



Civil society monitoring report on implementation of the national Roma integration strategies in Poland

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

Prepared by:
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EXECUTIVE SUMMARY

The main goal of the “Roma Programme 2014-2020”, which is the Polish National Roma Integration Strategy, is to increase the social integration through educational activities (including cultural, historical and civic education), vocational development, health and improvement of the housing situation. Gender and anti-discrimination were two areas that were not included in the Program. The lack of support in these areas is one of the Program’s major weaknesses because the social exclusion of Roma is not only a result of poverty, but also a result of continuous prejudice and discrimination. While the antigypsyist manifestations intensify and the level of social acceptance towards Roma declines during times of crisis, the Programme does not take them into account. According to the Supreme Audit Office, the previous Roma Programme 2004-2013 was carried out properly although was not fully effective.¹ We must wait for the final evaluation of the Roma Programme 2014-2020, however, even at this stage, we can see a change in the authorities’ attitude to the Roma Programme – less attention, fewer consultations, smaller-scale activities, especially at the local level.² An audit carried out in 2016 by the Supreme Chamber of Control to assess a status of the Program’s implementation by municipalities in the Malopolska Voivodship shows that in the area of education there is no improvement in the learning outcomes of Roma children; in the areas of health and labour, actions were taken only sporadically and only in controlled municipalities with no effects. None of the controlled units created a local strategy of the Roma social integration, despite the fact that according to the Roma Program’s assumptions it should constitute a basic scope of support and include, and offer long-term, intensive and comprehensive aid adjusted to the needs of specific Roma families living in the municipality. The Roma Program’s funding is mainly provided by state budget resources, which is an expression of a political will to improve the situation of Roma in Poland. The Roma Programme was initiated by the decision of the previous government and is continued by the new one.³

Governance and overall policy framework

The Roma Programme 2014-2020 creates organizational, legal and financial frameworks adjusted to the requirements of the 2011 EU Framework for National Roma Integration Strategies. In practice, it is carried out by the local authorities and non-governmental organizations, including Roma organizations. Presently, around 140 local governments participate in the Programme (almost all inhabited by Roma) and around 70 Roma organizations (with about 120 organizations registered in Poland). The Programme is flexible – it outlines objectives, frameworks and indicators, and is not a closed catalog of activities. Its flexibility allows adjusting solutions to changes observed, newly defined problems and needs, however, only within the four defined areas: Education, Housing, Health and Labor Market. There is a network of Voivodes Plenipotentiaries for National and Ethnic Minorities (in all 16 Voivodeships): they maintain the on-going relations with the Ministry of Interior and Administration and with the local authorities. An important part of their job is a daily contact with entities conducting specific activities, especially with Roma organizations and local Roma community. An important element of the national and ethnic minorities’ support system are Police Plenipotentiaries for Human Rights Protection at the Voivodship level, operating in all 16 Voivodeships.

¹ Audit Protocol of the Supreme Chamber of Control available at: <https://www.nik.gov.pl/plik/id,13073,vp,15485.pdf>

² Information based on interview with Roma NGOs.

³ Audit Protocol of the Supreme Chamber of Control available at: <https://www.nik.gov.pl/plik/id,13984,vp,16428.pdf>

Anti-discrimination

After the elections of 2015, the change of power resulted in the increased centralization, domination of nationalist narrative, as well as anti-immigrant rhetoric in the media. Legal regulations directly related to the minorities did not change, however, other regulations relating to the human rights did change. Such changes can impact Roma directly, e.g. an attempt to tighten anti-abortion laws or visible weakening of the Ombudsman position, which is responsible for implementing the Principle of Equal Treatment. It is an unfavorable change from the point of view of counteracting discrimination. Some Roma Communities experience discrimination and ethnic conflicts. Negative opinions about Roma persist and there is also a permeate, on-going migration wave of Polish Roma to Great Britain. Counteracting those negative phenomena is limited in the Roma Program; like in the case of housing and improvement of housing conditions, which are part of the Roma Program, and which create conflicts with the local majority community – local authorities refuse or delay decisions in that matter fearing the loss of non-Roma electorate.

Addressing antigypsyism

Antigypsyism is not recognized by the state (parliament, ministries, and public authorities) as a specific form of racism, discrimination against Roma or as a root cause of their exclusion (e.g. in legislation, policies, measures and communication) nor does the term antigypsyism appear in Polish laws and regulations. As a consequence, there is no structure established by the government to monitor and analyze antigypsyism, and to introduce preventive measures in state institutions. From the budget of Roma Programme there is a possibility to finance preventive initiatives and projects and those fostering intercultural dialogue implemented by state bodies, local authorities and civil society organizations, including Romani. However, neither Roma nor other government programmes foresee positive measures to promote ethnic diversity in public administration, police, prosecutors' offices and courts from which Roma could benefit. The knowledge about antigypsyism is only disseminated in the framework of the commemorations of Roma Genocide during the World War II.⁴ The 2nd of August is a Roma Genocide Remembrance Day, commemorated in the Auschwitz-Birkenau Concentration Camp.⁵

Data gathered between 2014-2016 related to hate speech cases reflects changes because of the most recent currents, refugee's crisis.⁶ Considering earlier data from 2014,⁷ Jews and Roma figured as prime targets for hate speech in Poland, since the new government took the power, Muslims appeared as prime target, followed by Jews and Roma.⁸

⁴ For example, initiative Dikh he Na Bistar - Look and don't forget organized since 2010 in Krakow by Ternype. See: <http://2august.eu/events/2014-krakow-auschwitz/>

⁵ International Camp of Roma Remembrance; see: http://romopedia.pl/index.php?title=M%C4%99dzynarodowy_Tabor_Pami%C4%99ci_Rom%C3%B3w

⁶ <https://www.rpo.gov.pl/pl/content/prezentacja-raportu-mowa-pogardy-mowa-nienawisci>

⁷

<https://www.rpo.gov.pl/sites/default/files/Raport%20Mowa%20Nienawi%C5%9Bci%2C%20Mowa%20Pogardy%2C%2027.02.2017.pdf> (page 54)

⁸

<https://www.rpo.gov.pl/sites/default/files/Raport%20Mowa%20Nienawi%C5%9Bci%2C%20Mowa%20Pogardy%2C%2027.02.2017.pdf> (page 54)

INTRODUCTION

The Roma in Poland belong predominantly to five groups. *Polska Roma* (Polish Roma), *Romowie Karpaccy* (Carpathian Roma, also known as *Bergitka Roma*), *Kelderasze*, *Lowarzy* and *Sinti*. These groups differ in culture, and in social and economic situation.⁹ According to the Polish Law,¹⁰ Roma are legally recognized from 2005 as an ethnic minority. They are at risk of discrimination on the grounds of racial or ethnic origin and because of being in socially excluded situation.¹¹ Since the end of the World War II Poland is a homogeneous country in which all national and ethnic minorities constitute a little over 1 per cent of 38.5 million inhabitants. According to the latest 2011 Population and Housing Census, 17,049 Polish citizens declared to belong to the Roma ethnic minority.¹² Nonetheless, according to local institutions, Roma organizations and researchers, the number of Roma in Poland is estimated to be between 25-35 thousand people.

The Polish government started, and to this day implements, an integration policy for Roma. First, it created "A Governmental Pilot Programme for the Roma Community in Malopolskie Voivodship¹³ 2001-03",¹⁴ secondly, the "Programme for the Roma Community 2004-2013" and lastly, the "Integration Programme of the Roma Community in Poland 2014-2020".¹⁵ The recent governmental Roma Programme does not exclude Roma, as Polish citizens, from participating in other, mainstream and generally available policies and programs.

The "Programme for the Roma Community 2004-2013"¹⁶ focused on eight areas to further be improved: education; Roma and civil society; counteracting unemployment; health and hygiene; housing situation; security and counteracting crimes on ethnic grounds; culture and preservation of Roma ethnic identity; and knowledge about the Roma community. Later on, in the "Integration Programme of the Roma Community in Poland 2014-2020" and in accordance with suggestions and guidelines of the 2011 EU framework for National Roma Integration Strategies of 2011,¹⁷ these eight fields were merged into four: education, housing, health and labor market.¹⁸ These focus areas were defined as key ones in an audit of the Supreme Audit Office,¹⁹ and in the independent evaluation of the "Programme for the Roma Community 2004-2013".²⁰ The most important, however, was

⁹ Adam Bartosz, „Nie boj się Cygana”, Pogranicze, Sejny 2004.

¹⁰ <http://mniejszosci.narodowe.mswia.gov.pl/mne/prawo/ustawa-o-mniejszosciac/6492,Ustawa-o-mniejszosciach-narodowych-i-etnicznych-oraz-o-jezyku-regionalnym.html>

¹¹ <http://mniejszosci.narodowe.mswia.gov.pl/mne/romowie/program-integracji-spol/8303,Program-integracji-spolnosci-romskiej-w-Polsce-na-lata-2014-2020.html>

¹² <http://mniejszosci.narodowe.mswia.gov.pl/mne/mniejszosci/wyniki-narodowego-spis>

¹³ South part of Poland.

¹⁴ <http://mniejszosci.narodowe.mswia.gov.pl/mne/romowie/program-na-rzecz-spole/pilotazowy-program-rza/6721,Tresc-pilotazowego-programu-rzadowego-na-rzecz-spolnosci-romskiej-w-wojewodzt.html>

¹⁵ We will refer to later as the "Roma Programme".

¹⁶ <http://mniejszosci.narodowe.mswia.gov.pl/mne/romowie/program-na-rzecz-spole/program-na-rzecz-spole/tresc-programu-na-rzecz/6670,Tresc-Programu.html>

¹⁷ http://ec.europa.eu/justice/discrimination/roma/eu-framework/index_en.htm

¹⁸ In addition, three support instruments have been defined: area I - Comprehensive actions to increase the integration of the local Roma Community (comprehensive projects focusing on 3 areas, long-term, for several years, emphasis on cooperation between the local government and the local Roma organization), area II - small grants (annual, cyclic tasks, interventions), area III - nationwide system projects 2014-2020 (scholarships, post-graduate studies, trainings for Roma assistants).

¹⁹ <https://www.nik.gov.pl/plik/id,13073,vp,15485.pdf>

²⁰ Report: "Q quality - improving the quality of the Roma Programme. Available at: <https://rownosc.info/media/uploads/raport-z-badania-ewaluacyjnego-programu-na-rzecz-spolnosci-romskiej-w-polsce.pdf>

the support in the areas of education and housing, supported by data and interviews with the Roma community and local administration. The main goal of the "Roma Programme 2014-2020" is an increase in social integration by way of educational activities (including cultural, historical and civic education), vocational development, health and improvement of the housing situation.

This report analyses the "Roma Programme 2014-2020" and relies on the conclusions and opinions gathered during consultations with Roma individuals, Roma organizations and officials, and on the content analysis of the available research documents, media and internet, as well as on the knowledge and experience of the authors gained during the implementation of the two previous strategies.

Some of the organisations consulted during different meetings, e.g. at the Provincial Office, by phone or e-mail, are the Roma Association in Krakow, the Dialog Pheniben Association, Romano Waśt Association, Romani Educational Association Harangos, Jamaro Association, Kałe Jakha Association. Discussions were also with the Plenipotentiary of Lower Silesia Voivode for National and Ethnic Minorities of Roma origin, as well as with Roma experts, assistants, leaders and other Roma activists on the occasion of different meetings and events. Many of these consultations or discussions were organized for the purpose of developing this report, and some as part of our overall cooperation. We have also contacted the Ombudsman and the Ministry of Interior and Administration.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the Parliament

Since the first free elections in 1989, only two times Roma unsuccessfully run in the *Sejm* elections (Andrzej Mirga and Stanisław Stankiewicz in 1991 and in 1993). Furthermore, people representing the minority run in the 2014 local elections, in different districts and representing different parties. None of the candidates were elected. Roma-related issues are not widely discussed by the society and the Polish political parties are not interested in them. The Roma theme, their social situation, are not part of the political party programs. Roma are not a part of the political party structures, and currently do not have their representatives.

When in 1989 the Parliamentary Commission for National and Ethnic Minorities was established,²¹ Roma gained the possibility to express and advocate for their interests by participating in the Commission's meetings. The Commission's tasks as defined by the law in 2004 include: to support preserving cultural heritage of the national ethnic and language minorities and protection of their rights; to secure the equal treatment of people disregarding of their ethnicity, race and nationality. The Commission undertakes actions within law-making affecting the national and ethnic minorities, analyses the reported problems, organises consultations and meetings with the minorities or interventions.

In the framework of its mandate, the Commission deals with problems and issues reported by the Roma organizations. Roma actively participate in the meetings of the Commission and – what is very important – have access and possibilities for direct contact with the members of the Parliament. In the last eight years, the Commission visited Malopolska Voivodship in March 2016, in 2013 and 2010, meeting with local authorities and Roma community to discuss the difficult housing situation in the municipality and in the city of Limanowa and in the Łącko municipality. In this context, it is very disturbing that the local authorities in the areas, where Roma are in a difficult situation, do not raise funds or raise them only when are pressured by Roma or when the national authorities threatens their withdrawal. The Parliamentary Commission for National and Ethnic Minorities in the desiderata to the Coordinator of the Roma Program, Ministry of Interior and Administration, pointed out that "in 2016 only 56.4 per cent of the national funds were used in the area of Housing. Despite the scandalous living conditions, the unspent funds are not being used"²² (some) local authorities show lack of initiative, very often Voites or local Mayors do not want to carry out activities which potentially can undermine their chances for re-election. The Roma issues are politically unpopular and political calculations take precedence over the interests of Roma communities.

Mainstreaming Roma inclusion across ministries and other national level public authorities

The Ministry of Interior and Administration is responsible for the issues of national and ethnic minorities, including integration and Roma inclusion. Under its authority, the Roma Contact Point (NRCP) is located. Currently, there are no Roma employed within the Ministry's structures. It needs to be stressed out that a form of cooperation within the Roma Programme between central and Voivodeships level changed significantly in the last five years. Most of the competences and activities of the Minority Department of the Ministry of Interior and Administration were transferred to the Regional Plenipotentiaries for National and Ethnic Minorities. Out of five employees, who previously dealt with Roma

²¹ <http://www.sejm.gov.pl/Sejm8.nsf/agent.xsp?symbol=KOMISJAST&NrKadencji=8&KodKom=MNE>

²² Ministry of Interior and Administration on living conditions of Roma in Malopolska Voivodship. Available at: [http://orka.sejm.gov.pl/opinie8.nsf/nazwa/mne_d4/\\$file/mne_d4.pdf](http://orka.sejm.gov.pl/opinie8.nsf/nazwa/mne_d4/$file/mne_d4.pdf)

issues in the Ministry of Interior and Administration, only one is left and *de facto* is responsible for those issues. Even though there were substantial changes in the personnel in the last two years, the implementation of the Roma Programme was not affected.

The National, Ethnic Minorities and Regional Language Act created a national Joint Commission of the Government and National and Ethnic Minorities.²³ It includes two Roma representatives.²⁴ The Commission is an advisory and consultative body to the Prime Minister and meets regularly few times a year. Within the Commission, a Panel for Roma issues was created. Besides the government representatives, it includes twenty Roma representatives – leaders of Roma organizations from all around Poland, appointed by the Roma members of the Joint Commission. It is a consultative body, a kind of discussion forum, intended to explore topics and current problems faced by Roma or implementation of the Roma strategy. Between 2008-2012, 15 regular meetings of the Panel took place, unfortunately in the following years only two meetings were organized (both in 2016),²⁵ therefore it is difficult to assess the work of the Panel and its practical significance for the Roma community. The lack of meetings is caused predominantly by the current intergroup discussion among Roma in Poland regarding the legitimate way of representation of the diverse Roma Community. In this regard, the government is waiting for a clear position of the Roma. Reports from Commission and Panel meetings are posted on the web pages of the Ministry of Interior and Administration.

Mainstreaming Roma inclusion across local authorities

In Poland there are 16 administrative regions, so called Voivodeships, with relatively broad administrative responsibilities. In each region there is a Plenipotentiary for National and Ethnic Minorities, thus creating a network of Voivodes Plenipotentiaries for the National and Ethnic Minorities. Since it was established, only two people from the Roma Community served at this position: in Malopolska (2008-2014 Elżbieta Mirga-Wójtowicz), succeed by a non-Roma, and in Lower Silesia (2015-Justyna Matkowska), still in the position. Plenipotentiaries are responsible for coordinating governmental policies for National and Ethnic Minorities, including coordination and supervision of the Roma Programme in the region. In some municipalities/cities the Plenipotentiaries/Assistants for Roma Affairs are appointed (Andrychów, Nowy Sącz, Wałbrzych, Limanowa). Moreover, Roma leaders and activists pointed out that: "*Plenipotentiaries for Roma Affairs are often dealing only with the issues of Roma Program, rarely engaging in social problems. There is a lack of frequent contacts between the office and social organizations, and lack of initiatives on a larger scale. Not everywhere Roma communities are encouraged to participate in the Roma Program. Usually, where there is a limited engagement from the Roma NGO, only the municipality takes part in the Roma Program*".²⁶

Local authorities consult with Roma proposals for tasks to be carried out, however there is a lack of constant, systematic and ongoing cooperation, creating partnerships and common initiatives, and going beyond the Roma Program.²⁷ Municipalities and cities in which Roma live, have used and still use a Roma Programme on a voluntary basis, according to a specific procedure and yearly updated guidelines.²⁸ The same rules apply to Roma organisations and every other non-governmental entity.

²³ <http://mniejszosci.narodowe.mswia.gov.pl/mne/komisja-wspolna/sklad-i-regulamin/7124,Regulamin-Komisji-Wspolnej-Rzadu-i-Mniejszosci-Narodowych-i-Etnicznych.html>

²⁴ Currently Joint Commission's members are: Roman Chojnacki and Bogdan Trojanek.

²⁵ <http://mniejszosci.narodowe.mswia.gov.pl/mne/komisja-wspolna/zespol-do-spraw-romski/posiedzenia?page=0>

²⁶ Information based on interview with Roma NGOs (Romano Waśt Assotiation).

²⁷ Information based on interview with Roma NGOs.

²⁸ Minister of Internal Affairs and Administration issues yearly guidelines on rules of conduct for grants awarded in a given year within Roma Programme 2014-2020, it requires consulting the Roma community on

Promoting empowerment and participation of Roma

In 2014-2020 Roma Program, four areas were defined: education, health, labour and housing. In each of these areas, Roma community can be strengthened, especially through education and trainings. Roma Programme – in the scope of counteracting unemployment – stresses the vocational development, which could indirectly positively affect civic participation. There were almost no positive results within this scope, as empowerment has not been defined as a priority. Likewise, the Roma Programme did not initiate additional or new activities.

Over the past ten years, an increase in the number of newly established Roma organizations in Poland has been observed. According to the data of the National Court Registry, there are over 120 non-governmental organizations registered, which declare themselves as organizations bringing together and/or representing the Roma minority.²⁹ In practice, 50 out of them are operating actively and systematically. It was possible to create and initiate within the Roma Program, a function of a Roma assistant and supporting teacher. Roma assistant often becomes a leader of the Community and a partner in negotiations with local authorities.

Most of the Roma organisations actively participate in the Roma Program's activities, agree with its principles and see the changes it brings:

*"Thanks to the Roma Program, children have the opportunity to finally feel like normal kids with covered insurances, having books, copybooks, school supplies and clothes. They do not have to feel inferior to others. A big thank you to assistants and Roma representatives."*³⁰

*"I believe that the majority of Roma wants to continue the Program. This is the opportunity that cannot be wasted, those who think otherwise do not care for the future of their children and grandchildren and future of the Roma, they consider themselves a part of. A big thank you to those who work for the Roma Community."*³¹

The Ombudsman writes: *"...in the recent years the situation of the Roma minority improved, undoubtedly it is connected with the activities of the Roma organizations, and with the 2014-2020 Integration Programme of the Roma Community in Poland"*.³²

Some activists (leader of the Roma Association in Poland) believe that Roma should be an element of the mainstream national social policy, and that by having an explicit Roma integration policy, the government stigmatizes Roma:

activities planned at the local level, in order to avoid engaging forces and resources in projects, in which the Roma will not want to participate (from various reasons, often independent of the authorities). Projects are most often consulted with interested Roma families, organization leaders and assistants. After selecting the applications to be financed, drawing up a protocol of committee work, the Voivodes sends proposals to the Minister of Interior and Administration, who makes final decision on subsidy distribution between all 16 Voivodeships in Poland. Entity (municipality or non-governmental organization), which received the funding, signs contract for the implementation of a specific task for example Roma family apartment's renovation and after completing the task, submits financial report to the competent Voivodship Office.

²⁹ The increase in civic activity of the Roma community in seems to be the added value of Roma Programs. Roma Programme motivated Roma to establish non-governmental institutions, since it was the condition of participating in the Programme and receiving funds. Establishing a non-governmental organization in Poland is not difficult, 15 members' signatures are needed to establish association, to establish a Foundation – three people from the board and initial capital of about 500 EUR. In Poland every non-governmental organization can use all available sources of financing as well as funds from abroad and in accordance with the statute created by them.

³⁰ Information based on interview with Roma NGOs.

³¹ Information based on interview with Roma NGOs.

³² Letter Fer. XI.037.8.2017.MS dated 4 December 2017 from The Ombudsman Office to the President of Art Foundation Jaw Dikh.

"As Roma we do not want to be viewed through self-governments and local Communities, as those who have more rights. All problems should be solved in a universal manner, not ethnic one. This money will push us even further to the margin of the civic society."³³

Guarantees for the effectiveness of programmes with the largest budgets

The Roma Programme for 2014-2020 is a targeted, Roma-specific strategy for this community. Unlike in other countries, which use mainly structural funds for programmes like this, Polish Roma Programme uses mainly own budgetary funds supplemented with ESF funds (substantially smaller). The Roma Programme is financed from the so-called 'special reserve' at the disposal of the Prime Minister and governed by the Ministry of Interior and Administration. During the pilot Programme and next Roma Programme 2004-2013 (period 2001-2013) some 23 million EUR were spent. In the current edition 2014-2020 the planned budget is approximately 18 million EUR. Since 2014, in average more than 2.5 million EUR has been spent for the Roma Programme every year.

Funding from structural funds came as the additional support of the Roma Program: in the period 2007-2013, it was 20 million EUR. They are to be consistent with the implemented tasks of the Roma Programme for this period. Local self-governments, using the governmental programme funds, are obligated to also use their own resources in the amount of 10-20 per cent of the total costs. Roma have equal access to state support, EU programmes or Norwegian funds, etc. In the areas of welfare and benefits or 500+ programme (from 2016), including support of the public institutions (non-governmental) and private ones (donors, foundations, embassies and consulates). The Roma Programme 2014-2020 is formally monitored and controlled by the state administration, both in the field (by Voivodes' representatives) and on the national level. Roma and other organizations and Roma leaders, excluding those running the project directly, participate in the evaluation of yearly applications from each Voivodship.³⁴ Every year, 500-600 projects are funded nationwide and implemented by municipalities and cities as well as non-governmental organizations, including those of Roma minority. Most works are projects within the fields of education and housing.

Civil society's access to funding for Roma inclusion activities

Out of the 120 existing Roma organizations, only a part (about 70) submits regularly projects and actively participates in the implementation of the Roma Program. In each Voivodship active organisations can be identified.³⁵ What is important, guidelines for fund distribution changed – from the central one (Ministry of Internal Affairs and Administration) to local one (Voivodeships) resulting, in the opinion of Roma, in the decrease of the Roma Program's importance. The procedure and the application process are relatively easy, even for the smaller and less experienced organizations. In addition,

³³ <https://www.tvn24.pl/wiadomosci-z-kraju,3/rzadowy-program-integracji-romow-przyjety-to-spychanas-na-margines,475552.html>

³⁴ There can be 3 representatives of the Community and 3 officials - giving the Roma Community a level of influence in evaluating the projects. Roma participating in the evaluation team consider it a negative experience, believing that there is not enough time to evaluate each application in detail, they do not believe in having any influence, they feel they are on a losing position against the authorities and therefore they are afraid to argue.

³⁵ Association of Polish Roma, Association of Roma in Poland, Center for Counseling and Information for Roma in Poland, Cultural and Social Association - Center for Roma Culture in Poland in Tarnów, Royal Roma Foundation; Foundation under the name of Bosman; Jaw Dikh Art Foundation, Dialog-Pheniben Foundation, Roma Association in Krakow, Roma Association in Wroclaw "Romani Bacht", Association of Polish Roma in Gorzow Wielkopolski, Society for Promotion of Culture and Romani Tradition "Kale Jakha", Association of Polish Roma "Parno Foro", Roma Educational Association "Harangos", Society for the Promotion of Culture and Romani Tradition Kaly Jakha, Association of Roma in Pырzyce "Patra", Bahtale Roma Foundation, Romani Cultural and Social Association in Poland in Kedzierzyn-Kozle, Association of Roma Education Assistants in Poland, Roma Association and of other nationalities in Nysa, the International Association of Roma Artists in Poland Roma.

almost all Voivodeships organize cyclic trainings for the beneficiaries.³⁶ As interviews show, few Roma organizations use other funds – European, Norwegian or Visegrád – because of complex and difficult rules of use of these funds, which are often beyond the capabilities of the majority of Roma organizations.³⁷ Additional obstacles include a lack of sufficient knowledge of English or auditing possibilities, etc.

Roma organisations point out difficulties in securing the implementation of annual and cyclical tasks (activities of day care centers, pre-school education, association's activity) especially at the beginning of the year, due to interrupted flow of resources. Usually, they learn about obtaining subsidies/ grants at the beginning of the year, in February or March, whereas contracts are signed in May or June, which means that for almost half a year there is no funding for the ongoing activities. In order to avoid interrupting the continuity of their work and providing services, organisations are forced to take loans and invest their own funds for current operations. Roma organisations also emphasize the fact of reluctance in financing coordination as well as financial and accounting services of the implemented projects. They argue that accounting requirements of the projects are unjust in the situation when they are not given the opportunity (financial) to hire professionals (preparing reports, financial and accounting settlements).

Availability of reliable data on the situation of Roma

In Poland, the collection of data on national and ethnic minorities is done through cooperation of the Central Statistical Office and national and ethnic minorities – a set of questions (answers are not obligatory) relating to those groups was included in the Censuses 2002 and 2011. Because of this Poland has a relatively good socio-economic data on Roma. Next source of information is the data from Voivodeships and municipalities on 2001 Roma Integration Strategy, complemented every year by the data collected from the Educational Information System, indicating a number of Roma students obtaining additional educational support.³⁸

³⁶ http://muw.pl/default.aspx?page=informacje_mniejszosci_narodowe During the trainings, goals and priorities of the Roma Programme are presented, principles of using subsidies, proper preparation of applications, implementation of projects and principles of financial reporting are discussed.

³⁷ Dialog Pheniben Foundation, Jaw Dikh Foundation, Roma Association in Poland, Polish Roma Association, Radom Roma Association Romano Wast, Roma Educational Association Harangos, Cultural and Social Association of Roma in Tarnow "Roma Culture Center".

³⁸ Analysis of the "Integration Programme of the Roma Community in Poland 2014-2020".

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

Anti-discriminatory law entered into force in Poland on 1 January 2011 indicating "areas and ways to counteract violations of equal treatment principle due to sex, race, ethnicity, nationality, religion, faith, belief, disability, age or sexual orientation and competent authorities."³⁹ Tasks related to the equal treatment principle are the responsibility of the Ombudsman and the Government Plenipotentiary for Equal Treatment. The Ombudsman intervenes in increasing number of cases of hate crimes, including anti-Roma.

It is worth mentioning that the Ombudsman won in the Supreme Court a cassation case of the offensive and humiliating Roma entry of the Internet user, where neither the District Court nor the Regional Court found any signs of public insult of the Roma community based on ethnicity. The Ombudsman also intervened after an attack of a group of a dozen or so hooligans on Romanian Roma families living in one of the Gdansk neighborhoods. Lack of the Police response to the notifications about threats and expected assault was equally disturbing as the attack itself. After the incident Police admitted to a mistake and officers who failed to perform their duties were subjected to the disciplinary action.⁴⁰

Forced evictions

There have been two blatant cases of forced evictions related to migrant Roma from Romania. Romanian Roma have lived in Poland since the 90s. Presently, bigger groups live in Wroclaw (about 100-150 people), Poznan (about 50-150 people) and in Gdansk (about 15 people). Romanian Roma are treated as EU citizens and therefore, according to the applicable laws, have the freedom of movement, residence and work within the EU. In the light of the Act on National and Ethnic Minorities and Regional Language they are not considered a minority and therefore, they cannot participate in the Integration Programme of the Roma Community in Poland.

In July 2015, in Wroclaw demolition, destruction and liquidation of the encampment built by Romanian Roma took place.⁴¹ Due to the efforts of the non-governmental organizations the case was sent to the European Court of Human Rights in Strasbourg. The Court will investigate the possible violation of Art. 3 of the Convention (the prohibition on torture and inhuman or degrading treatment), Art. 8 (the right to respect for his or her private and family life, home and correspondence), Art. 14 in connection with the Art. 8 (non-discrimination) and Art. 13 in relation to Art. 8 (the right to an effective remedy) and Art. 1 of the Additional Protocol to ETPC (the right to respect for property). Polish government has till 8 January 2018 to relate to the matter.⁴²

Discriminatory behavior by police, misconduct by prosecutors or courts

No cases of bad, discriminatory treatment by the Police, Prosecutors or Judges were reported by the Roma NGOs and Roma leaders. According to some Roma in Malopolska, the local Police is helpful and treats them well. Eighteen Police Plenipotentiaries for Human Rights Protection at the Voivodeships level (and one in the Central Police Command Office) are partners and, at the same time, persons whom representatives of minorities can

³⁹ <https://www.rpo.gov.pl/pl/content/ustawa-o-wdro%C5%BCeniu-niekt%C3%B3rych-przepis%C3%B3w-unii-europejskiej-w-zakresie-r%C3%B3wnego-traktowania>

⁴⁰ Letter Ref. XI.037.8.2017.MS dated 4 December 2017 from The Ombudsman Office to the President of Art Foundation Jaw Dikh.

⁴¹ <http://wroclaw.wyborcza.pl/wroclaw/7,35771,22435229,europa-pyta-o-wroclawskich-romow-zniszczono-caly-ich-dobytek.html>

⁴² <http://www.lex.pl/czytaj/-/artykul/etpc-pyta-o-skargi-romow-na-wyburzenie-ich-koczowiska-we-wroclawiu>

contact directly. From the information obtained from Roma organisations it appears that they appreciate them.

In 2016, in cooperation with the Council of Europe, a training for Polish Police Officers was organised on anti-discrimination, with emphasis on Roma. In 2017 (in cooperation with OSCE/ODIHR) a training focusing on the specificity of working with Roma was organized for the Police Officers from Małopolskie Voivodship.

Right to free movement

Roma enjoy the freedom of movement within the EU. There is an increasing wave of migration of Roma from Poland to UK, which started in the 90s, but became visible after 2004, when Poland entered the EU.

From 2015, in Malopolska, there is a difficult and unprecedented case related to the improvement of Roma families living conditions. One of the mayors obtained funds from Roma Programme in the area of housing. Together with the Roma family decided that they will buy a house, but in a different municipality, 40 kilometers away. The purchase was finalised, however before the moving the Roma family withdrew from previous arrangements. The mayor of the city where the property was located issued a ban on inhabiting the purchased house.⁴³ The ban was appealed and the court ruled a violation of the law, and therefore was considered to be invalid. The allegations focused on unauthorized interference with the right to property, limiting ownership rights, freedom to choose a place of residence and stay, lack of danger, discrimination and violation of the international conventions.⁴⁴ The case is ongoing and shows that the right to choose a place of residence and stay was infringed. In addition, it prompted other municipalities to declare their resentment and opposition to Roma settling in their districts.

⁴³ The Mayor of Czchow Ordinance no 12/2016 dated 17 February 2016, approved by a Resolution of the City Council no XIII/139/2016 dated 16 March 2016.

⁴⁴ <http://www.rp.pl/Zadania/302239872-Limanowa-chce-sie-pozbyc-Romow-Nabywanie-przez-gmine-nieruchomosci-do-zasobu-komunalnego---wyrok-WSA.html>

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

Antigypsyism is not recognised by the state (parliament, ministries, public authorities) as a specific form of racism against Roma, discrimination against Roma and as a root cause of their exclusion (e.g. in legislation, policies, measures and communication). Neither the term antigypsyism appears in Polish laws and regulations. As a consequence, there is no structure established by the government to monitor and analyze antigypsyism, and to introduce preventive measures in state institutions. However, Polish laws use the term and notion of 'non-discrimination'; it is mentioned in Constitution and it appears in Penal Code and in Labour Code regulations.

Likewise, Roma Programme does not use or refer to antigypsyism, though it makes the fight against the discrimination and racism one of the Roma Program's tasks. Here particular public authorities, such as Equality Body, Police or Ombudsman office and local authorities are obliged to collect data on and react in cases of discrimination and racism against Roma.

From the budget of Roma Programme there is a possibility to finance preventive initiatives and projects and those fostering intercultural dialogue implemented by state bodies, local authorities and civil society organisations, including Roma organisations. However, neither Roma nor other government programmes foresee positive measures to promote ethnic diversity in public administration, police, prosecutors' offices and courts from which Roma could benefit.

The knowledge about antigypsyism is disseminated in the framework of the commemorations of Roma Genocide during the World War II. The 2nd of August is the Roma Genocide Remembrance Day, commemorated in the Auschwitz-Birkenau Concentration Camp. Polish government and other international institutions finance the commemorations organized by the Roma organisations in the Auschwitz, Kraków and other places important from the point of view of the Roma memory.⁴⁵ It is worth mentioning that on 29 July 2011, Polish Parliament, as the first one in Europe, officially declared the 2nd of August a Roma and Sinti Genocide Remembrance Day.

In this context a shocking event from 2016 seems interesting. A group of perpetrators destroyed the monument dedicated to the Roma murdered in Borzęcin Dolny, in the South of Poland. The incident caused a great outrage in the Roma community but also outside of it, among artists, local activists and authorities. Polish president, Andrzej Duda was personally involved in the reconstruction of the monument. He financed the reconstruction and the donation was quickly transferred.⁴⁶ The monument was restored and on it was unveiled at the anniversary of the murder. Unfortunately the perpetrators were not identified up until today.

In the last year of previous government the Minister of Education, Joanna Kluzik-Rostkowska (2008-2015) introduced an anti-discrimination clause in reference to gender issues that provided teachers with a possibility of introducing in teaching elements addressing also Roma, their present situation and, especially, negative stereotyping. However, in 2017, after the change of the government (in 2015 Law and Justice Party) took the power), the new Minister of Education, Anna Zalewska, abolished this clause and together with it such a possibility, relevant for Roma, was lost.⁴⁷ Similar effect have had a

⁴⁵ TernYPE – Dikh He na Bister Project, Polish Roma Association activities, International Roma Memory Caravan Initiative.

⁴⁶ <http://www.romowie.com/old/modules.php?name=News&file=article&sid=1484>

⁴⁷ <http://wyborcza.pl/osiedziewiec/7,159012,22043484,fabryka-patriotow-pis-wyrzuca-edukacje-antydystryminacyjna.html>

Prime Minister's Directive dated 1 June 2016 (after the change of the government), abolishing the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance. The Council established in 2013 was tasked to coordinate activities undertaken by public administration bodies to combat inequalities related to racial, national or ethnic origin and to combat racism and xenophobia.

Countering hate crime and hate speech against Roma, and antigypsyism rhetoric of politicians, public figures and media

In the last election in November 2015, Law and Justice Party and its allies, conservative and right-wing, with nationalist and populist leaning, took the power. As a result, the new government style and focus has changed. The outcomes of these changes, i.e. centralisation, Polish pride narratives, anti-immigrant rhetoric, to name just few, is negative and worrying. In view of Ombudsman, such a policy created a fertile ground for "radicalization of social attitudes against people of different national and ethnic origin" and in effect, increased "the rate of hate crimes".⁴⁸

Data related to hate speech cases reflects changes because of the most recent currents, refugees crisis. Considering earlier data Jews and Roma figured as prime targets for hate speech in Poland, since the new government took the power, Muslims appeared as prime target, followed by Jews and Roma. There has been a dramatic increase in hate speech against Muslim refugees, despite the fact that they are completely virtual, or absent in Poland's reality.⁴⁹ Politicians of ruling party and its allies can be held responsible for this increase in hate speech that flourishes in the internet and social media. Nevertheless, Roma are often target for hate speech on social media.

In 2016, the hate speech that youth and adults encounter in TV and Internet is most often addressed to refugees and gays, and the least to Ukrainians. The respondents also declared frequent contact with hateful statements against Islamists, Roma and black people.⁵⁰ To some extent, refugees crisis and anti-Muslim rhetoric overshadowed earlier negative reporting on Roma, for example according to the 2016 National Prosecutor's Office data on the crimes motivated by racism, anti-Semitism or xenophobia, 109 cases were motivated by the Roma hatred, 363 were related to the Muslims.⁵¹ Compared with data from 2015 when 236 cases were reported regarding Roma and 192 were motivated by the Muslims hatred.⁵²

Analyzing narratives and attitudes towards Roma

The level of tolerance dropped in the last years, according to surveys. In 2014, 55 per cent viewed Roma in a negative way, in 2015, 58 per cent and in 2016, 67 per cent, the same as in the case of Arabs. Interestingly, in 2017, the level of aversion declared towards Roma and Arabs dropped (rates of 50 per cent and 59 per cent of the declared aversion, respectively). This year 2017, an improvement of attitudes towards all the nations included in the survey was noted. The biggest improvement registered last year in the attitudes of Poles towards Roma, Romanians and Jews.⁵³

⁴⁸ Letter Ref. XI.037.8.2017.MS dated 4 December 2017 from The Ombudsman Office to the President of Art Foundation Jaw Dikh.

⁴⁹ <https://www.undispatch.com/hate-speech-rise-poland/>

⁵⁰ <http://www.ngofund.org.pl/wp-content/uploads/2017/03/ContemptSpeechHateSpeech.pdf>

⁵¹ <https://pk.gov.pl/wp-content/uploads/2017/04/46b9332fd07c9910e8dac6569d09b3be.pdf>

⁵² <https://pk.gov.pl/dzialalnosc/sprawozdania-i-statystyki/wyciag-ze-sprawozdania-dotyczacego-spraw-prowadzonych-w-2015-r-w-jednostkach-organizacyjnych-prokuratury-z-pobudek-rasistowskich-lub-ksenofobicznych/>

⁵³ Center for Public Opinion Research, survey: Relation to other nations in 2014-2017.

Even Roma do not fully realize the existence of antigypsyism, usually when feeling victimised they refer to discrimination and racism.⁵⁴ As studies show, some 68 per cent of Roma feel discriminated in Poland.⁵⁵

There are few initiatives aimed to combat stereotypes and prejudices about Roma, not to mention antigypsyism or Romophobia. One of such initiatives aiming to change the negative public image of Roma is the "One of Many" Campaign.⁵⁶ It was financed from the EU funds in the scope of the Operational Programme Human Capital. It was created and organized by the PROM Foundation from Wrocław. The campaign aimed to change in the majority attitudes towards Roma, through presenting people performing different social roles. The billboard campaign was the carrier of the social campaign and series of articles in local and national media. Campaign was organized in the years 2012-2013 in the Lower Silesia Region and resulted in the improved of attitudes towards Roma minority by 17.5 per cent, and in an increase of knowledge about Roma minority by 19.8 per cent.⁵⁷

Since 2004 the only postgraduate studies in Poland on the history, culture, tradition of the Roma as well as on the current situation and challenges Roma community faces are taught at Pedagogical University in Krakow. They are financed within the framework of the Roma Programme. Roma are among lecturers and participants are: teachers, journalists, officials, students – who work with Roma or are interested in the topic. Roma and human rights organisations try to increase knowledge and create a narrative about Roma through their activities; they initiate events (workshops, conferences, seminars, researches).⁵⁸

⁵⁴ Information based on interviews with Roma NGOs.

⁵⁵ The FRA 2014 report provides data confirming that in many countries where the Roma live, including in the former communist countries: the majority of Roma (54%) feel discriminated against in search of paid work, for example in the Czech Republic this percentage reaches 74% , in Italy, France or Poland, it ranges from 64 to 68%.

⁵⁶ <http://jednizwielu.pl/>

⁵⁷ <http://jednizwielu.pl/jedni-z-wielu/projekt>

⁵⁸ <http://www.romowie.com/old/index.php?newlang=polish>

<http://dialogpheniben.pl/projekty/>

<http://www.romowieradom.pl/>

<http://www.stowarzyszenie.romowie.net/Aktualnosci-2.html>

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RECOMMENDATIONS

Governance and overall policy framework

- Stable and long-term funding of tasks and actions within the governmental Programme is necessary, the transfer of funds of financial resources needs to be improved so they will be available from the beginning of the year.
- Consultations on a local level and proper diagnosis of the causes of problems and building local strategies by local authorities together with active participation of Roma are necessary.
- The strategy should have flexible framework of activities, allowing them to be adapted to gradually diagnosed needs and emerging problems.
- Specifying and indicating as a Programme's priority the fight with antigypsyism and discrimination also the empowerment and support of Roma women.

Anti-discrimination

- Combating discrimination, prejudices and stereotypes should be one of the main goals of the Roma Programme and not the indirect one, as it is now. It is necessary to create an area to combat discrimination, Romophobia and antigypsyism, and this area should be one of the programme's priorities.
- Anti-discriminatory education should be an element of the educational system in the Polish schools.

Addressing antigypsyism

- Declaring antigypsyism as one of the key challenges in the future Roma strategy (after 2020) and creation of a priority in the Roma Programme to combat antigypsyism.
- To introduce into the laws and regulations relating to discrimination a term antigypsyism, as a special form of racism against Roma. This could be a motivation for various public institutions (e.g. local and national authorities, universities, research centers) to undertake actions and organize activities.
- Systematic training for people working with Roma is necessary as well as for Roma implementing strategies on, for example (stereotypes and prejudices, anti-Gypsyism, sources of funding, projects reporting, applicable law, etc.).

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