds distributed on a non-competitive basis has not been provided.
## Annex 7: Promising practices

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Policy measures, initiatives and practices to accommodate for ethnic differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation (original language)</td>
<td>Zespół Szkół Publicznych w Mrokowie (schools) Fundacja Świat na Wyciągnięcie Ręki (NGO)</td>
</tr>
<tr>
<td>Organisation (EN)</td>
<td>Public Schools in Mroków World Within Hand’s Reach Foundation</td>
</tr>
<tr>
<td>Government / Civil society</td>
<td>Local government Civil society</td>
</tr>
<tr>
<td>Funding body</td>
<td>Municipality budget, European Fund for the Integration of Third-country Nationals</td>
</tr>
</tbody>
</table>

**Reference (incl. url, where available):**

- **Zespół Szkół Publicznych w Mrokowie**
  - ul. Marii Świątkiewicz 2A, 05-552 Magdalenka
tel. (+48 22)756 15 55 sekretariat@zspmrokow.pl
  - http://www.zspmrokow.pl/

- **Fundacja ‘Świat na Wyciągnięcie Ręki’**
  - Gwiaździsta 27 lok. 63, 01-651 Warszawa
tel. (+48) 501 318 949
  - fundacja@swiaty.org.pl
  - http://swiaty.org.pl/

| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 2007 |
| Type of initiative | School initiative |
| Main target group | Parents of children of migrant background, children, teachers |
| Indicate level of implementation: Local/Regional/National | Local |
| Brief description (max. 1000 chars) | In a school in Mrokow where 10% of pupils are of Vietnamese origin three projects were conducted in cooperation with the NGO World Within Hand’s Reach Foundation. During these projects a series of trainings for |
teachers were provided. A guide in Polish, Chinese and Vietnamese was prepared concerning basic cultural competences needed in contacts with schools (what is the organization of school year, how to behave at school, information that presents are generally not accepted, except for flowers for certain occasions). Another initiative aiming at improving cooperation between schools and parents of children of foreign origin was employment of two cultural assistants (one Vietnamese and one Chinese). Their role is to help in translating conversations, meet regularly with parents and help in individual matters (for example in acquiring PESEL number). Moreover, there is a plan to translate all school documents, including a statute of the school into Chinese and Vietnamese to make it easier for parents of children of Asian origin to contact the school. In the framework of the last project, also Polish language courses will be offered to migrant children and cultural assistant will be employed\textsuperscript{220/221}.

<table>
<thead>
<tr>
<th>Highlight any element of the actions that is transferable (max. 500 chars)</th>
<th>It is fully transferable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</td>
<td>As the school is located in an area inhabited by Vietnamese and Chinese migrants and persons of Vietnamese and Chinese descent, there will be a continuous need for this type of projects.</td>
</tr>
<tr>
<td>Give reasons why you consider the practice as having concrete measurable impact</td>
<td>It is a series of projects that covers many aspects related to a multicultural school, and tries to provide assistance to children, teachers and parents alike. There is a lot of focus on practical aspects (cultural orientation, language interpretations). The handbook is an important material outcome that, if updated, may be of great use to many generations of children and parents.</td>
</tr>
<tr>
<td>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</td>
<td>This practice can be transferred to all multicultural schools as proposed activities can be easily implemented with other groups of migrants and in other cities.</td>
</tr>
<tr>
<td>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</td>
<td>Project activities, such translation of documents, legal and orientation assistance were proposed in consultation with parents.</td>
</tr>
<tr>
<td>Explain, if applicable, how the practice provides for review and assessment.</td>
<td>No assessment mechanism for this practice is known. The fact that similar activities are being conducted in this school...</td>
</tr>
</tbody>
</table>

\textsuperscript{220} Prawa wyborcze dla cudzoziemców – tak czy nie?, str. 79-82
\textsuperscript{221} Poland, World Within Hand’s Reach Foundation, \url{http://swiaty.org.pl/wp-content/uploads/2014/01/Wielokulturowo%C5%9B%C4%87-w-Gminie-Lesznowola.pdf}. 
for several years proves that there is a significant need and that implemented measures prove effective.

<table>
<thead>
<tr>
<th><strong>Thematic area</strong></th>
<th><strong>Policy measures, initiatives and practices to accommodate for ethnic differences</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title (original language)</td>
<td><em>Warszawskie Centrum Wielokulturowe</em></td>
</tr>
<tr>
<td>Title (EN)</td>
<td>Multicultural Centre in Warsaw</td>
</tr>
<tr>
<td>Organisation (original language)</td>
<td>Municipality Office of the city of Warsaw (funding), non-governmental organisations (idea and organisation)</td>
</tr>
<tr>
<td>Organisation (EN)</td>
<td>Urząd miasta stołecznego Warszawy</td>
</tr>
<tr>
<td>Government / Civil society</td>
<td>Government and civil society</td>
</tr>
<tr>
<td>Funding body</td>
<td>Municipality Office of the city of Warsaw</td>
</tr>
<tr>
<td>Reference (incl. url, where available)</td>
<td>ul. Jagiellońska 54, Warsaw  e-mail: <a href="mailto:info@info-migrator.pl">info@info-migrator.pl</a>  tel.: (+48 666 600 566)  Website: <a href="http://www.cw.org.pl">www.cw.org.pl</a></td>
</tr>
<tr>
<td>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</td>
<td>2014-present</td>
</tr>
<tr>
<td>Type of initiative</td>
<td>Information point for migrant and platform for cultural initiatives</td>
</tr>
<tr>
<td>Main target group</td>
<td>Migrants residing in Warsaw, Warsaw residents and tourists</td>
</tr>
<tr>
<td>Indicate level of implementation: Local/Regional/National</td>
<td>Local</td>
</tr>
<tr>
<td>Brief description (max. 1000 chars)</td>
<td>The Multicultural Centre in Warsaw was created as a platform for activities undertaken by and for migrants in the urban space. It serves as an information point for migrants, including the newly arrived and provides space for cultural initiatives, trainings and research where NGOs, including migrant and diaspora organisation are invited to perform part of their activities. The establishment of the Center was preceded by a pilot project implemented by <em>Fundacja 'Inna Przestrzeń'</em> (Foundation 'Other Space'), started in 2009, in the framework of which a series of training were provided to</td>
</tr>
</tbody>
</table>
Main activities (planned and currently implemented) of the Center include:

1) Integration through culture (concerts, exhibitions, library)
2) Support (support for NGOs, entrepreneurship incubators, trainings, language courses)
3) Information (cultural orientation, help-line, volunteer centre)
4) Education (cooperation with schools, works hops for children)
5) Research on migration-related issues

Highlight any element of the actions that is transferable (max. 500 chars)

It is fully transferrable.

Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)

The Municipality Office has made available for the organisation a space (building) which can guarantee long-term duration of activities.

Give reasons why you consider the practice as having concrete measurable impact

It is too early to evaluate this practice impact, as it was started only in the last months of 2014. However, it is the first initiative of this kind, and the first space where several organisations can act together and have an impact on both migrants and the hosting community: residents of Warsaw living in the neighbourhood but also other districts, as well as tourists. The Center plans to involve also other institutions, such as schools and the media.

Give reasons why you consider the practice as transferable to other settings and/or Member States?

This practice can be transferred to other countries, to any city with a migrant population and engaged civil society.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.

More than 15 NGOs, including migrant organisations were involved in the process of creation of the Center. It was preceded by a pilot project in the framework of which trainings were provided to leaders of migrant communities.

Explain, if applicable, how the practice provides for review and assessment.

No assessment mechanism exists for this practice yet.

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Policy measures, initiatives and practices to accommodate for ethnic differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title (original language)</td>
<td><em>Nasz Elementarz</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Title (EN)</strong></th>
<th>Our ABC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organisation (original language)</strong></td>
<td>Ministerstwo Edukcji Narodowej</td>
</tr>
<tr>
<td><strong>Organisation (EN)</strong></td>
<td>Ministry of Education</td>
</tr>
<tr>
<td><strong>Government / Civil society</strong></td>
<td>Government</td>
</tr>
<tr>
<td><strong>Funding body</strong></td>
<td>State budget</td>
</tr>
<tr>
<td><strong>Reference (incl. url, where available)</strong></td>
<td>al. J. Ch. Szucha 25, 00-918 Warszawa tel.: 22 34 74 100 e-mail: <a href="mailto:informacja@men.gov.pl">informacja@men.gov.pl</a> website: <a href="http://naszelementarz.men.gov.pl/">http://naszelementarz.men.gov.pl/</a></td>
</tr>
<tr>
<td><strong>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</strong></td>
<td>2014-present</td>
</tr>
<tr>
<td><strong>Type of initiative</strong></td>
<td>Free of charge school book for primary school which included references to multiculturalism</td>
</tr>
<tr>
<td><strong>Main target group</strong></td>
<td>Schoolchildren, teachers, parents</td>
</tr>
<tr>
<td><strong>Indicate level of implementation: Local/Regional/National</strong></td>
<td>National</td>
</tr>
<tr>
<td><strong>Brief description (max. 1000 chars)</strong></td>
<td>‘Our ABC’ is a free of charge school book, made available to Polish primary schools (an in the future also to lower secondary schools – gimnazja) by the Ministry of Education. The idea behind the project was to decrease the school-related costs that parents had to bear, by providing an alternative to expensive schoolbooks available in the market. The content of the book was elaborated by specialist, and it includes elements referring to the idea of an open and diverse society; for example the content of 1st year schoolbook is based on the story of an imaginary school class that has among its members a child with disabilities, a child of a single mother, a Vietnamese child called Hoan and a dark-skinned girl called Żaneta.</td>
</tr>
<tr>
<td><strong>Highlight any element of the actions that is transferable (max. 500 chars)</strong></td>
<td>This practice is fully transferrable.</td>
</tr>
<tr>
<td><strong>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</strong></td>
<td>It is a symbolic measure aimed at a long-term process of raising awareness and shaping positive attitudes towards migrants and minorities in the Polish society.</td>
</tr>
<tr>
<td>Give reasons why you consider the practice as having concrete measurable impact</td>
<td>It is difficult to speak of measurable impact in relation to this practice. It is rather expected that its effect will be seen in the attitudes of children and school teachers towards diversity and that increasing diversity of the Polish society will start to be reflected in other school curricula (also: high school).</td>
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<tr>
<td>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</td>
<td>This practice is fully transferrable to all multi-ethnic context where the school curricula can be changed in order to reflect multi-ethnic and diverse character of a given society.</td>
</tr>
<tr>
<td>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</td>
<td>Schoolbooks are being prepared one by one, starting from the 1st class of primary school. At each stage, they are subject to public consultations with parents, teacher and other persons who can express comment and opinions as to the content via the Ministry website.</td>
</tr>
<tr>
<td>Explain, if applicable, how the practice provides for review and assessment.</td>
<td>No assessment mechanism exists for this practice yet.</td>
</tr>
</tbody>
</table>
Annex 8: Discrimination complaints submitted to Equality Bodies

No data available.\textsuperscript{223}

\textsuperscript{223} Poland, Plenipotentiary for Equal Treatment (Pełnomocniczka Rządu do spraw Równego Traktowania) (2015) information received on 9 March to the request upon access to public information of 20 February 2015; Poland, Polish Ombudsman (2015) information received on 18 March to the request upon access to public information of 20 February 2015; Poland, Ministry of the Interior, Human Rights Protection Team (2015) information received on 19 March to the request upon access to public information of 20 February 2015.
Annex 9: Case law – max 5 leading cases

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Discrimination on the ground of ethnic origin in access to goods and services</th>
</tr>
</thead>
</table>
| **Decision date** | The judgment of the District Court in Poznan was issued on October 24, 2011.  
The judgment of the Appellate Court in Poznan was issued on February, 2012. |
| **Reference details** | I instance: District Court in Poznan, I Civil Department, ref. no. I C 592/11.  
II instance: Appellate Court in Poznan, I Civil Department, ref. no. I Aca 1162/11. |
| **Key facts of the case** | On December 10, 2010 Adam G. entered club Cuba Libre with three friends in Poznan, Poland. After Adam’s party took their seats in the club, Adam was approached by one of the club’s security guards, who asked about Adam’s ethnic background. When Adam replied that he is Roma, the security guard informed him that Roma are banned from entering Club Cuba Libre and he asked Adam to leave. On December 17, 2010, Adam returned to Cuba Libre with a group of friends. One of the club’s security guards stopped the entire group at the entrance, telling them that he had been asked by his employer to keep all Roma from entering the club. When the manager was called over, she confirmed that the owners did not agree to permit Roma to enter the club. At the request of the Polish NPF (Helsinki Committee for Human Rights), a lawyer agreed to represent Adam G. On March 2, 2011 a lawsuit was filed in District Court in Poznan. |
| **Main reasoning/argumentation** | The main issue in this case was to establish whether there is an effective remedy for individuals who have been refused access to services before January, 1 2011 i.e when the Act on implementation of certain EU provisions on equal treatment went into force. Additionally, it was important to determine whether on the grounds of current provisions of civil code the owner of the club is legally responsible for actions of persons under his supervision. |
| **Key issues (concepts, interpretations) clarified by the case** | |
| **Results (sanctions) and key consequences or implications of the case** | Sanctions for the defendant: I instance: none. II instance: the Appellate Court in Poznan ordered the club owner to formally apologize to Adam G. in the press and to pay 10,000 PLN to the local Roma association. |
inter alia: "Undoubtedly, refusing the plaintiff the access to the club due to his Roma ethnic origin constituted infringement of his personal rights such as the right to dignity embodied in art. 23 of Polish civil code. Inalienable character of a right to dignity includes inter alia a right to have a high self-esteem because of individuals' ethnic origin. Every kind of discriminatory conduct on grounds of ethnic origin shall be regarded as infringement of personal rights" ("Nie ulega wątpliwości, że odmowa umożliwienia powodzi wejścia do lokalu z uwagi na jego romskie pochodzenie etniczne stanowiła naruszenie jego dobra osobistego, jakim jest prawo do godności osobistej. Niezbywalna godność człowieka obejmuje bowiem m.in. prawo do wysokiego poczucia własnej wartości z uwagi na swoje pochodzenie narodowe lub etniczne. Wszelkie działania o charakterze dyskryminacyjnym z tego tytułu należy uznać za naruszenie tak rozumianego dobra osobistego" p.12) "Discrimination on grounds of ethnic origin is a particularly severe kind of infringement of personal rights as it not only undermines the self-esteem of the injured party, but it strikes at their subjectivity and identity. Undoubtedly, the plaintiff is entitled to demand from the defendant formal apology for the discriminatory practices (...) It is also justified for the plaintiff to demand compensation for the moral harm that he have suffered" (" Dyskryminowanie z powodu pochodzenia narodowego lub etnicznego jest szczególnie dotkliwym naruszeniem dóbr osobistych, bowiem nie tylko podważa ocenę własnej wartości u pokrzywdzonego, wle wręcz godzi w jego poczucie podmiotowości i tożsamości. Nie ulega w związku z tym wątpliwości, że powód może domagać się od pozwanej złożenia oświadczenia w odpowiedniej formie, przepraszającego go za podjęte wobec jego osoby praktyki dyskryminacyjne (...) Uzasadnione jest w tej sytuacji zgłoszone w pozwie żądanie zasądzenia od niej na wskazany cel społeczny zadośćuczynienia pieniężnego za doznaną krzywdę" p.13-14).