

European Roma Rights Center

THE LIMITS OF SOLIDARITY

Roma in Poland After 1989

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“Once I went to the cafe in the centre and some of the skinheads came over. They were wearing boots and had shaved heads and suspenders and jackets and they told me that I should go to my own country.”

Ms Anna Mirga, a Polish Romani woman

1. EXECUTIVE SUMMARY

ERRC monitoring of Roma rights in Poland has established that Roma in Poland are the targets of racially motivated violence, police abuse, and systematic racial discrimination. The human rights of Roma are frequently violated in Poland, where national and local authorities offer little protection from violence and discrimination and often block victims’ access to effective remedies. The government has thus far failed to act to guarantee Roma equal rights and to take effective measures to overcome the exclusion of Roma from Polish society.

The proportionally small number of Roma in Poland – at least in comparison with other Central and Eastern European countries – has been used by Polish authorities to downplay the problems that Romani communities face and to deny the persistent and pervasive nature of anti-Romani sentiment among the majority population. Moreover, throughout the 1990s, Polish authorities have systematically failed to respond to a wave of anti-Romani crime, as well as to ingrained patterns of racial discrimination. Roma in Poland are consequently correct to presume that they cannot rely on the state to shield them from abuse or to provide justice when their fundamental rights have been violated. Roma are also correct in claiming that they are in effect excluded from Polish society as a whole. Measures to date to remedy the human rights situation of Roma in Poland have been inadequate, where such measures have been taken at all.

The only substantive programme the Polish government has designed to improve the situation of Roma, the “Pilot Government Programme for the Roma Community in

the Małopolska Province for the Years 2000-2003”, does little to address the acute problems of the Romani communities or the root causes of racism in Polish society. While demonstrating some political good will in acknowledging the predicament of Roma in Poland, the Programme perpetuates racist stereotypes and segregationist practices in Poland.

Intensive field missions conducted by *ERRC* staff and partner organisations, as well as regular reporting by *ERRC* monitors, revealed several patterns of human rights abuse against Roma in Poland:

1. **Racially motivated violence:** Roma in Poland have been frequent targets of skinhead attacks, racially motivated violence, and harassment by non-Romani persons. Incidents in which groups of non-Romani persons with reported neo-Nazi sympathies savagely attacked Romani persons, communities, or households have been reported with increasing frequency throughout Poland during the late 1990s. Reporting such violence and harassment to the authorities has frequently led to further attacks and threats against the Romani victims. As a result, many Roma live in a climate of fear that pervades all aspects of their lives, from their interaction with authorities to their ability to access public spaces and services, and to participate fully in the lives of the communities in which they live.
2. **Failure to protect Roma and denial of justice for Romani victims of racially motivated crimes:** The Polish police and judiciary have been slow to react to reports of crimes against Roma and to acknowledge the racial motivation of such crimes. Polish authorities have often failed to react to such reports at all, leaving the victims unprotected from further violence and unable to seek remedy for crimes against them. When investigations into racially motivated crimes have been launched, they have frequently been stalled or discontinued altogether, often with the justification that the authorities did not find sufficient evidence to issue arrest warrants, indictments, or judicial sentences – even in cases in which the alleged perpetrators had been identified by victims and/or witnesses.
3. **Police abuse:** Police and other authorities in Poland have frequently abused members of the Romani communities by engaging in outright violence, unlawful arrests, searches, seizure of property, harassment, or biased investigation. When reporting racially motivated crimes to the police, victims sometimes find themselves charged with crimes they did not commit. Another disturbing pattern of

police abuse documented by the *ERRC* consists of abusive raids upon informal settlements of Romanian Roma in Poland. These often resulted in group deportations, separation of children from their parents, and arbitrary seizures of property. The perpetrators of police abuse are rarely investigated and even more rarely punished for their deeds.

4. **Racial discrimination:** Direct and indirect discrimination pervades all aspects of the relationship between the non-Romani majority and the Romani minority in Poland. Polish anti-discrimination provisions are at present grossly inadequate. In the absence of anti-discrimination legislation, and in the circumstances in which a culture of prejudice, stereotyping, and disenfranchisement has developed deep roots in Polish society, Roma find themselves constantly blocked from accessing basic rights and social services.

The *ERRC* has identified the local authorities' discriminatory practice of refusing to register Roma as residents in local administrative units as one of the sources of the denial of the rights for Romani people in Poland. Since registration as a resident in a particular locality is often a precondition for access to housing, social aid and other public services, the systematic refusal of some local authorities to register Roma as residents effectively bars Roma from the realisation of fundamental social and economic rights. Roma appear to be the only group in Poland systematically precluded from local registration.

- 4.1. **Discriminatory practices in the field of housing:** The *ERRC* has documented a number of violations of the right to adequate housing for Roma in Poland. Roma are denied access to public housing, security of tenure, and the right to enjoyment of private property. The *ERRC* has documented discriminatory practices in the allocation of public housing. Furthermore, local authorities and private landlords subject Roma to forced and arbitrary evictions, segregation, and ghettoisation. Even in areas inhabited by Romani communities for a long time, Roma frequently do not enjoy even rudimentary security of tenure, a situation that leaves the door permanently open for abuse.

- 4.2. **Discrimination in access to medical care:** Romani communities lack basic health care services. The *ERRC* has documented instances in which health care providers refused to treat Romani patients as a result of their ethnic background.

- 4.3. **Discrimination in access to employment:** Many Polish employers refuse to hire Romani applicants, and state labour offices often treat Roma as responsible for, rather than as the victims of, discriminatory practices in the workplace. While the national government recognises that unemployment is rampant among Roma, there is no official acknowledgement of racial discrimination as an underlying factor.
- 4.4. **Discrimination in access to social welfare payments:** The *ERRC* has documented several instances of discriminatory treatment of Roma in the provision of social welfare support. When authorities deal with Roma at all, they frequently do so only after giving preferential treatment to non-Roma. This pattern compounds the effects of massive unemployment, forcing many Roma to live in extreme poverty.
- 4.5. **Discrimination in access to goods and services:** Public and private providers often refuse to allow Roma access to goods and services, based on their skin colour and/or ethnic background. In restaurants, bars, nightclubs, or airports, Roma are often denied service and asked to leave.
5. **School segregation, denial of the right to education and school abuse:** During the 1990s, the practice of segregating Romani students into so-called “Gypsy classes”, or special classes for the developmentally retarded, has spread to many areas of Poland. Poorly equipped and staffed, with curricula that reflect racist stereotypes and prejudices, these classes offer substandard education to their students and in effect promote further marginalisation and exclusion for Romani children. Furthermore, some school administrators in Poland refuse to register Romani students in integrated schools, effectively denying the applicants their right to education. This report also documents instances of abuse against Romani students by school staff and non-Romani students; the *ERRC* has found that, in such instances, school authorities often fail to protect the victims of abuse or to punish those responsible for it.

The publication of this report is timed to coincide with the review of Poland by the United Nations Committee on Economic, Social, and Cultural Rights and the United Nations Committee on the Rights of the Child. In its 1995 Concluding Observations on Poland (CRC/C/15/Add.31/15 January 1995), the Committee on the Rights of the Child expressed concern that “traditional attitudes still prevailing in the country may not

be conducive to the realisation of the general principles of the Convention [on the Rights of the Child], including, in particular, Article 2 (principle of non-discrimination), Article 3 (principle of the best interest of the child) and 12 (respect for the views of the child).” The Committee identified Romani children as a particularly vulnerable group and recommended that “further measures be taken to prevent a rise in discriminatory attitudes” towards them. This report amply demonstrates that no adequate measures have been taken in this area since the Committee issued its findings; rather, since violence against Roma and segregationist practices in education and elsewhere have been on the rise during the second half of the last decade, the situation of Romani children, and of Romani persons in Poland in general, has worsened.

Poland aspires to the status of Member State of the European Union. Accession is premised on strict adherence to the highest human rights standards, including, but not limited to, rights enshrined in the European Convention on Human Rights and Fundamental Freedoms. Additionally, by the date of accession, Poland must harmonise domestic legislation with Council Directive 2000/43/EC of 29 June 2000 “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the so-called “Race Equality Directive”), which is part of the *acquis communautaire*, the corpus of European Union law, and therefore binding on all accession countries, including Poland. Furthermore, Poland has committed to international obligations under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Rights of the Child, and the International Convention for the Elimination of All Forms of Discrimination against Women.

Poland must undertake to implement these international obligations by reviewing and adapting its current legislation, by adopting new legislation banning racial discrimination and protecting the rights of minorities, by actively protecting the human rights of the victims of racially-motivated violence, by providing effective and timely remedies for the victims of violence and discrimination, and by terminating discriminatory practices at national and local levels. In the coming years, Poland must choose between perpetuating the culture of racist violence, discrimination and exclusion which has marred the relationship between the majority and the Romani minority, and equal rights of the Roma, in the absence of which human rights culture would remain deficient in a country which dissolved communism in the name of liberty and solidarity.

Based on the findings of this report, the *ERRC* urges Polish authorities to act on the following recommendations:

1. Promptly bring those responsible for racially motivated crimes against Roma to justice, and ensure that when racial animosity motivates or otherwise influences a crime, it receives due judicial recognition.
2. Carry out thorough and timely investigations into all alleged instances of police abuse of Roma, including violence, unlawful searches and seizure of property, malicious investigation of violence against Roma, harassment, and failure to investigate racially motivated crimes and/or protect potential victims of violent attacks.
3. Bring Polish law into conformity with the requirements of Council Directive 2000/43/EC, “implementing the principle of equality between persons, irrespective of racial or ethnic origin”. Ensure that the implementing body mandated by the Directive is strong, fully independent and adequately staffed and funded.
4. Sign and ratify Protocol 12 to the European Convention of Human Rights without delay.
5. Without delay, sign and ratify the revised Social Charter of the Council of Europe, and make the declaration accepting the collective complaints procedure under Article D, paragraph 2 of Part IV of the revised Charter.
6. Ensure effective remedy for cases of discrimination against Roma in the field of housing, employment, health care, as well as access to social welfare payments and to public goods and services.
7. Undertake effective measures to ensure that local authorities register all persons actually residing in a given municipality, without regard to race.
8. Provide security of tenure for residents of Romani communities and settlements, and protect the inhabitants from forced and arbitrary evictions, as well as segregationist local practices.
9. Implement a comprehensive school desegregation plan, such that all Romani children may fully realise the right to education. Without delay, end the practice of segregating Romani children into so-called “Gypsy classes” or into classes for

- mentally disabled students. Integrate all Romani students into mainstream classes and, where necessary, design and implement adequately funded and staffed programmes aimed at easing the transition from segregated to integrated schooling.
10. Design pre-school programmes for Romani children to learn the primary language of schooling and to attain a level ensuring an equal start in the first class of primary school.
 11. Develop and implement catch-up or adult education programmes aimed at remedying the legacies of substandard education and non-schooling of Roma.
 12. Where instances of abuse in the school system are reported – abuse including exclusionary practices, physical and verbal assault, humiliating treatment, and failure by teachers and school administrators to protect Romani children from peer abuse – without delay, punish school authorities responsible, and implement measures aimed at preventing further abuse.
 13. Develop curriculum resources for teaching Romani language, culture, and history in schools, and make them available to all schools, so that all children in Poland learn of the valuable contributions Roma have made to Polish society.
 14. Provide free legal aid to members of weak groups, including Roma and the indigent.
 15. At the highest level, speak out against the problem of anti-Romani sentiment and racially motivated crimes against Roma; at all levels, acknowledge and speak out against racism, racially motivated crime, patterns and practices of discrimination, and segregation. Address the root problem of anti-Romani racism in Poland by developing and implementing anti-racism curriculums for schools and campaigns for the media, so as to address widespread negative attitudes against Roma and racism generally.
 16. Conduct comprehensive human rights and anti-racism training for the national and local administration, members of the police force and of the judiciary.
 17. Proactively recruit qualified Roma for professional positions in the administration, the police force and the judiciary.

2. INTRODUCTION

In its Report to the Committee on the Elimination of all Forms of Racial Discrimination (CERD) on September 27, 2001, the Polish government stated: “Within the period covered by the report, the commissioner [for citizens’ rights] received relatively few complaints related to discrimination on account of race, skin colour, national or ethnic origin (a dozen or so within a year).”¹ *ERRC* believes that if this statement is true, it is not because the actual number of discrimination cases in Poland is very low. Rather, the statement reflects the fact that channels for reporting and seeking remedy are inaccessible for the victims of discrimination – particularly when those victims belong to the most marginalised group in Poland, the Roma.

Polish authorities regularly argue that, since the number of Roma in the country is much smaller than in other countries of Central and Eastern Europe, “[...] the situation of Roma [in Poland] is much better than in the other Central and Eastern European countries [...]”.² However, the *ERRC* has found that, despite the relatively small proportion of Roma in Poland, and despite the economic prosperity enjoyed by some Romani families, Roma are not protected from racial discrimination, police brutality, or racially motivated violence. Since 1989, violence against Roma has increased significantly, as has the number of exclusionary nationalist pronouncements made by leaders and activists of racist groups. The number of anti-minority leaflets and publications circulated throughout Poland has similarly increased.³ Furthermore, attacks on Roma are concentrated locally and proportionally translate into a similar rate of violence as encountered in states with larger Romani populations. Still, as recently as May 2002, the Ministry of Interior and Administration contended that Roma were

¹ United Nations Committee on the Elimination of Racial Discrimination (CERD), “Reports submitted by States Parties under Article 9 of the Convention, Sixteenth periodic reports of States parties due in 2000, Addendum, Poland,” CERD/C/384/Add. 6, 27 September 2001, para. 47.

² Ministry of Internal Affairs and Administration, Department of Citizenship, “Roma in Poland: The main problems affecting them and the policy of the authorities,” Warsaw: January 2000, p.9 (Official translation of the Polish government).

³ Janusz, Grzegorz, “Raport o sytuacji osób należących do mniejszości narodowych i etnicznych w Polsce”, Helsińska Fundacja Praw Człowieka, Warszawa:1994, p.15.

not targeted for violence more often than other national groups living on the territory of the Polish Republic.⁴

Official figures on the size of the minority population in Poland vary. In 1999, national minorities in Poland did not exceed five percent of the total population of 38,667,000 inhabitants, according to the Main Statistical Office.⁵ Estimates by the Ministry of Internal Affairs and Administration in 2001 indicated that national minorities in Poland constituted approximately 2.2 percent to 2.5 percent of the whole population in that year.⁶ Post-World War II censuses have not included questions pertaining to ethnicity. Exact figures on the number of Roma in Poland are unavailable, but the Ministry of Internal Affairs and Administration has published estimates. In 2001, the Ministry reported that roughly 30,000-35,000 Roma lived in Poland.⁷ The figures given by various sources during the 1990s range between 15,000 and 50,000.⁸ Extreme right-wing nationalist groups, meanwhile, tend to overestimate the

⁴ Letter to *ERRC* from the Ministry of Interior and Administration, May 9, 2002. Unless otherwise marked, unpublished documents cited in this report are on file at the *ERRC*.

⁵ Główny Urząd Statystyczny (GUS) (Main Statistical Office), "Statistical Yearbook of the Republic of Poland 1999", Warsaw, 2000. See also: Klimkiewicz, Beata, "Minority Protection in Poland", *Monitoring the EU Accession Process*, Budapest: Open Society Institute, 2001, p.382.

⁶ "Reports submitted by States Parties under Article 9 of the Convention, Sixteenth periodic reports of States parties due in 2000, Addendum, Poland," CERD/C/384/Add. 6, 27 September 2001, para. 30.

⁷ See Ministry of Internal Affairs and Administration, "Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003", Warsaw, February 2001, p.3, available at: http://www.mswia.gov.pl/pdf/program_eng.pdf. The text is also included as an appendix to this report. See also: Mirga, Andrzej, "Roma in the Modern History of Poland", in Z. Kurcz, ed., *National Minorities in Poland*, Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1997.

⁸ See Mirga, "Roma in the Modern History of Poland". While the figures presented by the academic community range between 15,000 and 25,000 Roma, figures given by the Poland-based human rights organisations range between 25,000 and 30,000. Romani leaders indicate a number up to 50,000 Roma. For more see A. Rochowicz, "National Minorities in Poland", *The Protection of Ethnic and Linguistic Minorities in Europe*, Packer, J. and K. Myntti, eds., Institute for Human Rights, Abo Akademi University, Turku/Abo, 1993, p.111; Bugajski, Janusz, *Ethnic Politics in Eastern Europe: A Guide to National Policies, Organisations and Parties*, Centre for Strategies and International Studies, 1994, p.360; Paleczny, Tadeusz, "Źródła potocznej wiedzy o Cyganach: Romowie w prasie polskiej – rok 2000", in *Dialog – Pheniben: Pismo Stowarzyszenia Romów w*

number of Roma in Poland.⁹ It is hoped that a more accurate count of minorities in Poland will be provided by a census scheduled to take place in 2002.¹⁰

The proportionally small number of Roma – and other minorities – in Poland has made it possible, and common, for Polish authorities to downplay the problems that Roma face. The Polish government typically stated: “Against the background of the overall crime rate in the whole country, the cases involving racial discrimination constitute only a small fraction.”¹¹ Obviously, in a country that is relatively ethnically homogeneous, the statistical weight carried by crimes against a small minority will be low. But countrywide statistics mask the real situation of Roma on a local level, and they have unfortunately become a popular tool to downplay both the scale of the adversities Roma face in Poland and the responsibility of the Polish authorities in addressing these adversities. Despite a number of large – scale racist attacks against Roma, Polish authorities insist that “antagonisms between Roma and Polish society are non-existent and [. . .] the incidents occur sporadically.”¹² According to the Ministry of Internal Affairs, “since [. . .] 1991, there have been no serious incidents where Roma were

Polsce, No. 4, Year 2000, pp.29-30; Helsinki Foundation for Human Rights, *The Protection of National Minorities in Poland*, September 1999. Other estimates on the size of the Romani population provided in *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna; *European Roma Rights Center* interview with Mr Andrzej Mirga, June 24, 2001, Kraków; *European Roma Rights Center* interview with Mr Stanisław Stankiewicz, June 27, 2001, Białystok.

The *ERRC* requested statistical information about Roma in Poland in a memo to the Ministry of the Interior and Administration on February 7, 2002, but in a response dated May 9, 2002, no statistical information was provided.

⁹ For instance, according to the racist group *Narodowy Front Polski*, in the early 1990s, there were 90,000 Roma living in Poland. See *Narodowy Front Polski*, “Polacy Zbudźcie Się!”, a leaflet circa 1993.

¹⁰ See Klimkiewicz, p.383.

¹¹ United Nations Committee on the Elimination of Racial Discrimination, “Reports submitted by States Parties under Article 9 of the Convention, Fourteenth periodic reports of States parties due in 2000, Addendum, Poland,” CERD/C/384/Add. 6, 27 September 2001, para. 61.

¹² Ministry of Internal Affairs and Administration, Department of Citizenship, “Roma in Poland: The main problems affecting them and the policy of the authorities”, p.8.

victims.”¹³ Furthermore, the Ministry claims that, “Police react quickly to any ethnically motivated offences against Roma.”¹⁴

In the concluding observations of its review of Poland in October 1997, the United Nations Committee on the Elimination of Racial Discrimination (CERD) pointed out precisely those concerns that Polish authorities attempt to downplay: that violence related to racism – and explicitly anti-Romani sentiment – is a threat in Polish society.¹⁵ Similarly, in its Second Report on Poland, the European Commission Against Racism and Intolerance (ECRI) expressed concerns regarding police violence against Roma.¹⁶ ECRI stressed that the authorities should not tolerate any police brutality.¹⁷ An official response to the ECRI report by the Polish government not only denied the seriousness of racially motivated violence, but also denied any discrimination against Roma. The Polish government stated:

Since the fundamental changes in 1989 no serious acts of human rights violations have been reported with respect to Poland. The formulation ‘feelings of anti-Semitism remain pervasive’, used at the start of the Executive Summary, is an ungrounded generalisation which may contribute to the creation or entrenchment of false and harmful stereotypes.¹⁸

The authorities went on to say:

¹³ *Ibid.*, p.7.

¹⁴ *Ibid.*, p.7.

¹⁵ “Concluding observations of the Committee on the Elimination of Racial Discrimination: Poland. (18/08/97. CERD/C/304/Add.36).” CERD, 15 October 1997, p.4: “It is noted with concern that several serious acts of violence relating to racial discrimination have taken place in the state party during the period under review, targeting especially Jews and Roma minorities.”

¹⁶ ECRI, Second Report on Poland, adopted on December 10, 1999, p.14: “ECRI is also concerned by allegations of police violence and abuse directed at members of the Roma/ Gypsy community.”

¹⁷ *Ibid.*, pp.14-15.

¹⁸ “Observations Provided By the Polish Authorities Concerning ECRI’s Report on Poland”, p.23, available at: <http://www.hri.ca/fortherecord2000/euro2000/documentation/ecri/cr200034.htm>, p.22.

Charges alleging that Roma are being discriminated against by local authorities have not been borne out by specialist research. That is attested to by the report entitled ‘Romanies and Unemployment – Elements of the Description of the Social Situation of Romanies in Poland in 1999’. When asked about the attitude that such institutions as municipal authorities, the police and courts displayed towards them, 80 percent of the Romanies surveyed described it as positive. Also worth noting is the fact that in some communities in Poland some 75 percent of the families in that minority group systematically receive social-welfare assistance. [...] Audits or probes carried out by such organs and institutions as the Ministry of Labour and Social Policy, the Ombudsman’s Office or the Helsinki Foundation for Human Rights have so far failed to find any evidence of discrimination in the area of social assistance and aid to disaster victims [...] That is not to say there is no Romany problem. The problem of Romanies is an important issue to many European countries, including Poland.¹⁹

Polish local authorities were sometimes less careful than the national government in describing the “Romany problem”. Mr Leszek Zegzda, deputy-mayor of Nowy Sącz, Małopolska province, told the *ERRC*: “Roma are not able to assimilate to the majority. They are all half-illiterate or illiterate. They do not know anything. They are lazy, not honest, and they are not good workers. The whole Romani problem is a problem of the head, [...] which means that they are stupid.” Mr Zegzda further stated: “There are no cases of discrimination of Roma in our town. There were no attacks on Roma in the Nowy Sącz area. Do not believe everything they [Roma] say. The only problem is that they are not assimilated in the society. And that is their fault. [...] They steal, they are vulgar to the older ladies in town. Roma are all drunks.”²⁰

In 2001, purportedly in response to the British government’s criticism over the fact that many Romani had gone to the United Kingdom from Poland throughout the 1990s, the Polish government adopted the “Pilot Government Programme for the

¹⁹ *Ibid.*, p.28.

²⁰ *European Roma Rights Center* interview with Mr Leszek Zegzda, June 21, 2001, Nowy Sącz.

Roma Community in the Małopolska Province for the Years 2001-2003”.²¹ The Programme is a multi-faceted plan with the goal of improving the situation for Roma in the Małopolska province. The Programme devotes special attention to education, as well as to measures devoted to combating unemployment, poor living conditions, and other issues. Acknowledging the low public opinion of Roma in Poland, the authors of the Programme state that “relations between Roma and non-Roma communities in Poland are largely based on stereotypes.”²² The Programme promises that “the tasks undertaken in the framework of the Programme aim to propagate in the Polish society the true image of Roma with the variety of their customs and their distinct identity, which may enrich Polish culture in line with the old tradition of ‘the Republic of Nations’.”²³

The Małopolska Programme constitutes an important first step in addressing the complex of issues Roma face in Poland. Still, the Małopolska Programme fails to make the connection between the pervasive negative sentiment toward Roma and racial discrimination against them. While the Małopolska Programme is an improvement, its failure to address discrimination is a major weakness which is likely ultimately to prevent the programme’s successful implementation and the achievement of its goals, since the programme relies so heavily on the support – both financially and otherwise – and co-operation of local communities and local authorities. Moreover, the very language used in the Małopolska Programme document confirms the continuing existence of negative stereotyping of Roma on the part of the very government officials who are setting out to eradicate such attitudes. For instance, the Programme blames the high level of unemployment on the “cultural specificity” and the “passive approach taken by

²¹ The government’s “Małopolska Programme” states: “The situation of Roma in Poland is a matter of interest to European institutions and the European Union countries, particularly those which are the destination for Polish Roma seeking to acquire the status of refugees (e.g. the United Kingdom and Finland)” (See: Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.5).

²² *Ibid.*, p.18.

²³ *Ibid.*, p.21. The authors of the Programme are probably attempting to twist some sort of multi-cultural meaning out of the “Republic of Both Nations” (*Rzeczpospolita Obojga Narodów*) – the union of Poland and Lithuania adopted by the Parliament (*Sejm*) in Lublin in 1569. The union provided the Lithuanian gentry with the same privileges as those of the Polish nobility. Later efforts to extend similar privileges to gentry of other ethnicity and/or religion by and large failed.

Roma themselves,”²⁴ and provides no anti-racism measures to reduce discrimination against Roma among potential employers, in effect perpetuating a culture of exclusion and blaming the victim that dominates the discourse on Roma in Poland. Therefore, although the Polish government’s adoption of the Małopolska Programme is to be praised, it probably will fall short of its own expectations in actual implementation.

As long as the profound and persistent nature of racism against Roma and other groups in Poland remains unacknowledged by the authorities, it is difficult to imagine that the token efforts undertaken by the Polish government to improve the situation of Roma in Poland will actually meet their needs and make it possible for Roma finally to realise their rightful claim to physical security, as well as equality in access to education, health care, adequate housing and other basic human rights. Poland currently aspires to EU membership and, therefore, to fulfilling the Copenhagen Criteria.²⁵ Field research by the *ERRC* and *ERRC* partner organisations in Poland has revealed, as this report demonstrates, that, as far as the Roma population is concerned, Poland has failed to comply not only with the Copenhagen Criteria, but also with Poland’s international human rights obligations, as well with Polish domestic law concerning equality before the law, protection of personal integrity and private property and equal access to education, employment, housing, health care, and public goods and services.

²⁴ *Ibid.*, p.7.

²⁵ Economic and political requirements for candidate countries to accede to the European Union include “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities” and “conditions for integration through the adjustment of administrative structures, so that European Community legislation transposed into national legislations is implemented effectively through appropriate administrative and judicial structures,” (see: “EU Enlargement – A Historic Opportunity: From Cooperation to Accession”, European Commission, 1995, available at: <http://europa.eu.int/comm/enlargement/intro/criteria.htm>). According to the European Commission, “[in] 1993, at the Copenhagen European Council, the Member States took a decisive step towards the current enlargement, agreeing that ‘the associated countries in central and eastern Europe that so desire shall become members of the European Union.’” Thus, enlargement was no longer a question of ‘if’ but ‘when’. Here too, the European Council provided a clear response: “Accession will take place as soon as an applicant is able to assume the obligations of membership by satisfying the economic and political conditions required’. At the same time, the Member States designed the membership criteria, which are often referred to as the Copenhagen Criteria.” The full text of the most recent report by the European Commission on Poland’s progress towards accession to the European Union is accessible at: <http://europa.eu.int/comm/enlargement/poland/index.htm>.

This is not a comprehensive report on Poland's human rights record. This report similarly does not aim to address all issues of racial discrimination in Poland. The focus of this report is solely the human rights situation of Roma in Poland.

The contention of this report is that Polish authorities have, throughout the 1990s, systematically failed to respond to a wave of anti-Romani crime, as well as to ingrained patterns of racial discrimination against Roma, and that race factors continue – to the present day – to render the human rights situation of Roma in Poland intolerable for the majority of Poland's Roma. *ERRC* field research in 1997 and 2001-2002 revealed that, in cases of racially motivated attacks against Roma, police response has been inadequate where police have responded at all; investigations into anti-Romani crime have produced no convictions of note; and, broadly speaking, Roma in Poland are correct to presume that they cannot, at present, rely upon the Polish state to shield them from abuse, or to provide justice when their fundamental rights have been violated. In some instances, Polish authorities have played an active role in incidents of violence against Roma. Finally, as a result of an administrative culture that apparently, as a matter of instinct, denies that Roma in Poland face any serious issues flowing from racism, racial discrimination or racially-motivated crime, measures to date to remedy the human rights situation of Roma have been inadequate, where such measures have been undertaken at all.

3. ROMA IN POLAND: *ORBIS EXTERIOR*

Ethnographers distinguish between four groups of Roma settled in Poland: Polish Roma (*Polska Roma*),²⁶ the “Vlach” Romani groups,²⁷ a group known locally as “Bergitka Roma”²⁸ and Sinti Roma, a small number of whom lives primarily in the west of Poland.²⁹ According to several sources, Bergitka Roma in southern Poland, who

²⁶ Polish Roma are subdivided – mainly according to a longer connection with a given region – into smaller groups: Warmijakio, Kaliszaki, Galicjaki, Samboraki, Jaglany, Pachowiaki and Toniaki. Though originally named for their connections to these regions, the groups now are settled all over Poland. See Grzegorz Gerlich, Marian, “The Gypsies or the Romany”, *Ethnic Minorities and Ethnic Majority: Sociological Studies of Ethnic Relations in Poland*, Szczepański, Marek S., ed., Katowice: 1997, pp.262-263. On Polish Roma, see also, Ficowski, Jerzy, “L’Autorité du Sero-Rom sur les Tsiganes de Pologne” *Etudes Tsiganes* (4), 1981, pp.15-25; Mróz, Lech “Les Chaladytka Roma. Tsiganes de Pologne”, *Etudes Tsiganes* (1), 1979, pp.20-26.

²⁷ “Vlach Roma” is the term commonly applied to Roma speaking “Vlach” dialects. They are often identifiable by their practice of “Vlach” trades and crafts or predominantly “Vlach” institutions, such as, among some “Vlach” groups, a tribunal called the “kris”. “Vlach” in this context signifies that the individual at issue lived in pre-modern Romania, and at some point during the last 200 years, his or her forebears left. This information is known because of oral histories and the number of words borrowed from Romanian that appear in the “Vlach” dialects around the world. Some scholars hold that the “Vlach Roma” identify themselves as the people of the four “nacije” (nations): the Churari, Lovara, Kalderash and Machvaja (See Acton, Thomas, Susan Caffrey and Gary Mundy, “Theorizing Gypsy Law” in *The American Journal of Comparative Law*, Volume XLV, Spring 1997, Number 2, pp.237-250). Others, however, contest that view (Marushiakova, Elena and Vesselin Popov, *The Gypsies in the Ottoman Empire*, Hatfield: University of Hertfordshire Press, 2001, pp.86-88). They argue that in some countries, “Vlach Roma” are not the only Romani group with a Romanian past.

²⁸ “Bergitka Roma” are, according to anthropologists, part of the larger group known broadly as “Carpathian Roma”. The Carpathian dialects of Romani are found today especially (but not only) among Roma who live in the Czech Republic, Slovakia, the Transcarpathian region of Ukraine and the province of Transylvania in Romania. The dialect used to be the most-spoken dialect of Romani in Hungary, but today there are very few speakers of Carpathian Romani in Hungary.

²⁹ See Mirga, “Roma in the Modern History of Poland”, p.3. Sinti speak a dialect of Romani indicating a link to the German-speaking world. Many Sinti state that they do not consider themselves Roma.

have always lived in the shadow of rural communities, are in the worst socio-economic situation of any of the Romani groups in Poland.³⁰ In addition to these groups of settled Roma, since the 1990s, a group of recent immigrant Romanian Roma has been present in Poland.³¹

With their origins in India, Roma made their way across Southeastern Europe, first appearing in the region of Poland in the early 15th century AD.³² The first known reference to Roma in Poland, historian Lech Mróz writes, was in 1401, when there was a mention of “Mikołaj Cygan”, apparently a Romani man living in Kraków.³³ This is characteristic of the early uses of the Polish word for Gypsy, “Cygan”, which first appeared as surnames and place names, as documented in court records.³⁴ The next such references to Roma were in Lwów in 1405 and 1408 and in Sanok in 1419.³⁵ The locations of these early appearances of Roma in Poland help to identify

³⁰ See, for example, Beesley, Jenny, *Wyjazd do Polski: Projekt Romski*, Council of County Hertfordshire, November 1, 1999, p.3; Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma community in the Małopolska province for the years 2001-2003”, p.3; Ministry of Internal Affairs and Administration, Department of Citizenship, “Roma in Poland: The main problems affecting them and the policy of the authorities”, p.1.

³¹ In 1991, after the lifting of visa requirements for Romanian citizens visiting Poland, groups of Romanian Roma began arriving into the country (see Mikulska, Agnieszka, Anita Sobanska, and Sławomir Łodziński, “Uchodźcy, pracownicy-migranci, intruzi, obcy-społeczność Romów/Cyganów z Rumunii w Warszawie”, Helsinki Foundation for Human Rights, June 1998, p.2). Since their initial influx in the early 1990s, it appears that their numbers are decreasing. The *ERRC* obtained estimates from local observers, indicating that, in the first half of the 1990s, the total number of Romanian Roma in Poland amounted to around 15,000 people. In the second half of the decade, numbers reportedly dropped to 8,000-10,000 Roma, mainly in the urban areas of Warsaw, Kraków, Katowice, Lublin, Mielec, Łódź, Szczecin, Wrocław and Tarnów (see Mikulska et al., p.8). In 2001, the *ERRC* spoke with Romanian Roma from Kraków who reported that there were around 3,000 Romanian Roma living on the territory of Poland as of that date. In the area of Kraków, the population of Romanian Roma had reportedly dropped from approximately 200 in the early 1990s to around 50 in July 2001.

³² Ficowski, Jerzy, *The Gypsies in Poland: History and Customs*, Yugoslavia: Interpress, 1981, p.11.

³³ Mróz, Lech, *Dzieje Cyganów-Romów w Rzeczypospolitej XV-XVIII*, Warsaw: 2001, pp.19-55 and p.279.

³⁴ Ficowski, *The Gypsies in Poland*, p.11.

³⁵ Mróz, *Dzieje*, pp.19-55.

the migration routes they used – mainly through Hungary from the south and Moldova from the southeast.³⁶ In the second half of the 16th century, some Roma who had been expelled from Czech and German lands came to Poland.³⁷

Initially, upon their arrival in Poland, Roma were treated like any other foreigners, and during the 15th century, historians believe that no systemic negative actions were taken against them. However, in the 16th century, the first signs of anti-Romani sentiment began to appear.³⁸ In 1557, the Polish Parliament (*Sejm*) issued a decree, which pertained to “Gypsies or useless people”, and which banished Roma from the Kingdom.³⁹ This early act of expulsion was followed by legislation in 1578 that intensified the persecution of Roma as well as those providing them with employment and shelter.⁴⁰ The Polish gentry, though dependent on the skills of Romani craftsmen, took advantage of the legislation to attack one another, using accusations of helping Gypsies as a weapon of recrimination. Actions by some members of the Polish gentry resulted in a more favourable act in 1607, which “attempted to obviate this danger of false accusation being used as a weapon among the quarrelling gentry.”⁴¹

Though Poland and Lithuania were to a certain extent administratively united from the 15th to the 18th century, the different treatment of Roma in the two territories have led modern ethnographers to distinguish between two groups of policies in this period: those of the Polish crown and those of the Grand Duchy of Lithuania.⁴² While the Polish crown repeatedly expelled Roma, authorities in Lithuania tolerated Roma as

³⁶ For more, see: Bartosz, Adam, *Nie bój się Cygana*, Sejny: Wydawnictwo “Pogranicze”, 1994, pp.19-55.

³⁷ Grzegorz Gerlich, p.260.

³⁸ Bartosz, p.32.

³⁹ *Ibid*, p.32.

⁴⁰ Ficowski, *The Gypsies in Poland*, p.15.

⁴¹ *Ibid*, p.15.

⁴² From the late 14th century, Poland and Lithuania had been united, first through the marriage of King Władysław Jagiełło (originally from Lithuania) and Queen Jadwiga and later continued by a series of further acts of ‘union’ between the Grand Duchy of Lithuania and the Polish crown. In 1569, this union was confirmed by the king and the territories officially joined as the Commonwealth of the Two Nations (*Rzeczpospolita Obojgu Narodów*), which lasted until the last partition

long as they agreed to settle. The first known decree attempting to abolish itinerancy among Roma was issued in 1564 in the Grand Duchy of Lithuania.⁴³

Although anti-Romani laws fell into disuse until 1791,⁴⁴ in 1624 and 1652, the Polish crown adopted legislation that created the official position of “King of the Gypsies.” According to historian David Crowe, “[t]he Polish crown saw it as a way to stop Gypsy ‘lawlessness and criminality’, and force Gypsies to pay taxes.”⁴⁵ The so-called May Constitution, adopted in 1791, continued attempts at abolishing the nomadic way of life, ordering Romani families to settle permanently within one year.⁴⁶ Later regulation, after the Vienna Congress in 1814, again introduced an anti-nomadic policy, apparently because earlier policies of forced settlement had not yet been successful.

In the 1860s, two groups of “Vlach” Roma – Kalderash and Lovara – arrived in Poland, probably from the present territories of Hungary, Romania and Slovakia. Evidence of hostility towards Roma was documented in 1863 in *Gazeta Warszawska*, which celebrated the arrival of “Vlach” Roma by way of hostile comparison with those Roma already in the country: “They are not plain wanderers, loitering in villages and towns, making their living by begging or stealing, but travelling coppersmiths and boiler smiths. Of beautiful posture, well built ... those Gypsies dress like Hungarians or like Banats wearing skirts.”⁴⁷ Ignacy Daniłowicz’s lecture to the Russian tsar in

in 1795. For more, see: Lukowski, Jerzy and Hubert Zawadzki, *A Concise History of Poland*, Cambridge: Cambridge University Press, 2001, pp.32-34 and 66-95.

⁴³ Ficowski, p.14. See also: Daniłowicz, Ignacy, *O Cyganach wiadomość historyczna, czytana na posiedzeniu publicznem cesarskiego Uniwersytetu Wileńskiego, dnia 30 czerwca 1824 roku*, Wilno: Drukarnia A. Marcinkowskiego, 1824.

⁴⁴ Crowe, David M., *A History of the Gypsies of Eastern Europe and Russia*, New York: I.B. Tauris & Co., 1995, p.152

⁴⁵ *Ibid.*, p.152.

⁴⁶ Ficowski, *The Gypsies in Poland*, p.17. Some scholars argue that the May Constitution introduced humane treatment of Roma in that their settlement was encouraged, but not forced. However, the legislation undoubtedly reflected an effort to bring about their permanent settlement. For more information on the issue, see: Bartosz, p.32.

⁴⁷ *Gazeta Warszawska* from September 28, 1863, cited in Grzegorz Gerlich, “The Gypsies or the Romany”, p.263. Banat is a region presently located in southwestern Romania and northern Yugoslavia.

1824 indicated the presence of considerably more blatant prejudice, alluding to the early 19th century description of Roma as “the black tribe of Beelzebub”⁴⁸ and the general consensus that their behaviour was harmful for the Polish nation.⁴⁹

The 20th century saw the development of ever more intensive police monitoring of Roma throughout Europe. In Poland in the 1930s, according to historian Jerzy Ficowski, state authorities took advantage of a number of individuals in the Romani family Kwiek, who obtained support from state authorities when they took initiative in obtaining the title of the “King of the Polish Gypsies”. In return for official recognition, “the state security apparatus theoretically obtained the possibility of investigating Gypsy society more thoroughly and of easier control of criminal behaviour.”⁵⁰ Today, some Roma regard a gathering held in 1937 by Michał II Kwiek as the first Roma World Congress.⁵¹

The Nazi regime in Germany deemed Roma racially inferior and genetically imprinted for crime and degenerate activity. Following the outbreak of World War II, and the German invasion of Poland on September 1, 1939, Nazi policies with respect to Roma became genocidal. During the course of the war, Roma were gassed in concentration camps or shot, drowned or buried alive in mass graves by German authorities and non-Germans in occupied countries, including Poland.⁵² In Oświęcim-Brzezinka (Auschwitz-Birkenau), a special camp for Roma (*Zigeunerlager*) was formed on February 26, 1943. The camp remained in operation until the first days of August 1944.⁵³ Historians estimate that around three quarters of Poland’s pre-war Romani population died during World War II, in concentration camps, during mass killings conducted by

⁴⁸ Daniłowicz, p.30.

⁴⁹ *Ibid.*, p.59.

⁵⁰ See Ficowski, *The Gypsies in Poland*, p.35.

⁵¹ See: “Background Information Congress 1937”, II Roma World Congress, circa 2002, available at: <http://www.romaworldcongress.org/kon37eng.html>.

⁵² See Ficowski, Jerzy, “The Polish Gypsies of To-day” in *Journal of the Gypsy Lore Society*, Ser. 3, Vol. 29, 1950, p.101.

⁵³ See Debski J., and J. Parcer, *Romowie w KL Auschwitz-Birkenau*, in Długoborski, Waclaw, ed., *50-lecie zagłady Romów w KL Auschwitz-Birkenau*, Oświęcim: Stowarzyszenie Romów w Polsce, 1994, pp.5-8.

special regiments, and during impromptu actions by non-military actors, as well as due to the extreme conditions of war.

Ms Janina Sadowska, a 77-year-old Polish Romani woman, survived this hunt for her people. She told the *ERRC*:

During the war, we hid in the forests near Kielce and Radom. We stayed in groups of five to ten families. If there had been too many of us, we would not have been able to hide. During the war, we didn't live in wagons yet. We lived in tents. In those times, you had to be able to pack and leave very quickly...

In winter, we would stay with villagers. When the Germans came to catch us, we would escape to the forests again. It was very hard, but many Poles helped us. They let stay in their houses and gave us food in exchange for a blouse or a scarf. Some of them would give us food for free. Many of us died during the war though: from our group, there were people who were caught by the Germans and taken to the camps.

They came one afternoon. Kids were playing and we women were preparing a meal. They surrounded the whole area and attacked us from all sides. All the men were forced to lie down with their faces to the ground. Then the Germans made them form a line and took them away. We never saw these men again. Later we learned that they had been taken to Iłza, then to the prison in Starachowice, and then, finally, to the camp in Oświęcim (Auschwitz). From that day on, our group became almost entirely women and children. My husband was the only man left with us. He managed to escape from the Germans when they first came to take away the men. I didn't know that he had managed to hide ... but later my mother-in-law found him in Radom ... I couldn't go to look for him because I had a small child to take care of. I was only 20 years old at that time. Soon we were reunited and we survived by hiding for the rest of the war. We hid in the forests and we stayed in small groups. After the war, some of the women married again. They waited for some time after the war, but then they realised that their husbands had died and that they had to find new men to take care of their families.⁵⁴

⁵⁴ *European Roma Rights Center* interview with Ms Janina Sadowska, June 8, 1997, Dębica.

Approximately 2,756,000 Jews and 35,000 Roma who had lived in pre-World War II Poland were killed in the Holocaust.⁵⁵ After World War II, Polish authorities declared the country ethnically homogenous.⁵⁶

By the end of the 1950s, 75 percent of the remaining nomadic Romani population was settled as a result of incentives and coercive state policies.⁵⁷ Romani scholar and activist Andrzej Mirga contends that the wandering way of life was thought to be synonymous with parasitism, laziness and dislike of work, criminality and cultural backwardness – and was seen as a threat to the social order.⁵⁸ In 1952, in a decree ordering the permanent settlement of Roma, the Polish state adopted principles for creating a satisfactory cultural, economic and social development of Roma, and for securing the participation of Roma in the fulfilment of the economic goals of the socialist state.⁵⁹ According to Mirga, the goal of these policies was ultimately to increase the state’s control of their

⁵⁵ Engel, Daniel, *The Holocaust: The Third Reich and the Jews*, New York: Longman, 2000, p.139. See also: Hilberg, Raul, *Perpetrators Victims Bystanders*, New York: Harper Perennial, 1992, p.246. On the Romani holocaust, see Kenrick, Donald and Grattan Puxon, *Gypsies under the Swastika*, Hertfordshire: University of Hertfordshire Press, 1995, especially pp.73-76 and 129-143.

⁵⁶ The Polish government told the Committee on the Elimination of Racial Discrimination: “At present in Poland there are no official statistics concerning the number of national and ethnic minorities in Poland. After the Second World War it was declared that Poland had ceased to be a multinational country and no information on this subject was collected.” United Nations Committee on the Elimination of Racial Discrimination, “Reports submitted by States Parties under Article 9 of the Convention, Fourteenth periodic reports of States parties due in 1996, Addendum, Poland,” CERD/C/299/Add. 10, 27 February, 1997, para. 10. During CERD review of Poland’s compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), CERD committee members Shahi de Gouttes, Garvalov and Chigovera referred to the insufficient data, and called for reform of this policy. Chigovera noted, “The prohibition against collection of information on race does not seem to comply with the obligations of States parties.” (p.8) See United Nations Committee on the Elimination of Racial Discrimination, “Summary record of the 1222nd meeting: Poland,” CERD/C/SR.1222, 11 December 1997, para. 43.

⁵⁷ Mirga, Andrzej, “The Effects of State Administration Policy on Polish Gypsies” in *Journal of the Gypsy Lore Society*, Ser. 5, Vol. 3, No. 2, 1993, p.71.

⁵⁸ *Ibid.*, p.71.

⁵⁹ See Grzegorz Gerlich, p.266; see also Mirga, “The Effects of State Assimilation Policy on Polish Gypsies”, p.71.

behaviour by speeding their assimilation process. He writes, “It was assumed that the socialisation of ‘Gypsies’ through productive work would speed up the assimilation process, and that work in a collective with non-‘Gypsies’ would set them a good example and correct ‘unsuitable habits’. But a necessary step preceding productivisation was the elimination of nomadism as a life-style; settlement allows better control.”⁶⁰

Further legal measures adopted in 1960 provided the state militia with emergency rights “for making Roma conform to the state rules”.⁶¹ From the 1950s, according to Marian Grzegorz Gerlich, the number of Roma leading a nomadic lifestyle (generally travelling during the summer or other warm periods) decreased from around 11,000 people to approximately 400-500 people (34 families) in 1983.⁶²

In the late years of communism and into the post-1989 era, anti-Romani pogroms repeatedly broke out in Poland. In the period 1977-1995, anti-Romani mob episodes reportedly took place in Klodowa, Małopolska province (1977),⁶³ Konin, Wielkopolska province (1981),⁶⁴ Óświęcim, Małopolska province (1981),⁶⁵ Mława, Mazovia province (1991),⁶⁶ Kielce, Świętokrzyskie province (1993),⁶⁷ Kraków, Małopolska province (1993),⁶⁸ Zakopane, Małopolska province (1993),⁶⁹ Dębica, Sub-Carpathian

⁶⁰ Mirga, Andrzej, “Roma Territorial Behaviour and State Policy: The Case of the Socialist Countries of East Europe”, in Casimir, Michael J. and Aparna Rao, eds, *Mobility and Territoriality: Social and Spatial Boundaries among Foragers, Fishers, Pastoralists and Peripatetics*, New York: St. Martin’s Press, 1992, pp.259-278.

⁶¹ Bartosz, pp.185-187; See also Report from Office for National Minorities, Poland, Ministry of Culture and Arts, September 8, 1994.

⁶² Grzegorz Gerlich, p.267.

⁶³ Helsinki Foundation for Human Rights, “Report on the Situation of Roma in Poland 1995”, (unpublished), p.4.

⁶⁴ *Ibid.*, p.4.

⁶⁵ Mirga, Andrzej, “The Crisis of the 1980’s: From the Role of the Middleman to the Scapegoat”, [unpublished article].

⁶⁶ *Ibid.*

⁶⁷ Letter from the *Association of Roma in Poland* to the *Helsinki Foundation for Human Rights*, December 8, 1993. See also: Janusz, p.15.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

province (1994),⁷⁰ Sandomierz, Świętokrzyskie province (1995),⁷¹ and Słupsk, Pomerania province (1995).⁷² In the early 1980s, for example, resistance to the totalitarian regime by the Solidarity movement was accompanied by an outbreak of anti-Romani sentiment, expressed in a spate of mob attacks. On September 9-10, 1981, in the town of Konin, non-Romani mobs attacked Roma in a two-day pogrom.⁷³ Around 1,000 locals attacked the Romani community – at that time totalling about 70 people. The conflict reportedly arose after a fight between Roma and non-Roma that resulted in the arrest of three ethnic Poles. On the first day of the pogrom, the crowd smashed the windows of destroyed property belonging to Roma. Forty persons were detained and 10 charged in connection with the destruction of three cars and damage to a fourth, as well as the demolition of shop windows, a tobacconist stand and several metres of sidewalk. They were further charged and convicted for incitement to violence on nationalist grounds through acts of public cursing and jeering at the Roma. Testimony during trial indicated that perpetrators had exhorted the crowd to solve the “Gypsy problem” by “killing, squashing these nits.”⁷⁴

⁷⁰ Helsinki Foundation for Human Rights, *Minority Rights in Poland*, September 1999, Warsaw, p.13-14, available at: <http://www.ihf-hr.org/reports/Minoroties/Polandfin.pdf>.

⁷¹ Łodziński, Sławomir, “The Protection of National Minorities in Poland”, Warsaw: Helsinki Foundation for Human Rights, September 1999, p.4.

⁷² *Ibid.*

⁷³ Mirga, “Roma in the Modern History of Poland”, p.3.

⁷⁴ *Ibid.* International human rights law imposes on states a positive obligation to provide protection to all persons under their jurisdiction against ill-treatment by private persons. The United Nations Human Rights Committee, in its General Comment 20 from 1992, noted that the scope of protection to be undertaken by state parties to the International Covenant on Civil and Political Rights (ICCPR) extends to cover torture, or other cruel, inhuman or degrading treatment or punishment committed by people acting in their “private capacity”. According to the General Comment, “It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against acts prohibited by Article 7 [of the ICCPR] (torture, inhuman or degrading treatment), whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.” See Human Rights Committee, General Comment 20, Article 7, Forty-fourth Session, 1992, (para. 2). Poland ratified the ICCPR on March 18, 1977. The European Court of Human Rights has similarly held that Article 3 of the European Convention on Human Rights and Fundamental Freedoms (ECHR) (prohibition of torture), read in conjunction with Article 1, requires states

This incident was followed on October 21-22, 1981, by a pogrom against Roma in Oświęcim. Rumours that the Roma from outside the town were to be re-housed in Oświęcim effectively mobilised a crowd. The angry mob threatened to storm public offices, and negotiations took place, in which the authorities promised to “solve the Gypsy problem.”⁷⁵ In the meantime, the county government in Bielsko-Biała proposed a quiet agreement involving the emigration of Roma. As a result, the whole Romani population of Oświęcim was granted the right to leave Poland and, in fact, emigrated to Western Europe in December 1981. On December 13, 1981, an emergency administration introduced martial law in order to quell anti-government dissent. According to Mirga, during the 1980s, authorities frequently responded to pogroms by issuing the Romani victims exit visas and effectively expelling them from Poland.⁷⁶

The changes of 1989 did not bring about an easing of the violence against Roma, and anti-Romani pogroms broke out again in the early 1990s. On June 26, 1991, in the town of Mława, Mazovia province, there was a pogrom, during which a mob of approximately 200 people attacked Roma, and subsequently around 1,500 Roma fled Poland. Prior to the pogrom, an ethnic Pole died in a car accident caused by a Romani

not merely to refrain from torture or inhuman or degrading treatment or punishment, but also to secure this right by providing protection against ill-treatment by private persons. In *Costello-Roberts v. United Kingdom*, the Court held “that the responsibility of a State is engaged if a violation of one of the rights and freedoms defined in the Convention is the result of non-observance by the State of its obligation under Article 1 to secure those rights and freedoms in its domestic law to everyone within its jurisdiction” (*Costello-Roberts v. United Kingdom*, 19 EHRR 112 (1993), para. 26; see also, mutatis mutandis, *Young, James and Webster v. the United Kingdom*, Judgement of August 13, 1981, Series A 44, p.20, para. 49 and *A v. United Kingdom*, Judgement of 23 September 1998, Reports 1998-VI, para. 22). Moreover, Article 2 of the ECHR, the right to life, also imposes positive obligations upon the state to protect those under its jurisdiction from a known risk to life (*Mahmut Kaya v. Turkey* and *Kiliç v. Turkey*, Judgements of March 28, 2000). Although Poland ratified the ECHR on January 19, 1993 – after the pogrom – prior to that date, Polish authorities had repeatedly invoked their country’s European credentials and therefore evinced a willingness to be bound by European legal norms, central to which is the ECHR.

⁷⁵ Mirga, “Roma in the Modern History of Poland”, p.4.

⁷⁶ *Ibid.*, p.4.

man. Even though the leader of the Mława Romani community turned over the Romani man to the police, the next day, anti-Romani sentiment was already building. A mob attacked the homes of Roma. The pogrom resulted in the complete destruction of 17 houses, and partial destruction of four houses and seven flats. Victims of the pogrom totalled 41 people, including five ethnic Poles. In the trial, 17 defendants were found guilty of participating in a “public gathering” in which “they committed collective violence upon property belonging to citizens of Gypsy nationality.”⁷⁷ After the completion of the their sentences, some of those responsible for the pogrom reportedly returned to Mława and resumed their actions against Roma. According to Mirga, “They throw stones at windows, and they fight with Gypsies in the street.”⁷⁸ The judge presiding in the case also reportedly deemed police reaction during the attack inadequate. As of the date of publication of this report, the question of compensation for the property lost by Roma remains unresolved. According to Mirga, Polish court provisions making it impossible to seek remedy without paying a significant fee to the court in advance have presented the most significant obstacle in pursuing civil damages.⁷⁹

In the wake of the Mława pogrom, antipathy towards Roma spread to other parts of Poland and anti-Romani actions broke out. The Warsaw-based *Helsinki Foundation for Human Rights (HFHR)* documented violent attacks on Roma individuals in Kielce, Kraków, and Zakopane in 1993.⁸⁰

Some Romani leaders contend that violence against Roma was frequently caused in part by the perception of growing wealth in some Polish Romani communities. For example, Mr Adam Bartosz, director of the *Museum of Romani Culture* in Tarnów, told the *ERRC*: “The Roma started to get richer and the Polish people did not like it, and they expressed it in pogroms during the 1990s.”⁸¹

⁷⁷ *Ibid.*, p.2.

⁷⁸ *Ibid.*, p.6.

⁷⁹ *European Roma Rights Center* interview with Mr Andrzej Mirga, June 24, 2001, Kraków. For more on fees required by the Polish court, see Simons Law, München, *Simons Country Reports: Poland*, available at: http://www.simons-law.com/e/lb_pl_e.htm.

⁸⁰ See Janusz, Grzegorz, p.15.

⁸¹ *European Roma Rights Center*, interview with Mr Adam Bartosz, June 21, 2001, Tarnów.

In 1996 and 1997, some local officials tried to quell outbreaks of violence against Roma by moving Roma to other parts of Poland. According to Mr Stanisław Mirga, a Romani man from Zabrze, Silesia province, in 1997, the mayor of Zabrze initiated negotiations with mayors of Jelenia Góra, Lower Silesia, and Wrocław to remove Roma from one of the most attacked areas in Zabrze. Mr Stanisław Mirga told the *ERRC*: “The mayor argued that we could live there in a much safer situation than in Zabrze. But we did not accept it because there was no guarantee that the situation would be better in the new place.”⁸²

Present-day Poland has only a few minority groups, and these comprise, in percentage terms, a very small portion of the general population. It is frequently assumed (especially by its present inhabitants) that Poland is an ethnically homogeneous country. Nevertheless, negative stereotypes about Roma, according to Romani activist and sociologist Andrzej Mirga, “remain in the Polish national consciousness in the form of outdated, petrified images and phobias.”⁸³ Indeed, the level of preoccupation by Poles with a number of foreign and domestic groups – including Roma – can be striking to an outside observer. Antipathy toward non-Poles (as well as its mirror image, fawning admiration of non-Poles) seems higher than in many countries with larger and more visible minorities. This would seem to belie the widely held view that hostility towards others is related to the relative numerical strength of the other concerned. Although, by any estimate, the Romani population of Poland is indeed smaller than that of many Central and Eastern European countries in both numerical and percentage terms, this fact appears to have had little impact on their treatment in Poland: *ERRC* research in Poland revealed that, wherever Roma happen to be in Poland, anti-Romani sentiment breaks out around them.⁸⁴

⁸² *European Roma Rights Center* interview with Mr Stanisław Mirga, June 24, 2001, Zabrze.

⁸³ Mirga, “The Effects of State Assimilation Policy on Polish Gypsies”, p. 70.

⁸⁴ Anti-Romani sentiment has a long pedigree in Poland. From the Middle Ages on, popular sentiment towards Roma was based on popular interpretation of the New and Old Testaments (*Biblia ludowa*), which delineated a hierarchy of people, nations and ethnic groups. As early as the 16th century, the most basic myths that compose even modern anti-Romani prejudice in Poland were present. In the popular understanding of Polish peasants, Roma in Poland were closely connected with Jews through the symbolism of wandering people, specific occupations and divine punishment for the crucifixion of Jesus Christ (See: Bednorz, Adam, “Postać Cygana w przysłowiaach polskich”, in *Dialog – Pheniben, Pismo Stowarzyszenia Romów w Polsce*, No. 3/4, 1996, p.45-53).

Surveys indicate that, throughout the 1990s, Roma were the least liked ethnic group in Poland. Of the respondents in a 1996 poll, 71 percent stated that they disliked Roma, 16 percent were indifferent towards them, and only 10 percent expressed sympathy with Roma.⁸⁵ In a 1997 poll, which was conducted in the Kraków area, 54 percent of respondents expressed dislike of Roma.⁸⁶ In August 1999, the *Centre for the Study of Public Opinion* survey on the popularity of ethnic minorities among the Poles revealed that the least-liked group were Roma, followed by Jews and Ukrainians, and that the “respondents overestimate the numerical strength

The Catholic Church doctrine throughout the Middle Ages and well into the modern era managed to invert history by clouding the biblical statement that Jesus Christ was a Jew and his persecutors Roman, primarily for the purpose of emphasising the continuing “error” of Jews in not accepting Christ as the “true” Lord and Saviour. Even after the emergence of some relatively more tolerant Catholic clergy, many Polish peasants have clung to the earlier version disseminated by the Catholic church for close to 1,000 years.

In many Polish proverbs and sayings, Roma and Jews are explicitly linked. For example: “Gypsies originate from pharaohs, in a land where Jews lived. After Moses made the waters part, Jews went over and the pharaohs drowned. One Gypsy woman grabbed the horsetail and made it to the shore. From that Gypsy woman, Gypsies were born” (see Bednorz, p.47). According to lore, the wandering life of Jews and Gypsies (purported or real) was a punishment for the presumed guilt of Jews for killing Jesus Christ. Another popular folk tale from the 16th century concerns the nails used in the crucifixion. In one version, the Romani smiths made the nails for Jews and in that way were responsible for the crucifixion of Christ. In another version, Gypsies stole the nails after the crucifixion. The connection between Roma and Jews has been summed up as: “Every Jew is a Gypsy” (*Co Żyd to Cygan*) (see Bednorz, p.48).

Proverbs, frequently making associations between Roma and Jews, and later between Roma and Germans, illustrate how Roma were regarded as part of an external world, excluded from, especially, the world of the Polish peasantry. At the end of the 16th century, Roma were already stigmatised as thieves and liars in such folk-sayings as, “Every Gypsy is a liar” or “A Gypsy’s witnesses are his children.” See: Rysinski, Salomon, *Proverbiorum Polonicorum a Solomone Rysino Collectorum Centuriae Decem et Octo*, Lubecz, 1618. The interpretation of the latter proverb was influenced by the legal regulation *Oikothen ho martyis = Domesticus testis*, which did not allow testimony from relatives as a witness in court. Thus, in the popular understanding, there would be no one other than their family members prepared to act as witnesses on the behalf of Roma.

⁸⁵ Centrum Badania Opinii Społecznej, *Stosunek Polaków do innych narodowości*, Warszawa: 1996, p.3.

⁸⁶ Bajda, Piotr, *Sociological Analyses on Distance Between Polish and Roma Children*, Kraków: Institute for Local Government, June 11, 1997, p.78.

of Jews and Roma.”⁸⁷ A November 2000 survey conducted by the *Centre for the Study of Public Opinion* indicated that alarmingly high levels of negative attitudes persisted toward Roma: 55 percent of respondents expressed negative sentiments, 24 percent positive, and 18 percent of the respondents remained ambivalent.⁸⁸ The study indicated that Roma remained the least-liked ethnic group in Poland, receiving only 2.47 points on a favourability scale 1-7, where “1” was least sympathetic and “7” was most sympathetic.⁸⁹ Yet another survey conducted in 2000, funded by the British *Know-How Fund*, surveyed Poles and indicated the following: 47.9 percent of Poles stated that Roma were ungodly, 77.1 percent of Poles thought that Roma were dishonest, 56.3 percent of Poles found Roma to be unfriendly, and 70.8 percent of Poles claimed that Roma did not like to work.⁹⁰

A 1995 report prepared by the *Helsinki Foundation for Human Rights* states that Roma suffer from the problem of a “perceived remoteness from Polish society, associated with an aversion felt by Poles towards Gypsies.” According to the report, “The Roma are treated as ‘outsiders’. These sentiments are expressed in Polish proverbs, sayings and everyday language. The majority of proverbs present Gypsies in a bad light, and the very word ‘Gypsy’ indicates a swindler or thief.”⁹¹ The word “Gypsy” is often used colloquially to mean that someone is lying.⁹² According to Ms Agnieszka

⁸⁷ Radio Free Europe/Radio Liberty, “Poland, Belarus and Ukraine Report Vol. 1, No. 16”, September 14, 1999.

⁸⁸ Centrum Badań Opinii Społecznej, “Stosunek Polaków, Czechów, Węgrów i Litwinów do innych Narodów”, November 2000, available on the Internet at: <http://www.cbos.org.pl/spiskom.pol/2000/kom165/kom165.htm>.

⁸⁹ *Ibid.*

⁹⁰ Zakrzewski, Lech, Artur Stachura, Andrzej Wisniewski, Szczepan Skorupski and Mirosław Hejduk, “Assimilation of the Roma Community in the Świętokrzyski Region”, Know-How Fund – UK Embassy, July 2000, p.17.

⁹¹ Helsinki Foundation for Human Rights, “Report on the Situation of Roma in Poland”, p.3-4.

⁹² The expression “*cyganie*” – a verb translatable as “to Gypsy” has been used as a synonym for lying since at least the 16th century (see: Kamiński Ignacy, Marek, *The State of Ambiguity: Studies of Gypsy Refugees*, Gothenburg: University of Gothenburg, 1980, p.46.). In the Polish peasant narrative, Gypsies have often been portrayed as magicians, lazy, but also either clever or stupid. One example of this typical portrayal of Roma is the 19th century novel *Chata za wsią* (Kraszewski, Józef Ignacy, *Chata za wsią*, 1854-55). Ignacy Daniłowicz’s *O Cyganach: Wiadomość*

Mikulska of the *Helsinki Foundation for Human Rights*: “A mother may say to her child, ‘you are a Gypsy,’ by which she means a chiding version of ‘you are lying’.”⁹³ The existence of these stereotypes is acknowledged by Polish authorities, who state that “dishonesty, reluctance to work, the lack of hygiene and high levels of criminality are some of the elements in the image of Roma which still prevails in Polish public opinion.”⁹⁴

Roma are keenly aware of the way in which they are regarded by their fellow citizens. A recent survey indicated that 34 percent of Roma consider their relations with Poles in the workplace “bad”, 45.5 percent feel this way about relations in their place of residence, 86.4 percent feel this way about relations in public offices, 71.2 percent feel this way about relations in schools and 69.7 percent of Roma consider their relations with Poles to be “bad” on the streets.⁹⁵

Racist literature (particularly explicitly anti-Semitic books) is available in kiosks and from the state-owned company *RUCH*. During field research in July 2001, the *ERRC* acquired six explicitly anti-Semitic books from prominent public vendors. The Polish media has not countered high levels of anti-Romani sentiment, and some journals have actively inflamed anti-Romani sentiment. Articles about Roma in the Polish press are frequently very short and general, concentrating on reporting negative facts, episodes or stories. Articles often do not give the impression that the authors have had direct contact with Roma. According to a content analysis conducted in 2000, articles published in the two biggest journals, *Gazeta Wyborcza* and *Rzeczpospolita*, focused on scandalous situations, conflict among Roma or their negative interactions with non-Roma,⁹⁶ often with scandal-monger-

historyczna, 1824, is an early attempt to describe Gypsies. Daniłowicz states that their bad temper, laziness, and irresponsibility prevent them from a positive connection with the population (see: Daniłowicz, p.30).

⁹³ *European Roma Rights Center* interview with Ms Agnieszka Mikulska, June 25, 2001, Warsaw.

⁹⁴ See Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.18.

⁹⁵ Zakrzewski *et al.*, p.17.

⁹⁶ Paleczny, pp.29-30.

ing headlines.⁹⁷ The mass media in Poland further reinforce stereotypes against Roma by frequently making reference to ethnic background in news stories involving Roma. According to Mr Edward Paczkowski, a Romani activist in Suwałki, Podlasie province: “The mass media always use ‘Gypsy’ in the headlines when writing about crime, even if only one of the people involved was Romani.”⁹⁸ Articles on Roma in the mainstream Polish media frequently concern events in other countries, such as Slovakia and Romania, perpetuating the widespread belief that Romani issues are primarily a concern of other countries and therefore, implicitly, that Poland has few or no problems to confront where anti-Romani racism and discrimination are concerned.

Problems with the national press pale, however, when compared with those of local media, which is at times directly inciteful, particularly (although not only) in towns with prominent Romani communities. Pabianice is a suburb of Łódź with a prominent and relatively well-off Romani community. A local Romani organisation has been a member of an international Romani umbrella organisation. In the late 1990s, the local newspaper *Nowe Życie Pabianic* repeatedly ran full-page, dramatically illustrated cover stories on such themes as “Why Don’t Gypsies Pay Taxes?”

In Poland, anti-Romani sentiment is also reportedly propagated by influential institutions, such as the Catholic Church, as well as by media closely associated with the Catholic Church. For example, the *Open Society Institute* reports that in February 2001, a priest in Tarnów declared during the mass, “God cannot come to such dirty people as Gypsies” (*Pan Bog nie może zejść do takich brudnych ludzi, jak Cygani*).⁹⁹ Similarly, in 2000, a Catholic youth group magazine in Tarnów, Małopolska

⁹⁷ Reportedly, the daily newspaper *Rzeczpospolita* published short notices with, *inter alia*, the following titles: “Return of the ungrateful Roma”, “Roma against Roma”, “Roma against ‘Życie’” (*Życie* is a name of a magazine, and the word means “life” in Polish). *Gazeta Wyborcza* published the following short notices: “Dead Gypsy Game” and “They Inherited Well”. Medium-sized articles appearing in *Gazeta Wyborcza* had the following titles: “Roma accuses Roma”, “They Beat Her for Her Possessions”, and “Symbol of Bestiality”. Further information on Roma and media issues in Poland is available in Paleczny, pp.29-30.

⁹⁸ *European Roma Rights Center* interview with Mr Edward Paczkowski, June 12, 1997, Suwałki.

⁹⁹ Klimkiewicz, pp. 343-384.

province described Roma as one of the negative, dangerous, and dirty parts of modern life in Tarnów.¹⁰⁰

Anti-Romani graffiti and posters began appearing on walls and buildings throughout the country after 1989. Mr Bartosz, director of the *Museum of Romani Culture* in Tarnów, told the *ERRC* that at the time that the hatred began to manifest itself in the 1980s, “one could first witness the graffiti: ‘Gas the Gypsies’ (*Cyganie do gazu*), ‘Gypsies out’ (*Cyganie raus*) or ‘Away with Gypsies’ (*Precz z cyganami*).”¹⁰¹ According to Warsaw-based anti-racist league “*Never Again*” Association, the spread of this propaganda has been visible throughout the 1990s.

Extremist right-wing organisations have been the most explicit propagators of anti-Romani sentiment, and their racist speech is frequently accompanied by appeals to commit violent acts against Roma and others.¹⁰² At times, these calls for violence are imbedded in euphemism and nationalistic rhetoric – for example, appeals to fellow-citizens to “take initiative” with regard to the “Gypsy matter”. One such poster, issued in 1993 by the extreme right group *Polish National Front* (*Narodowy Front Polski*), referred to the 1991 pogrom in Mława in an apparent attempt to rouse fellow Poles once again to attack the Roma. Entitled “Poles Wake Up!”, this poster called Roma “a ghastly and sore abscess on the forehead of the nation,” stating:

¹⁰⁰ “By przy Nim być”, *Juvenes*, Pismo Grup Młodzieżowych: Parafii M.B. Fatimskiej i św. Józefa w Tarnowie, Number 12: “Przyjść na świat teraz w XXI wieku na tej zimnej ulicy w Tarnowie gdzie tak brudno, tak pełno narkomanów, Rumunów, cyganów, chorych na AIDS i nas samych, nie zdolnych już do żadnych uczuć” (“To be born in 21st century on the cold streets of Tarnów, which are full of dirt, full of drug addicts, Romanians, Gypsies, people ill with AIDS and us, no longer open to any feelings”).

¹⁰¹ *European Roma Rights Center*, interview with Mr Adam Bartosz, June 21, 2001, Tarnów.

¹⁰² According to Mr Rafał Pankowski from the anti-racist “*Never Again*” Association, “it is difficult to differentiate between right and extreme right in the scale of the political spectrum.” According to Mr Pankowski, some mainstream political groupings have assimilated members of the extreme right into coalition groups, and Mr Pankowski named a number of members of the public administration at various levels who, according to him, are members of the extreme right (*European Roma Rights Center* interview with Mr Rafał Pankowski, June 25, 2001, Warsaw).

As always our “humanitarian and progressive government” does not do anything to solve the problem. In Romania it is the same, except that in Romania, people took matters into their own hands, while in Poland there was only the action in Mława (demolition of a few Gypsy burrows), which caused an unprecedented boiling up in the liberal-Jewish circles. It’s high time that somebody takes this irritating problem seriously. Our government doesn’t want to consider the Gypsy matter, so we have to take the initiative into our own hands. We have to make these hooligans feel that they are not at home and that they have to obey the will of the host, so they pack their dirty bundles and get out of Poland forever. Poland is a possession of the Poles.¹⁰³

At other times, appeals for violence issued by the extremist right-wing organisations are chillingly explicit, calling for violence against Roma and other non-Polish ethnic groups. One poster from the racist group “Stronnictwo Narodowe” (*National Party*) appeared in several cities in Poland in the mid-1990s with the slogan “Death to Gypsies, farewell to Soviets, no Germans in, no power to Jews, so that Poland will be Polish.”

According to Mr Rafał Pankowski from “*Never Again*” Association, one Polish neo-Nazi organisation issuing a steady stream of anti-Romani propaganda is the “National Revival of Poland” (*Narodowe Odrodzenie Polskie*). Another organisation that is expressly anti-Romani is the “White Eagle Association” (*Związek Orła Białego*). According to Mr Pankowski, the organisation was founded in Gdańsk in the early 1990s and reportedly had around 500 members as of July 2001. One of the goals of the organisation is purportedly to “send Gypsies back to where they came from,”¹⁰⁴ and to achieve a “Gypsy-free Poland”.¹⁰⁵ Mr Pankowski told the *ERRC* that the group “Polish National Front” (*Narodowy Front Polski*) produces anti-Romani leaflets. Aside from being active in their base of operations in Gdansk, they have also reportedly agitated in the towns of Chełm and Opole.¹⁰⁶

¹⁰³ *Narodowy Front Polski*, “Polacy Zbudźcie się!”, a leaflet circa 1993.

¹⁰⁴ Lupak, Sebastian, “Estetyka związkowca”, *Gazeta Gdańska*, May 23, 2001.

¹⁰⁵ *Ibid.*

¹⁰⁶ *European Roma Rights Center* interview with Mr Rafał Pankowski, September 16, 2001, Warsaw.

POLACY ZBUDŹCIE SIĘ!

Jest ich w Polsce około ok. 80 tys., ale stanowią sterylny i bolesny ropień na ciele naszego Narodu. Cyganie – grupa etniczna postawiona jakiegokolwiek kultury, wybita szorstkich ideów materialnych i religijnych, koczowniczy sposób trwałszy się jedynie rabunkiem i bandytyzmem. Mimo, że stanowią tak małą część ludności Polski (0,2%), stanowiąki politycznie przynajmniej 10%, a 60,8% wszystkich przestępstw w kraju jest dziełem Cyganów. To oni stanowią pozostałość przeszłości, oni plątwą wśród naszych miast.

Od pewnego czasu do rodzinnych Cyganów dołączyła jeszcze spora grupa cygańskiej botwy z Rumunii. Tak samo jak ich zamieszkał w Polsce ziomkowie trwał się oni sobie, „kradzieżami i zabójstwami. Brudni, zawieszani szkapę na szlach i dworcach kolejowych wiktarych miast.

Jak zwykle nasz „kamaradzi i powojenny” rząd nie czyni absolutnie nic, aby rozwiązać ten problem. W Rumunii jest zresztą podobnie, ale tam sama ludność wzięła sprawy w swoje ręce. U nas tymczasem jedynie wystąpienie w Miawie (zdemolowanie przez cygańskich nar) spowodowało niechętnie wrznie w kołach rządowo-liberalnych.

Czas najwyższy, aby ktoś poważnie zabrał się za rozwiązanie tej drażliwej kwestii. Powinno rząd nie ma zamiaru zająć się sprawą Cyganów, niekajęcymos wzięł w swe ręce sam Naród. Należy dać odebrać tej botwie, że nie jest u siebie i musi liczyć się z wolą gospodarzy. Niech ją będą swoje brudne rękawy i wyszły się z Polski na zawsze! Polska jest własnością Polaków!

NARODOWY FRONT POLSKI!

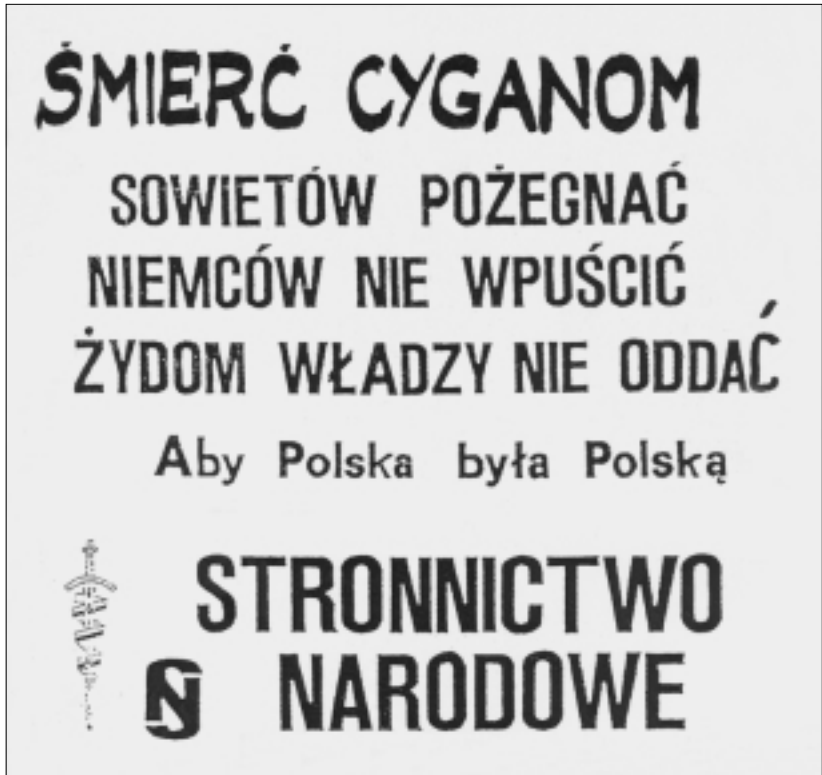
Główna Wytwórnia ul. Sierakowskiego 8a W KAZDYM BRZDZIE OD 1990, 17⁰⁰

RĘCE PRECZ OD POLSKIEGO CHŁOPIA! DOŚĆ BANDYCKIEJ DZIAŁALNOŚCI BANKÓW!



NARODOWY FRONT POLSKI
Główna Wytwórnia ul. Sierakowskiego 8a
(przecznica Śniłkowskiej Dąbki)
w każdą środę od 17⁰⁰

This poster of Polish National Front appeared in several cities across Poland during the 1990s. A partial translation appears on p. 39 of this report.



“Death to Gypsies, farewell to Soviets, no Germans in, no power to Jews, so that Poland will be Polish” – poster of the extreme right group National Party.

A common attitude among Poles toward these extreme right-wing organisations is that they are marginal groups, acting independently out of a fondness for violence. This assessment of their behaviour obscures the virulent racism and nationalism that frequently motivates their violent actions. It also erroneously isolates them from the spectrum of Polish politics, in which there is growing support for radical parties such as Mr Andrzej Lepper's Self-Defence (*Samoobrona*) and the nationalist Catholic League of Polish Families. These increasingly popular political parties reportedly frequently make coded or explicit appeals to racism in their efforts to garner support. The next chapters of this report examine racially motivated violence against Roma – the most exposed face of racism in the poor human rights record of Poland with respect to Roma.

4. RACIALLY MOTIVATED ATTACKS ON ROMA

In Zabrze, a city of approximately 200,000 in Silesia province, Roma told the *ERRC* in 2001 that they lived in constant fear of skinhead attacks, which they said had been a feature of everyday life in their city since 1996. While Zabrze stands out in terms of the large number of documented racially motivated attacks that have occurred there since the late 1990s, it is by no means exceptional in terms of the ways in which authorities and non-Romani residents have been dealing with the presence of, and continuing violence against, the Romani community. Indeed, there are patterns present in Zabrze that can be found throughout Poland: racially motivated attacks and permanent threat of violence against Roma; failure by authorities to act in a timely fashion to prevent, stop, investigate, and punish racially motivated violence; complicit silence before, and even encouragement of, violence against Roma by authorities, media, and non-Romani residents; and a generalised climate of hatred and refusal to accept Roma as rightful members of the community. In Zabrze and elsewhere in Poland racial hatred and violence infringe upon fundamental rights of Roma and prevent their full participation in public life.

Many members of the Romani population in Zabrze – estimated by members of the community to be approximately 300 people – live on Sienkiewicza and Buchenwałczików streets, located close to each other. Romani residents told the *ERRC* that nearby Opolska Street, which runs parallel to Sienkiewicza and is one block away, was where many of Zabrze’s skinheads resided. The *ERRC* observed an abundance of anti-Romani and racist graffiti in that area during a number of visits to Zabrze in 2001. At the time of the *ERRC* visits, Romani residents in the neighbourhood lived with this constant reminder that they were not welcome in Zabrze.

Attacks on the homes of Roma in town were reportedly a regular occurrence late at night, around 2 or 3 AM, when skinheads reportedly threw cobblestones through their windows and shouted slogans such as “Gas the Gypsies” or “Get out, you dirt!” On weekends, skinheads in town also reportedly attacked during the daylight hours, often after football games. “The worst days are Fridays, Saturdays and Sundays,” said Ms Anna Mirga, an inhabitant of one of the Romani houses on Sienkiewicza Street in Zabrze.¹⁰⁷

¹⁰⁷ *European Roma Rights Center* interview with Ms Anna Mirga, June 24, 2001, Zabrze.

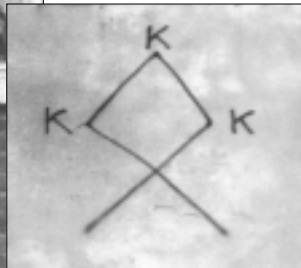


Anti-Romani graffiti on Buchenwałczików Street and streets nearby in Zabrze, southern Poland, June 26, 2001. Graffiti states: “Gas the Gypsies”.

PHOTO: *ERRČEVA* SOBOTKA

Graffiti on Opolska Street in Zabrze, southern Poland, June 26, 2001. The graffiti in the photograph below states: "Gypsies out". The other photographs show neo-Nazi graffiti.

PHOTO: *ERRC*/EVA SOBOTKA



In a typical attack, on June 30, 2001, between 10 and 11 PM, according to several local Romani residents, approximately 20 skinheads attacked one of the Romani houses on Sienkiewicza Street in Zabrze.¹⁰⁸ Skinheads threw bottles and stones at windows and smashed cars. Mr Piotr Ondycz, a Romani man living in the house that was attacked, told the *ERRC*: “They were throwing stones from all sides. I was hit in my leg. They were coming from Opolska Street, and trying to get into the house. They were going around smashing everything – for example the cars of the Roma who live up the street. One threw stones from one side into the windows, then from the other side. They were shouting ‘all Gypsies out of Zabrze!’”¹⁰⁹

The Roma tried to keep the skinheads out of the house. The fight moved up the street towards a parking lot. Skinheads reportedly beat Roma with baseball bats, threw bottles and stones and shouted “Dirty Gypsies” (*Brudasy Cyganie*).¹¹⁰ According to victim and witness testimony, the attack lasted for approximately one hour.

Roma from Buchenwałczków Street arrived to help the Roma under attack. According to Romani residents, some of those trying to help were seriously injured. Twenty-year-old Mr Jan Mirga told the *ERRC*: “I went over to help my cousin Rafał Mirga and ended up with a light concussion. A skinhead hit me over the head with a

¹⁰⁸ *European Roma Rights Center* interview with Ms Anna Ondycz, July 1, 2001, Zabrze; *European Roma Rights Center* interview with Mr Piotr Ondycz, July 1, 2001, Zabrze.

¹⁰⁹ *European Roma Rights Center* interview with Mr Piotr Ondycz, July 1, 2001, Zabrze. According to Article 119, section 1 of the Polish Penal Code, if a person takes up an illegal action, such as act of violence or illegal duress towards any other person, and this action is connected with the victim’s nationality, religious beliefs, lack of religious beliefs, ethnic origin, or political beliefs, this person is liable to a penalty of imprisonment ranging between three months and five years. The same penalty is provided for a person who publicly incites others to commit such a crime.

¹¹⁰ According to Article 257 of the Polish Penal Code, anybody who publicly insults a group of people or a particular person, or breaches the bodily inviolability of another person, based on the victim’s nationality, ethnic or racial origin, religious beliefs or lack thereof, is liable to a penalty of up to two years imprisonment.

¹¹¹ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze.

baseball bat.”¹¹¹ Mr Rafał Mirga told the *ERRC* that he also was hit over the head and suffered a concussion and skull fracture.¹¹²

The police arrived, replying to a call made by Roma after the first ten minutes of the attack.¹¹³ According to Mr Jan Mirga and Mr Rafał Mirga, the police simply looked on at the battle between the Roma and the skinheads. Mr Jan Mirga told the *ERRC* that he heard the police verbally support the skinheads and use a racial epithet, saying, for example: “There is some Gypsy dirt over there – get them.”¹¹⁴ According to Mr Jan Mirga and Mr Rafał Mirga, police officers fired in the air twice. Finally, they began attempting to break up the fight. Most of the skinheads fled, but two were arrested. Three Roma were wounded in the incident and were asked by police to come to the police station to testify on the following Monday, July 2, 2001.

One of the Romani men, Mr Jan Mirga, told the *ERRC* that he had spoken with one of the policemen who had witnessed the attack, and requested that he testify on their behalf. Mr Mirga told the *ERRC*: “I told the policeman present during the attack that he should testify, but he told me, ‘I will say only what I saw, and I did not see anything.’”¹¹⁵ The ensuing investigation charged a total of 11 people, three of whom – Mr Rafał Mirga, Mr Jan Mirga and Mr Czesław Mirga – were actually the Romani victims of the attacks, with use of dangerous equipment for fighting.¹¹⁶ The Zabrze police submitted the documentation of the investigation to the local prosecutor’s office on December 14, 2001. As of the date this report went to press, the case was reportedly still pending.

Neighbouring non-Romani residents apparently turned a blind eye to the skinheads’ violent attack on the Roma. During *ERRC* field investigation on July 1, 2001, the *ERRC* spoke with Ms G.H., an 80-year-old ethnic German woman living in a house in close proximity to the site of the June 30, 2001, attack. She told the *ERRC*: “I do not open windows, I have not seen anything, I have nothing to do with Gypsies. I am an old

¹¹² *European Roma Rights Center* interview with Mr Rafał Mirga, July 1, 2001, Zabrze.

¹¹³ *European Roma Rights Center* interview with Mr Jan Mirga and Rafał Mirga, July 1, 2001, Zabrze.

¹¹⁴ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze.

¹¹⁵ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze.

¹¹⁶ Ministry of Interior and Administration, information about cases raised in a letter from the *European Roma Rights Center*, undated, received by the *ERRC* on May 17, 2002.

woman and I live alone and I am not interested in these Gypsies at all. I have nothing to do with them.”¹¹⁷

In the “News at Six” broadcast of July 1, 2001, the local radio station *Radio Plus* reported the attack as a “stone-throwing battle between Gypsies and hooligans.” The report did not mention that racist skinheads had been involved in the attack. According to *Radio Plus*, three cars were destroyed and damage amounted to 9,000 Polish złoty (approximately 2,557 euros).¹¹⁸ The media’s failure to mention the racial motivation of the attacks on Roma, or to identify local skinheads as instigators, along with a tendency to downplay the seriousness of the violence, is reportedly typical of press coverage of such attacks in Zabrze. The *ERRC* observed no instance in which Zabrze’s local media coverage of the attacks gave due attention to racist hostility toward Roma as a factor motivating the assaults. In fact, Mr Jan Mirga contended that a series of racially motivated attacks by groups of skinheads was a direct result of the TV programme “Express Reporterów”. In late May 2001, the series broadcast a report on the situation of Roma in Zabrze, including information on “conflicts” in the town. Mr Mirga told the *ERRC* that he and other Roma were misled by the journalists preparing the programme: “Although we were promised that our faces would be obscured during the broadcast, this did not happen. The faces of skinheads were covered but our faces were not. The skinheads later found those who had spoken during the programme and beat some of them. After the programme, our non-Romani neighbours laughed at us and our children were subjected to sarcastic comments from their classmates and teachers at school.”¹¹⁹ It is reportedly commonplace for non-Romani residents in the town to use a variety of racial slurs to describe Roma – for example: “Negroes” (*Murzyni*) “Dirt” (*Brudasy*) and “Bamboo” (*Bambusy*).

According to many local Roma, anti-Romani violence began in the late 1990s. The months preceding the June 30, 2001, attack in Sienkiewicza Street featured many similar incidents in Zabrze, according to local Roma. According to Mr Piotr Ondycz, a Romani resident of Sienkiewicza Street, around midnight one night in February 2001,

¹¹⁷ *European Roma Rights Center* interview with Ms G.H., July 1, 2001, Zabrze. In a number of instances, the *ERRC* has chosen to withhold the names of victims, witnesses and/or alleged perpetrators. The *ERRC* is prepared to release names if the interests of justice so require.

¹¹⁸ *Radio Plus*, “News at Six”, July 1, 2001, Zabrze, 6 PM.

¹¹⁹ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze.

someone threw a Molotov cocktail into his car – parked in front of his home at Sienkiewicza 5. He told the *ERRC*: “They broke the window of the left back seat and the one next to the driver’s seat, and threw a bomb inside.”¹²⁰ Mr Ondycz told the *ERRC* the bomb exploded and destroyed the car. According to Mr Ondycz, he called the police when he discovered the incident, but the police were not interested in helping. “They only told me to drive the car to the police station in the morning,” he said.¹²¹ Following their suggestion, he drove the damaged car to the station the next morning and the police documented the case.

Also according to Mr Ondycz, during April 2001, a skinhead smashed a ground floor window of a Romani house on Sienkiewicza Street. A witness reportedly captured the perpetrator and took him to the police, but no one at the station wanted to listen to what had happened. Mr Ondycz told the *ERRC*: “They just sent us home as if nothing had happened.”¹²²

Another Romani resident on Sienkiewicza Street, Mr Stanisław Mirga, told the *ERRC* that on May 23, 2001, around 2 AM, skinheads attacked his house, throwing Molotov cocktails through his backyard door. One bomb went through the glass window of the door and exploded, burning the walls, doors, and stairs. Luckily, no one was injured in the attack, and the fire caused by the explosion quickly went out, as the area where it exploded was not flammable.

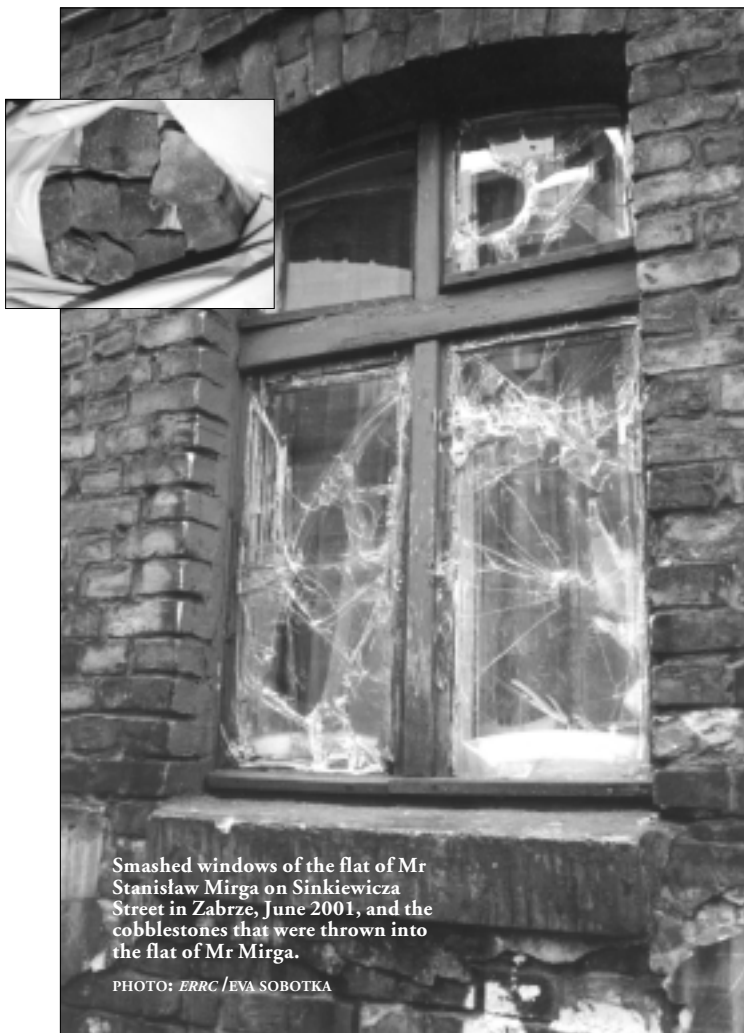
According to Mr Stanisław Mirga, his family was again the target of racist harassment on June 15, 2001, when four skinheads threatened his family through the apartment building’s intercom at around 4 PM. Mr Mirga told the *ERRC* that the skinheads threatened his life, calling him a “dirty Gypsy” and stated that he would be “burned as he deserved.” Police reportedly did not come to the scene when Mr Mirga called to report the incident.¹²³

¹²⁰ *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

¹²¹ *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

¹²² *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

¹²³ *European Roma Rights Center* interview with Mr Stanisław Mirga, June 24, 2001, Zabrze.



Smashed windows of the flat of Mr Stanisław Mirga on Sinkiewicza Street in Zabrze, June 2001, and the cobblesstones that were thrown into the flat of Mr Mirga.

PHOTO: *ERRC* /EVA SOBOTKA

In another incident, on the evening of June 18, 2001, according to Mr Stanisław Mirga, two skinheads ignited a cloth and put it inside the petrol tank of a car belonging to Roma. According to Mr Mirga, the cloth caused no explosion, apparently because the petrol tank was empty. Another attack took place later the same night, according to local Romani residents. During the night of June 18-19, 2001, approximately fifteen cobblestones were thrown at a Romani residence's third floor windows, completely smashing windows that had been partially broken during previous attacks. Another Romani inhabitant of the house, 34-year-old Anna Mirga, told the *ERRC*: "I live on a third floor. They were throwing stones and cobblestones into our windows. They smashed two windows of mine. This was not the first attack."¹²⁴ According to Ms Anna Mirga and Mr Stanisław Mirga, skinheads shouted "Gas the Gypsies" during the attack. Ms Mirga told the *ERRC*: "The police told us that there was nothing they could do about it."¹²⁵

Another incident reportedly took place on June 19-20, 2001, when skinheads threw stones at a Romani household. On the evening of June 19, 2001, Mr Piotr Ondycz was with his family on their way home from visiting relatives. He told the *ERRC*: "We came home about 10 PM and shortly after that we went to sleep. Suddenly the sound of breaking glass woke me up. I saw four men with shaved heads and wearing big boots. They all shouted 'Sieg heil' several times."¹²⁶ According to Mr Ondycz, the men were standing on the street on two sides of the house. Mr Ondycz told the *ERRC* that the skinheads were throwing stones into the windows on both sides of his house, and that he saw four skinheads, two on each side of the house, all throwing stones. Mr Ondycz further stated that although he personally had seen only four attackers in total, his non-Romani Polish neighbours who live across the street told him that they saw a larger group of approximately 10 people.¹²⁷

In an earlier incident, in April 1999, a two-year-old child was reportedly the victim of a violent attack in his family's front yard in Zabrze. Ms Anna Ondycz, a 36-year-old

¹²⁴ *European Roma Rights Center* interview with Ms Anna Mirga, June 24, 2001, Zabrze.

¹²⁵ *European Roma Rights Center* interview with Ms Anna Mirga, Stanisław Mirga, June 24, 2001, Zabrze.

¹²⁶ *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

¹²⁷ *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

Romani woman from Zabrze, told the *ERRC* that in April 1999, a skinhead walking past her house brutally hit her two-year-old son, who fell unconscious to the ground: “I let my children to go to the yard and play there. I was in the kitchen. Then I heard my 10-year-old son, P.O., shouting: ‘Mum, mum, quickly, come here.’”¹²⁸ Her son P.O. told the *ERRC*: “I was playing in the street and when I looked up, I saw two skinheads coming up the street. I shouted at my mother to come, and ran to the woodshed and hid there because I was afraid. From where I was hiding, I saw one of the skinheads hit my brother’s face and he fell on the ground.”¹²⁹ Ms Ondycz did not report the incident to the police.

Violent skinhead attacks on Roma are not limited to assaults on or near Romani households. Attacks on Romani residents also regularly take place in the streets of Zabrze, in plain view of other residents of the town. In one public incident in 1997, Ms Kornela Koperska, a 21-year-old Romani woman, was reportedly the victim of a violent beating at a bus stop in Zabrze. Ms Koperska told the *ERRC* that between 5 and 6 PM on February 9, 1997, she and two other Romani women, Ms Aneta Kadelska and Ms Beata Kadelska, were on their way home on a city bus in Zabrze when the bus arrived at a bus stop where six skinheads were waiting. When Ms Koperska got off at the bus stop, the skinheads began chasing her.¹³⁰

Although the bus did not leave the bus stop, the driver reportedly closed the doors and Ms Koperska could not run back to seek safety in the bus. The bus with all of its passengers stayed at the bus stop during the whole attack. The third Romani woman, Ms Beata Kadelska, who had stayed on the bus with her 4-year-old, began shouting, trying to persuade the driver to open the bus door for Ms Koperska or at least to call the police. Ms Kadelska told the *ERRC*: “The bus driver did not want to do anything. He just stood there. My child was crying and he [the driver] wanted me to get off the bus too. I told him that he would have to kill me first to get me and my child off the bus.”¹³¹

¹²⁸ *European Roma Rights Center* interview with Ms Anna Ondycz, June 24, 2001, Zabrze.

¹²⁹ *European Roma Rights Center* interview with P.O., June 24, 2001, Zabrze.

¹³⁰ *European Roma Rights Center* interview with Ms Kornela Koperska, June 24, 2001, Zabrze.

¹³¹ *European Roma Rights Center* interview with Ms Aneta Kadelska, June 24, 2001, Zabrze.

According to the testimony of Ms Kadelska and Ms Koperska, the skinheads began chasing Ms Koperska: “They grabbed me and banged my head against the wall. Then I got up and started running. It was really cold and icy, and I slipped, so they caught me again,” Ms Koperska told the *ERRC*. One of her attackers began kicking her in the stomach, while another began shouting vulgar names. Ms Koperska told the *ERRC*: “They shouted, ‘You Negros, you niggers!’ (*Wy Murzyni, czarnuchy!*) I tried to get up. I was not screaming at all. I was completely quiet. I could not scream.”¹³² According to the testimony she provided to the *ERRC*, the skinheads kicked Ms Koperska in the stomach, face, kidneys and groin: “I think that is why they continued beating me so much, because I was not shouting. They told me ‘scream for help, you Gypsy,’ but I remained quiet, and then they kicked me again in the stomach, back and groin. The bus driver saw that they were beating me but he did nothing. He did not call the police.”¹³³

The beating allegedly lasted for around ten minutes, and people on the bus reportedly began rooting for the attackers. Ms Aneta Kadelska told *ERRC*: “I tried again to ask the people on the bus to call the police, again and again. Suddenly, the people started shouting, ‘Good job!’ ‘Give her more!’ I could not do anything. I just watched Kornela being attacked.”¹³⁴ Then the skinheads stopped and left the scene of the crime.

Ms Koperska reported the incident later the same evening to the police. She later reported to the *ERRC*: “When we arrived at the police station, I wasn’t able to speak. Ms Kadelska told them everything, how they beat me. The police took a statement,”¹³⁵ Ms Koperska told the *ERRC*. She additionally stated that she had been unable to identify positively any of her attackers in several police line-ups, but one of her friends who witnessed the attack recognised one of the men involved.

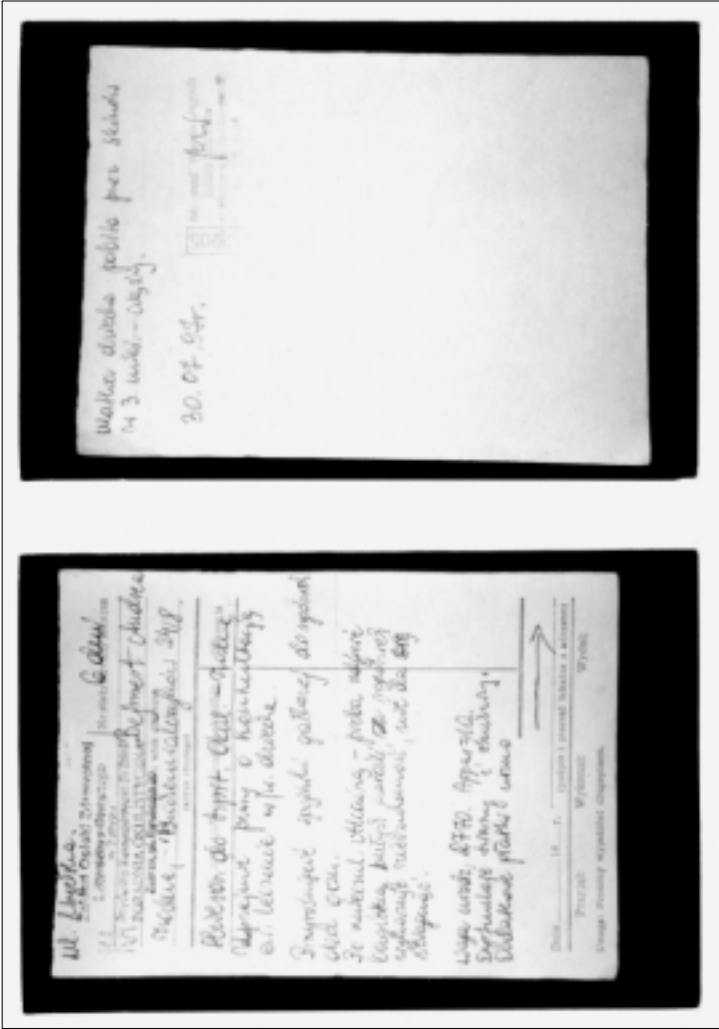
Ms Koperska and her partner, Mr Andrej Bejmert, told the *ERRC* that, after the suspect was interrogated by police, skinheads started to threaten their family, as well as Ms Kadelska’s family, throughout the one-month investigation. Ms Koperska

¹³² *European Roma Rights Center* interview with Ms Kornela Koperska, June 24, 2001, Zabrze.

¹³³ *European Roma Rights Center* interview with Ms Kornela Koperska, June 24, 2001, Zabrze.

¹³⁴ *European Roma Rights Center* interview with Ms Aneta Kadelska, June 24, 2001, Zabrze.

¹³⁵ *European Roma Rights Center* interview with Ms Kornela Koperska, June 24, 2001, Zabrze.



Medical protocol issued by a health care centre in the town of Zabrze concerning the infant Andrea Bejmer, documenting dysfunctions found after medical examination of the newborn. The last sentence of the document says: “The mother of the child was beaten by skinheads in her 3rd month of pregnancy.”

stated that police released one alleged perpetrator, who had been detained by the police and identified by Ms Kadelska. In a May 2002 letter addressed to the *ERRC*, the Ministry of Justice justifies the authorities' decision to stop the investigation by saying that eyewitnesses were able to identify the perpetrators, but "not describe any particulars about them."¹³⁶

Ms Koperska was in her third month of pregnancy at the time of the attack. Her daughter, Andrea Bejmert, was subsequently born with serious birth defects. Ms Koperska told the *ERRC*: "Doctors told us that it is the result of the beating. The child was born without an instinct to suckle, as well as with coordination problems. Her eyes are connected to the lids. One of her ears does not have an ear canal. She does not have a developed chin, and she develops blood tumours that the doctors say could later turn into cancer."¹³⁷

Another violent beating of Roma reportedly took place in June 2000, near the railway station in the centre of Zabrze, after a private party that had taken place at a pub near Freedom Square. The party had ended around 9 PM. Ms Anna Mirga told the *ERRC* that, while leaving the party, they saw a large group approaching them, her husband "realised that they were all skinheads."¹³⁸ The Roma quickly decided to flee, dividing themselves into two groups, one men and one women with children: "When we saw the skinheads everyone went in different directions. My husband started running with the other men. Women with children hid behind the kiosk. I hid my younger son under my skirt between my legs."¹³⁹ When interviewed again by the *ERRC* in April 2002, Ms Mirga told the *ERRC* that she stayed behind the kiosk for about 20 minutes. Then, out of concern for her husband, she left her hiding place and went back to the pub and asked the manager to call the police. According to Ms Mirga, the manager refused her request. According to Ms Mirga, the pub also had private security men who were employed to keep order at the private party. Ms Mirga told the *ERRC* that instead of protecting the Roma, or informing the police, who have a station about

¹³⁶ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

¹³⁷ *European Roma Rights Center* interview with Mr Andrzej Bejmert, June 24, 2001, Zabrze.

¹³⁸ *European Roma Rights Center* interview with Ms Anna Mirga, June 24, 2001, Zabrze.

¹³⁹ *European Roma Rights Center* interview with Ms Anna Mirga, June 24, 2001, Zabrze.

1,000 meters away, the security guards hid themselves in their hut. She told the *ERRC* that she then decided to go home, where she hoped to find her older son, who had escaped with the group of men.¹⁴⁰

About 15 skinheads reportedly chased Mr Augustyn Mirga, Anna's husband, and the other Romani men. According to Mr Paweł Ondycz, Augustyn Mirga's cousin, as the Romani men were chased by the group of skinheads, several of the skinheads shouted racist epithets: "Dirt" (*Brudasy*), "Gypsy whores", and "Go back to your own countries". According to Mr Ondycz, he and the other Romani men ran off in other directions from Augustyn and escaped. After a while, Mr Augustyn Mirga was still being chased by about 10 skinheads. He ran into a yard through which he thought he could flee from those chasing him, but it was a dead-end. Mr Mirga told the *ERRC* he has difficulty reconstructing the events that followed, but his cousin, Mr Ondycz, said that Mr Mirga was assaulted with chains and baseball bats. Mr Mirga told the *ERRC* that when he realised that he was trapped, he awaited a beating that he believed he would not survive. He told the *ERRC*, "I can't tell you anything else. Because I lost memory, I don't remember anything from the attack."¹⁴¹ Mr Ondycz told the *ERRC* that he observed Mr Mirga running into the yard as Mr Ondycz himself was running in another direction, trying to escape the skinheads. Aware that there was no outlet from the yard, Mr Ondycz was concerned for Mr Mirga's safety, as he realised that the skinheads would probably catch him and beat him. When he succeeded in escaping the skinheads himself, Mr Ondycz returned to try to help his cousin. When Mr Ondycz came close and saw how severely Mr Mirga was being beaten, however, he became afraid to get involved. He told the *ERRC*, "They were hitting him, kicking him in the ribs, beating him with chains and baseball bats in the head and face until he lay unconscious. I felt helpless, too afraid to do anything, witnessing all the violence."¹⁴²

According to Mr Ondycz, an old woman shouted from a window of a nearby building that the police were coming and the skinheads fled. Meanwhile, Mr Mirga lay unconscious in a pool of blood. Mr Ondycz told the *ERRC*: "I ran to him. He was lying there in blood, his head was bloody, his ribs were broken and his clothes were covered

¹⁴⁰ *European Roma Rights Center* interview with Ms Anna Mirga, April 2, 2002, Zabrze.

¹⁴¹ *European Roma Rights Center* interview with Mr Augustyn Mirga, June 24, 2001, Zabrze; *European Roma Rights Center* interview with Mr Paweł Ondycz, June 24, 2001, Zabrze.

¹⁴² *European Roma Rights Center* interview with Mr Paweł Ondycz, June 24, 2001, Zabrze.

in blood.”¹⁴³ The police arrived and received an account of what had happened, but they reportedly stated that they could not do anything about it “because there is a war between Gypsies and skinheads and the police are not involved in it.” Mr Ondycz told the *ERRC* that the police officers appeared afraid and said there was no point in investigating the case and finding the attackers.¹⁴⁴ An ambulance took Mr Augustyn Mirga to the hospital, where he was placed in the emergency unit.

The police apparently made no effort to report to Ms Mirga that her husband was at the emergency unit in the hospital: “I went to the police station on 1 Maja Street, because I did not know for several hours where my husband and son were. When I came to the police station, officers told me that my husband was in the emergency unit and I went to the hospital.”¹⁴⁵

Mr Mirga was treated and released from the hospital three weeks later. As of April 2002, when the *ERRC* again interviewed Mr Mirga, he stated that he continued to suffer from severe back pain and intense headaches, for which he was taking strong medication. He told the *ERRC* that he thought the police made no efforts to investigate the case, and that no officials had ever questioned him or examined his medical records.

ERRC field research in Zabrze in 2001 and 2002 revealed that the Roma in Zabrze are often not provided with adequate police protection. Police frequently arrived late when called during attacks and failed to pursue effective investigation into the incidents. Some Roma, living in a climate of violence in which they did not see their attackers punished, feared retribution from the skinheads and therefore did not report incidents to the police. Others said that they called the police every time a violent attack occurred, but it never seemed to make a difference, because authorities either did not respond at all, came too late or came and observed the attack, but stood by and did nothing. Roma on Sienkiewicza Street told the *ERRC* that the attacks on their homes usually lasted for about 20 minutes, and that they always called the police when an incident occurred. Although the police station was quite close, the police usually took about 40-45 minutes to arrive.¹⁴⁶

¹⁴³ *European Roma Rights Center* interview with Mr Paweł Ondycz, June 24, 2001, Zabrze.

¹⁴⁴ *European Roma Rights Center* interview with Mr Paweł Ondycz, June 24, 2001, Zabrze.

¹⁴⁵ *European Roma Rights Center* interview with Ms Mirga, June 24, 2001, Zabrze.

¹⁴⁶ *European Roma Rights Center* interviews with Piotr Ondycz and Anna Mirga, June 24, 2001, Zabrze; *European Roma Rights Center* interviews with Paweł Ondycz and Piotr Ondycz, July 1, 2001, Zabrze.

Regular violence in Zabrze affects all aspects of life for the Romani community. During *ERRC* trips to Poland in 1997, 2001 and 2002, Roma in Zabrze, as well as in a number of other towns in Poland, reported that repeated attacks on their families and their houses had caused them to close themselves off from the outside world. Terrorised by violent attacks on their families, homes and property – and by continued harassment in the streets and the racist slogans constantly spraypainted in their neighbourhoods and shouted at them in the street – many Roma told the *ERRC* that they were afraid to leave their homes at night. “We cannot walk on the street after 5PM, because it is too dangerous. We cannot even travel on trams or go to cafes, because skinheads would attack us,”¹⁴⁷ one Romani resident told the *ERRC*. During an *ERRC* visit to Zabrze in June 2001, Ms Mirga’s family had bed sheets hung over their broken windows. She told the *ERRC* that they believed that simply being seen in the windows by the skinheads provoked attacks.

According to several Romani women from Zabrze, Roma are frequently told to leave public places; several cafes were, at the time of an *ERRC* visit, reportedly “patriolled” by skinheads to prevent any Roma from entering or staying: “Once I went to the cafe in the centre and some of the skinheads came over. They were wearing boots and had shaved heads and suspenders and jackets and they told me that I should go to my own country,” recalled one local Romani woman.¹⁴⁸

Indeed, neo-Nazi sympathisers in Zabrze reportedly make it their mission to make Roma unwelcome, not only in the streets of the town, but in Poland as a whole. For instance, in autumn 2000, according to Ms A.O., while five Romani women were on their way home to Zabrze from the city of Katowice, “We arrived by train to the Zabrze train station and slowly walked to the stairs to get out. At the stairs of the train station, right after the hall, there was a group of skinheads standing there. They stopped us and surrounded us and told us that we were Romanian, not Polish. We said that we were not Romanian, but Polish. We said that we are Gypsies, born in Poland. They asked my sister for her ID. She was afraid to show it to them. Then they started to spit on us. They said, ‘If you are Polish, show us your papers.’ Then my sister told them, ‘Look, I am pregnant.’ They did not want to let us go home until we showed them our

¹⁴⁷ *European Roma Rights Center* interview with Ms Hana Ondycz, June 24, 2001, Zabrze.

¹⁴⁸ *European Roma Rights Center* interview with Ms Anna Mirga, June 24, 2001, Zabrze.

identity papers. Then they also asked my sister to show them her belly, to prove that she was really pregnant. Then they let us go, but honestly, I thought that one of them would kick my sister in the stomach.”¹⁴⁹ Neither A.O. nor her sister reported the incident to the police.

Mr Piotr Ondycz was especially concerned about his children. He told the *ERRC*: “I am not sleeping very well at night, I have three children, ages 13, 10, and 7, and there are also children of my sister living in this flat. There is no way I can protect them against this sort of violence.”¹⁵⁰ Some Roma from Zabrze reported that they do not let their children go to school because they are afraid that they will be beaten by classmates who are members of the skinhead movement. Some said that they feared for their children’s lives. Forty-year-old Ms Helena Ondycz, a Romani woman from Zabrze, told the *ERRC*: “My children have nightmares, they wake in the middle of night and have dreams that skinheads are chasing them.”¹⁵¹

In April 2002, when the *ERRC* returned to Zabrze, local Roma indicated that the racist violence against them had continued unchecked.

Far from being limited to Zabrze, attacks targeting Roma by right-wing neo-Nazis, racists, and members or sympathisers of nationalist organisations have been reported in many areas of Poland. Roma have been targeted in their homes, as well as on the street and in public places. The following is a brief overview of such cases since 1994:

A spate of skinhead attacks reportedly took place against Roma from Romania in 1994 and 1995 in Kraków.¹⁵² For instance, in January 1994, skinheads torched a shanty settlement, inhabited by Roma from Romania, on the outskirts of Kraków. Approximately 100 Roma resided in the shack houses there. Mr Nicolae Moldovan, one of the Romanian Roma affected by the attack, told the *ERRC*: “Skinheads came dur-

¹⁴⁹ *European Roma Rights Center* interview with Ms A.O., June 24, 2001, Zabrze.

¹⁵⁰ *European Roma Rights Center* interview with Mr Piotr Ondycz, June 24, 2001, Zabrze.

¹⁵¹ *European Roma Rights Center* interview with Ms Helena Ondycz, June 23, 2001, Zabrze.

¹⁵² *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

ing the night, chased people out and beat them with steel chains and baseball bats. Most of us managed to run away, but some of us were beaten.”¹⁵³ The police reportedly arrived and conducted questioning, but decided not to investigate further. A similar attack allegedly took place in 1995, but none of the Roma were in the settlement during the attack. The settlement and all the inhabitants’ possessions were destroyed by fire.¹⁵⁴

On July 19, 1994, a group of Roma from Romania was reportedly attacked in front of a post office near the train station in downtown Kraków. Mr Paweł Lechowski, a non-Romani man who witnessed the event, told the *ERRC*: “In the afternoon I was standing by the post office at the train station. Suddenly, there was a group of Romanian Roma running towards me chased by skinheads who were trying to beat them. It was a group of eight or 10 skinheads. They were armed with steel chains and baseball bats. The Romani men attempted to fend off their attackers and prevent them from harming the women and children in their group. A short period of time later, the skinheads fled after spotting three policemen on patrol.”¹⁵⁵ According to several witnesses, police did not respond adequately to the violence. Mr Ciurare, a Romani man from Romania who witnessed the incident, told the *ERRC* that instead of looking for the skinheads, the police accused several Romani men of provoking the attack and took them to the police station.¹⁵⁶

The *ERRC* spoke with several Romanian Roma living in the Kraków area who corroborated these descriptions of the atmosphere of violence in Kraków in 1994–1995. Mr Ciurare and Mr Moldovan told the *ERRC* that skinheads had frequently followed them in 1994 and 1995. According to the testimonies of several Roma from Romania, many of the skinhead attacks took place late at night, around 2 AM.¹⁵⁷

¹⁵³ *European Roma Rights Center* interview with Mr Nicolae Moldovan, June 28, 2001, Kraków.

¹⁵⁴ *European Roma Rights Center* interview with Mr Nicolae Moldovan, June 28, 2001, Kraków.

¹⁵⁵ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

¹⁵⁶ *European Roma Rights Center* interview with Mr Ciurare, June 28, 2001, Kraków.

¹⁵⁷ *European Roma Rights Center* interview with Mr Ciurare, June 28, 2001, Kraków; *European Roma Rights Center* interview with Mr Nicolae Moldovan, June 28, 2001, Kraków; *European Roma Rights Center* interview with Ms Elena Dumitru, June 28, 2001, Kraków; *European Roma Rights Center* interview with Mr Căldărar Iordachi, June 28, 2001, Kraków.



Romanian Romani camp on the outskirts of Kraków, June 28, 2001.

PHOTO: *ERRC*/EVA SOBOTKA



According to Mr Lechowski, who has assisted Romanian Roma in Kraków in pursuing justice in a number of cases of abuse and acted as translator for Roma when they have gone to the police, police in Kraków took a relaxed attitude towards investigating these incidents: “I started writing letters to the chief of the police and to the governor of the region [Wojewoda] and to the mayor of Kraków. I also was invited to meet with the chief of police and we did meet. During our conversation they tried to persuade me that I was exaggerating.”¹⁵⁸ Mr Lechowski told the *ERRC* that his efforts in lobbying the police did lead them to “take some action” in a few concrete cases of skinhead violence against Romanian Roma, but he suggested that these were only token efforts: “The problem with the police action to stop the attacks on Roma from Romania was that they only arrested one or two skinheads. The rest of the skinheads ran away, and those arrested were in any case never brought to justice.”¹⁵⁹

The Warsaw-based anti-racist organisation “*Never Again*” Association, which monitors the activities of neo-Nazi and other racist groups in Poland, reported a number of incidents to the *ERRC*. According to “*Never Again*” Association, during the first two weeks of January 1998, groups of neo-Nazis attacked flats owned by Roma in Brzeg, Małopolska province. They broke windows, tried to burn one house, and caused injuries.¹⁶⁰

In early March 1998 in the Polish town of Kęty, Małopolska province, according to “*Never Again*” Association, local racist skinheads attacked and threatened local Roma. They broke windows of Romani houses, physically attacked a number of Roma and broke the leg of one Romani boy. Fearing further attacks, the local Roma barricaded themselves into one house on April 3, 1998. Police reportedly did not react adequately.¹⁶¹

Additionally, “*Never Again*” Association reported that, in the Polish town of Sporycz, on April 14, 1998, a group of local neo-Nazis attacked local Roma and burned a cottage belonging to one Romani family.¹⁶²

¹⁵⁸ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

¹⁵⁹ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

¹⁶⁰ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

¹⁶¹ See “W Kętach Cyganie się boją”, *Gazeta Wyborcza*, April 7, 1998, p.3.

¹⁶² For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

In the Polish town of Radom, Mazovia province, on the night of May 20, 1998, according to *“Never Again” Association*, approximately 20 neo-Nazis attacked a Romani family with baseball bats, severely injuring them. The attack was motivated by the fact that the family had previously reported racially motivated crimes against them.¹⁶³

On December 15, 1998, according to *“Never Again” Association*, skinheads stormed a Romani house in the Polish town of Chorzów, Silesia province, causing major damage. Their actions included breaking windows and burning a wheelchair. Inhabitants stated that they were afraid to testify because their attackers had threatened to kill them if they did so.¹⁶⁴

“Never Again” Association reported that on July 21-22, 1999, a group of skinheads vandalised the flat of S.G., a Romani individual living in the Osiedle Stalowe neighbourhood in Kraków. The windows of the apartment were broken and the door was spray painted with swastikas. The police reportedly initiated an investigation into the case.¹⁶⁵

According to *“Never Again” Association*, in Łomża, Podlasie province, on October 30, 1999, a group of young men burned the car of a Romani boy while shouting racial epithets. The next day, unknown assailants beat up his brother, apparently to prevent him from pursuing investigation of the case.¹⁶⁶

In the town of Krośnica, Małopolska province, on November 14, 1999, according to *“Never Again” Association* as well as documentation by the *Open Society Institute*, locals reportedly burned three Romani houses in a Romani settlement, rendering 30 Roma homeless. Three skinheads who took part in the incident reportedly told journalists shortly thereafter that they would burn other Romani houses, as well. One allegedly stated, “We will kill them all. The only good Gypsy is a dead Gypsy.”¹⁶⁷ In a May 2002 letter addressed to the *ERRC*, the Ministry of Justice

¹⁶³ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

¹⁶⁴ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

¹⁶⁵ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

¹⁶⁶ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

¹⁶⁷ Klimkiewicz, p.365.

states that the investigation was dismissed on December 30, 1999, on grounds that the fire was caused by an improperly insulated oven and chimney.¹⁶⁸ The families who had been the victims of the attack reportedly moved in with relatives who were also living in the settlement, and during several *ERRC* visits, were living in extremely miserable conditions.

In one of a number of attacks against Roma that the *ERRC* documented in Białystok, Podlasie province, according to Polish media and *ERRC* field investigation, on May 3, 2000, Rodica Căldărar, a 5-year-old Romani girl from Romania, was standing with her grandfather near a kiosk in Białystok, because they wanted to buy a hotdog. The local daily newspaper *Kurier Poranny* reported that a group of skinheads who were standing around and drinking beer began shouting “Poland for Poles” and “Romanian swine go home”¹⁶⁹ and provoking her grandfather. They reportedly pushed him around and called the 5-year-old girl “you little Gypsy whore”. *Rrom-po Drom* reported that one of the skinheads hit her in the eye, badly damaging her cornea. Then they started to run away. The police arrested four suspects between the ages of 17 and 20. The grandfather said that he recognised one, though he told the *ERRC* that the police had released them due to insufficient evidence.¹⁷⁰ Mr Stanisław Stankiewicz, editor-in-chief of *Rrom-po Drom* and a Romani community leader, took Rodica to the hospital and alerted other media of the incident.¹⁷¹ In a letter to the *ERRC*, the Ministry of Justice states that the investigation in the case was dismissed on June 30, 2000, because the perpetrators could not be found.¹⁷²

In another case reported in Białystok, approximately 50 skinheads reportedly attacked the house of the Słowikowska family at around 9 or 10 PM on the evening of

¹⁶⁸ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

¹⁶⁹ “Pobili ją, bo jest Rumunką”, *Kurier Poranny*, May 6, 2000, p.3. The Polish media, as well as the general public, often use “Romanian” and “Gypsy” interchangeably to refer to Romani individuals.

¹⁷⁰ *European Roma Rights Center* interview with Mr Stanisław Stankiewicz, June 27, 2001, Białystok.

¹⁷¹ *European Roma Rights Center* interview with Mr Stanisław Stankiewicz, June 27, 2001, Białystok.

¹⁷² Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002.

June 27, 1999. The attack reportedly lasted at least half an hour. Forty-year-old Ms Gabriela Słowikowska told the *ERRC*: “We were preparing an outdoor family dinner when skinheads attacked us from the side of the petrol station. I was behind the house with my grandson and we ran immediately inside. I was inside our house with my grandchildren, children, and husband. Ten of us were hiding in one ground-floor room.”¹⁷³ According to Ms Słowikowska, the attackers, who were unknown to the family, were wearing athletic suits, baseball caps and sneakers, and they had closely shaved heads with no hair or short hair. She told the *ERRC* that the attackers were armed with guns, which they were firing. According to her testimony, she found out later that, after she ran into the house and hid inside with other members of her family, the attackers started to chase and shoot at her son Remigiusz.

According to Ms Słowikowska: “The attackers also threw Molotov cocktails and stones through the windows and shouted racial insults such as ‘Burn, blacks’. They threw three bottles with petrol inside and burning rags stuffed into the top. These set the curtains on fire. They were standing one or two metres from the windows and throwing stones inside. I was lying on the floor and covering my granddaughter with my body. I put some of the other children in the wardrobe, and others were hiding in this little room with no windows.”¹⁷⁴ Although the Słowikowska family extinguished the fire promptly, according to Ms Słowikowska, all property such as tables, chairs, and food on the tables in the house was destroyed. She told the *ERRC*: “[The attackers] were also armed with baseball bats and were breaking everything around: windows, cars, chairs.”¹⁷⁵ When the attackers tried to enter the house, the Romani men inside stopped them.

Staff working at the next-door petrol station reportedly called the police. During the investigation, the police found three suspects, who were reportedly taken into custody. In a letter addressed to the *ERRC*, the Ministry of Justice states that the three suspects were charged in connection with the incident and were sentenced to two years and six months in prison on September 13, 2001. An appeal in the case

¹⁷³ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

¹⁷⁴ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

¹⁷⁵ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

was pending as of May 2002.¹⁷⁶ Ms Słowikowska told the *ERRC* that after she testified in court and identified two of the arrested men as the attackers, the families of the suspects started to threaten them: “They said that they would kill our children and my husband if I did not change my testimony.”¹⁷⁷ Because of ongoing threats to her and her family, Ms Słowikowska requested during the trial not to have to be present during the hearings in the courtroom. She told the *ERRC* that she was afraid to face the families of the suspects.

In another case, Mr Marian Gil, a 57-year-old Romani activist from Kraków, was reportedly attacked on December 31, 2000. Mr Gil told the *ERRC*: “I picked up the house intercom and answered the ringing. Some voice that I did not recognise said that there were several men downstairs damaging my car.”¹⁷⁸ He told the *ERRC* that he then put his clothes on and went downstairs: “I opened the main door and suddenly five men jumped on me. They started to beat me all over my body, my head, face and stomach. They kicked me six times and they swore at me and told me, ‘You won’t be doing anything anymore.’”¹⁷⁹ The attackers’ comment might have been a reference to Mr Gil’s activist work, which often places him in the media, publicly speaking out on Romani issues. He did not recognise the men and had no particular speculation about the meaning of the comment. In a letter sent to the *ERRC*, the Ministry of Justice contends that the Prosecutor’s Office had not received any information on the investigation in this case.¹⁸⁰

Abuse of Roma in Poland is not limited to attacks by groups of skinheads. Roma have reported to the *ERRC* instances in which their non-Romani neighbours have ganged up on them and subjected them to harassment in the form of persistent verbal abuse and regular complaints to local authorities, apparently with the intent of driving them out of their places of residence.

¹⁷⁶ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

¹⁷⁷ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

¹⁷⁸ *European Roma Rights Center* interview with Mr Marian Gil, June 19, 2001, Kraków.

¹⁷⁹ *European Roma Rights Center* interview with Mr Marian Gil, June 19, 2001, Kraków.

¹⁸⁰ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

At the time of the *ERRC* visit in July 2001, for example, Ms Tamara Andrejas had been living with her children in a two-and-a-half-room flat in the Ochota district of Warsaw since 1995. She told the *ERRC*: “I lived with everyone in peace. None of the other families living in the building could say anything against me.”¹⁸¹ Some time in July 1999, while coming home with her children from the market, her neighbour, Mr Andrzej Popiel, allegedly fired a shot with a firearm at her. According to Ms Andrejas: “I was coming back from the market and at the moment when we were entering the corridor, I saw my neighbour standing there. The corridor has no windows and is quite dark, but I realised that he was holding a gun. He pointed it at us and said, ‘I will kill you Gypsies, so you will not live here anymore.’”¹⁸² He then fired a shot, which luckily missed Ms Andrejas and her family members. Ms Andrejas ran out of the building with her children, fleeing toward the shops across the street. While Ms Andrejas hid behind a supermarket, her children hid behind a kiosk. She told the *ERRC*: “I heard him [the neighbour] shouting, also at people on the street, who called the police on their mobile phones. He was running around the park between the house and the shops and I heard him shouting again, ‘I will kill you all, Gypsies.’”¹⁸³

The police reportedly arrived and arrested Mr Popiel. Ms Andrejas was called into the police station the next day. According to her testimony to the *ERRC*: “The police officer asked me what I wanted to do about the case. I said that I didn’t know because I thought the police should know what to do. I suggested that Mr Popiel apologise. The next day they let him go home.”¹⁸⁴ According to Ms Andrejas, Mr Popiel was given a fine at the misdemeanour level through the misdemeanour court (*Kolegium*).¹⁸⁵ About three weeks later, he knocked on her door, again threatening her. “I opened the door and he was standing there and shouted, ‘I will shoot you all,

¹⁸¹ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸² *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸³ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw;
European Roma Rights Center interview with Ms Beatrycza Andrejas, June 28, 2001, Warsaw.

¹⁸⁴ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸⁵ Evidence of Mr Popiel’s penalty given by *Kolegium* is documented in a decision to stop investigation in the case of Ms Tamara Andrejas insulting her neighbour Ms Halina Popiel from April 28, 2001.

you Gypsies!’ He started to call me names.”¹⁸⁶ On this occasion, he was not carrying a firearm. Still, Ms Andrejas told the *ERRC*, she was too scared to call the police.¹⁸⁷

Later, in November 1999, several neighbours also told Ms Andrejas and social worker, Ms A.B., that Mr Popiel’s wife was plotting a campaign to drive the Andrejas family out of their apartment with other neighbours in the building, blaming Ms Andrejas for her husband’s punishment. Ms Andrejas told the *ERRC*: “She allied herself with Ms L., who said that ‘it is not right that a Polish man is punished because of Gypsies and added that she would see me kicked out of my flat.’”¹⁸⁸ According to Ms A.B.’s testimony to the *ERRC*, Ms L., who also lives in Ms Andrejas’s building, started a hate campaign against her. Ms A.B. told the *ERRC*: “There were a lot of racist and nationalist comments in the campaign. They called Ms Andrejas a ‘dirty Gypsy’, and destroyed her frontdoor lock and the lawn in front of her balcony.”¹⁸⁹ According to Ms Andrejas, the group also reportedly filed with the district authorities a number of complaints against the Andrejas family. These complaints were accusing the members of the Andrejas family in connection with a number of incidents, many of which the neighbours themselves had perpetrated.¹⁹⁰ Ms Andrejas consequently received two warnings from the Section of Housing Administration at the Department of Communal and Economic Issues at the municipality of Ochota in Warsaw.¹⁹¹

On the evening of November 28, 1999, two policemen reportedly came to Ms Andrejas’s flat in response to noise complaints filed by her neighbours. Ms Andrejas

¹⁸⁶ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸⁷ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸⁸ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

¹⁸⁹ *European Roma Rights Center* interview with Ms A.B., June 28, 2001, Warsaw.

¹⁹⁰ Ms Andrejas was accused of destroying the grass in front of the house, breaking locks, making loud noises during the night, creating an odour which allegedly emanated from her flat, hosting 40 people overnight, and organising wild parties (document dated March 22, 2001, stamped by the Section for Housing Administration; *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw).

¹⁹¹ Letter No. L.dz. 647/99, dated Warsaw, September 13, 1999, signed by an officer of the Section of Housing Administration Nr. 7 Lucyna Kowal; Letter No. WL-IV-7140/A/74/2000, dated Warsaw, January 11, 2000, signed by the vice-mayor of the municipality Ochota, Dariusz Kowalski.

told the *ERRC*: “They were sent here because someone from the building called the police and said that we were making noise, that we were all drunk here, and that there were at least 30 people in my flat, behaving in an inappropriate way. The police came, and they rang the doorbell of the neighbour, who let them in. Then they came to my door and said, ‘Open the door, this is the police.’ We were all sleeping by that time – it must have been about 2 o’clock in the morning. My sister-in-law who was visiting me at that time let them in. They said that the neighbour had complained that we were causing a disturbance and that there was noise coming from our flat. I told him that we were all asleep.”¹⁹² Ms Andrejas stated that her sister-in-law took the officer to speak to the neighbour who had reportedly made the complaint, but the neighbour refused to open her door.

Ms Andrejas appealed the warnings from the municipality in a letter dated January 27, 2000, declaring that any accusations sent to the administration office were false and that the only reason some of her neighbours wanted to have her moved was her ethnicity. She wrote: “Simply, their intent is to get me out of this flat, because I am of Gypsy origin.”¹⁹³ The letter also contained the signatures of some of the building’s residents – people who did not belong to the group of flat owners harassing Ms Andrejas and who supported her contentions.¹⁹⁴ Officer Dariusz Kowalski responded to Ms Andrejas’s letter on February 8, 2000, stating that the case would be investigated.¹⁹⁵

In a March 15, 2000 misdemeanour court ruling regarding the night disturbance from November 28, 1999, Ms Andrejas was levied a fine of 300 Polish złoty (approximately 85 euros). Ms Andrejas appealed the ruling on April 12, 2000.¹⁹⁶

¹⁹² *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw; *European Roma Rights Center* interview with Ms K.B. June 28, 2001, Warsaw.

¹⁹³ Letter from January 27, 2000, sent by Ms Tamara Andrejas to the deputy director of the Urząd Dzielnicy Ochota of the self-government Warsaw Central.

¹⁹⁴ *Ibid.*, p.2.

¹⁹⁵ Letter number WL-IV-7140/A/269/2000 from Urząd Dzielnicy Ochota, dated February 8, 2000, signed by Dariusz Kowalski, vice mayor of the municipality of Ochota, Warsaw (*Z-ca Dyrektora Zarządu dzielnicy ochota gminy Warsaw*).

¹⁹⁶ Letter from Tamara Andrejas to *Kolegium* do spraw Wykroczeń, Warsaw – Ochota przy sądzie Rejonowym dla m. st. Warszawy 02-021 Warsaw, ul. Grójecka 17A, dated April 12, 2000, signed by Tamara Andrejas.

On April 26, 2000, Ms Andrejas received an eviction order because of repeated violations of the house rules.¹⁹⁷ On April 26, 2000, police from the Ochota district of Warsaw conducted interviews with the parties involved. According to police documentation, the owners of the flats stated that “we are 27 families of private owners and 22 families who live in municipality flats. [. . .] We as a community do not want Gypsies[.]”¹⁹⁸ In a May 9, 2000 letter, Ms Andrejas appealed the eviction order.¹⁹⁹ As a result of the police investigation, the order to evict was cancelled on June 14, 2000.²⁰⁰

In February 2001, neighbours reported noise and a bad odour coming from Ms Andrejas’s flat. A letter dated May 8, 2001, indicated that an examination of the flat on February 14, 2001, had confirmed that neither of the accusations were true.²⁰¹ Ms Andrejas told the *ERRC*: “The commission came and saw that there is nothing wrong about our life in the flat, that the flat is clean and that we are all quiet.”²⁰² When the *ERRC* spoke to social worker Ms A.B. in June 2001, she also said that since February 2001, flat inspectors had made frequent visits to Ms Andrejas’s flat to investigate complaints about odour, noise, inappropriate behaviour, and so on, as reported by the neighbours.²⁰³ Ms Andrejas told the *ERRC*: “The last commission came on June 21, 2001, just a week before the *ERRC* visit. They examined my flat and my children, and actually apologised at the end of their inspection, saying that they would not come again.”²⁰⁴

¹⁹⁷ Letter No. WL-IV-7140/A/1058/2000, dated Warsaw April 26, 2000, signed by Andrzej Boguta on behalf of the municipality.

¹⁹⁸ Police protocol No. KUD-4690/994108/001831/99, dated KP Warsaw Ochota April 28, 2000, main investigator Ryszard Szutta, p. 1.

¹⁹⁹ Letter dated May 9, 2000, signed by Tamara Andrejas and including 28 signatures by her neighbours supporting her protest against eviction. The text of the petition states: “Because I am under the threat of eviction onto the street with my children, I kindly request to confirm that I, as a Gypsy, am not disturbing anyone.”

²⁰⁰ Letter No. WL-IV-7140/A/1475/2000, dated Warsaw, June 14, 2000, signed by Iwona Najgrodzka on behalf of the municipality.

²⁰¹ Letter No. WL-IV-7140/R/1037/2001, dated Warsaw, May 8, 2001.

²⁰² *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

²⁰³ *European Roma Rights Center* interview with Ms A.B., June 28, 2001, Warsaw.

²⁰⁴ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

**POSTANOWIENIE
O UMORZENIU DOCHODZENIA**

Karta

**URZĄD POLICJI
MIASTA WARSZAWY**
UL. PRUDNIKA 2
00-574 WARSZAWA

Lp. 424400000000
KOD 42440000
Data 2004-04-20

Miejscowość: Warszawa Data: 20.04.2000

Składnik: niem. młoda, 1968r. urodz. z SP. Karolomir Ochota

po rozpoznaniu materiału dochodzenia w sprawie - zawieszki groźb karalnych
podparciem 307 z art. 12011 k.p.

na podstawie art. 17 § 1 pkt. 2 k.p.k. 300 § 1 pkt.

POSTANOWIENIE

umorzono dochodzenie w sprawie - zawieszki groźb karalnych skierowanych przeciwko
Tamara Andrejas w dniu 20 kwietnia 2000r. do Amorego Jendel
§ 1. o z k z k art. 12011 k.p. wobec niemiędzy ośmiu przestępców

UZASADNIENIE

zawieszki kierowane do Amorego Jendel, 1968r. urodz. 19.04.1968r. w sprawie
zamieszki 307 z art. 12011 k.p. w sprawie

"...Mam jest 27 rodzin a tych a kuterantum jest tylko 22 rodziny i oni
nie mają nic do gadania co my mamy włączyć " " My jako wspólnota
nie chcemy ciganów ..."

zawieszki kierowane do Amorego Jendel, 1968r. urodz. 19.04.1968r. w sprawie
zamieszki 307 z art. 12011 k.p. w sprawie

"...Mam jest 27 rodzin a tych a kuterantum jest tylko 22 rodziny i oni
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nie chcemy ciganów ..."

The section of a Warsaw police protocol pertaining to the case of Ms Tamara Andrejas, including testimony by her non-Romani neighbours – circled and highlighted by the *ERRC* – which states, in part: “...We as a community don’t want Gypsies.”

Ms Andrejas appealed the March 15, 2000 decision of the misdemeanour court before the Warsaw Regional Court. However, the court upheld it. Ms Andrejas, who did not have an attorney at the hearing, reacted very emotionally to the court's ruling. The court then penalised her 500 Polish zloty (approximately 142 euros) for her behaviour. "The neighbours were saying lies about me in the court, they were saying that I make noise and that I am a terrible neighbour. I also told the court what the neighbours were saying to me: 'You dirty Gypsies, we will throw you out of here, you won't be here'. There was no lawyer for me in the court and no witnesses on my side at all. No one wanted to come. Although I had a paper signed by half of my neighbours that said that I am a good neighbour, there was no one to support me in the court. The court did not believe me. During the appeal, I was upset and the court gave me a fine for disturbances in court in the amount of 500 zloty."²⁰⁵ Ms Andrejas appealed the decision, asking the court to pardon her for the disturbance and to waive the fine.²⁰⁶

In April 2001, one neighbour reportedly stopped her in the corridor and called her a "dirty Gypsy" and spat on her. Ms Andrejas reported the incident to the police.²⁰⁷ In May 2001, one of Ms Andrejas's neighbours, Ms Popiel, threatened to allege that she had been beaten by Ms Andrejas's son. Ms Andrejas said that she consequently decided to leave with her children to visit relatives for the next three weeks. She told the *ERRC*: "I became really scared and I left with my children and was travelling from one relative to another in Poland. Then I came back after three weeks. I thought that if I left, the situation would get a little bit better. I was especially scared because my son had turned 18 and could have been in serious trouble because courts always believe [non-Romani] Polish people."²⁰⁸

The Warsaw-based *Helsinki Foundation for Human Rights (HFHR)* wrote a letter to Commissioner for Civil Rights Protection ("Ombudsman") Dr Andrzej Zoll, stating that "Ms T. Andrejas is the subject of bullying and aggression because of her

²⁰⁵ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

²⁰⁶ Letter sent by Ms Tamara Andrejas to the Warsaw Regional Court, No. sygn akt VIIIkWs 84/00, dated February 12, 2001, Warsaw, signed by Tamara Andrejas.

²⁰⁷ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

²⁰⁸ *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

ethnic origin by her neighbours.”²⁰⁹ In the letter, the *HFHR* requested that all penalties Ms Andrejas had been asked to pay be cancelled.

In response to the request by the *HFHR*, Ombudsman Zoll reviewed the Regional Court’s decision and suggested that it be reversed.²¹⁰ In the document addressed to the Highest Court of Poland, the Ombudsman stressed that, in his opinion, the Regional Court did not undertake to investigate the case sufficiently, since it refused to take into account important evidence presented by Tamara Andrejas. Following the Ombudsman’s intervention, the High Court of Poland reversed the Regional Court’s decision on February 4, 2002.²¹¹

Despite Ms Andrejas’s legal victory, the situation with her neighbours did not improve. When the *ERRC* visited Ms Andrejas in July 2001, she told the *ERRC* that she was still unable to live in peace in her building: “When I walk down the corridor, several neighbours often open the door and say ‘you dirty Gypsy’.”²¹² Ms Andrejas named her tormentors, and their names are on file at the *ERRC*. According to social worker Ms A.B., a suit by Tamara Andrejas against her neighbours would have good chances, but Ms Andrejas does not wish to pursue a lawsuit because she is ill and tired of complicated legal procedures. However, since her neighbours have continued to harass her verbally, Ms Andrejas asked the Municipality to offer her an alternative apartment. The mayor of the Ochota municipality agreed in principle to such a solution, but Ms A.B. told the *ERRC* on February 21, 2002, that Ms Andrejas would not be re-housed soon, since there was a lack of available housing in town.²¹³ As this report went to press, Ms Andrejas continued to live in the same flat and her relations with her neighbours had not improved.

²⁰⁹ Letter No. 4166. 2001/KH/11937/TL, dated Warsaw, June 11, 2001.

²¹⁰ Commissioner for Civil Rights Protection (*Kasacja Rzecznika Praw Obywatelskich*), decision II KKN 380/01, dated December 11, 2001.

²¹¹ Sygn. akt II KKN 380/01, dated February 4, 2002.

²¹² *European Roma Rights Center* interview with Ms Tamara Andrejas, June 28, 2001, Warsaw.

²¹³ *European Roma Rights Center* interview with Ms Tamara Andrejas, February 21, 2002, Warsaw; *European Roma Rights Center* interview with Ms A.B., February 21, 2002, Warsaw.

5. NO PROTECTION AND NO REMEDY FOR RACIALLY MOTIVATED VIOLENCE

Authorities frequently downplay the severity of racially motivated violence against Roma. There are widespread allegations that, for the most part, where perpetrators have been prosecuted, such prosecutions have been inadequate. Polish authorities have made no significant efforts to publicise any positive actions in these cases. Additionally, in a number of cases, Polish authorities have failed to recognise attacks as racially motivated, in effect placing an official stamp on a widespread tendency to deny the role of racial animosity in attacks on Roma in Poland.

5.1. Failure to Investigate and/or Prosecute Racially-Motivated Crimes

When incidents of violence against Roma have occurred in Poland, police have often been slow in responding to calls by Romani victims of assaults and sometimes they never come at all. Furthermore, police have regularly failed to conduct adequate investigations. When attacks against Roma occur, it is rare that the perpetrators are identified and charged in connection with the attacks. The most common outcome, when attacks are reported to the police, is that investigation is either never started, or is closed shortly after it is started ‘due to insufficient evidence’. In certain cases, there is evidence that suggests even a possible causal connection between police and the racist attacks against Roma in Poland.

According to the testimony of two employees from the Ministry of Internal Affairs and Administration, the ministry receives a list of alleged racially motivated crimes against Roma on a monthly basis from the General Police Headquarters. However, an official in the ministry told the *ERRC*: “Usually none of the reported crimes are taken seriously or investigated.”²¹⁴

On July 3, 1998, according to *RomNews Network* and other local media, skinheads broke into and vandalised the office of the *Advisory and Information Centre for*

²¹⁴ *European Roma Rights Center* interview with Andrzej Grzymała-Kozłowski, September 2001, Warsaw.

Roma (AICR) in Łódź.²¹⁵ They spraypainted the premises with swastikas and anti-Romani slogans such as “Death to Gypsies” as well as the initials “NOP”, which stands for “National Revival of Poland” (*Narodowe Odrodzenie Polskie*). Not long before the attack on the *AICR*, unknown perpetrators also reportedly broke into a centre for Jehovah’s Witnesses in Łódź and sprayed “NOP” on the walls.²¹⁶ *RomNews Network* reported that a spokesperson for the Łódź police department, Ms Jadwiga Kosiak, said there was no reason to press charges against the extremist *NOP* for the alleged attack on *AICR*.²¹⁷

In Nowy Sącz, Małopolska province, the local police department has on several occasions reportedly refused to investigate crimes and abuses against Roma, according to a number of local Roma interviewed independently by the *ERRC*. Moreover, there are indications that police in Nowy Sącz are personally connected with people who commit crimes against Roma. In one instance, in early June 2001, on Lwowska Street in Nowy Sącz, the Romani family Biel was reportedly attacked. Mr Andrzej Biel told the *ERRC* that six young non-Romani males threw stones into his family’s windows, shouting “Gypsies to the gas” and “Death to you!” Mr Biel told the *ERRC*: “I called the police and told them that we were being attacked by skinheads. I told the police what the skinheads were shouting at us and asked them to come to Lwowska Street to help us.”²¹⁸ The police reportedly never came. According to Mr Biel’s testimony, around half an hour later, after the attackers had left, the family received a telephone call, in which unknown persons threatened them because they had called the police. Mr Biel told the *ERRC*: “The voice in the telephone threatened me that Poles would come and take revenge on my family. That night no one in the house slept and we were guarding our children.”²¹⁹

²¹⁵ *Ekspres Ilustrowany*, July 7, 1998, and an undated letter to the *European Roma Rights Center* from the Advisory and Information Center of Roma in Łódź.

²¹⁶ *Dziennik Łódzki*, July 7, 1998.

²¹⁷ “Roma Community Centre Vandalised by Right-Wing Extremists”, *RomNews Network*, July 7, 1998, available at: <http://www.romnews.com/a/53-98.html>. For more information, see also: “Roma Community Center Vandalised in Łódź, Poland”, *Roma Rights*, summer 1998 issue, available at: http://www.errc.org/rr_sum1998/snap_17.shtml.

²¹⁸ *European Roma Rights Center* interview with Mr Andrzej Biel, June 20, 2001, Nowy Sącz.

²¹⁹ *European Roma Rights Center* interview with Mr Andrzej Biel, June 20, 2001, Nowy Sącz.

In another case, 27-year-old Ms Biliana Szczerba from Nowy Sącz was reportedly not provided with police protection after being blackmailed and threatened by four local non-Romani Polish males in May 2001. Several Polish non-Romani males in a nearby pub alleged that a Romani woman, along with her child, had stolen money off one of the tables. “Shortly after that, four men aged 16-35 arrived,”²²⁰ recalled Ms Szczerba. “My door was open because the weather was already warm. They walked into my flat,” recalled Ms Szczerba, “and said that if I didn’t give the money back they would kill my children. I have four children.”²²¹ Ms Szczerba told the *ERRC* that she had been out of town most of the day, in the town of Nowy Targ, approximately 80 kilometres from Nowy Sącz, and that she had not yet returned to Nowy Sącz at the time of the alleged theft. Ms Szczerba called Mr Andrzej Ondycz, a local Romani activist, for assistance. Mr Ondycz came immediately and made calls to the police, who arrived 20 minutes later. Mr Ondycz told the *ERRC*: “The police knew that they were blackmailing Biliana. I asked them to look for the men who were doing it, but they did not do anything.”²²² Both Mr Ondycz and Ms Szczerba believe that the police failed to search for the four individuals who had made the accusations and threats. They additionally reported that officers did not offer to provide any protection to the family. The Szczerbas subsequently received threatening phone calls. According to Ms Szczerba, the problem was ultimately solved through the efforts of Roma in Ms Szczerba’s neighbourhood, with no help from the local authorities. Ms Szczerba told the *ERRC*: “In the end, Roma from Lwowska Street organised a collection of money, so I was able to pay the money to the men, because otherwise they were saying that the situation would have become really bad for me.”²²³

In a case that occurred on May 3, 1999, at around 8 PM, police reportedly failed to pursue a gang of about 40 skinheads, who had reportedly attacked the Siwak family near their home in the town of Nowy Sącz. Thirty-seven-year-old Mr Grzegorz Siwak, along with his two brothers, his wife, Ms Sabina Siwak, and their four children, ages 14, 12, 5, and 2, were on their way home from visiting relatives on Kraszewskiego Street in Nowy Sącz. As they were walking from Kraszewskiego Street, they noticed

²²⁰ *European Roma Rights Center* interview with Ms Biliana Szczerba, June 21, 2001, Nowy Sącz.

²²¹ *European Roma Rights Center* interview with Ms Biliana Szczerba, June 21, 2001, Nowy Sącz.

²²² *European Roma Rights Center* interview with Mr Andrzej Ondycz, June 21, 2001, Nowy Sącz.

²²³ *European Roma Rights Center* interview with Ms Biliana Szczerba, June 21, 2001, Nowy Sącz.

a group of approximately 40 skinheads. According to Mr Siwak, the group was hiding under the bridge. He told the *ERRC*: “Some of them were under a bridge near our house and some of them were walking around. They spotted us and exclaimed: ‘Let’s attack the Gypsies! Gypsies out of Poland, so Poland will be Polish.’ We started to run in various directions.”²²⁴ According to Mr Siwak, the attackers, armed with wooden and metal baseball bats, steel chains, and tear gas, caught them and beat them.

Employees of a neighbouring business reportedly called the local police, who then arrived wearing black masks (*balaclavas*). Mr Siwak pleaded for their help, drawing their attention to the armed men and telling the police that they were chasing and beating his family. Police began questioning Mr Siwak on the spot. According to Mr Siwak, when he told them that skinheads were chasing them, shouting hateful epithets and hitting them, the police did not assist them and left the scene of the crime. He told the *ERRC*: “They just laughed at us and did not react to the situation. I think it is because we are Gypsies.”²²⁵

After the police had left, the attack reportedly continued and a second call was made by employees of a neighbouring business. Three police cars arrived at the scene. According to Mr Siwak, the police, wearing masks, started to beat his entire family.²²⁶ Mr Siwak told the *ERRC*: “Another three police cars arrived by 10 PM, and the policemen started to beat us and Roma who had heard about the attack and come to help us. They even beat my children.” As a result of the beating by police, according to Mr Siwak, his family members sustained shock, especially the children, as well as bruises from the truncheons.²²⁷ Additionally, police accused Mr Grzegorz Siwak and his brother Mr Marcin Szczerba of public drunkenness and of starting the fight and

²²⁴ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz.

²²⁵ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz.

²²⁶ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz; *European Roma Rights Center* interview with Ms Fatima Siwak, June 21, 2001, Nowy Sącz; *European Roma Rights Center* interview with Ms Sabina Siwak, June 21, 2001, Nowy Sącz; Mr Grzegorz Siwak also described the attack by the police in a letter addressed to the prosecutor dated May 6, 1999, delivered to the registry office on May 6, 1999 (stamped); see also “Zabić Cygana!”, *Gazeta Krakowska*, May 8-9, 1999, p.1.

²²⁷ Letter from Grzegorz Siwak to the Regional Prosecutor, dated May 6, 1999, delivered to the Registry Office on May 6, 1999 (stamped). Medical report No. 16742, dated May 4, 1999.

detained them in a police detention cell for drunken people at the police station until the next day.

Ms Sabina Siwak, 33-years-old at the time of the attack, took her children home after her husband was taken to the police station. At around 11 PM, according to Ms Siwak, a group of approximately 30 skinheads came to the house, smashing all of its windows with rocks. Molotov cocktails were thrown into the flat, and Ms Siwak led her family members out the back door. She told the *ERRC*: “We all, myself, four children, the wife of my son, and my mother, escaped down the fire escape to the backyard. They were shouting: ‘Gypsies to the gas, hang the Gypsies.’”²²⁸

Eighteen-year-old Ms Fatima Siwak called the police around 11:30 PM.²²⁹ Officers reportedly arrived after about half an hour. When the skinheads saw the police they ran away. Ms Sabina Siwak told the *ERRC*: “The police did not follow them. They said they did not have orders to do so. I think they were afraid.”²³⁰

The Siwak family told the *ERRC* that a similar attack occurred on May 5, 1999, around 11 PM, when many of the same individuals returned to terrorise their family. Throwing Molotov cocktails, according to Mr Grzegorz Siwak, the skinheads destroyed an automobile belonging to 60-year-old Mr Ferdynand Siwak, Grzegorz Siwak’s father. Damage was estimated at 700 Polish złoty (approximately 200 euros). According to Mr Grzegorz Siwak, when he called the police during this attack, the police told them than they “should defend themselves.”²³¹ He additionally told the *ERRC*: “Both of my sons had broken ribs and arms.”²³² Eighteen-year-old Mr Dariusz Siwak told *ERRC*: “We were running away, and the skinheads caught me and they wanted to hit me in the head, but I covered my head with my arm, so they broke my arm.”²³³

²²⁸ *European Roma Rights Center* interview with Ms Sabina Siwak, June 21, 2001, Nowy Sącz.

²²⁹ *European Roma Rights Center* interview with Ms Fatima Siwak, June 21, 2001, Nowy Sącz.

²³⁰ *European Roma Rights Center* interview with Ms Sabina Siwak, June 21, 2001, Nowy Sącz.

²³¹ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz.

²³² *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz. See also medical reports No. 16941 and No. 17033, dated May 5, 1999.

²³³ *European Roma Rights Center* interview with Mr Dariusz Siwak, June 21, 2001, Nowy Sącz.

In a letter sent to the Regional Prosecutor's Office on May 6, 1999, Mr Grzegorz Siwak described the inappropriate behaviour of the police during incidents of the previous days, provided a list of witnesses and requested that investigation be initiated.²³⁴ An investigation was subsequently opened against alleged perpetrators but not into the actions of any police officers.²³⁵

Harassment against the Siwak family has reportedly continued. When the *ERRC* interviewed them in June 2001, Mr Grzegorz Siwak and his daughter, Ms Natalia Siwak, reported that their windows were regularly smashed by local non-Roma. These incidents started taking place immediately after the attack on May 5, 1999. The family also received telephone threats, telling them to leave Poland. This incident motivated Mr Grzegorz Siwak to seek justice with the regional prosecutor. He drafted another letter, in which he wrote, “[during] the nights we receive telephone threats that say that we should leave Poland.”²³⁶ On December 6, 1999, in the city centre of Nowy Sącz, Mr Grzegorz Siwak reportedly was subjected to verbal threats from an unknown individual.²³⁷ Several incidents also took place during the year 2000, but according to Mr Grzegorz Siwak, although police conducted cursory investigations, the cases were always dismissed for insufficient evidence. Members of the Siwak family, especially their children, have been verbally abused in the centre of town. After being summoned to testify against local skinheads in court, Mr Grzegorz Siwak wrote a letter to the regional court, explaining his situation: “For over a year, I have been receiving telephone threats and I am concerned for the security of my family.”²³⁸ The letter further reads: “My son Dariusz Siwak was threatened by a stranger in the

²³⁴ Letter dated May 6, 1999 addressed to the Regional Prosecutor's Office and delivered to the Registry Office on May 6, 1999 (stamped).

²³⁵ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz.

²³⁶ Letter to the Regional Prosecutor, dated June 25, 1999 (not stamped by the registry office).

²³⁷ Decision of starting investigation, dated December 12, 1999, case No. NAD-3827/99, file No. 348299.

²³⁸ Letter addressed to Regional Court, Department of Criminal Justice (*Sąd Rejonowy, Wydział II Karny, ul. Pijarska 3, Nowy Sącz*), stamped by the Submission Office (*Biuro Podawcze*) on August 29, 2000.

main square, who told him that they would cut his head off if he and his family went to the hearing.”²³⁹

During night hours of December 22-23, 2000, another attack on the Siwak family home occurred. Several men, including two persons whom the Siwak family recognised and whose names are on file at the *ERRC*, came to their house, quietly climbed the back stairs and congregated on the terrace on the third floor. Mr Tomek Siwak told the *ERRC*: “They knocked on the door politely, so I opened it. When I did so, the people outside sprayed gas in my face.”²⁴⁰ The attackers ran away after more members of the family showed up. According to the police report, the damage, including windows broken by the perpetrators, was estimated at 300 Polish złoty (approximately 85 euros). According to Mr Grzegorz Siwak, “My father called the police from Siedleckiego Street, but the officer on duty told us that we were the ones who started the disturbance and he hung up the phone. After about half an hour, the police arrived, because a neighbour had called them. They were here for about 15 minutes, wrote everything down and left.”²⁴¹ Mr Siwak and Ms Siwak filed a complaint to the police on December 28, 2000. A copy of the report was also sent to the prosecutor, and an investigation was opened.²⁴²

On May 4, 2001, according to testimony provided to the *ERRC*, Mr Dariusz Siwak was verbally abused by Mr W.C., reportedly a neo-Nazi skinhead, near Lwowska Street in Nowy Sącz. Mr W.C. allegedly threatened to kill him. Mr Dariusz Siwak’s father, Mr Grzegorz Siwak, filed a complaint at the city police station in Nowy Sącz on the following day, May 5, 2001.²⁴³

²³⁹ (“Mój syn Siwak Dariusz chodząc do sklepu w kierunku rynku nieznaną napastnika usłyszał słowa kierowane do niego, aby nie przychodził na rozprawę wraz z rodziną bo będzie miał głowę odcięta.”) Letter addressed to Regional Court, Department of Criminal Justice (*Sąd Rejonowy, Wydział II Karny, ul. Pijarska 3, Nowy Sącz*), stamped by Submission Office (*Biuro Podawcze*) on August 29, 2000.

²⁴⁰ *European Roma Rights Center* interview with Mr Tomek Siwak, June 21, 2001, Nowy Sącz.

²⁴¹ *European Roma Rights Center* interview with Mr Grzegorz Siwak, June 21, 2001, Nowy Sącz.

²⁴² Decision on starting the investigation *Postanowienie o wszczęciu dochodzenia*, case No. 4749/00, file No. 4475/00.

²⁴³ *European Roma Rights Center* interview with Mr Dariusz Siwak, June 21, 2001, Nowy Sącz.; Decision on starting the investigation *Postanowienie o wszczęciu dochodzenia*, NAD-1745/01.

Mr Grzegorz Siwak also drafted three letters to the President of Poland, informing the President of the spate of assaults and incidents of harassment against himself and his family and requesting assistance in the proper investigation of a number of the earlier incidents. In reply to Mr Siwak's letter of May 27, 1999, the President's office sent a letter dated June 8, 1999, stating, "The President of the Republic of Poland disapproves of all expressions of intolerance in the issues pertaining to national minorities of Poland, which he has shown in many previous statements and appearances." The letter also referred Mr Siwak to prosecutorial bodies.²⁴⁴

In a second letter addressed to the President of Poland and dated June 25, 1999, Mr Siwak explained his desire to file a complaint about the behaviour of police on May 3, 1999. The reply, dated July 8, 1999, explained that the President does not interfere with prosecutorial bodies and referred Mr Siwak to a higher police agency.²⁴⁵ In a letter to the *ERRC*, the Ministry of Justice states that two suspects were charged with crimes in connection with the May 3, 1999, attack. The case was still pending as of the date this report went to press.²⁴⁶

Complaints of police unwillingness to investigate violent attacks are by no means limited to Nowy Sącz. In Białystock, for example, authorities allegedly failed to provide remedy to Ms Gabriela Słowikowska and her family when their family home was reportedly attacked on April 29, 2001. Ms Słowikowska, a 55-year-old Romani woman, told the *ERRC* that the attack on their house took place at night, around 1:30 AM. There were about 10 people in her home at the time, including children. According to Ms Słowikowska, this was not the first attack on the family. Ms Słowikowska told the *ERRC*: "Since the first attack in June 2000, we all sleep in one house, so, although my daughter lives in a separate house, we all sleep together now. We were all sleeping at home and I heard a noise of breaking glass. Several people wearing *balaclavas* were outside, pointing a torch light inside the living room. I started

²⁴⁴ Letter from the Office of the President of Poland No. BLO-060/54002/01/99/JS, dated June 8, 1999.

²⁴⁵ Letter from the Office of the President of Poland No. BLO-060/54002/02/99/JS, dated July 8, 1999.

²⁴⁶ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

shouting.”²⁴⁷ Ms Słowikowska called the police from a mobile phone. The police reportedly arrived and examined a camera that the police had installed across from Ms Słowikowska’s house after an earlier attack, apparently in order to monitor all activities surrounding the house. The police, however, reportedly told Ms Słowikowska and her family that the camera had not recorded anything on that particular night.

On April 29, 2001, Ms Słowikowska and her family went with the police to investigate her daughter’s nearby house, which they found had been broken into, burglarised and vandalised. Ms Słowikowska told the *ERRC*: “They broke into the house of my daughter and demolished everything inside. They took money, a television, and traditional family jewellery. The police followed the footsteps, they brought a dog and the dog took them to the taxi stand, which is about 70 metres away from the house, and there the police dog lost them.”²⁴⁸ Ms Słowikowska was called to the police station to testify. She told the *ERRC*: “The police treated me very badly, they made me feel as if I was the criminal. When I arrived to the police station, I heard one of the officers say ‘the Gypsies have arrived.’ They asked me where I got this expensive jewellery. Where did I get the money for the jewellery, when I do not work? This is a big insult, because the jewellery is a family heirloom.”²⁴⁹ According to Romani activist Stanisław Stankiewicz, as of March 31, 2002, the investigation was still open, and Ms Słowikowska had been seeking asylum abroad.²⁵⁰

In another example of unremedied racially motivated violence, according to police documentation presented to the *ERRC*, on November 13, 1999, unknown perpetrators set fire to the home of the Mirosław Ciureja family in the Romani settlement in Krościenko, Małopolska province.²⁵¹ Nineteen persons, most of them children and elderly, were rendered homeless by the attack. The police investigated the case and concluded that they had not gathered evidence sufficient to prosecute perpetrators. The investigation ended in January 2000.²⁵²

²⁴⁷ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

²⁴⁸ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

²⁴⁹ *European Roma Rights Center* interview with Ms Gabriela Słowikowska, June 27, 2001, Białystok.

²⁵⁰ *European Roma Rights Center* interview with Mr Stanisław Stankiewicz, March 31, 2002, Białystok.

²⁵¹ Police protocol No. RK-2039/99, dated December 1, 1999, p.1.

²⁵² Police protocol l.dz.2039/99 and RSD-406/99.

No one has ever been brought to justice in connection with arson attacks against Roma which occurred in the Romani settlement of Krościenko in September and October 2000. On September 17, 2000, around 10 PM, in the Romani settlement of Krościenko, the house of Mr Władysław Ciurei was reportedly attacked with a Molotov cocktail. Mr Ciurei was watching TV with his wife when suddenly they noticed flames beginning to envelop their house. Mr Ciurei told the *ERRC*: “I ran out of the house and turned on the light and saw a car driving away quickly.”²⁵³ Luckily, Mr Ciurei was able to extinguish the fire. The next day he noticed some glass on his roof. Mr Ciurei notified the police on September 18, 2000. Analysis of the glass fragments at the Institute for Expertise specialising in criminology proved that the fragments had come from a bottle containing petrol.

According to the prosecutor’s case documentation, Roma living in the Krościenko settlement have repeatedly sustained fires that began in unclarified circumstances. While police were investigating Mr Ciurei’s case, on October 27, 2000, around 10 PM, a Molotov cocktail attack took place at the house of Mr Władysław Ciurei’s brother, Mr Jan Ciurei. In total, the two fires endangered the lives of 17 persons living in the two houses. According to the prosecutor’s report, the investigation did not identify a perpetrator. Although the Roma from the settlement made accusations against local non-Romani neighbours, the prosecutor stated that the most probable perpetrator of the attack was an “informal group with a Nazi orientation.”²⁵⁴ The prosecutor decided to stop the investigation on March 21, 2001.²⁵⁵

Authorities also failed to provide justice in connection with a serious violent assault on a Romani family in Tarnów, Małopolska province, in August 2000. On August 27, 2000, around 2 AM, two masked men attacked 34-year-old Ms Agata Ciureja, her partner, Mr Marek Ondycz, and her seven children in their home at Fabryczna Street 11, on the outskirts of Tarnów.²⁵⁶ The attackers entered the flat through the front door, while the family was asleep. They wore masks and wielded axes. Shouting anti-Romani

²⁵³ *European Roma Rights Center* interview with Mr Władysław Ciurei, June 20, 2001, Krościenko.

²⁵⁴ Decision to stop investigation No. 1Ds 1464/00/s, dated March 21, 2001, signed by Prosecutor Jacek Tetkowski., p.2.

²⁵⁵ Decision to stop investigation No. 1Ds 1464/00/s, dated March 21, 2001 signed by Prosecutor Jacek Tetkowski.

²⁵⁶ *European Roma Rights Center* interview with Ms Agata Ciureja, January 18, 2002, Tarnów.

epithets, they reportedly struck Ms Ciureja three times in the head with axes, and repeatedly struck her arms and shoulders. According to Ms Ciureja, her son, Mr Ryszard Ciureja, attempted to call the police, but was attacked by a group of four, who struck him in the neck with a baseball bat and held a knife to his throat. Ms Ciureja was taken to a hospital in Tarnów. According to her medical report, she was diagnosed as suffering from the consequences of wounds to the head, as well as injuries to the upper extremities on the left side of the body, headaches, and dizziness.²⁵⁷

The police detained three suspects, but according to the testimonies of Tarnów-based Romani activist Mr Adam Andrasz and Ms Ciureja, they released them due to insufficient evidence.²⁵⁸ The police began to investigate the case as a robbery, but since nothing had been stolen and the perpetrators had not demanded valuables, the police dismissed the case. The Ministry of Justice wrote to the *ERRC* that the investigation had been dismissed because the perpetrators could not be found.²⁵⁹ Tarnów police spokesperson Mr Andrzej Sus was quoted in the daily *Gazeta Krakowska* as stating, “The motive was not known. We ruled out a robbery motive in the crime.”²⁶⁰

Ms Ciureja subsequently drafted and sent a letter to the mayor of Tarnów on August 8, 2000, requesting the exchange of her communal flat for another one in a safer part of town. In the letter, she described the axe attack and stated that it had not been the first incident against her family.²⁶¹ When the mayor did not respond to her first

²⁵⁷ Medical report No. 9108/00 by doctors at the hospital Specjalistyczny Szpital im. E. Szczeklika w Tarnowie documented the following diagnosis: *Status post contusionem capitis, Vulnura contusa capitis inveterata, Contusio brachii sin, Cephalaea et vertigo.*

²⁵⁸ Letter from Ms Agata Ciureja to the mayor of Tarnów, from August 29, 2000. Copies sent to Center for Roma Culture in Tarnów, the police station in Tarnów [*Wydział spraw obywatelskich*], the Ministry of Interior and Administration and the European Roma Rights Center; delivered to the section of housing of the municipality on September 4, 2000.

²⁵⁹ Notes of the Polish Ministry of Justice on Roma rights cases registered in Prosecutors Offices in response to a request by the *ERRC*, undated, received by the *ERRC* on May 17, 2002. Original document in Polish; translation by the *ERRC*.

²⁶⁰ “Pobita Cyganka”, *Gazeta Krakowska*, August 29, 2000.

²⁶¹ Letter from Ms Agata Ciureja to the mayor of Tarnów, from August 29, 2000. Copies sent to Center for Roma culture in Tarnów, the police station in Tarnów, Ministry of Interior and Administration and European Roma Rights Center; delivered to the section of housing of the municipality on September 4, 2000.

letter positively, Ms Ciureja wrote a follow-up letter to the mayor of Tarnów, requesting a definitive answer to her previous request to be moved.²⁶² Ms Ciureja was rehoused in August 2001. However, the flat to which she was moved is only 35 square metres in size. A total of nine persons live in this space, with no adequate bathroom and a common toilet. As of January 2002, Ms Ciureja was paying monthly rent in the amount of 130 Polish złoty (approximately 35 euros).²⁶³

Reports from Tarnów by Romani victims who have attempted to seek protection against violent attacks by skinheads, revealed that Roma feel the Tarnów police meet such requests with, at best, indifference. In a show of dismay characteristic of the attitude of many Roma toward Polish authorities, the chairman of the Łódź Romani organisation, Mr Andrzej Wisniewski, stated, “Right-wingers attack Roma and the law shows no interest in following up such racially motivated crimes. One is increasingly led to believe that the legal system, police and extremist nationalists are somehow working together for a ‘Gypsy-free Poland’. Given circumstances like this, many Roma have fled to neighbouring states, seeking asylum.”²⁶⁴

5.2 Failure to Recognise Racial Animus in Anti-Romani Attacks

In some instances, Polish authorities have failed to recognise racial animus in cases that appear to have a clear racial background. For example, according to *Gazeta Wyborcza*, on the night of August 20, 2001, several young Polish men attacked the Borowik summer camp in Koszelówka, Mazovia province, where Roma from Bory Tucholskie, Kuyavia-Pomerania province, were having their holidays.²⁶⁵ In the early hours of that morning, Polish men came to the gates of the settlement and began attacking the Roma with bottles and stones, beating people up, insulting their ethnic origins, and threatening that this would not be the last of such attacks. In an account

²⁶² Letter to the mayor of Tarnów from September 29, 2000, responding to the letter from the mayor no. WM. C. 7144/2a/32/99/00 from September 18, 2000. Copy to *Association of Roma in Tarnów*, Ombudsman, Ministry of Interior and Administration and the police station, Tarnów-centrum.

²⁶³ *European Roma Rights Center* interview with Ms Agata Ciureja, January 18, 2002, Tarnów.

²⁶⁴ “Roma community centre vandalised by right-wing extremists”, *RomNews Network*, July 7, 1998, available at: <http://www.romnews.com/a/53-98.html>.

²⁶⁵ “Po napadzie na Romów”, *Gazeta Wyborcza*, August 22, 2001.

contested by Roma in Borowik, some of the suspects reportedly claimed that the incident started when a Romani man snatched a woman's chain at a nearby dance party and was chased to the settlement by Polish men from the party. According to that account, a fight broke out when other Romani men from the settlement tried to defend the man. According to another version of the events reported in the daily, the men gathered in front of the camp gates with no apparent provocation and tried to attack a young Romani man coming back from a walk. After the young man managed to escape, Roma in the camp, with the help of the non-Romani owner of the camp, Mr Józef Szamelan, locked up the gates of the camp, and barricaded themselves in one of the buildings. The attackers did not get into the building itself, but succeeded in entering the camp and damaging 50,000 Polish zloty (approximately 12,500 euros) worth of infrastructure, equipment and cars in the camp. For fear of further attacks, the Roma moved out of the camp.

The local police came during the incident, but, upon seeing the number of people gathered before the camp, they called for reinforcements from the Płock police, who came and broke up the crowd. They detained and interrogated suspects and took statements from Romani witnesses. All in all, nine persons were reportedly charged in connection to the incident. According to Mr Konstanty Gebert, a prominent Polish journalist, the incident was typical in that, in the first hours after the attack, police officials steadfastly denied that there was any racial motivation animating the perpetrators.²⁶⁶

In another case, according to *"Never Again" Association*, in the town of Bytom, Silesia province, on September 8, 1998, at 10 PM, a man later identified by police and rumoured to have links to an extremist racist group, threw a Molotov cocktail through the window of a Romani house. Paloma Cerveniak, a 13-year-old Romani girl, was asleep inside. As a result of the attack, she suffered serious burns, from which she will never fully recover. According to the head of the Investigation Division, Mr Kakol, the incident was not a racially motivated attack, but only a "hooligan excess".²⁶⁷ On June 7, 1999, the assailant was sentenced by the Court of Appeals in Katowice to five years' imprisonment.

²⁶⁶ *European Roma Rights Center* interview with Konstanty Gebert, February 5, 2002, Budapest.

²⁶⁷ For more information on the case, please see: http://errc.org/rr_aut1998/snapshots_september.shtml.

In another incident, according to Mr Tadeusz Gabor, President of the *Association of the Roma in the Nowy Sącz Region*, on December 25, 1998, in Ochotnica Dolna, Małopolska province, local youths reportedly attacked four Roma while they were waiting at a bus stop. The Roma were severely beaten by five or six male youths armed with sticks and iron chains. A 64-year-old man, Mr F.S., reportedly suffered two broken ribs and other serious injuries. On September 13, 1999, proceedings against Mr Janusz Z. and Mr Marcin O. began at the Court of First Instance in Nowy Targ. During the trial, the suspects did not confess and the Romani victims were too scared to identify the attackers publicly. The judge reportedly stated, “This is a crime on common grounds; please do not make it a conflict on race grounds.” According to Mr Tadeusz Gabor, while he was taking the victims to the police station in Krościenko, they indicated to him that the attack had been accompanied by racist insults.²⁶⁸ This was reportedly not the first racially motivated offence in Ochotnica Dolna, and racist insults have also been reported there on a number of occasions.²⁶⁹

In its official response to ECRI’s 1999 Report on Poland, the Polish government stated: “Police statistical sources confirm incidental occurrences of crimes against people of Asian and African origin as well as representatives of Polish Roma. It is difficult to determine, however, whether the offences were racially motivated. Investigations generally indicate the hooligan nature of such offences.”²⁷⁰

Local authorities have similarly made statements to the *ERRC* downplaying the issue of anti-Romani violence – and even apparently endorsing vigilante action against Roma. When the *ERRC* asked the deputy mayor of Nowy Sącz, Mr Leszek Zegzda, about racist attacks that had occurred in the town of Nowy Sącz, he told the *ERRC*: “The questions of violent attacks you are asking about are completely marginal.” He further stated: “Young people who from time to time fight with [Gypsies], do it out of frustration, and they are doing a good thing; someone has to do it.”²⁷¹

²⁶⁸ *European Roma Rights Center* interview with Mr Tadeusz Gabor, President of the *Association of the Roma in the Nowy Sącz Region*, June 20, 2001, Laskowa Górna.

²⁶⁹ For instance, Romani girls were called “Czarne jagody” (blackberries) and “Bambusy” (bamboo). See *Gazeta Krakowska*, January 4, 1999. The occurrence of racial insults was also reported in *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 20, 2001, Laskowa Górna.

²⁷⁰ ECRI, Second Report on Poland, adopted on December 10, 1999, p.26.

²⁷¹ *European Roma Rights Center* interview with Mr Leszek Zegzda, June 20, 2001.

5.3. Police Blame Roma for the Attacks against Them

The *ERRC* also found that sometimes, when Roma report incidents to the police, the claims are dismissed as false and the Roma are blamed for the attacks themselves.

In early December 2000, for example, neo-Nazi groups reportedly subjected Romani residents of Brzeg, Opole province, to repeated harassment. Racist graffiti was sprayed on the houses of Romani families on three separate streets and the assailants broke windows and attempted to break down doors. According to an article in the local press, over the course of many evenings, members of a neo-Nazi organisation broke the windows of the Romani houses, and painted anti-Romani graffiti.²⁷² Speaking to local journalists after the attacks, non-Romani residents reportedly expressed their approval of the activities of the neo-Nazi groups. According to Mr Rafał Pankowski of *“Never Again” Association*, graffiti by a group called the “White Eagle Association” – apparently a Polish neo-Nazi association – had appeared in the area before the attack.²⁷³

The police were reportedly called but failed to arrive in time to arrest the attackers. The commander of the local police, Officer Stefan Gornicki, reportedly dismissed the attacks as false and alleged that the Roma had painted the racist graffiti themselves.²⁷⁴ According to *“Never Again” Association*, Officer Gornicki accused the Roma of paying each other off in exchange for false witness statements. He reportedly stated that Roma only pretend to be persecuted in order to be able to claim asylum in Western Europe.

In another incident, according to eight Roma from the Romani settlement in Maszkowice, Małopolska province, on May 20, 2001, a group of local Poles came to their settlement and attacked them. Mr Piotr Cierba, Mr Bogdan Mirga, Mr Rafał Faron, Mr Tomasz Szczerba, Mr David Szczerba, Mr Marian Szczerba, Ms Żaneta Szczerba and Mr Ryszard Szczerba reported to the *ERRC* that the group attacked them with baseball bats. According to Mr Cierba: “Our neighbours, Roman Klimek, Józef Łazsasz, Danuta Łazsasz, Marek Gromala, Sławek Klimek, Jacek Opyt, aged between 18 and 20, and a number of other people we did not know attacked us with

²⁷² *Kurier Brzeski*, December 12, 2000.

²⁷³ *European Roma Rights Center* interview with Mr Rafał Pankowski, June 25, 2001, Warsaw.

²⁷⁴ *Kurier Brzeski*, December 12, 2000.

tear gas and baseball bats. There were around 20 people. They were saying that they would burn our houses and that we should not go to the shops or they will burn our houses.”²⁷⁵ The attackers also reportedly abused the Roma verbally, calling them “Nigger”, “Bamboo” and “Asphalt.”

The Romani men told the *ERRC* that they went to a local police station and that officers there took down their testimony. The Romani men also stated that the police officers claimed that the attack had been the fault of the Roma. Officers reportedly told them they would be charged with misdemeanour offences. This threat was not followed up with any charges, however.

5.4. Fear

The Polish government has responded to criticism that it fails to prosecute racially motivated crime adequately by blaming the reluctance of some Roma to co-operate with police investigation. For instance, in one official document, the government states, “An important factor that makes it more difficult to detect perpetrators is the reluctance among Roma themselves to cooperate with the police and the fact that committed crimes are not reported to the police. [. . .] Roma do not, as a rule, cooperate with the police, even in the case of crimes against members of their own community, often seeking justice on their own.”²⁷⁶

While cases have occasionally occurred in which the police appeared willing to investigate and the Roma did not wish to pursue the investigation for fear of retribution, these instances are infrequent. Reports to the *ERRC* of incidents in which Romani victims of racially motivated violence contacted the police and found them unresponsive are, on the other hand, common. In places where authorities had reportedly failed to investigate adequately incidents of racially motivated violence, some Roma appear to have become hesitant to involve authorities and, some Roma told the *ERRC* that they have not reported incidents of anti-Roma violence since they fear that reporting

²⁷⁵ *European Roma Rights Center* interview with Mr Piotr Cierba, June 20, 2001, Maszkowice.

²⁷⁶ Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.16.

the incident will only bring further violence. Indeed, in several cases of violence against Roma, victims stated that they believed the attack had been motivated by the fact that they had reported a previous incident.

ERRC field research in Poland, however, found that despite the high level of fear, the generalised assertion that Roma were unwilling to pursue justice is biased and stereotyping.

6. POLICE ABUSE OF ROMA

A number of reports by human rights organisations have revealed that ill-treatment and excessive use of force by law-enforcement officials is a general human rights problem in Poland.²⁷⁷ When incidents of police brutality occur, it is very rare that an investigation is launched and even rarer that the investigation results in a trial. Polish lawyers interviewed by the *ERRC* contend that police brutality cases rarely reach the courts.

The *ERRC* has documented incidents of police abuse of Roma in numerous places in Poland. In several cases, Polish law-enforcement officials have resorted to violence against Romani individuals.²⁷⁸ Other forms of police abuse against Roma documented by the *ERRC* include arbitrary group arrests, house searches without proper warrants, and unlawful seizure of property. Many Romani victims of police brutality told the *ERRC* of police attempts to reach informal agreements with them and to convince Roma not to file official complaints against the officers implicated.²⁷⁹

²⁷⁷ For recent general human rights reports on Poland, see International Helsinki Federation for Human Rights, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America*, Vienna, 2000; International Helsinki Federation for Human Rights, *Annual Report 1995*, Vienna, 1995; International Helsinki Federation for Human Rights, *Annual Report 1996*, Vienna, 1996; International Helsinki Federation for Human Rights, *Annual Report 1997*, Vienna, 1997; U.S. Department of State, *Country Reports on Human Rights Practices for 1995*, Washington: U.S. Government Printing Office, April 1996; U.S. Department of State, *Country Reports on Human Rights Practices for 1996*, Washington: U.S. Government Printing Office, January 30, 1997; U.S. Department of State, *Country Reports on Human Rights Practices for 2001*, Washington: U.S. Government Printing Office, 2002. Problem areas pointed out in these reports concern ill-treatment and excessive use of force and, in particular, the use of firearms by Polish law enforcement officials.

²⁷⁸ This is in direct violation of the Polish Constitution, official translation available at: www.uni-wuerzburg.de/law/pl00000_.htm, which states in Article 40 that, “No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited.”

²⁷⁹ Findings by the *Helsinki Foundation for Human Rights* support this view as well. Their report in 1997 detailed three cases of police brutality against Roma, none of which went to trial. In all of the three cases, proceedings against the policemen were discontinued without charges being brought. In addition, in one of the cases, the victim was charged with assaulting the police officers. For more, see: “Some Remarks on Human Rights Protection in Poland (In Connection with the Fourth

6.1. Physical Abuse

Physical abuse of Roma by officials in Poland has been frequently reported. Although Polish authorities generally deny any racial motivation for the abuse of Roma by police officers, the *ERRC* found evidence that racial animosity frequently plays a role in cases of police brutality. A particularly alarming trend is that physical abuse of young Romani men by police officers appears to have been growing steadily in intensity over the course of the 1990s. Most police-related complaints the *ERRC* heard in Poland concerned abusive police treatment of young Romani men, many of them minors.

In April 2001, for example, two brothers, 11-year-old Paweł Ciureja and 13-year-old Michał Ciureja, were picked up on a street in Nowy Sącz, Małopolska province, by two policemen who allegedly led them under a bridge in Nowy Sącz and brutally beat them. Michał Ciureja told the *ERRC*: “They beat us in the ribs and on the arms for about 20 minutes and then they let us go.”²⁸⁰ After the boys went home, their mother took her younger son to the hospital, where he was diagnosed with a light concussion. The parents contacted Mr Mieczysław Szczerba, a local Romani leader, who filed a complaint with the police. According to Mr Szczerba, the boys identified the two policemen. Mr Szczerba confronted one of them, asking him why he beat the boys. According to Mr Szczerba, the officer allegedly replied: “Well, I just felt like it”.²⁸¹ After Mr Szczerba informed the policeman that he would take the case to court, the police officer requested that he not, promising not to beat the boys again. The boys’ parents, fearing potential revenge from the police, requested that the charges be dropped.²⁸²

Another case of police violence against young Romani men reportedly took place in Ciechocinek, Łódź province, on July 26, 1998. The incident involved four young Roma – 15-year-old A.B., 19-year-old C.D., 27-year-old E.F., 35-year-old and G.H. (initials changed by the *ERRC*) – who were reportedly beaten by local policemen. As documented by the Łódź-based non-governmental organisation *Romani Information*

Periodic Report of the Republic of Poland on implementation of the International Covenant on Civil and Political Rights”, Helsinki Foundation for Human Rights, pp.2-3.

²⁸⁰ *European Roma Rights Center* interview with Michał Ciureja, June 21, 2001, Nowy Sącz.

²⁸¹ *European Roma Rights Center* interview with Mr Mieczysław Szczerba, June 22, 2001, Nowy Sącz.

²⁸² *European Roma Rights Center* interview with Mr Mieczysław Szczerba, June 22, 2001, Nowy Sącz.

and Counselling Centre, the incident took place the night after a Romani music festival. After midnight, a police car approached the group, who were on their way home to the village of Konstantynów Łódzki after the festival. Policemen, wearing black commando suits with masks forced the Roma to get into the police car, in front of at least 30 other Romani witnesses, and took them to a forest out of town where they reportedly beat the Roma severely. The police also allegedly confiscated the documents and jewellery of one of the Roma. After they had been released at around five the next morning, one of the Roma managed to contact his relatives. All members of the group were subsequently taken to the nearby town of Włocławek. As a consequence of the police assaults, the oldest of the Roma was diagnosed with a broken leg and sent to the Łódź hospital for treatment. Another Romani man from the group was diagnosed with a concussion. The Roma who were assaulted believe that they were mistaken by the police for another group of Roma who had apparently initiated a knife fight in a Ciechocinek restaurant on the same evening.

Sometimes, victims of police brutality – or their family members – are themselves charged when they complain about police misconduct. In February 1997, in Tarnów, two young sons of Ms Alicja Siwak, 14-year-old Patryk Siwak and 18-year-old Sebastian Siwak, were on their way to play billiards in central Tarnów when three police officers in a car stopped them and asked to see their papers. While checking their papers, one of the policemen allegedly grabbed Mr Sebastian Siwak and told him, “We will teach you a lesson, you bloody Gypsy,” and dragged him into the car. Patryk Siwak managed to run home and alert his mother, who hurried to the scene of the incident. An argument between the police and Ms Siwak followed, during which the police officers allegedly claimed that all they wanted from the boys was to see that their papers were in order. Ms Siwak told the *ERRC* that she filed a complaint against the police, but ended up being charged herself with offending a public official, for which she was fined 50 Polish złoty (approximately 15 euros).²⁸³ To date, no judicial action had been taken regarding her complaints against the police.

Police officers sometimes abusively bring charges against Roma who, under duress and without a full understanding of the proceedings to which they are subject, confess to crimes they may not have committed. On May 15, 2001, in Nowy Sącz, for example, a mentally disabled 17-year-old named Mr Paweł Ondycz was interrogated by

²⁸³ *European Roma Rights Center* interview with Ms Alicja Siwak, June 9, 1997, Tarnów.

the police under suspicion of armed robbery. According to his father, Mr Andrzej Ondycz, the police came in the evening. He told the *ERRC*: “Neither I nor my wife was home at that time. My daughter later told us that the police came around 9 PM and took Paweł away.”²⁸⁴ Mr Andrzej Ondycz and his wife went directly to the police station after they learned that their son was being interrogated under suspicion of having committed a crime. He told the *ERRC*: “I requested that Paweł be immediately released because Paweł is only 17 years old and he is mentally disabled. I wanted to show a medical certificate to the officer in charge, proving that Paweł is not fully responsible for his actions, that he is almost deaf in both ears and can’t read or write, but neither he nor other police officers would listen to me. In the end I was thrown out and told to come back 48 hours later.”²⁸⁵ A copy of the medical certificate referred to is on file at the *ERRC*.

Mr Andrzej Ondycz was allowed to see his son only on May 21, 2001, at around 10 AM. According to the police, Mr Paweł Ondycz had admitted to the crime of armed robbery and signed a written confession. According to Mr Andrzej Ondycz, the police refused to give him any documentation pertaining to the interrogation, with the justification that Polish law does not allow officials to give out “police things” to everyone.

Mr Andrzej Ondycz told the *ERRC*: “I saw Paweł that morning, he looked very bad. He looked as if he had been beaten and his clothes were dirty. He had bruises on his body, in particular his chest and his arms and hands were swollen from beating. Paweł told me that two police officers had beaten him with a truncheon on his hands and on his chest and he had admitted to everything they accused him of. The police officers threatened him that if he did not confess they would take him to the countryside and beat him. One of the police officers told my son: ‘If you do not confess I will take you out of the town. I will beat you up so that neither your mother nor your father will ever recognise you.’”²⁸⁶

²⁸⁴ *European Roma Rights Center* interview with Mr Andrzej Ondycz, June 21, 2001, Nowy Sącz.

²⁸⁵ *European Roma Rights Center* interview with Mr Andrzej Ondycz, June 21, 2001, Nowy Sącz.

²⁸⁶ *European Roma Rights Center* interview with Mr Andrzej Ondycz, June 21, 2001, Nowy Sącz. This is a violation of Mr Paweł Ondycz’s human rights under international conventions ratified by Poland. For instance, the Convention on the Rights of the Child (CRC), Article 40, Section 1 states: “States Parties recognize the right of every child alleged as, accused of, or recognized as

Shortly after Mr Paweł Ondycz met with his father, he was taken to the prosecutor. At 2:00 PM on May 21, 2001, the hearing took place. According to Mr Andrzej Ondycz, this took, in total, approximately 20 minutes, and Paweł Ondycz was sentenced to three months in prison for armed robbery. The attorney argued during the hearing that his client's health and limited responsibility for his actions should be taken into consideration. Although the defence attorney appealed the ruling, Paweł Ondycz reportedly served the full sentence.

A typical police response to allegations of police brutality is to put pressure on the victims to withdraw their complaints. For example, in a case from Tarnów, Ms Alicja Siwak told the *ERRC* about a police abuse case involving her sons. Ms Siwak, a non-Romani widow whose Romani husband died in 1995, reported regular harassment of her three sons by the local police. She stated that she believes they had been subjected to this abuse for no other reason than their ethnicity. For instance, she told the *ERRC* that on the evening of April 5, 1995, her then-15-year-old son, Kamil Siwak, was beaten by two police officers who had stopped him in the street to check his identification papers:

Before he had reached into his pocket, the police officers dragged him into the staircase of a block of flats and started beating him all over his

having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society." Section 2 states: "To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that: [. . .] b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: [. . .] (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; [. . .] (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality." In addition, Article 23, section 1, addresses the special needs of mentally disabled children: "States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community." Poland ratified the CRC on June 7, 1991.

body. Luckily enough, three friends of ours passed by and saw what was happening. When they started to scream, the policemen ran away.²⁸⁷

Kamil Siwak was taken to the hospital, where he was treated for contusions on his head and on his pelvis as well as other injuries.²⁸⁸ Ms Siwak told the *ERRC* that they filed a complaint against the police – at the police station – but withdrew it after the police had summoned her husband and persuaded him “not to make trouble”:

The police chief told him that the officers involved were drunk but that since they both had families, he didn’t want to fire them. My husband finally agreed, though I protested and was very upset when he came home and told me what had happened.²⁸⁹

In a 1999 incident in Kraków, two Romani men, 60-year-old Mr Fulek Mirga and 40-year-old Mr Stefan Oraczko, were picked up and brought to the police station after a purse had been stolen in the market. Mr Oraczko told the *ERRC*: “The police took us to the police station just because we were walking by.”²⁹⁰ According to Mr Oraczko, the police interrogated the two men for 48 hours and beat them. Mr Oraczko told the *ERRC*: “They beat us on our hands and chests.” After two days, the police reportedly found the thief and they released Mr Mirga and Mr Oraczko, who were told not to mention the incident to anyone: “They threatened us not to do anything about it, or [the police] would take revenge on us.”²⁹¹

Even when official complaints are filed and an investigation is initiated, however, cases tend to stagnate and ultimately be closed without any convictions being brought. In one serious case of alleged police brutality never brought to justice, 15-year-old Robert Pawłowski was allegedly severely ill-treated by a police officer on November 26, 1996, in Wodzisław Śląski, Silesia province. While staying with his aunt in Wodzisław

²⁸⁷ *European Roma Rights Center* interview with Ms Alicja Siwak, June 9, 1997, Tarnów.

²⁸⁸ Medical certificate No. 4082/95, issued on April 6, 1995.

²⁸⁹ *European Roma Rights Center* interview with Ms Alicja Siwak, June 9, 1997, Tarnów.

²⁹⁰ *European Roma Rights Center* interview with Mr Stefan Oraczko, June 20, 2001, Kraków.

²⁹¹ *European Roma Rights Center* interview with Mr Stefan Oraczko, June 20, 2001, Kraków.

Śląski, Robert Pawłowski, a Romani boy from Żywiec, Silesia province, returned late in the evening from a visit with friends, in the company of Ms B.B., a 26-year-old non-Romani woman. Robert Pawłowski was allegedly kicking a rubbish bin when he was approached by a police car with three policemen inside. Frightened by the sight of the police, Robert Pawłowski fled. One of the policemen, Officer B.S., pursued him on foot while the other two police officers followed in the car. The police officers allegedly pulled Robert Pawłowski's female acquaintance, Ms B.B., into the car, where she remained for the duration of the incident.

Meanwhile, Robert Pawłowski headed to his aunt's house, where Officer B.S. caught up with him and prevented him from getting inside the apartment. Robert Pawłowski's aunt, Ms Danuta Balasz, described what followed:

I was in bed when I heard something outside that sounded like a shot. Then, someone started banging on the door. I hurried to open it. Robert was in the stairwell, trying to get in and a man in black wasn't letting him. I tried to help Robert inside – we were both pulling him. The man was stronger than me. I had to let Robert go.

I didn't realise that the man was a police officer until he turned around and I saw the big white letters on his back. I asked him what he wanted from Robert. I told him that I was his aunt and that I wanted to know what he had done, but he wouldn't pay any attention to me.²⁹²

Ms Balasz told the *ERRC* that Officer B.S. pushed Robert Pawłowski down the stairs and started beating him. She reported that she had heard two shots during the incident, one outside the house before Robert Pawłowski arrived at her door and a second during the beating on the staircase. Ms Balasz told the *ERRC* that, when she ran downstairs, she found Robert Pawłowski lying on the ground by the building's entrance, bleeding heavily from a head wound. She stated:

When I saw my Robert lying on the ground with all that blood around him, I started screaming at the policeman, 'What have you done to him? You

²⁹² *European Roma Rights Center* interview with Ms Danuta Balasz, June 14, 1997, Wodzisław Śląski.

killed the boy!’ The policeman looked at me and said, ‘You Gypsies should all be taken to the forest and shot.’

According to Ms Balasz, Robert Pawłowski lay on the ground for half an hour before an ambulance came. She told the *ERRC*:

When it finally arrived, I tried to tell them what had happened, and I explained to them that Robert had been shot by the police, but they didn’t want to listen to me. I wanted to go with them to the hospital but they wouldn’t let me. They told me I could come the next morning only. Then they left and the police left with them.²⁹³

Robert Pawłowski was first taken to the hospital in Wodzisław Śląski but was immediately transferred to a better-equipped facility in neighbouring Jastrzębie Zdrój, where he underwent surgery. He remained in hospital for a month. According to the physicians who treated him, he will never fully recover from the head injuries he sustained, which include a broken skull and brain damage.²⁹⁴

Following an official complaint filed against the police by Ms Balasz, an investigation into the incident was launched by the Jastrzębie Zdrój Prosecutor’s Office in December 1996. According to information made available to the *ERRC*, the case file, No. 2Ds 1602/96, states that the police deny having used any violence against Robert Pawłowski. Reportedly, Officer B.S.’s version of the incident is that the suspect, who had fled the scene of a crime, was trapped in an apartment block, where, after a struggle, he fell down striking his head on a sharp object used to remove mud from shoes next to the outside door. The police acknowledged that they had fired one shot during the struggle, but claimed that the shot was a blank, aimed into the air. According to *ERRC* information, as of November 2001, the police had issued no written statement regarding the incident. The only medical evaluations prepared to date have proven inconclusive as to the cause of Robert Pawłowski’s injuries.

²⁹³ *European Roma Rights Center* interview with Ms Danuta Balasz, June 14, 1997, Wodzisław Śląski.

²⁹⁴ Medical certificate No. 15759/96.

In February 1997, the head prosecutor at the Jastrzębie Zdrój Prosecutor's Office, Mr Krystian Nogły, decided not to bring charges against any police officers and dropped the case. Mr Leszek Piotrowski, an attorney hired by Robert Pawłowski's family to represent him, filed a complaint and on the order of the Katowice County Prosecutor's Office, in March 1997, the case was re-opened. The investigation was assigned to Mr Nogły, the very prosecutor who had dropped the case in the previous month.

In June 1997, Mr Piotrowski, the attorney, indicated that he was not hopeful about the outcome of the investigation. He told the *ERRC* that the prosecution was not pursuing the case properly and feared that the investigation would, at best, remain stalled.²⁹⁵ The *ERRC* sent a letter to the General Prosecutor of Poland on August 25, 1997, expressing concern over the alleged police brutality and urging that a thorough and impartial investigation into the incident be carried out without unnecessary delay. On September 19, 1997, the *ERRC* received a reply from the Katowice Prosecutor's Office, stating that the case was still under investigation and assuring that the judiciary would continue to pursue the case properly.²⁹⁶ However, the *ERRC* obtained a response from the Ministry of Justice in a letter dated March 1, 1999, indicating that on September 30, 1997, the local prosecution in Jastrzębie Zdrój had decided to put an end to the investigation. The province prosecutor reaffirmed that decision on November 27, 1997. According to the Ministry of Justice, the evidence gathered had enabled the province prosecutor to conclude that the charged policeman had not committed any offence.²⁹⁷

The cases documented by the *ERRC* indicate that police abuse against Roma goes largely unchecked. The relative impunity that abusive police officers enjoy works, in effect, as an incentive to engage in such practices, especially when the victims are reluctant to pursue their cases for fear of retribution or simply out of a lack of knowledge about their rights in relationship to local authorities.

²⁹⁵ *European Roma Rights Center* interview with Attorney Leszek Piotrowski, June 14, 1997, Wodzisław Śląski.

²⁹⁶ Letter from Katowice Prosecutor's Office to the *European Roma Rights Center*, received September 19, 1997.

²⁹⁷ Correspondence between the *ERRC* and the Ministry of Justice of Poland; response letter from the Ministry of Justice dated from March 1, 1999.

6.2. Police Abuse of Alien Roma in Poland

Police abuse of alien Roma in Poland has been reported in recent years. Allegations of police abuse of foreign Roma frequently centre around group expulsions,²⁹⁸ in which observers have reported the use of excessive force, violence, confiscation of property, and the separation of children from their parents.

According to Mr Paweł Lechowski, a non-Romani man who is based in Kraków and occasionally provides personal assistance to the local Roma, “At the beginning of the 1990s, Polish police did not take much notice of the Romanian Roma who were living without residence permits and panhandling. In the beginning, the Poles took pity on them, but after a while, some started to attack Roma and some asked the police to chase them out.”²⁹⁹ Toward the late 1990s, policemen reportedly began to behave aggressively towards these Roma. According to the U.S. State Department, the local Polish press and testimony of eyewitnesses, police misconduct and brutality were especially visible during the group deportations of Romanian Roma from Warsaw (1996) and Kraków (1999). In 1999, during the deportation of Romanian Roma from Kraków and Wrocław, police reportedly did not allow deportees to take more of their possessions than they were able to carry.³⁰⁰ In Kraków, police also prohibited Roma from taking with them automobiles that they had bought while in Poland. There were reportedly about 30 cars left behind. The cars were later seized either by policemen or locals.³⁰¹

²⁹⁸ The collective expulsion of aliens is banned under Article 4 of Protocol 4 to the European Convention on Human Rights.

²⁹⁹ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

³⁰⁰ Article 1 of Protocol 1 of the European Convention on Human Rights states: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

³⁰¹ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

In June 1996, according to the local Polish press, police raided and tore down a Romani camp under the Grota-Rowecki Bridge in Warsaw.³⁰² According to the U.S. Department of State Poland Country Report for 1996, the police made 113 arrests and subsequently expelled all 113 persons to Ukraine.³⁰³ Local media reported that the police used particularly brutal methods against all Roma, even women and children.³⁰⁴ Mr Lechowski, who was an eyewitness also to the Warsaw deportations, told the *ERRC*: “There was a lot of violence against Romani women and children.”³⁰⁵ Mr Lechowski also stated that the police confiscated much of the property belonging to the Roma, who were not allowed to take more than one suitcase each: “Their things were put in a big pile, which was burned after their departure. There were two cars belonging to Romanian Roma that were completely demolished during the raid.”³⁰⁶ According to Mr Lechowski, a 12-year-old boy and a 9-year-old girl were left behind in the wake of deportations on the demolished site. Mr Lechowski was told by police that the mother of the children was out of Warsaw and “missed the deportation.” When Mr Lechowski asked police about the fate of the children, he was just told that their instructions were “not to bring any more Romanian Roma to the police station.”³⁰⁷

Mr Lechowski reported to the *ERRC* that he has witnessed other incidents of forcible expulsion of Roma from Poland and told the *ERRC* that children were also left behind during the expulsion of Romanian Roma from the Salwador neighbourhood of Kraków in 1994. He reported that, during the eviction, children were initially put in vans with their mothers, but at the time of interrogation, adults were reportedly separated from their children. “[...] after the Roma were ordered

³⁰² The event was covered in the Polish press in many articles, including: “Pytanie dnia” and “Jak wrócić do Polonia”, *Gazeta Wyborcza*, June 21, 1996, pp.1-2; “Po deportacji”, *Gazeta Stołeczna* (GW), June 21, 1996.

³⁰³ U.S. Department of State, “Poland Country Report on Human Rights Practices for 1996”, Section 5, available at: http://www.state.gov/www/global/human_rights//1996_hrp_report/poland.html.

³⁰⁴ See: “Pytanie dnia” and “Jak wrócić do Polonia”, *Gazeta Wyborcza*, June 21, 1996, pp.1-2; “Po deportacji”, *Gazeta Stołeczna* (GW), June 21, 1996.

³⁰⁵ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

³⁰⁶ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

³⁰⁷ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

to leave Poland within 48 hours, no one provided assistance for parents' reunion with their children. The police said that this was no longer their business," Mr Lechowski told the *ERRC*.³⁰⁸

The *Helsinki Foundation for Human Rights* reported that since 1997, police have often placed Romanian Romani children in children's homes.³⁰⁹ Immigration raids taking place in big market places often result in children being taken into state care, with inadequate attention paid to the best interests of the child.³¹⁰ Children who strayed from the supervision of their parents in public places have been apprehended and placed in state-run institutions. In several cases, children held in state care have reportedly been separated from their parents for extended periods of time.³¹¹

6.2. Harassment by Police

Roma are sometimes the target of other forms of harassment by police, in the form of arbitrary arrests, detentions, interrogations, unauthorised searches, and seizure of property.³¹²

In Tarnów in June 1997, the family of Ms Alicja Siwak, a non-Romani widow whose Romani husband died in 1995, was the subject of police harassment. Ms Siwak told the *ERRC*:

³⁰⁸ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

³⁰⁹ *European Roma Rights Center* interview with Ms Irena Rzeplińska, June 26, 2001, Warsaw.

³¹⁰ Article 9 of the UN Convention on the Rights of the Child states that "State Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interest of the child."

³¹¹ *European Roma Rights Center* interview with Ms Irena Rzeplińska, June 26, 2001, Warsaw.

³¹² Harassment, abusive raids and seizure of property violate Articles 7 and 17 of the International Covenant on Civil and Political Rights (ICCPR), prohibiting cruel and degrading treatment or punishment and arbitrary and unlawful interference with privacy, family and home, respectively. Similar protections are provided under Articles 3 and 8 of the European Convention on Human Rights.

A policeman came here and said that he needed to search the basement of the building. In the staircase, he pointed at a bicycle we had never seen before and asked if it belonged to us. I said it did not and I told him I had never seen it before. Then, the policeman looked at my youngest son Patryk, who is only 14 years old, and said that he had to go with him to the police station because they wanted to take his fingerprints. I told him he had no right to take my son and he left.

The following day I went to the police station and asked them what all this was about. The same police officer told me that he hadn't come for anything special, that no bike had been reported missing or anything, but that they wanted to have Patryk's data simply because they didn't have it yet.³¹³

Roma in several parts of the country have reported similar problems with the police. In Suwałki, Podlaskie province, for example, Roma state that they believe they are presumed guilty each time a crime has been committed. According to local Romani representative Mr Edward Paczkowski, men from the Romani neighbourhood are routinely rounded up and brought to the police station when crimes are reported:

For example, in 1996, a robbery occurred and the police immediately presumed that the perpetrators were Roma. The police drove directly to the Romani neighbourhood and arrested all of the men they could find and lined them up at the station to be identified by the victim. When I learned about what had happened, I went to see the police chief. He denied the whole incident. I then went to the Roma and brought in two of them to the police station to tell him what they had been through. The chief called in the officer who had been on duty the day this happened and the officer confessed that what the Roma had said was true. The chief was very embarrassed and apologised to me. I told him it is not me he should apologise to, but to the two gentlemen who had been harassed for nothing.³¹⁴

³¹³ *European Roma Rights Center* interview with Ms Alicja Siwak, June 9, 1997, Tarnów.

³¹⁴ *European Roma Rights Center* interview with Mr Edward Paczkowski, June 12, 1997, Suwałki.

Mr Paczkowski told the *ERRC* that the police also come to him, asking him to find and bring in Roma suspected of crimes:

I'm not only constantly sought by Roma who are in trouble, but by the police too. It is like a full-time job I have with them. As soon as they need to find some Roma, they call me and ask me to go and deal with them. For them, Roma are not human beings. They hate to deal with them. Then, of course, once Roma are in their hands, they do their best to get them into prison so they don't have to deal with them any more.³¹⁵

Similarly, in Świebodzice, Lower Silesia province, 43-year-old J.L. commented, "If one Gypsy commits a crime, we are all held responsible. In the eyes of the police, we are all criminals."³¹⁶

Roma also report instances of unauthorised search of premises and seizure of property. For example, at a June 1997 meeting with minority representatives, organised by the *Helsinki Foundation for Human Rights*, Mr Jan Paczkowski, a Romani representative from Kielce, Świętokrzyskie province, reported that police regularly search Roma and their houses and confiscate jewellery, gold, and money from them.³¹⁷ Roma in Świebodzice also reported that Roma in neighbouring Ziębice often complained about being harassed by the local police, who were allegedly entering their houses without showing proper warrants.³¹⁸

During a raid of Romani shanties in Kraków, in 1994, police allegedly unlawfully confiscated the property of a Romanian Roma. Mr Paweł Lechowski, a local non-Romani man enlisted to interpret for the police, witnessed the incident. He told the *ERRC*: "I was contacted by the police from Nowa Huta to go with them to the shack town of Romanian Roma on the outskirts of Kraków to provide translation."³¹⁹ According to Mr Lechowski,

³¹⁵ *European Roma Rights Center* interview with Mr Edward Paczkowski, June 12, 1997, Suwałki.

³¹⁶ *European Roma Rights Center* interview with Mr J.L., June 15, 1997, Świebodzice.

³¹⁷ *European Roma Rights Center* interview with Mr Adam Andrasz, June 10, 1997, Tarnów, and telephone interview with Jan Paczkowski, June 10, 1997.

³¹⁸ *European Roma Rights Center* interview with Mr J.L., June 15, 1997, Świebodzice.

³¹⁹ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

when he and the police arrived at the settlement, no one was present. One of the policemen entered a shanty and confiscated a radio. The policeman told the interpreter that the radio had surely been stolen and that if the “Gypsy” was the real owner, he could pick it up at the police station the next day.³²⁰ The following day, Mr Lechowski accompanied the owner of the radio to the police station to show a receipt for the radio. Upon being shown the receipt, the police returned the radio to its owner. The interpreter said he has witnessed numerous incidents in which the property of Roma was confiscated by the police and that, most times, Roma no longer had receipts of purchase, so they were unable to retrieve their property. In Mr Lechowski’s words: “I have seen the police confiscate pots and dishes, radios, cassette recorders and bicycles.”³²¹

³²⁰ This act by police violates the Polish Constitution, which protects Polish citizens against unwarranted searches of their homes and seizures of their property. Article 50 states: The inviolability of the home shall be ensured. Any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute. Article 64 states: “(1) Everyone shall have the right to ownership, other property rights and the right of succession. (2) Everyone, on an equal basis, shall receive legal protection regarding ownership, other property rights and the right of succession.”

³²¹ *European Roma Rights Center* interview with Mr Paweł Lechowski, June 28, 2001, Kraków.

7. DISCRIMINATION AGAINST ROMA

The *ERRC* has documented the denial of basic economic and social rights to Roma and the systemic discrimination of Polish Roma in the areas of housing, as well as access to medical care, employment, social welfare support, and public services. Additionally, there are widespread allegations of discrimination against Roma in the criminal justice system, particularly in applying disproportionately higher sentences in cases in which Romani defendants are at issue. Romani activist Mr Tadeusz Gabor told the *ERRC*: “It is normal practice here in Małopolska Province that, when non-Romani persons commit a theft, they are frequently not put in prison. Or even if they are sentenced to prison, when a Romani person commits the same crime, he or she is given a higher sentence.”³²²

Many authorities, such as Mr Tomasz Gellert, Senior Specialist in the Office of the Commissioner for Civil Rights Protection (“Ombudsman”), have denied the existence of discrimination in Poland. Mr Gellert told the *ERRC*: “We cannot speak about systemic discrimination – there is no discrimination by the state administration; nor can we talk of discrimination at the private level. I spoke in one village about neighbouring relations. There is no systemic discrimination of Roma in Poland. There are some incidents of course, but there is no racial aspect to them.”³²³ Lack of consistent and precise data on ethnicity is an additional obstacle to assessing the impact of racial discrimination on Roma.³²⁴

³²² *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna.

³²³ *European Roma Rights Center* interview with Mr Tomasz Gellert, June 26, 2001, Warsaw.

³²⁴ As Beata Klimkiewicz explains: “The few statistics [on ethnicity] that exist are collected haphazardly and unofficially and are insufficient to either establish or disprove the existence of discriminatory practices; this lack of data impedes effort to evaluate measures or policies to remedy discrimination, or address asymmetrical patterns or unemployment or illiteracy.” See Klimkiewicz, p.351. See also Project on Ethnic Relations, *Roma and Statistics*, Strasbourg, 22-23 May 2000, available at: <http://www.per-usa.org/PERStrasbourg.pdf>.

Other officials do admit the existence of discrimination, but believe that the responsibility for it lies with Roma themselves. Mr Gabriel Derkowski, head of the Office for Romani Issues in the Town of Nowy Sącz (*Zarząd Miasta Nowy Sącz do Spraw Romów*), acknowledged the existence of discrimination against Roma in housing, health, employment and education. However, he claimed that Roma are responsible for the discrimination they suffer because “they do not want to assimilate.”³²⁵ One local authority, deputy mayor of Nowy Sącz, Mr Leszek Zegzda, told the *ERRC*: “[Of] course they are treated differently and it is their fault. In a case when Roma complain about their treatment, we never solve it through the police [investigation], but rather through deals.”³²⁶

Whether or not they are willing to admit to the existence of discrimination against Roma, most state authorities downplay the degree of discrimination and hostility towards Roma on the part of the majority population,³²⁷ and none of the authorities with whom the *ERRC* spoke indicated that discrimination against Roma was an issue of central concern. This culture of denial and blaming the victim is reinforced by the absence of adequate anti-discrimination legislation. Polish anti-discrimination law is at present inadequate in the extreme. The Polish Constitution includes provisions to the effect that discrimination is unlawful in Poland.³²⁸ Poland is also party to a number of international agreements banning discrimination.³²⁹ At present, however, Polish law includes only fragmentary and anaemic domestic legal measures under these commitments.

³²⁵ *European Roma Rights Center* interview with Mr Gabriel Derkowski, June 20, 2001, Nowy Sącz.

³²⁶ *European Roma Rights Center* interview with Mr Leszek Zegzda, June 20, 2001, Nowy Sącz.

³²⁷ For an example of the government’s approach, see: Ministry of Internal Affairs and Administration, Department of Citizenship, “Roma in Poland: The Main Problems Affecting them and the Policy of the Authorities,” January 2000. This document states that “It cannot be claimed that there are antagonisms between Roma and Polish society,” p.3.

³²⁸ The Polish Constitution includes the following provisions relating directly or indirectly to discrimination: Article 37, Section 1, guarantees that “everyone under the jurisdiction of the Republic of Poland is entitled to benefit from the rights and liberties granted in the Constitution.” Article 32, Section 1, states: “All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.” Article 32, Section 2, states: “No one shall be discriminated against in political, social or economic life for any reason whatsoever.”

³²⁹ The International Covenant on Civil and Political Rights (ICCPR) states, at Article 14(1), “All persons shall be equal before the courts and tribunals” and, at Article 26, “All persons are equal

Standards on anti-discrimination law in Europe are currently set primarily by the European Council of the European Union Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”

before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Poland ratified the ICCPR on March 18, 1977.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) requires that states achieve, progressively, the full realisation of the rights recognised in the Covenant “without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Poland ratified the ICESCR on March 18, 1977.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states, at Article 2: “1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations; (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division. 2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.”

Furthermore, Article 3 of the ICERD states: “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”

Article 5 of the ICERD states: “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the

(hereinafter “the Directive”).³³⁰ The Council has set a deadline of July 19, 2003 for European Union member states to amend domestic laws to bring them into conformity with the Directive. The Directive is a component of the *acquis communautaire*

following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice; (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution; (c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; (d) Other civil rights, in particular: (i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one’s own, and to return to one’s country; (iii) The right to nationality; (iv) The right to marriage and choice of spouse; (v) The right to own property alone as well as in association with others; (vi) The right to inherit; (vii) The right to freedom of thought, conscience and religion; (viii) The right to freedom of opinion and expression; (ix) The right to freedom of peaceful assembly and association; (e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities; (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.”

Finally, Article 6 of the ICERD states: “States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”

Poland ratified the ICERD on December 5, 1968.

³³⁰ Available on the Internet at: http://europa.eu.int/eur-lex/en/lif/dat/2000/en_300L0043.html. The Directive’s provisions include, *inter alia*, requirements that domestic law include the following elements:

- Explicit prohibition of “discrimination based on racial or ethnic origin.” (EU Directive Art. 2(1));
- An explicit ban on both “direct” and “indirect” discrimination (EU Directive Art. 2). For the purposes of the EU Directive, “direct discrimination” is defined as having occurred “where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin” (EU Directive Art. 2(2)(a)), while “indirect discrimination” occurs “where an apparently *neutral* provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, *unless* that provision, criterion or practice is objectively justified by a legitimate

– the body of law governing the European Union – and the incorporation of the provisions of the Directive is therefore binding on Poland as part of the process of European

aim and the means of achieving that aim are appropriate and necessary” (EU Directive Art. 2(2)(b)).

- Prohibition of victimisation and harassment (EU Directive Arts. 9 and 2(3)).
- Inclusion of a ban on “instruction” or “incitement” to discriminate against persons based on the proscribed grounds (EU Directive Art. 2(4)).

In terms of the scope of discriminators, the law must apply to “both the public and private sectors, including public bodies” (EU Directive Art. 3(1)). As to the scope of application, or, in other words, laws should include, *but not necessarily limit itself to*, the following areas in which discriminatory practices are forbidden:

- conditions for access to employment (EU Directive Art. 3(1)(a));
- vocational guidance, training and retraining (EU Directive Art. 3(1)(b));
- employment and working conditions, including dismissals and pay (EU Directive Art. 3(1)(c));
- social security (EU Directive Art. 3(1)(e));
- healthcare (EU Directive Art. 3(1)(e));
- social advantages (EU Directive Art. 3(1)(f));
- education (EU Directive Art. 3(1)(g));
- access to and supply of goods and services available to the public (EU Directive Art. 3(1)(h));
- housing (EU Directive Art. 3(1)(h));

Domestic legislation should also authorise and recognise the state’s duty to engage in positive action through the adoption of “specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin” (EU Directive Art. 5), “[w]ith a view to ensuring full and effective equality in practice.”

The EU Directive also mandate judicial procedures that are both easily accessible and effective through, *inter alia*, the following:

- “Judicial and/or administrative procedures” for the enforcement of anti-discrimination obligations “*available to all*” (EU Directive Art. 7(1));
- The right of “associations, organisations or other legal entities” concerned with human rights to engage in legal actions and/or administrative procedures to enforce the rights granting protection against discrimination (EU Directive Art. 7(2));

In the area of burden of proof/evidence, domestic legislation should ensure that it is practically feasible for victims to prove the discrimination they have suffered:

- First, by shifting the burden of proof in civil cases in which complainants “establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination.” In such cases, as the EU Directive specifies, “it shall be for the respondent to prove that there has been no breach of the principle of equal treatment” (EU Directive Art. 8). This principle of the shift of burden of proof in prima

Union enlargement. Poland must bring the substance of the Directive into its domestic law by the date of its accession to the Union.³³¹

At present, Polish law falls so far short of the standards set by the European Union Directive that almost no discussion of Polish legal provisions in the area of anti-discrimination law is warranted here. Although a number of Constitutional provisions exist, it is unclear how a person suffering discrimination would make use of these in practice. *ERRC* knows of no instances in which Romani victims of discrimination have received due remedy. Polish penal law bans racially motivated violent acts (Article 119(1) of the Polish Penal Code), propagation of racial hatred (Article 256 of the Polish Penal Code), as well as several types of defamation and insult (Article 257 of the Polish Penal Code). However, anyone seeking redress for differential treatment based on race or ethnicity in Poland would be forced to make use of civil and admin-

facie cases of discrimination is all the more important in view of the fact that evidence of discrimination is generally in the hands of the discriminator;

- Second, by permitting complainants to establish or defend their case of discrimination “by any means, including on the basis of statistical evidence” (EU Directive preamble para. 15 and Art. 8(2)). As a practical matter, this provision is of particular importance insofar as statistical evidence may be the best or only way of proving indirect discrimination (that is, of showing that an apparently neutral provision puts members of a minority group at a particular disadvantage compared with others);

Domestic law must further impose effective, proportionate and dissuasive sanctions for violation of anti-discrimination norms which should include “the payment of compensation to the victim” (EU Directive Art. 15). The EU Directive additionally mandates States to “take all measures necessary to ensure that they are applied.” Finally, the Directive sets forth that states must create enforcement bodies, that is, that they “designate a body or bodies for the promotion of equal treatment,” capable of “providing independent assistance to victims of discrimination in pursuing their complaints,” “conducting independent surveys concerning discrimination, and “publishing independent reports and making recommendations” on matters of relevance to the enforcement of anti-discrimination law (EU Directive Art. 13). The Directive thus opens the way to the establishment of effective enforcement bodies empowered both legally and through the provision of adequate resources to effectively secure equal treatment and to prevent and/or remedy discrimination if/when it occurs; it should, however, be clear that this body offers supplementary assistance and in no way replaces or precludes the right of complainants to pursue remedies for violation in court

³³¹ See European Commission, Directorate General for Enlargement, “EU Support for Roma Communities in Central and Eastern Europe”, Enlargement Information Unit, May 2002, p.7.

istrative provisions only tangentially related to discrimination, such as civil law provisions related to personal honour.

Many of the provisions of the European Union Directive had, as of the date of publication of this report, not been incorporated into Polish domestic law.³³² As of July 12, 2002, Poland had similarly failed to sign or ratify Protocol 12 to the European Convention on Human Rights.³³³ Additionally, as of June 21, 2002, Poland had neither signed nor ratified the Revised European Social Charter. There were also no executive or administrative bodies specifically charged with addressing issues related to discrimination.³³⁴ Indeed, the Directive itself was almost entirely unknown, even

³³² In an overview of anti-discrimination law in Poland, attorneys Ms Agnieszka Suchecka Tarnacka and Ms Marta Banek of the law firm *Hogan and Hartson*, Warsaw, summarised the problem as follows: “We would like to point out that this issue has not been fully regulated.” (Memorandum to the *ERRC* from the Warsaw office of the U.S. law firm *Hogan and Hartson*, December 21, 2001).

³³³ Protocol 12 to the European Convention on Human Rights provides a comprehensive ban on discrimination in the exercise of any right set forth by law.

³³⁴ Moreover, the only administrative structures charged with addressing issues related to national and ethnic minorities do not constitute separate legal entities and existing bodies do not have the power to issue legally binding decisions. In a report on anti-discrimination law in Poland, commissioned under a joint project of *ERRC* and partner organisations *Interights* and *Migration Policy Group*, Mr Pawel Filipek writes: “Although obliged to ‘prevent violations of minority rights’, the Inter-ministerial Team for National Minorities, a collegiate body composed of high-rank representatives of various ministries, was not vested with adequate legal powers to authoritatively settle disputes. As a result this body has to rely more on its political influence. Accordingly, the National Minorities Division, being a part of the Ministry of Internal Affairs and Administration, cannot intervene in an administrative manner, either. The Division is entrusted with the task of considering ‘complaints concerning the activities of public administration in the sphere of national minorities’. ‘To consider’ can mean here only requesting explanations, presenting opinions, providing information, recommending other institutions to take appropriate action, but not issuing any legally binding decision. Hence, the effectiveness of both the Inter-ministerial Team’s and Ministerial Division’s activities rely more on the personal involvement of administrative officers in the matter and their willingness to exert pressure on other bodies. As a part of non-judicial measures, a complaint to the Ombudsman (*Rzecznik Praw Obywatelskich*), may prove to be effective a tool. Though the Ombudsman cannot issue a legally binding decision, the office can investigate the case and exert pressure on the bodies responsible for inappropriate conduct or it can take some legal measures.” (See Filipek, Pawel, *Report on the current state of anti-discrimination law in Poland*, Published by the *European Roma Rights Center*, *Interights* and *Migration Policy Group*, Brussels, 2001, pp.18-19).

among legal experts working in the human rights field, and discrimination issues were frequently confused – even by experts – with minority rights issues, to the detriment of the former. Additionally, there were no public indications that Polish officials intended to remedy the massive gap in anti-discrimination law provisions any time in the near future. There was near full ignorance in Poland on even the issue of what might justify the need for such laws.

In all places the *ERRC* visited in Poland in the period 1997-2001, Roma reported that they encounter hostility and unequal treatment on a daily basis from individuals or at various state and non-state institutions. Although most Polish authorities often categorically deny the existence of racial discrimination in Poland, the *ERRC* documented numerous reports of discrimination in both the public and private sectors. Roma experience discrimination in the form of (i) denial of equal access to welfare benefits, medical care facilities, employment, education and adequate housing; (ii) denial of access to services, such as credit at certain banks and retail outlets; and (iii) denial of entry to public places, such as restaurants and discos. According to some observers, Roma are the group facing the highest level of discrimination in Poland.

7.1. Violations of the Right to Adequate Housing

The majority of Roma in Poland live segregated from the rest of the population, inhabiting sub-standard housing, barracks or shanties, with insufficient sanitation, and often without potable drinking water, electricity or gas.³³⁵ When municipal flats are inhabited by Romani tenants, authorities almost invariably fail to meet their obligation to maintain or renovate the housing.³³⁶ In Laskowa Górna, Małopolska province, authorities even reportedly asked the *Association of Roma in Poland* to finance

³³⁵ Article 11(1) of the International Covenant on Economic, Social and Cultural Rights states: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

³³⁶ For a general overview of housing issues facing Roma in Poland, see Kwiatkowski, Roman, Leszek A. Gruszynski, Janusz Henryk Pawła, and Jan Pasternak, “Opis Położenia Społecznego Romów w Polsce”, Stowarzyszenie Romów w Polsce, 1999.

roof repairs of municipal housing in the settlement of Krościenko.³³⁷ The *ERRC* documented Roma living in overcrowded flats, often officially declared “unsuitable for human habitation.” Extremely poor housing conditions were documented in a number of localities in the Małopolska province, in Kraków and in Białystok. Facing several forms of systemic discrimination that act as barriers to the improvement of their living conditions, Roma suffer disproportionately from the following forms of treatment by authorities: (i) Rejection of requests for state or municipal housing; (ii) Failure of authorities to fulfil their obligation to maintain and renovate municipal housing; and (iii) Failure of authorities, landlords and utilities providers to supply basic infrastructure. In addition, the fact that many Roma lack legal title to the place where they live – despite in some cases years or generations of factual residence – makes them particularly vulnerable to eviction and the threat of eviction.

According to the Kraków-based Romani activist Mr Marian Gil, when Roma request suitable housing from the municipality, applications are almost always refused. He told the *ERRC*: “I was on the commission for flat distribution in Kraków for three years and in that whole time, only once were Roma given a flat by the housing commission. That was the case of a mother of seven. But otherwise, 80 percent of the Romani families on the waiting lists have not been given a flat in the last 10 years.”³³⁸ The *ERRC* obtained several testimonies from Roma who indicated widespread suspicion that municipalities favour non-Romani applicants. In Tarnów, 43-year-old Mr Z.S. who, at the time the *ERRC* visited lived in a run-down one-room flat with his wife and their three children, shared the following experience: “I have been waiting to move to a bigger apartment for several years, but I cannot get better accommodations than I have now. Three or four years ago, I went to the Mayor’s Office to ask about possibilities to move into another one, and was told, ‘What? You Gypsies know how to do it. You don’t need permission for that; you just go and take one, no?’ I told them that I wanted them to help me find a bigger apartment because I needed it for my family. They said, ‘Do we have to teach you how to do it? Don’t you know how to do it yourself?’ Then, finally, our case was taken up. First, a special commission in charge of apartments and their habitability came here and stated that this flat didn’t meet the standard requirements for a family like ours. Then they held a meeting at the mayor’s office, but it didn’t

³³⁷ Letter from the municipality’s Social Welfare Office, No. GOPS/2127/17/00 from July 31, 2000 signed by Antonina Jageta.

³³⁸ *European Roma Rights Center* interview with Mr Marian Gil, June 23, 2001, Kraków-Nowa Huta.

result in anything. Later, through informal contacts, I heard that a woman from the municipality had vetoed the decision when she heard my name. She is supposed to have said, ‘No. He should not get an apartment. He is a Gypsy and a criminal. He doesn’t deserve it.’”³³⁹

The *ERRC* also documented the difficulties of Ms Renata Mirga, a mute 23-year-old Romani woman who was born with a birth defect that caused a serious stroke in her early childhood, in securing adequate housing. According to Polish constitutional provisions,³⁴⁰ Ms Mirga should be placed in adequate living conditions. However, though her parents placed a request with the government during her childhood in order to place her on a waiting list, she has remained on the waiting list for such a flat for over 20 years and at the time of a visit by the *ERRC* on June 22, 2001, she was living in a ghetto in Nowy Sącz. During late 1999 and early 2000, while pregnant, she reportedly applied three times for a new flat with the Housing Commission in Nowy Sącz, but all of her requests were rejected. On June 11, 2000, she gave birth to a daughter, Fatima Szczerba, who was born with a serious heart condition and a kidney disorder.³⁴¹ On May 31, 2001, Ms Mirga again requested placement in a standard flat. In a response dated June 12, 2001, the Housing Commission rejected her application, responding that she had not provided any new evidence on her health condition and that the commission “did not find any arguments that would provide objective reasons for not submitting the evidence.”³⁴² The response from the Housing Commission continues, “the state of yours and your family’s health, as is evident from previous medical documentation submitted in past years, is not a new

³³⁹ *European Roma Rights Center* interview with 43-year-old Mr Z.S., June 7, 1997, Tarnów.

³⁴⁰ The Polish Constitution includes legal provisions addressing the needs of persons with disabilities. Article 68, Section 3 of the Polish Constitution states: “Public authorities shall ensure special health care to children, pregnant women, handicapped people and persons of advanced age.” Article 69 of the Polish Constitution states: “Public authorities shall provide, in accordance with statute, aid to disabled persons to ensure their subsistence, adaptation to work and social communication.”

³⁴¹ Medical certificate dated February 2, 2001, undersigned by Dr Wiesław Urbanowicz, the head doctor of the Urological Department of the Urological Clinic, the Children’s Department in Kraków.

³⁴² Letter no. WML.II-7142/1/94 dated June 12, 2001, on file at the *ERRC*.

phenomenon in your life [...]”³⁴³ The Housing Commission further stated in the June 12, 2001, response that fault for not submitting sufficient evidence this time around lies exclusively with the applicant. Thus, in a remarkable display of bureaucratic obstruction, the Housing Commission acknowledged that medical documentation had been submitted on prior occasions, but stated that Ms Mirga was ineligible for social housing because she had not resubmitted documentation already on file with the municipality. According to Ms Mirga’s father, Mr Janusz Szczerba, a 60-year-old Romani man: “The flats are given to Poles, not to Roma.”³⁴⁴

Similarly, in Limanowa, Małopolska province, Mr Jan Ciureja, a 30-year-old Romani man, was reportedly not provided with a flat because of protests by local non-Romani inhabitants. He told the *ERRC*: “There was a petition against me moving into a better place. I have 10 children. I wanted to move to a better and bigger flat and have applied for one. However, I have repeatedly received responses from the municipality that there is no flat for me, because there is a lack of flats.”³⁴⁵ The living standards in the Limanowa settlement in which Mr Ciureja was living were, at the time of the *ERRC* visit, deplorable. Approximately 80 Romani inhabitants were living in 15 wooden shacks with no insulation, mould on the walls and no water supply.³⁴⁶

Mr Tadeusz Gabor, a Romani activist from Laskowa Górna, told the *ERRC*: “Municipalities are under pressure from members of the local non-Romani population. For example, one Romani man from the settlement in Limanowa built himself a better house on the place where his old shack was already standing. Locals became very upset by this. He received several letters demanding that he demolish his new house.”³⁴⁷

Authorities frequently fail to provide basic infrastructure to Roma, whether they live on settlements or in municipal housing. According to the findings of a report by the non-governmental organisation *Stowarzyszenie Romów w Polsce* on the living condi-

³⁴³ Letter no. WML.II-7142/1/94 dated June 12, 2001, on file at the *ERRC*.

³⁴⁴ *European Roma Rights Center* interview with Mr Janusz Szczerba, June 22, 2001, Nowy Sącz.

³⁴⁵ *European Roma Rights Center* interview with Mr Jan Ciureja, July 1, 2001, Limanowa.

³⁴⁶ *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna; *European Roma Rights Center* interview with Mr Jan Ciureja, June 21, 2001, Laskowa Górna.

³⁴⁷ *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna.

tions of the Roma throughout Poland, 29.7 percent of Romani households have no access to gas, 23 percent of Romani households have no running water, 16.2 percent of Romani households rely upon an outdoor toilet, 15.9 percent have insufficient sanitary conditions, 14 percent have no heating, 11.9 percent have insufficient amounts of running water and 11 percent have no sanitary method of raw sewage removal.³⁴⁸ In several areas, particularly the south, central, and northeastern parts of Poland, over 70 percent of Romani households reportedly lack access to one or more of the following: electricity, potable water, adequate toilet facilities and raw sewage waste removal and/or adequate heating.³⁴⁹



Extremely poor living conditions were observed by the *ERRC* during its visits

Dead rat in the Łęgi-Gorków Romani settlement, Małopolska province.

PHOTO *ERRC*/EVA SOBOTKA

³⁴⁸ Kwiatkowski, Roman *et al.*, “Opis Położenia Społecznego Romów w Polsce”, p.33.

³⁴⁹ See Ministry of Internal Affairs and Administration, Department of Inhabitants, Section for National Minorities, *Notatka informacyjna z wizyty studyjnej w Województwie Małopolskim, która odbyła się w dniach 5-7 June 2000*, p.1. The worst housing conditions observed by the researchers were found in Nowy Sącz, Korszary, Maszkowice, Jaworki, Krośnica, Ostrowsko and Czarna Góra-Kamieniec.

to the Romani settlements Łęgi-Gorzków, Krościenko and Ostrowsko, Małopolska province, in 1997. During further field research in 2001, the *ERRC* found that nothing had significantly improved since the first *ERRC* visit. In July 2001, virtually all settlements still had only one water pipe in the middle of the settlement, thick mud on the ground, and a repellant rotting smell in the air. Roma in these settlements lived in small wooden shacks with poor insulation. The *ERRC* was told that, in winter, water running down interior walls would freeze. Rats and cockroaches, residents told the *ERRC*, were an everyday sight for the inhabitants. During an *ERRC* visit to the Łęgi-Gorzków settlement, a local Romani elder, Mr Jakub Mirga, had to kill a rat before *ERRC* researchers could enter one of the wooden shacks used by Roma as housing.

In some of the huts in the Łęgi-Gorzków settlement it is not even possible to stand upright. The *ERRC* visited three houses that had perhaps two residents each and that were only approximately two square metres in surface area and were only 1.5 metres tall. In the poorest shacks of the Roma living in the Małopolska Province, there is typically just one bed, a chair on a dirt floor and a light-bulb hanging from the ceiling.

A Romani settlement of approximately 120 people is situated between two administrative districts, halfway between the villages Maszkowice and Łęgi-Gorzków, in the extreme south of Poland. The *ERRC* visited Roma in the settlement on June 9, 1997, and again on June 20, 2001. During both visits, their living accommodations consisted of huts that they themselves had constructed and old vans, which are now immobile. There was one water-tap in the village, reportedly installed in the fall of 1996 by the Maszkowice Mayor's Office "only after many years of begging", as one of the Romani inhabitants put it.³⁵⁰ The Mayor's Office had also recently provided the settlement with three chemical toilets, which were placed in a row at the entrance of the neighbourhood. These comprised the toilet facilities for the whole of the settlement, and they were shared by all the inhabitants. "We are happy that we got them," local Roma told the *ERRC*, "but we cannot pay for the toilet-emptying service." Such services cost 45 Polish złoty (approximately 15 euros) per month.³⁵¹

According to Mr Adam Bartosz, director of the Roma Museum and secretary of the *Roma Cultural Centre* in Tarnów, the precarious situation of these Roma was

³⁵⁰ *European Roma Rights Center* interview with K.A., Maszkowice, June 9, 1997.

³⁵¹ *European Roma Rights Center* interviews with Maszkowice Roma, June 9, 1997.

entirely ignored by the local authorities for years, because of each municipality's unwillingness to claim the Romani settlement under its jurisdiction. He told the *ERRC*:

Both villages claimed that the Roma were not under their administrative responsibility. Neither water nor electricity was available in the settlement. Then, finally, a decision was made that the Maszkowice authorities would have to look after their needs.³⁵²

Marginalised Roma living in deplorable conditions can also be found throughout the mountainous region of southern Poland. The *ERRC* is aware of several other Romani communities in this region with problems similar to those faced by the Roma in Maszkowice and Nowy Sącz. These include Łososina Górna, Krościenko, Czarny Dunajec, Czarna Góra, Szczawnica and Szaflary, each of which is home to between 100 and 200 Roma. Mr Sławomir Łodziński of the *Helsinki Foundation for Human Rights* described the region as a “veritable socio-economic ghetto for Roma.”³⁵³

Even where Roma have secured municipal housing, or other legal housing, conditions are still frequently inadequate. Housing arrangements are often noticeably lacking in infrastructure and are usually badly in need of repair. In its visits in 1997 and 2001, the *ERRC* observed particularly appalling living conditions in two Romani ghettos on Zawiszy Czarnego and Gwardzistów streets in the town of Nowy Sącz, in the Małopolska Province.

For example, the *ERRC* visited Ms Agnieszka Mirga, a resident of the Romani ghetto on Gwardzistów Street in Nowy Sącz. Her municipally owned flat, which housed 19 people, was approximately 30 square meters. As she described her living situation to the *ERRC*: “We have been living here for over 15 years. You can see: I have two rooms, and I cook in front of the house. There is no water supply and there is no gas supply. The only heating we can get is from a small wood-burning stove. There is electricity but, because the walls are so wet, it is dangerous to have it on for a long time. I don't have a TV. I have just this sofa and several blankets. There is no carpet or anything. There is mould on the walls – you can see that. But it makes no sense to paint the walls because it comes back again. For this ‘palace’ I pay about 100 Polish złoty

³⁵² *European Roma Rights Center* interview with Mr Adam Bartosz, June 7, 1997, Tarnów.

³⁵³ *European Roma Rights Center* interview with Mr Sławomir Łodziński, June 4, 1997, Warsaw.



Romani children from a
Romani settlement in
Maszkowice.

PHOTO: *ERRC*/EVA SOBOTKA



A house for non-payers of rent
in Kraków, Nowa Huta,
Zastaw area.

PHOTO: *ERRC*/EVA SOBOTKA



Roma in the Maszkowice settlement, Małopolska province, June 21, 2001.

PHOTO: *ERRC*/EVA SOBOTKA



(approximately 30 euros) per month and they are constantly threatening me that, if I don't pay, they will throw me out. The municipality has not repaired anything here, except the roof last year, since I moved in 15 years ago."³⁵⁴

Other Roma from Gwardzistów Street in Nowy Sącz told the *ERRC* that they had come to the area around 35 years ago and that, until 1995, authorities had not provided them with any utilities or infrastructure – for example, gas, running water, roads or sewage removal. Ms L.M., a 40-year-old woman from Nowy Sącz told the *ERRC*: “There was nothing here when we came. It was just a piece of land with bushes and some trees. We built everything you see here ourselves.”³⁵⁵ Residents told the *ERRC* in 1997, and again in 2001, that running water, in the form of a single tap, was installed in the yard of the houses only in the summer of 1995, after numerous requests on their part. This public tap services all the residents of these houses – approximately 100 people. In 1997, one woman from the neighbourhood told the *ERRC* that the water pipe was installed only after the Roma were able to prove with medical certificates that several children in the neighbourhood had contracted hepatitis after having drank polluted water from an impromptu well:

I had been to the mayor several times already to tell him we needed proper water here and, each time, the mayor responded that he would see what he could do. But nothing ever happened. It was not until I went to the mayor with the medical certificates of the local children that he finally took action. So now we have this one tap at least.³⁵⁶

The *ERRC* visited the site again in 2001 and found one private water pipe that 65-year-old Mr Adam Ciureja had installed in his municipally owned flat so that his wife, who is ill and cannot walk without assistance, would have direct access to drinking water. According to Mr Ciureja, who at the time of the *ERRC*'s 2001 visit, was living in the Romani ghetto on Gwardzistów Street in Nowy Sącz, the fees he pays to the municipality for housing are unreasonably high, given the poor quality of the conditions prevailing in his flat. “I pay 100 złoty (approximately 30 euros) per month for the flat,

³⁵⁴ *European Roma Rights Center* interview with Ms Agnieszka Mirga, June 22, 2001, Nowy Sącz.

³⁵⁵ *European Roma Rights Center* interview with Ms L.M., June 9, 1997, Nowy Sącz.

³⁵⁶ *European Roma Rights Center* interview with Ms L.M., June 9, 1997, Nowy Sącz.

and there is no water,” he said. “The municipality refused to install water in the houses. I installed water in our house myself because my wife is ill. She can’t walk. Despite her condition, the town said that we had to do it at our own expense.”³⁵⁷ None of the other flats have had water pipes installed.³⁵⁸

Approximately 250 Roma lived in the Zawiszy Czarnego Street ghetto in Nowy Sącz at the time of an *ERRC* visit in June 2001. There were no toilets in the communal housing; three chemical out-house units stood outside. Local Romani leader Mr Jakub Mirga told the *ERRC* that there were serious problems with rats and insects in the ghetto. Until 2000, the municipal housing reportedly had not been repaired since World War II. In 2000, local Romani leaders persuaded the local authorities in Nowy Sącz to repair the roofs of the two low-level municipally owned barracks in which most of the Roma on Zielona Street live, and some other improvements were also made.³⁵⁹ Still, at the time of the *ERRC* visit in 2001, no other part of town visibly lacked infrastructure to the extent that the Romani neighbourhoods did. According to Romani residents in Limanowa, in a block of municipal flats that are near the Romani settlement and are inhabited predominantly by Romani families, was a building that was around 35 years old and had not been repaired since it was first constructed.³⁶⁰

In a Romani ghetto in Zastaw, Kraków-Nowa Huta, the *ERRC* spoke with 40-year-old Ms Michalina Gil, mother of four children aged 15, 12, 11, and 9. At the time of an *ERRC* visit in July 2001, thirteen people, of whom ten were children, were living in a 30-square-metre flat. At that time, Ms Gil paid 364 zloty (approximately 100 euros) per month for these accommodations.³⁶¹ The *ERRC* further spoke with Ms Helena Mirga, also housed in the Zastaw ghetto in Nowa Huta. She occupied a 25-square-metre space, with one of her eight sons and his two children in a flat shared by

³⁵⁷ *European Roma Rights Center* interview with Mr Adam Ciureja, June 22, 2001, Nowy Sącz.

³⁵⁸ *European Roma Rights Center* interview with Mr Adam Ciureja, June 22, 2001, Nowy Sącz.

³⁵⁹ *European Roma Rights Center* interview with Mr Gabriel Derkowski, June 20, 2001, Nowy Sącz.

³⁶⁰ *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna; *European Roma Rights Center* interview with Mr Jan Ciureja, June 21, 2001, Laskowa Górna.

³⁶¹ *European Roma Rights Center* interview with Ms Michalina Gil, June 23, 2001, Kraków-Nowa Huta, Zastaw.



Slum dwellings in Zawiszy Czarnego Street ghetto in Nowy Sącz, inhabited predominantly by Roma.

PHOTO: TADEUSZ GABOR



eight other people.³⁶² According to many Roma living in the complex, no repairs have been made to the building since the 1960s. Ms Gil and Ms Mirga told the *ERRC* that the bad living conditions worsen the health of the children living there.³⁶³ Overcrowded, mouldy flats had caused chronic respiratory diseases and significantly shorten average life expectancy.³⁶⁴

Another dimension of the difficulties Roma face in realising the right to adequate housing concerns evictions and threatened evictions. Evictions of Roma are sometimes motivated by racist pressure from non-Romani neighbours in the municipality. Authorities often justify the evictions by saying that Roma are not registered residents. This trend of actual and threatened evictions appears to affect Roma both in settlements and in municipal housing.

One attempted eviction took place in Limanowa, Małopolska province, on November 9, 1999. Delegates of the non-Romani inhabitants of a block of flats presented demands to the municipality to evict Roma from the area. They reportedly stated that, if town officials failed to react, they would take the law into their own hands.³⁶⁵ In another case, the municipality of Katowice, Silesia province, reportedly wrongfully ended the housing contract of Mr Mieczysław Balasz, a Romani man. Mr Balasz had been living with his wife and three children in an apartment rented from the municipality. While Mr Balasz was serving a jail sentence, his wife and children were staying with their relatives and, though the family was reportedly paying the rent, the municipality reportedly ended the contract and rented the flat to another tenant.³⁶⁶

³⁶² *European Roma Rights Center* interview with Ms Helena Mirga, June 23, 2001, Kraków-Nowa Huta, Zastaw.

³⁶³ *European Roma Rights Center* interview with Ms Helena Mirga, June 23, 2001, Kraków-Nowa Huta, Zastaw; *European Roma Rights Center* interview with Ms Michalina Gil, June 23, 2001, Kraków-Nowa Huta, Zastaw.

³⁶⁴ *European Roma Rights Center* interview with Mr Marian Gil, Ms Aneta Mirga, June 29, 2001, Kraków-Nowa Huta.

³⁶⁵ For more details on the case, see: http://www.errc.org/rr_nr2_2000/snap19.shtml.

³⁶⁶ *European Roma Rights Center* interview with Mr Tadeusz Gabor, February 27, 2002, Nowy Sącz.

The living conditions of Roma in Poland are a reflection of their exclusion from Polish society. According to Mr Stanisław Opocki, a priest from Łososina Górna, Małopolska province, whose education project with Romani children has meant regular visits in the Romani ghettos in Poland, “The only white people that come to these ghettos are the postman, the police, a social worker, and teachers,”³⁶⁷ – and, as *ERRC* research established, skinheads.

7.2. Discrimination in the Provision of Medical Care

Despite explicit constitutional provisions protecting the right of access to health care for all Polish citizens, Roma in Poland have frequently been denied access to medical care on racist grounds.³⁶⁸ The *ERRC* has documented numerous instances in which Roma in critical condition were reportedly left to wait in hospital or clinic waiting rooms, while non-Roma reporting for regular check-ups were taken first. Roma in segregated settlements frequently have no access to medical care because state hospitals will not provide health services to them.³⁶⁹ Meanwhile, many Roma living in settlements have serious illnesses that constitute a public health threat. Their extremely poor living conditions exacerbate their poor health. According to some sources, the average life expectancy of Roma is only 55 years.³⁷⁰

³⁶⁷ Paleczny, p.26.

³⁶⁸ Article 68 of the Polish Constitution states: “Everyone shall have the right to have his health protected. Equal access to health care services, financed from public funds, shall be ensured by public authorities to citizens, irrespective of their material situation.”

³⁶⁹ In general, the public hospital to which Polish citizens are directed depends on the zone in which their residence is registered. Because the municipalities sometimes fail to recognise the Romani residents of settlements in their area as falling under their jurisdiction, many Roma living in settlements do not know which public hospital they are supposed to visit. Although a patient needing urgent medical attention is supposed to be treated no matter which hospital he or she goes to, this aspect of the Polish medical care system provides a convenient excuse for doctors to justify the denial of treatment to Romani patients on racist grounds.

³⁷⁰ Stefan Batory Foundation, Roma Program – project proposal, Warsaw, 2000, [unpublished], p.1; see also Beesley, Jenny, *Wyjazd do Polski: Projekt Romski*, cited in Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.13.

On May 4, 2001, a 53-year-old Romani woman, Ms Helena Becherowska, was reportedly denied treatment on racist grounds.³⁷¹ At around 11:00 AM, Mr Paweł Becherowski, the son of Ms Becherowska, brought his mother to “Zespolony” regional hospital in Nowy Sącz, after she began suffering severe chest pains. Ms Becherowska has a heart condition, which requires that she regularly take nitro-glycerine for treatment. Mr Becherowski told the physician on duty, Dr Mariusz Hycnar, that his mother was feeling very bad. The doctor reportedly replied that he had another three patients to treat and that Ms Becherowska would have to wait.³⁷² According to Mr Becherowski, the other patients were not emergency cases, like his mother’s: “They were just there for regular check-ups.”³⁷³ The door to the doctor’s office remained closed for another 20 minutes (presumably while he treated another patient) and then he treated the three patients in the waiting room. Finally, Ms Becherowska was the only patient in the waiting room. According to Mr Becherowski, “We waited for over an hour and new patients came into the waiting room. The nurse opened the door and called the patients who had just arrived, again ignoring my mother.”³⁷⁴ Ms Becherowska began to feel worse and worse and repeatedly had to take nitro-glycerine, a medicine prescribed to her for use in such emergency situations. According to Mr Becherowski,

³⁷¹ *European Roma Rights Center* interview with Mr Paweł Becherowski, June 20, 2001, Nowy Sącz; see also “Cygan poczeka”, *Gazeta Krakowska*, May 5-6, 2001, p.IV. The Medical Code of Ethics, which regulates health care professionals in Poland, includes an oath which pledges, “to counteract suffering and prevent diseases in accordance with my best knowledge and to help all patients irrespective of their race, religion, nationality, political opinion, financial status or other differences, having sole regard for their good and treating them with due respect.” In addition, the Code of Ethics includes two provisions stating that: “In exceptional justified situations the physician may refuse to treat or discontinue treatment of a patient except in the case of emergency. In such situations the physician is obliged to inform the patient of alternative possibilities of receiving medical care;” (Article 7) and “The physician may not refuse to render medical assistance in cases of emergency if the patient is unable to obtain such assistance from the proper institution.” (Article 69) The doctor on duty violated all three of these provisions. See: *Medical Code Of Ethics*, Unified wording containing the amendments passed at the III National Convention of Physicians; Warsaw, December 12-14, 1993, available at: <http://www.nil.org.pl/prawo/bbab.htm>.

³⁷² *European Roma Rights Center* interview with Mr Paweł Becherowski, June 20, 2001, Nowy Sącz.

³⁷³ *European Roma Rights Center* interview with Mr Paweł Becherowski, June 20, 2001, Nowy Sącz.

³⁷⁴ *European Roma Rights Center* interview with Mr Paweł Becherowski, June 20, 2001, Nowy Sącz.

“When the doctor came out of the office I asked him why he was not treating my mother. The doctor answered that he would not talk to us. When I wanted to follow him to his office he shouted at me: ‘persons of Romani nationality will not be accepted for treatment in this office!’ He slammed the door very hard on my fingers, which was very painful.” Mr Becherowski told the *ERRC* that two other patients in the waiting room witnessed this incident. Mr Becherowski went home and called an emergency unit, which came and treated his mother promptly. On June 11, 2001, Mr Becherowski filed a complaint at the Regional Prosecutor’s office. In a response from the Independent Public Health Care Institution, Mr Becherowski was informed that the doctor who had denied him assistance had been given disciplinary punishment in the form of a warning. The letter also stated that the hospital to which they had brought Ms Becherowska has 220,000 people to take care of and that, instead of that hospital, he should have gone to another one, located at Kazimierza 9A.³⁷⁵

In a similar case, on July 1, 2001, several Romani men injured in a skinhead attack in Zabrze went to the local hospital to be treated.³⁷⁶ The local hospital, however, reportedly refused to provide care. Mr Jan Mirga told the *ERRC*: “When we went today [July 1] with my cousin Rafał Mirga to the local hospital to get new bandages [for an injured hand and arm], they told us that they could not do it. We then asked for an X-ray, which they also refused to do.”³⁷⁷

According to several sources, Roma living in ghettos and settlements have the most difficult time accessing health care, particularly those in Małopolska province.³⁷⁸ According to Mr Jan Ciureja, the general state of health for Roma living on settlements is deteriorated to a degree in which many have become a public health threat. According to an official Polish government document, Roma in the Małopolska province suffer

³⁷⁵ Letter to Mr Paweł Becherowski from the Independent Public Health Care Institution, dated Nowy Sącz 2001-06-05 D.O.I. 0550/9/2001, signed Dyrektor Samodzielnego Publicznego Zoz Lek. Med. Zofia Kubisz-Pajor.

³⁷⁶ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze; *European Roma Rights Center* interview with Mr Rafał Mirga, July 1, 2001, Zabrze; *European Roma Rights Center* interview with Mr Piotr Ondycz, July 1, 2001, Zabrze.

³⁷⁷ *European Roma Rights Center* interview with Mr Jan Mirga, July 1, 2001, Zabrze.

³⁷⁸ *European Roma Rights Center* interview with Dr Janusz Niemieć, July 1, 2001, Łęgi-Gorzków.

from viral hepatitis B, asthma, pneumonia, bronchitis, tuberculosis, anaemia, mental handicaps and hyperthyroidism.³⁷⁹ According to the director of the school in the Małopolska province attended by Romani children from the Łęgi-Gorzaków settlement, their health is very poor: “The children have various illnesses –some of them spit blood.”³⁸⁰

To address the serious health problems of Roma of the Łęgi-Gorzaków settlement, in 2001, the local authorities in the nearby village of Lacko, the Social Security Office and a local branch of the *Association of Roma in Poland* organised a collective weekend check-up, called “White Sunday”, which took place on July 1, 2001. The *ERRC* was present during the visit by medical authorities. While on site at the Romani settlement Łęgi-Gorzaków, local government officials refused to talk to the *ERRC* and, according to Mr Ciureja, several local officials present during the “White Sunday” event left when they learned that the *ERRC* was coming to the settlement.³⁸¹ According to Dr Janusz Niemiec, a doctor involved in the 2001 Łęgi-Gorzaków “White Sunday” event, ailments in the settlement included infected upper respiratory systems, bronchitis and asthma. Some of the Roma examined also suffer from heart disease and several cases of tuberculosis were suspected.³⁸² According to a letter to local Romani activist Mr Tadeusz Gabor from the local government, other ailments afflicting local Roma included depression, especially among adults, and vitamin deficiencies. The letter further stated that bronchitis of the upper respiratory system was especially common among children. It also noted, “The doctors concluded that the types of illnesses were connected directly to the social and housing conditions in which Roma live.”³⁸³

Mr Ciureja told the *ERRC* that he was concerned that the one-off “White Sunday” event was no real substitute for regular medical care.³⁸⁴ Dr Niemiec told the *ERRC* that

³⁷⁹ See Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.13.

³⁸⁰ *European Roma Rights Center* interview with 40-year-old T.M., July 1, 2001, Łęgi-Gorzaków.

³⁸¹ *European Roma Rights Center* interview with Mr Jan Ciureja, July 1, 2001, Łęgi-Gorzaków; *European Roma Rights Center* interview with Mr Jakub Mirga, July 1, 2001, Łęgi-Gorzaków.

³⁸² *European Roma Rights Center* interview with Dr Janusz Niemiec, July 1, 2001, Łęgi-Gorzaków.

³⁸³ Letter to Mr Tadeusz Gabor from the Director of the Section of Hygiene and Public Health in the Mayor’s Office of Nowy Sącz, July 9, 2001.

³⁸⁴ *European Roma Rights Center* interview with Mr Jan Ciureja, July 1, 2001, Łęgi-Gorzaków.

the Roma would have to find their own practitioners and that this would be difficult because many doctors in the area refuse to treat Roma.³⁸⁵

7.3. Discrimination in Access to Employment

Nearly all Roma the *ERRC* met in Poland were unemployed. According to Romani leaders, Roma are victims of the post-1989 political changes. Roma were among the first groups in Poland that experienced unemployment on a mass scale.³⁸⁶

Romani entrepreneur Mr Mieczysław Szczerba told the *ERRC* that it is difficult for Roma to find work in Poland because few employers are willing to hire Roma. The unwillingness to employ Roma or enter into contracts with Romani-owned businesses was also confirmed by local municipalities. In June 2001, for example, Mr Leszek Zegzda, deputy mayor of Nowy Sącz, told the *ERRC*: “[...] Of course the employers will always choose a Pole over a Gypsy. What do you expect? Nothing is working well with the Gypsies.”³⁸⁷

According to Mr Szczerba, municipal authorities in Nowy Sącz are unwilling to employ Roma: “On the one hand they complain that Roma do not work. On the other hand, when there is a possibility of local work for the municipality, nothing is offered to a Romani business.”³⁸⁸ Mr Szczerba told the *ERRC* that he came up with a plan to combat unemployment among Roma in Nowy Sącz. His business offering “services for the chemical cleaning of tools and heaters and the installation of heaters” was repeatedly turned down in tenders announced by the municipality of Nowy Sącz. Mr Szczerba told the *ERRC* in July 2001 that a contract he bid for in July 2000 was still pending: “A year ago I spoke to

³⁸⁵ *European Roma Rights Center* interview with Dr Janusz Niemiec, July 1, 2001, Łęgi-Gorzków.

³⁸⁶ A Polish Ministry of Internal Affairs and Administration document states: “The Roma community, and the Bergitka Roma in particular, is the group that suffered most during the period of systemic transformations. [...] it has been affected by all negative effects of transformations in Poland (unemployment, social problems, lower level of security).” See Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.7.

³⁸⁷ *European Roma Rights Center* interview with Mr Leszek Zegzda, June 20, 2001, Nowy Sącz.

³⁸⁸ *European Roma Rights Center* interview with Mr Mieczysław Szczerba, June 22, 2001, Nowy Sącz.

the mayor, Mr Kazinski, about the offer. I said to him that I would employ several Roma on this job. He said that he would provide me with an answer soon, but he never did.”³⁸⁹

Mr Szczerba also told the *ERRC* about a case he had learned of in the Maszkowice area in May 2000:

I learned from a friend that when the mayor of Maszkowice was approached with an offer from an employer to employ Roma to clean the town, the mayor replied, ‘I cannot help Gypsies [. . .] What would Poles say to me?’ In September 2000, the same employer reportedly received a contract with the company MPG to hire 10 people to clean the streets in Nowy Sącz. I found several Roma who wanted to be immediately employed. In October 2000, when he presented the plan to the owner of MPG, Mr Szkrzypec, he said that he would not hire Gypsies.³⁹⁰

There are widespread allegations that, when seeking employment, Roma are frequently subjected to discriminatory treatment. “I know a lot of Roma who would like to work but they cannot find anything,” explained a 43-year-old Romani man named Z.S.: “Even when they are qualified for the job, when they go for the interview and it is apparent that the applicant is Romani, they don’t get the job.”³⁹¹

Ms Agnieszka Mikulska of the *Helsinki Foundation for Human Rights* told the *ERRC* that the worst unemployment among Roma in Poland is in the Małopolska Province. According to her, the unemployment rate reaches close to 100 percent among Roma.³⁹² According to a study conducted in July 2000, in central Poland, near Kielce, 93.9 percent of the Roma stated that, if offered any kind of work, they would start working immediately, and 92.4 percent of Roma stated that they would like to undergo retraining in the hopes of gaining employment.³⁹³ Interviews that the *ERRC* conducted

³⁸⁹ *European Roma Rights Center* interview with Mr Mieczysław Szczerba, June 22, 2001, Nowy Sącz.

³⁹⁰ *European Roma Rights Center* interview with Mr Mieczysław Szczerba, June 22, 2001, Nowy Sącz.

³⁹¹ *European Roma Rights Center* interview with 43-year-old Mr Z.S., June 7, 1997, Tarnów.

³⁹² *European Roma Rights Center* interview with Ms Agnieszka Mikulska, June 21, 2001, Warsaw.

³⁹³ Zakrzewski *et. al.*, p.17.

with Romani individuals in 1997 and 2001 confirm that not only in central Poland, but nearly everywhere else in the country, Roma would take any work available. Mr D.W., a Romani man from Maszkowice with whom the *ERRC* spoke in 1997, described the situation of Roma in the Polish labour market as follows: “During communism we had work, but now there is no work for us. Today, work is like a rare medicine. You just cannot find it. I would do anything, even clean the streets, to be able to give my children a better life, but there is no work for us.”³⁹⁴ *ERRC* research in 2001 revealed again that Roma in Maszkowice would take any work offered to them. According to the leader of the Romani settlement, Mr Jakub Mirga, no one from the Maszkowice settlement has been employed for the past 11 years, other than in seasonal or other temporary work: “Most of the women in the settlement go around to the non-Romani homes in surrounding villages and beg. Sometimes they take their children with them, to show their empty mouths to feed.”³⁹⁵

Labour offices have also reportedly engaged in discriminatory treatment against any Roma who turn to them to look for work opportunities. Mr Jacek Milewski, the Polish director of a school for Romani children in Suwałki, told the *ERRC*: “About a year ago, I accompanied a Romani man to the labour office here in town. The woman behind the desk looked up at us and said with a voice full of disgust and disrespect, ‘Hey, Gypsies, what do you want?’ I got angry and wrote a letter to the director of the labour office. Soon thereafter, I received a reply stating that the woman had been disciplined and a promise that nothing similar would ever happen again. I’m sure it has happened again, though. The Romani man with whom I went to the labour office wasn’t surprised by the woman’s behaviour at all. He told me Roma are always treated like that when interacting with authorities.”³⁹⁶

The *ERRC* spoke with 27-year-old Ms Iwona Goindowska-Mirga who was turned down by an employer, allegedly because of her Romani origins. Trained as a technician/economist, she was told of an opening by an official at a labour office where she was registered in Kraków-Nowa Huta in 1997. On September 3, 1997,

³⁹⁴ *European Roma Rights Center* interview with Mr D.W., June 9, 1997, Maszkowice.

³⁹⁵ *European Roma Rights Center* interview with Mr Jakub Mirga, June 21, 2001, Maszkowice.

³⁹⁶ *European Roma Rights Center* interview with Mr Jacek Milewski, June 12, 1997, Suwałki.

she went for the job interview with the firm *Marela*, which specialises in the distribution of wine. When she came for a job interview, the secretary reportedly looked at her and immediately turned her down. Ms Goidowska-Mirga told the *ERRC*: “When I came for the job interview, the secretary first asked me if I was a foreigner. I said that I was not a foreigner, but a Polish citizen. The secretary said that I did not look Polish. I replied that I was Romani. The secretary made a long face and said that they did not employ Gypsies.”³⁹⁷ In a letter addressed to the labour office, provided to Ms Goidowska-Mirga by the firm and written while Ms Goidowska-Mirga was still at the *Marela* office, the secretary’s justification for stopping the interview was that the firm did not employ foreigners. Ms Goidowska-Mirga told her that she would like her to write the real reason: “And then she crossed out the word ‘foreigners’ and wrote ‘Gypsies’.”³⁹⁸

While the national government of Poland also describes unemployment as a serious problem among Roma, official acknowledgement of racial discrimination against Roma in the area of employment is infrequent and, in practice, not effective in combating this widespread phenomenon. Unemployment is generally attributed to the low level of education among Roma, to their lack of job qualifications or to “their cultural specificity.” For instance, in one recent official document, it is stated that, “Because of the low level of education of its [the Romani community’s] members, and its cultural specificity, it has been affected by all negative effects of transformations in Poland”, including unemployment.³⁹⁹ The document further states, “Unemployment among Roma is directly related to their low level of education, the lack of professional qualifications and their insufficient knowledge of the Polish language. Other factors impinging on the high unemployment in the Roma community include: the high unemployment rate in Poland, the restructuring of industry and the collapse of state-owned enterprises where Roma have so far been employed, the disappearance of traditional Roma occupations such as smithing, horse trade, coppersmithing, etc. [...] It should be emphasised that the high unemployment also ‘results from the

³⁹⁷ *European Roma Rights Center* interview with Ms Iwona Goidowska-Mirga, June 22, 2001, Kraków-Nowa Huta.

³⁹⁸ *European Roma Rights Center* interview with Ms Iwona Goidowska-Mirga, June 22, 2001, Kraków-Nowa Huta.

³⁹⁹ Ministry of Internal Affairs and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, p.7.

<p>Odpowiedź na skierowanie</p> <p>Ob. 11-752 Kraków, ul. Mągoszowa 14 codziennie 44-36-99</p> <p>ob. Hirsy został zakreślony odpowiedź</p> <p>(Rej)</p> <p>nie został zatrudniony z powodu</p> <p>zgłoszenie nasze z dn. jest - nie jest nadal aktualne</p> <p>Data _____ Podpis _____</p>	<p>SKIEROWANIE</p> <p>skieruje się ob. 11-752 Kraków, ul. Mągoszowa 14</p> <p>ob. Hirsy</p> <p>na wolne miejsce (praca stała)</p> <p>zatrudniony</p> <p>zgłoszone dn. _____</p> <p>Data _____ Podpis _____</p>
<p>POUCZENIE DLA ZAKŁADU</p> <p>Po przyjęciu kandydata niezwłocznie wypełnić odcinek "B" i odesłać do Rejonowego Urzędu Pracy, który wydał skierowanie, zaś odcinek "A" zachować w aktach zakładu. Jeśli kandydat nie został przyjęty należy na odcinku "B" podać przyczynę nie przyjęcia i odesłać zwrócić sobie skierowanie) celem doręczenia do Rejonowego Urzędu Pracy.</p> <p>nieobecne przed pracodawcą zwrócić do p.u. 11</p>	<p>POUCZENIE DLA SKIEROWANEGO</p> <p>Z otrzymanym skierowaniem należy zgłosić się do zakładu w dniu otrzymania skierowania, gdyż w dniu następnym miejsce może być zajęte. W przypadku nie przyjęcia należy:</p> <ol style="list-style-type: none"> 1. zadać, aby zakład wypełnił odc. (B) 2. zwrócić skierowanie do dnia 15.10.97 w Rejonowym Urzędzie Pracy. <p>Niezwroczenie w w/w terminie wypełnionego przez pracodawcę skierowania może być podstawą do przybrania statusu osoby bezrobotnej</p> <p>przyjmuje do wiadomości</p>
<p>Nadawca: Rejonowy Urząd Pracy 11 w Krakowie, ul. Mągoszowa 14</p>	<p>Nadawca: o.o. Kraków, ul. Mągoszowa 14</p> <p>15.09.97</p> <p>15.09.97</p> <p>Janusz Apolki o.o. Kraków nie zatrudnia obywateli z zagranicy</p>
<p>Adresat:</p> <p>11-752 Kraków, ul. Mągoszowa 14</p> <p>15.09.97</p> <p>VAT 677-061-20-77</p> <p>08.09.97</p>	<p>Adresat:</p> <p>11-752 Kraków, ul. Mągoszowa 14</p>

A letter from a business firm called *Marela* to a state employment office in Kraków, stating “We don’t employ Gypsies.” The black highlighting mark was added by *ERRC*.

passive approach taken by Roma themselves; for example, they are reluctant to, or do not, enrol in retraining courses designed by district labour offices.”⁴⁰⁰ The programme defines several tasks by which it will combat unemployment but, anti-racist measures to reduce discrimination against Roma among potential employers is one that is noticeably lacking.

7.4. Discrimination in the Provision of Social Welfare Support

Roma in various parts of Poland told the *ERRC* that they are also treated with hostility when interacting with local administrative authorities on issues of social welfare, such as social assistance for the unemployed.⁴⁰¹ In Maszkowice, Małopolska province, for instance, a middle-aged Romani man named A.K. told the *ERRC* that when Roma go to the social welfare office:

We wait for hours and it is never our turn. Then, when they finally call us in, they treat us badly. They tell us that we don't deserve any help because we are lazy and don't want to work. I told them I worked in a meat factory for 30 years until I had a heart attack a few years ago, but they just snorted at me. Once, I asked the woman behind the shutter why she wouldn't come and see how we live. She answered, 'Oh, I know how you live. I know how Gypsies live.'⁴⁰²

Roma in Mielec, Sub-Carpathia province, also reported having problems with local authorities when asking for social assistance. Some of them told the *ERRC* that they do not receive social benefits to which they are entitled because welfare office employees refuse to assist them. For example, Mr M.M. told the *ERRC*:

⁴⁰⁰ *Ibid.*

⁴⁰¹ The International Covenant on Economic, Social and Cultural Rights (ICESCR) states, at Article 9: “The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.” Article 2(2) of the ICESCR states: “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

⁴⁰² *European Roma Rights Center* interview with Mr A.K., June 9, 1997, Maszkowice.

At the social welfare office, they always scream at us. They get upset as soon as they see us entering the office, as if we came there only to bother them. They yell at us, ‘Oh, you are very rich. You don’t need help!’

Roma are not treated equally by officials. They know very well that unemployment is high here, but they still consider us lazy and think that we just don’t want to work.⁴⁰³

Meanwhile, in Suwałki, Podlasie province, municipal authorities allegedly do not want to deal with Roma at all. Local Romani representative Mr Edward Paczkowski told the *ERRC* that the Mayor’s Office had asked him to act as a mediator between authorities and the Romani population, which consists of approximately 20 families (around 100-150 people). The Mayor’s Office claimed that their employees were unable to deal with people who were incapable of understanding rules and regulations:

At the municipality, they tell me they can’t deal with Gypsies, because they don’t understand what they want, that Gypsies can’t talk clearly and explain what their problem is and that they are fed up with lines of Gypsies occupying the offices every day.

I try to explain to them how poor these Gypsies are but they don’t believe me. Their reaction is always to ask me why Gypsies don’t want to work. They ask, ‘Why don’t they go and find themselves work so they don’t have to be dependant on state assistance all the time?’ as if they didn’t know that it is impossible for Gypsies to find work here. As a Gypsy, you just cannot get work. So, what are these people supposed to do, if not ask for state assistance?⁴⁰⁴

The *ERRC* spoke with Roma who reported not receiving social welfare regularly. In Nowy Sącz, in the ghetto on Zielona Street, the *ERRC* spoke with Ms L.W., an 80-year-old blind Romani woman, who reported frequent gaps in state entitlement benefits:

⁴⁰³ *European Roma Rights Center* interview with Mr M.M., June 8, 1997, Mielec.

⁴⁰⁴ *European Roma Rights Center* interview with Mr Edward Paczkowski, June 12, 1997, Suwałki.

“One month I get money, and then there is a gap of two or three months.”⁴⁰⁵ Roma from other localities, including Kraków-Nowa Huta, Nowy Sącz, Maszkowice, Limanowa and Krościenko reported similar practices.

A *Helsinki Foundation for Human Rights* report also documented discrimination against Roma on the part of local authorities, preferential treatment of non-Roma and a general lack of sensitivity concerning the problems Roma face in Poland.⁴⁰⁶ According to their report, politicians in Kraków have argued that Roma should receive social assistance only after the needs of others have been attended to.⁴⁰⁷

7.5. Discrimination in Access to Public Services

Roma in Poland are denied equal access to goods and services. There are many reports of Roma being denied service in bars and nightclubs and being asked to leave. On September 29, 2000, for example, a number of Roma, including a high-ranking official of the Organisation for Security and Co-operation in Europe (OSCE), were refused service in, and forcibly expelled from, a restaurant in Warsaw, apparently because they were perceived to be “Gypsies.” At approximately 11:30 AM, Mr Gabriel Băbuş, accompanied by another Romani man from Romania, entered the Guinness Pub at 1 Koszykowa Street. Waiters immediately approached them and asked them to leave the pub, informing them that they would not be served. Mr Băbuş wrote the following in his testimony: “When we asked for an explanation, the waiters claimed that the pub manager did not allow Roma from Romania.”⁴⁰⁸ Mr Băbuş called Mr Nicolae Gheorghe, also a Romanian Romani man and a high-ranking diplomat working for the OSCE, Office for Democratic Institutions and Human Rights (OSCE ODIHR), at the Contact Point for Roma and Sinti Issues in Warsaw.

Mr Gheorghe has witnessed, and also been a victim of, harassment and discrimination. He and Ms Salome Hirvaskoski, both Romani employees of the OSCE ODIHR,

⁴⁰⁵ *European Roma Rights Center* interview with Ms L.W., June 22, 2001, Nowy Sącz.

⁴⁰⁶ *Helsinki Foundation for Human Rights* report on Roma in Poland, 1995, p.2.

⁴⁰⁷ *Ibid.*, p.8. The politicians reportedly stated: “Help for Roma should come only after help is provided to poor non-Roma.”

⁴⁰⁸ Testimony of Mr Gabriel Băbuş, on file at the *ERRC*.

came to the bar shortly after the phone call. When Mr Gheorghe and Ms Hirvaskoski arrived, they were allowed to enter. The bar was not occupied, though some of the tables were marked with reserved signs. The group sat down at a smaller table that was not marked with a reserved sign, and shortly after a bigger table became available, they sat there. However, after a while the waiter asked them to leave and explained that they would not be served. They refused to leave, and the manager of the bar came over and urged them to leave. According to Mr Gheorghe, “While the waiter insisted on us leaving the pub, a person appeared who I assumed was the manager. He also told us that we would not be served and that we should leave the pub. Again we refused and were told we should leave the pub. We refused and we told him we would like to have lunch. The pub manager threatened that he would make us leave somehow, left the bar, and called someone on his mobile phone.”⁴⁰⁹

Shortly thereafter, five bodyguards from the private security company *Ochrona Juvenus* entered the pub and physically escorted the group of Roma out of the bar. In written testimony on file at the *ERRC*, Mr Gheorghe stated: “After we found ourselves out of the pub, the bodyguards asked us to identify ourselves. It was me who showed them my ID card first. Obviously they understood they may have problems because I am part of the OSCE.” Ms Hirvaskoski, meanwhile, called an OSCE official, who then called the police. After approximately five minutes, the director of the ODIHR came to the pub, accompanied by the second deputy director and another OSCE staff member, to provide interpretation.

Police officers arrived approximately 15 minutes later and documented the case at the Central Police Station. The personnel of the restaurant, as well as the owner and security agents that intervened were questioned in relation to the case. On December 20, 2000, the District Public Prosecutor’s Office issued a decision to discontinue the investigation “due to the lack of criminal character of the incident.”⁴¹⁰

In another case of racially discriminatory refusals to serve Roma, according to “*Never Again*” Association, it was reported in a local newspaper that a hotel next to the railway station in Piotrków Trybunalski, Łódź province, advertised that “Romanian

⁴⁰⁹ Testimony of Mr Nicolae Gheorghe, on file at the *ERRC*.

⁴¹⁰ From the letter from the Polish Ministry of Foreign Affairs to the OSCE mission, No. PD 17-7-00-OBWE/33/01.

citizens are not accepted.” According to “*Never Again*” Association, the posting was intended to preclude Roma from service at the hotel. The press further reported that the municipality denounced the incident, not for its racist motivation, but for the bad image it created for the town, recommending that the management of the hotel simply put up a notice with the same message inside the hotel.⁴¹¹

The *ERRC* has also received reports that young Roma in Zabrze have been, on more than one occasion, excluded from the town’s discos, restaurants and cafes. Frequently, the justification for the ban is reportedly that Roma go to nightclubs in large groups.⁴¹² One venue, *Disco 2000* on Opolska Street in Zabrze, reportedly does not let Roma in at all. Mr Jan Mirga told the *ERRC*: “There is a security agency employed there that does not let Roma in at all.”⁴¹³

In Laskowa Górna, Małopolska province, on June 7, 2001, Ms Iza Gabor, an 18-year-old Romani woman, along with her friends, was reportedly not allowed to enter the nightclub *Pod zieme*. She told the *ERRC*: “Several times I witnessed that the guards would not let Roma in. I believe it is a rule there.”⁴¹⁴ Ms Gabor told the *ERRC* that, since 1999, the manager has not allowed Roma to enter the club. The most recent such incident reported to the *ERRC* at the time of a site visit in Laskowa Górna on June 21, 2001, had taken place on June 17, 2001. Ms Gabor told the *ERRC* that on the night of June 17, 2001, “I went to another venue, *Disco Laskowianka*, here in Laskowa Górna, and they did not let me in there either.”⁴¹⁵

In other areas of Poland, the *ERRC* spoke with Roma who said that they were not allowed to enter bars and restaurants, or to rent rooms in hotels when travelling inside the country. According to Mr J.L. in Świebodzice, Lower Silesia province: “Roma are not let into many of the bars and restaurants here in Świebodzice. There is one bar where only me and two friends of mine are let in, but other Roma are not. I am ashamed

⁴¹¹ “Examples of race discrimination and violence towards Roma in Poland: Report of ‘*Never Again*’ Association,” 2001, p.3.

⁴¹² *European Roma Rights Center* interview with Mr Jan Mirga, June 24, 2001, Zabrze.

⁴¹³ *European Roma Rights Center* interview with Mr Jan Mirga, June 24, 2001, Zabrze.

⁴¹⁴ *European Roma Rights Center* interview with Ms Iza Gabor, June 21, 2001, Laskowa Górna.

⁴¹⁵ *European Roma Rights Center* interview with Ms Iza Gabor, June 21, 2001, Laskowa Górna.

of sitting there while other Roma are not allowed in, so I don't go there any more. In hotels we are told, 'There are no vacant rooms.' They are always full for Roma, regardless of what season it is. Sometimes, they are straightforward and say, 'There is no place for you Roma here.' I have been in situations in which hotel owners explained to me that the place was full, and then a Polish family came in and asked if there were free rooms, and the owner said there were."⁴¹⁶

Roma in Tarnów and Nowy Sącz, Małopolska province, as well as in Suwałki, Podlasie province, also reported being denied entrance to a number of local restaurants. Mr Z.S., a 43-year-old Romany man from Tarnów, told the *ERRC* that, starting from around 1989, bar and restaurant owners both in Tarnów and other places in Poland have told him to his face, "We don't serve Gypsies here."⁴¹⁷

On January 22, 2001, Mr Andrzej Horniak, a Romani man from Kalisz, Wielkopolska province, was allegedly not served in a local restaurant because of his ethnic origin.⁴¹⁸ According to testimony he provided to the *ERRC*, around noon on the day in question, he was supposed to meet with a business partner in the restaurant. He came in and sat down, intending to order tea. The waitress came shortly thereafter to his table and told him and he would not be served, "because the boss said that Gypsies will not be served in this pub."⁴¹⁹ A security guard arrived, also demanding that he leave the premises immediately. According to Mr Horniak, the security guard abruptly told him "Get out of here, immediately."⁴²⁰ Mr Horniak called the police, who investigated the case. The police called the owner, who confirmed that she had given the order not to serve Gypsies in the pub.⁴²¹

⁴¹⁶ *European Roma Rights Center* interview with Mr J.L., June 15, 1997, Świebodzice.

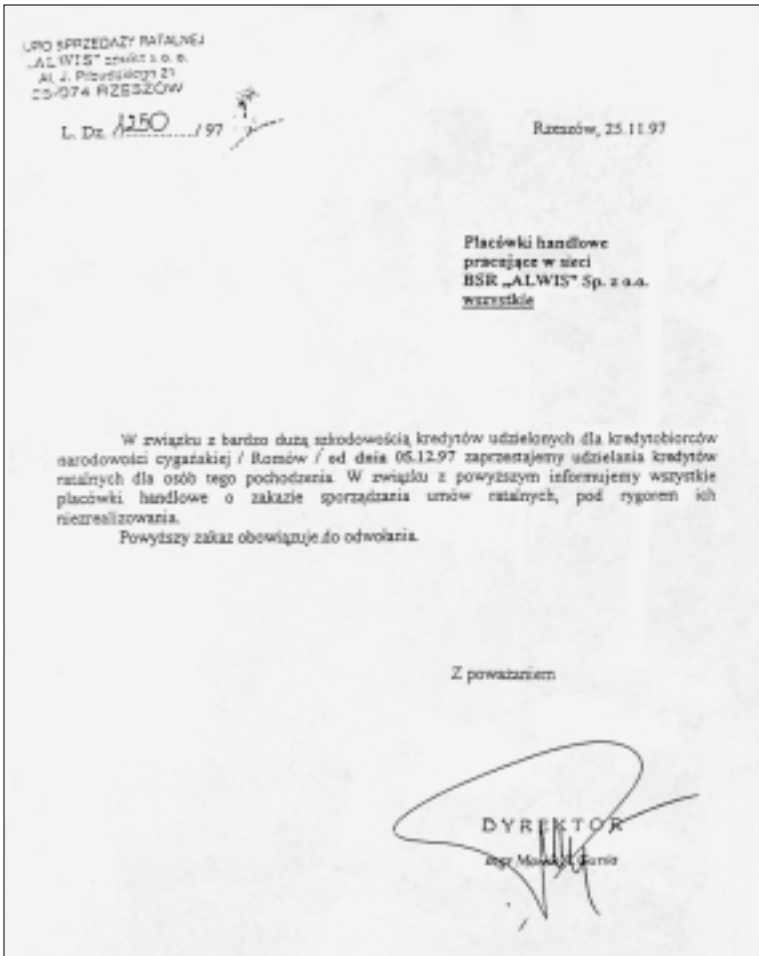
⁴¹⁷ *European Roma Rights Center* interview with Mr Z.S., June 8, 1997, Tarnów.

⁴¹⁸ Open letter No. L.dz.305/2001 from *Association of Roma in Poland* to the newspaper *Ziemi Kaliskiej* dated April 11, 2001.

⁴¹⁹ "Cyganów nie obsługujemy!", *Gazeta Kaliska*, July 2, 2001, p.3.

⁴²⁰ *Ibid.*

⁴²¹ *Ibid.*



Document stating an order to all branches of a company called *Alwis* not to sell goods on credit to persons of “Gypsy nationality”.

Services such as leasing and credit are reportedly not often available to Roma. Mr Jan Ciureja told the *ERRC* that, in January 2000, he went to buy a TV from the company ALWIS, which sells merchandise on instalment plans: “I went to the shopping centre *Dom Towarowy* in Limanowa. The shop assistant told me that he could not sell the TV on an instalment plan to me because I was a Gypsy. These were his boss’s orders, he said.”⁴²²

The *ERRC* asked Mr Tomasz Gellert, an official working in the Polish Ombudsman’s Office, about the practice of discrimination conducted by the firm ALWIS. Mr Gellert told the *ERRC*: “We had one case of discrimination back in 1996 in connection with lease issues by the ALWIS, but this is no longer the case.”⁴²³ According to Mr Gellert, the Ombudsman’s Office received a letter that was written by the firm’s management and stated that the practice had been discontinued.⁴²⁴

On December 14, 2000, the Dutch airline KLM Royal Dutch Airlines reportedly refused to board four members of Mr Robert Siwak’s family on a Warsaw-Amsterdam-Manchester flight.⁴²⁵ Mr Siwak is a Romani man from Mielec, Sub-Carpathia province. According to reports in the media, information provided by Polish non-governmental organisations and officials at the Polish Ombudsman’s Office, all members of the Siwak family had all the required valid travel documents and tickets. At the check-in desk in the Warsaw airport *Okęcie*, the family was not checked in and

⁴²² *European Roma Rights Center* interviews with Mr Jan Ciureja, June 21 and July 1, 2001, Laskowa Górna.

⁴²³ *European Roma Rights Center* interview with Mr Tomasz Gellert, Senior Specialist in the Office of the Commissioner for Civil Rights Protection (“Ombudsman”), June 26, 2001, Warsaw.

⁴²⁴ *European Roma Rights Center* interview with Mr Tomasz Gellert, Senior Specialist in the Office for Commissioner for Civil Rights Protection (“Ombudsman”), June 26, 2001, Warsaw.

⁴²⁵ *European Roma Rights Center* interview with Mr Roman Kwiatkowski, June 23, 2001, Óświęcim; see open letter No. L.dz. 725/2000, addressed to the Minister of the Interior, the Prime Minister, the Ombudsman, and the *Helsinki Foundation for Human Rights*, from Adolf Szmyt (undersigned) from the *Association of Roma in Poland*, dated December 18, 2001; see also letter No. RPO/362059/2000/XV/TG from Ombudsman Tomasz Gellert to Adolf Szmyt, *Association of Roma in Poland*, dated March 3, 2001, signed by Tomasz Gellert. See also letter No. TL-1-4023/8/01 from the Ministry of Transport and Marine and the Department of Civil Flights, to Senior Specialist Tomasz Gellert, dated March 5, 2001, signed by the director of the department Mr Jacek Klauzdziński. See also “Znamiona Cygana”, *Gazeta Wyborcza*, *Gazeta Stołeczna* edition, December 19, 2000.

was asked to wait until KLM staff had received “approval from the UK Embassy in Poland that the Siwak family would be accepted in the territory of the UK.”⁴²⁶ According to a statement made by the KLM staff, the airline did not want to transport ‘unwanted persons’ onto the territory of the United Kingdom. A KLM spokesperson told the Polish daily *Gazeta Wyborcza* that when the airline brings potential asylum seekers to the territory of the United Kingdom, they are given penalties.⁴²⁷ Upon consultation with the British Embassy, KLM decided that the Siwak family “did not fulfil the requirements necessary for transportation, because the immigration authorities of the UK denied entry to the Siwak family.”⁴²⁸ Following the incident, the Polish Ombudsman, as well as the Ministry of Internal Affairs and Administration, requested an explanation from the air carrier KLM.

In reference to this incident, in a letter dated February 19, 2001, KLM explained that “KLM UK in Amsterdam was previously verbally advised by Her Majesty’s Immigration Services in the UK (Manchester) not to board a group of Polish passport

⁴²⁶ “Znamiona Cygana”, *Gazeta Wyborcza*, *Gazeta Stołeczna* edition, December 19, 2000, p.1.

⁴²⁷ The United Kingdom pursues an explicitly discriminatory border policy. The Race Relations (Amendment) Act 2000, which came into force in April 2001, prohibits racial discrimination by public authorities, but allows for an exemption from this prohibition for the immigration service. Consequently, British immigration officers are allowed to discriminate on the grounds of national and ethnic origin in deciding who is allowed entry to the U.K. Moreover, the immigration service has actually been ordered to discriminate on such grounds by the British Government, under a Ministerial Authorisation signed on April 23, 2001, by Home Office Minister Ms Barbara Roche. Under the terms of the Ministerial Authorisation, immigration officers are to subject certain groups “to a more rigorous examination than other persons in the same circumstances;” the groups listed as deserving of additional attention are: “1. A person who is of Chinese ethnic origin presenting a Malaysian or Japanese passport or any other travel document issued by Malaysia or Japan. 2. A person of one of the following ethnic or national origins: a) Kurd; b) Roma; c) Albanian; d) Tamil; e) Pontic Greek; f) Somali; g) Afghan.” The explicitly discriminatory nature of the Ministerial Authorisation notwithstanding, a number of these groups singled out for special treatment – particularly Kurds, Roma, Tamils and Pontic Greeks – are unlikely to be in possession of documents attesting to their ethnic origin. Immigration Officers will therefore be forced to rely upon personal appearance, means of arrival, country of departure and other arbitrary criteria as a guide to whom they are meant to be subjecting these new regulations. In 2001, the *ERRC* filed suit against the U.K. government in connection with border policies at the Prague airport, aimed at preventing Roma from arriving in the U.K. Decision was pending in the case as this report went to press.

⁴²⁸ Letter No. 2974/2001/KH/6735/S.C. to Adolf Szmyt, *Association of Roma in Poland*, p.1

holders on flight KL/UK2031/12, on December 14, 2000, departing Amsterdam for Manchester. British Immigration in Manchester informed KLM UK that this group had previously been refused entry to the United Kingdom.⁴²⁹ According to the testimony of Mr Robert Siwak, this assertion is untrue and his family members have not been refused entry to the United Kingdom on any previous occasion.⁴³⁰ It is unknown to the *ERRC* whether there were any other Polish passport holders in the group to which they refer, or if the members of the Siwak family were the only ones. However, many Polish passport holders of Polish ethnicity reportedly successfully boarded on the flight. The letter from KLM further stated that the airline KLM was “advised that prior to admittance to the United Kingdom these passengers would need document authentication from the British Embassy, High Commission, or Consulate in Warsaw.”⁴³¹ Mr Gellert told the *ERRC* that his office had undertaken further action after receiving the letter from KLM.⁴³²

The Siwak family was not given full compensation for their tickets and lost the Polish złoty equivalent of 100 euros on each ticket they had purchased. More seriously, they have never been compensated in any way for having been subjected to the indignity of racial discrimination at the hands of British and other officials while on sovereign Polish territory.

In another incident of discrimination as of July 2001, according to testimony provided to the *ERRC* by Roma in the settlement of Łęgi-Gorzków, Małopolska province, a bus service, *Państwowa Komunikacja Samochodowa (PKS)*, had not stopped to pick up Romani school children from the settlement for several years. There are reportedly 46 children living in the settlement, and the distance to school is approximately three kilometres. Ms Małgorzata Szczerba, a 37-year-old Romani woman, told the *ERRC* of her attempt to stop the bus for the Romani children: “In June 2001,

⁴²⁹ Letter from KLM to the Ministry of Transport signed by Timm Seiler, the Director of Overground Services Area Eastern Europe and Germany, p.1.

⁴³⁰ “Znamiona Cygana”, *Gazeta Wyborcza*, *Gazeta Stołeczna* edition, December 19, 2000, p.1.

⁴³¹ Letter from KLM to the Ministry of Transport signed by Timm Seiler, the Director of Overground Services Area Eastern Europe and Germany, pp.1-2.

⁴³² *European Roma Rights Center* interview with Mr Tomasz Gellert, Senior Specialist in the Office for Commissioner for Civil Rights Protection (“Ombudsman”), June 26, 2001, Warsaw.

I told the bus driver that he should stop for the Romani children from our settlement to take them to school. He called me a whore and tried to hit me in the face, but I ducked, so he only hit my arm.⁴³³ Police officers came to the settlement the next day and told Ms Szczerba to come to the police station. Ms Szczerba told the *ERRC* that the police threatened her and told her not to bother the bus driver again or she would be punished. According to Ms Szczerba, officials from the municipality in the nearby town of Lacko have stated that the bus does not have to stop for the Romani children from the Łęgi-Gorzków settlement because the settlement does not meet the minimum distance requirement of three kilometres of the village, which is required in order to set up a bus stop. The *ERRC* was told by local Romani women that there is a house of non-Romani Poles, approximately 20 metres away, for whom the bus does stop. When Romani children have attempted to board the bus at this location, Ms Szczerba said, the driver has refused to transport them to school.⁴³⁴ According to Ms Szczerba, “The bus stops for the Polish children, they get on and then the Romani children stand on the road or run behind the bus, hoping to be let on, but the bus driver just drives off and leaves them standing there.”⁴³⁵

7.6. Refusals to Register Roma as Locally Resident

In some instances, where local authorities refuse to register Roma as resident in a given municipality, the denial of rights approaches systematic and comprehensive proportions. In many areas, despite having lived in a given location for many years – in many cases, two or three generations – Roma are most often not registered for permanent residence. The practice, which is prevalent in a number of municipalities in Poland effectively precludes Roma from access to the services which are in many areas fundamental for the realisation of basic social and economic rights. Roma appear to be the only group in Poland systematically precluded from local registration.

⁴³³ *European Roma Rights Center* interview with Ms Małgorzata Szczerba, June 21 and July 1, 2001, Łęgi-Gorzków.

⁴³⁴ *European Roma Rights Center* interview with Ms Małgorzata Szczerba, June 21 and July 1, 2001, Łęgi-Gorzków.

⁴³⁵ *European Roma Rights Center* interview with Ms Małgorzata Szczerba, June 21 and July 1, 2001, Łęgi-Gorzków.

For example, in the southern Polish settlement of Koszary, a settlement of approximately 150 Roma or less, there are 25 residents whom the municipality (Limanowa) refuses to register in their actual living place. Hence, according to their papers, they have either no residence at all (they are “*bezdomny*” – homeless) or are registered in communities where they were living before moving to Koszary. In the settlement of Koszary alone, as of February 2002, the following persons were affected:⁴³⁶

1. Dąga, Genowefa (born 25.3.1957)
2. Dąga, Tadeusz (born 5.5.1956)
3. Dąga, Agnieszka (born 12.5.1984)
4. Dąga, Artek (born 1.3.1988)
5. Dąga, Angelika (born 20.12.1993)
6. Dąga, Zbigniew (born 14.2.1954)
7. Dąga, Teresa (born 27.3.1955)
8. Dąga, Łukasz (born 27.5.1982)
9. Dąga, Mateusz (born 26.2.1985)
10. Dąga, Marcin (born 30.3.1987)
11. Dąga, Beata (born 7.6.1973)
12. Dąga, Klaudia (born 10.1.1992)
13. Dąga, Artur (born 29.10.1992)
14. Dąga, Anna (born 19.12.1994)
15. Dąga, Paulina (born 14.8.1996)
16. Dąga, Sebastian (born 7.5.2001)
17. Matusik, Michał (born 13.9.1961)
18. Matusik, Małgorzata (born 1.1.1975)
19. Matusik, Marzena (born 19.9.1993)
20. Matusik, Aneta (born 9.5.1995)
21. Matusik, Daniel (born 2.2.1998)
22. Matusik, Mirosław (born 13.2.2000)
23. Bącio, Anobielika (born 5.5.1978)
24. Gil, Simon (born 15.6.1999)
25. Gil, Zbigniew (born in 1972)

⁴³⁶ According to a list prepared by the inhabitants of Koszary for the *European Roma Rights Center* in February 2002.

As a result of the municipality's failure to officially register them as resident in Koszary, none of these people are eligible for state provided health care, education, housing or social services in the area. In addition, these persons live under permanent insecurity of tenure, rendering them vulnerable to forced eviction. At the time of the *ERRC* visit in February 2002, in fact, local Romani activist Mr Tadeusz Gabor told the *ERRC* that many Roma families living in state owned houses or in houses built on state-owned land in Koszary were, indeed, threatened with eviction.

The unregistered Roma in Koszary told the *ERRC* that they believe the reference to unfulfilled requirements to be just a pretext hiding the racist desire to exclude Roma from access to goods and services. Ms Beata Daga, who had been unsuccessfully trying to register her residence in the Koszary settlement over a period of 11 years, told the *ERRC* that, in July 2000, she had been told unofficially at the municipality of Limanowa not to try again since the commission for registrations had already decided to deny any new applications by Gypsies.⁴³⁷ Neither Ms Daga, who came 11 years ago from the town of Limanowa to the Koszary settlement, nor her five children (Klaudia, Artur, Anna, Paulina and Sebastian) have had any statute of registration since Ms Daga announced her removal from Limanowa at the town municipality before moving to Koszary to the home of her husband. Shortly after moving to Koszary she received a statute of registration, which had been limited to a duration of half a year. After this time, the municipality refused to prolong this statute. The official argument by the municipality is that the one-room flat is already at full capacity with the two current, officially registered tenants, Ms Daga's aunt and the aunt's son.⁴³⁸

Romani settlements in Poland differ markedly from non-Romani settlements in their status with regard to property ownership and inclusion in local development plans. Traditional Romani settlements are usually not registered in local development plans and Roma in the settlements do not own the land on which they have built their houses and shacks. In most cases, the landowner is either the local municipality or the Polish state. Since Romani settlements are not always present in local zoning or development plans, their legal status is very uncertain. Even in municipalities in which Romani settlements have been in existence for more than 100 years, the official status of the houses is often seen by the municipality merely as a marginally tolerated violation of

⁴³⁷ *European Roma Rights Center* interview with Ms Beata Daga, Koszary, February 19, 2002.

⁴³⁸ *European Roma Rights Center* interview with Ms Beata Daga, Koszary, February 19, 2002.

the property rights of the true landowners. Since many communities try to discourage the growth of their local Romani population, this uncertain status is used, in practice, as an instrument to thwart the development of the Romani community. In recent times, there have been instances in which local authorities have demanded that Roma demolish modern houses in the settlements. For example, this has reportedly recently taken place in the Koszary settlement (Limanowa) and in Ostrowsko. Municipalities justify this by citing the absence of building permits and their autonomy as landowners. Recently, several Romani leaders have faced rejection hostility and bureaucratic red tape from local authorities in their campaigns to have Roma in settlements registered.⁴³⁹

During communism, every Polish citizen had to be registered to a house or flat, their permanent residence. This registered address was written down in the citizen's identification papers. The change of the political order brought an end to mandatory registration. Since this change, a citizen without a permanent place of residence will no longer be punished. However, registration remains the crucial factor in the realisation of social and economic rights – including education, employment, housing, health services and social support. The disenfranchisement caused by authorities' refusal to register Roma who are factually resident in a given municipality was described by an elder of the Łęgi-Gorzków settlement, Mr Jakub Mirga, who told the *ERRC*: "We often feel as if we are strangers in our homeland."⁴⁴⁰

⁴³⁹ *European Roma Rights Center* interview with Mr Tadeusz Gabor, June 21, 2001, Laskowa Górna.

⁴⁴⁰ *European Roma Rights Center* interview with Mr Jakub Mirga, July 1, 2001, Łęgi-Gorzków settlement.

8. ROMA IN THE POLISH EDUCATION SYSTEM

The Polish Constitution guarantees “universal and equal access to education for all citizens.”⁴⁴¹ Further legislation introduced in 1991 specifies, “public school renders possible to its students to preserve their national, ethnic, linguistic, and religious identity, and in particular to learn their mother-tongue and their history and culture.”⁴⁴² Furthermore, as an ethnic minority in Poland, Roma are entitled to establish their own educational and cultural institutions in order to protect their national heritage.⁴⁴³ The existing educational system in Poland does not meet these requirements for its Romani students. Separate “special” classes, following a curriculum grounded in racist perceptions, have proven to be far from adequate in meeting the educational needs of Romani children. *ERRC* is of the position that Romani children in Poland cannot realise their right to education unless the Polish government implements comprehensive school desegregation programs.

8.1. Racial Segregation in “Gypsy Classes”

In 1992, the Polish government implemented a programme that began grouping Romani children into segregated classes⁴⁴⁴ of markedly questionable quality. Many of these so-called “Gypsy classes” are still in operation today.

⁴⁴¹ Article 70 of the Polish Constitution guarantees the right to education to everybody, including ethnic minorities. This has been specified in the Act on Education dated September 7, 1991 (unified text Dz. U. No. 67 of 1996, item 329 as amended (hereinafter “Act on Education”)), and also in the ordinance of the Minister of National Education dated March 24, 2001 (Dz. U. No. 34 of 1992, item 150) on the organisation of education.

⁴⁴² Article 13, Act on Education.

⁴⁴³ Polish Constitution, Article 35(2). During the socialist period, Roma were deprived of the opportunity to establish their own schools and classes in their native language, while other national minorities were granted this right through a decree by the Ministry of Education in 1956. For more information, see Mirga, Andrzej, “Addressing the Challenges of Roma Children’s Education in Poland – Past and Current Trends and Possible Solutions,” Organisation for Security and Cooperation in Europe, 2001, p.1, available at: <http://www.per-usa.org/PolandRomaeducation.doc>.

⁴⁴⁴ Ministry of National Education, “Information Concerning the Education of Children and Youths of Roma Origin in Poland,” presented at the Organisation for Security and Cooperation in Europe, Implementation Meeting in Warsaw, October 24, 2000, p.3.

The project was initially developed by Father Stanisław Opocki, a Catholic priest in the Małopolska province who had been experimenting with classes for Romani students in the Nowy Sącz area since 1990, in which expectations of pupils were lowered to some extent, and the full curriculum was not tough.⁴⁴⁵ His initial idea was to create separate classes for Roma to help them successfully move on into integrated classes after three years. When Father Opocki approached the Polish government with the idea to adapt and expand his local initiative in 1991, Polish authorities welcomed the project. In the absence of a national educational policy directed toward Roma, Father Opocki's plan was readily and quickly implemented. The Ministry of National Education approved the programme (the "National Programme of Special Education for Roma") on July 8, 1992.⁴⁴⁶ According to Mr Andrzej Mirga, "As regards approval, [...] the Ministry did not consult with Romani leaders or Romani organisations; it did not hold any public debate with experts. Its decision was based on a few reviews examining the Programme for Roma."⁴⁴⁷

Initially, Father Opocki worked with educational authorities in Nowy Sącz, who agreed to conduct this experiment on Romani children in the first to the third grades. All in all, 17 children, ages 8 through 15, were the subjects of this first experiment. Subsequently, classes were founded in Maszkowice, Łososina Górna and Limanowa. In January 1993, the Ministry of National Education requested that such classes be implemented throughout the entire province. In the 1993-94 school year, there were 14 "Gypsy classes" in Nowy Sącz, Małopolska province; Limanowa, Małopolska province; Maruszyna, Małopolska province; Maszkowice, Małopolska province; Czarny Dunajec, Małopolska province; Tarnów, Małopolska province; Mielec, Sub-Carpathia province; Lublin, Lublin province; Stalowa Wola, Sub-Carpathia province; Puławy, Lublin province; Zabrze, Silesia province; and Suwałki, Podlasie province. Later on, "Gypsy classes" were started in Radom, Mazowia province, and Olsztyn, Warmia-Masuria province.

⁴⁴⁵ Opocki, Stanisław, "Moje doświadczenia w zakresie edukacji Romów", in *Social and Legal Situation of Gypsies in Central and Eastern Europe*, proceedings of an international conference on Roma, June 16-17, 1996, in Gorzów Wielkopolski, Poland, p.22.

⁴⁴⁶ Nowicka, Ewa, "Pluralism czy izolacja. Polityka oświatowa wobec osiadłych Romów w Polsce", in *U nas dole i niedole*, Nowicka, Ewa, ed., Kraków: Zakład Wydawniczy, NOMOS, 1999, p.44.

⁴⁴⁷ Mirga, "Addressing the Challenges of Roma Children's Education in Poland – Past and Current Trends and Possible Solutions", p.2.

Father Opocki explained the idea behind “Gypsy classes” in a speech in June 1996:

The experiment was based on creating separate classes for Romani children in Form I to III. The curriculum was adjusted to the abilities of those children. Specially chosen and adequately prepared teachers were selected for the programme. [...] Attendance in the classes [...] was voluntary. Parents themselves could decide what kind of class – a regular or an ethnic one – their children were to attend.⁴⁴⁸

Father Opocki’s initial goal as he described it to the *ERRC* was to assist those Romani students who, due to their particular family situations and educational problems, dropped out of school at an early age and remained illiterate.⁴⁴⁹ Aware of many of the obstacles that Romani children face in pursuing their education, Father Opocki wished to address their particular and difficult situation with special classes that helped to overcome the language barrier and offered material help in the form of food, books, and clothes for the students. The special classes were supposed to be filled on a voluntary basis by parents who wanted their children to participate in the programme.

Although the original intent of the programme appears to have been motivated by magnanimous and benevolent sentiments, the implementation of the project has in practice resulted in forced segregation of and inferior education for Romani children. Mr Andrzej Mirga describes the actual implementation of the programme thus: “With the adoption of the ‘programme’ by school authorities, the initial idea was abandoned and ‘Romani classes’ opened in schools, whether or not children in these ‘classes’ were real ‘dropouts’ or were transferred from ‘integrated’ classrooms into ‘Romani’ ones.”⁴⁵⁰ Mr Mirga further states: “The programme approved by the ministry did not

⁴⁴⁸ Opocki, p.57.

⁴⁴⁹ *European Roma Rights Center* interview with Father Stanisław Opocki, March 28, 2002, Łososina Górna.

⁴⁵⁰ Mirga, “Addressing the Challenges of Roma Children’s Education in Poland – Past and Current Trends and Possible Solutions”, p.2.

specify any formal criteria for recruitment to such classes. As the authors of the programme defined it, it was a minimum programme adapted to the level of the capacities of Romani children – that is, with lower education standards and fewer requirements. It covered only three initial school grades, with no suggestion as to what the school should do afterwards. In practice, nearly all Romani children, with only a few exceptions, and irrespective of their age, were enrolled into such ‘Gypsy classes’.⁴⁵¹

According to Mr Mirga, the pedagogical goals of these classes are derived from racist stereotypes. For example, the curricula of these classes include lessons teaching children to respect other people’s property and instructing the children in basic hygiene, based primarily on the widespread perception that “Gypsies are dirty.”⁴⁵² This reduction of the Romani pupils’ curriculum to a minimum is indicative of the government’s view that the learning ability of Romani children is minimal. Furthermore, the language of the Ministry of Education’s programme proposal reflects racist stereotyping and discriminatory ideas.⁴⁵³ The official programme describes Romani children as “by nature aggressive and disheartened” and states: “The teacher should pay great attention to the behaviour of the child. Children who come to school are lazy, absent-minded, explosive, aggressive and don’t know how to behave during class.”⁴⁵⁴

Some educators deny the claim that the earlier policy of limiting “Gypsy classes” to Romani children with learning difficulties, such as language problems, was abandoned in favour of filling the “Gypsy classes” with Romani children regardless of whether or not they had any learning difficulties.⁴⁵⁵ However, such practices are explicitly alleged in a letter from the *Association of Roma in Poland* and many Romani

⁴⁵¹ Mirga, “Addressing the Challenges of Roma Children’s Education in Poland – Past and Current Trends and Possible Solutions,” p.5.

⁴⁵² *European Roma Rights Center* interview with Mr Andrzej Mirga, June 23, 2001, Kraków.

⁴⁵³ For more on the government’s language used to describe Romani students in Poland and the view implied in this language, see: Nowicka, p.47.

⁴⁵⁴ Ministerstwo Edukacji Narodowej, “Program nauczania początkowego”, Warsaw, 1992, pp.4 and 19.

⁴⁵⁵ For example, *European Roma Rights Center* interview with Mr Dariusz Kosakowski, Dunajec, April 11, 2002.

parents to school officials in Nowy Sącz.⁴⁵⁶ In the letter, the *Association of Roma in Poland* states that in a number of schools children of various ages were placed in the same grades, segregated from the rest of their classmates in inadequately equipped, physically separate, lower quality buildings. This allegation was substantiated by *ERRC* field research. According to Mr Gabriel Derkowski, a local official charged with implementing educational programmes for Roma, there are two schools in Nowy Sącz where Romani children of all ages are concentrated in two classes: “They do not learn anything because, unfortunately, there are older children with younger children in the class. This is completely against the law, which stipulates at least six classes [per school].”⁴⁵⁷

In Łososina Górna, at the time of an *ERRC* visit in 1997, the “Gypsy class” had been placed in an old fire department building and was consequently entirely isolated from the regular school. The *ERRC* found that, in several communities, all Romani children had been forced into these separate classes, often without the consent of their parents. In Mielec, in 1997, for instance, the *ERRC* was told:

Our children used to go to school together with the other children, but four years ago, the school administration suddenly decided that a special Gypsy class would be established. They didn’t even come here to tell us; we just heard it from our children when they came home from school and told us that they were going to be put in separate classes from the other children.⁴⁵⁸

Apart from being strongly critical of the inappropriate way the “Gypsy classes” were established, many Romani parents are concerned that, since the classes came into being, their children have learned nothing at school. As one observed:

What is the purpose of this new system they created? If it is to help us, then they have failed completely. Our children learn nothing at school. The teachers are not properly educated and they cannot teach. Our kids get

⁴⁵⁶ Letter from the *Association of Roma in Poland*, dated Kraków, July 20, 1993 to Ms Janina Gosciej the Province curator of education in Nowy Sącz, p.1.

⁴⁵⁷ *European Roma Rights Center* interview with Mr Gabriel Derkowski, June 21, 2001, Nowy Sącz.

⁴⁵⁸ *European Roma Rights Center* interview with 29-year-old Ms A.H., June 8, 1997, Mielec.

the least qualified teachers, the ones who couldn't get jobs anywhere else. When I ask my son what he did in school, he says, "Nothing."⁴⁵⁹

The criticism that the quality of the education in these classrooms is markedly inferior is also supported by Mr Andrzej Mirga. According to Mr Mirga, research into the curriculum and knowledge of Romani children in "Gypsy classes" revealed that the majority of the children do not even know how to read basic letters and cannot do simple counting.⁴⁶⁰

In a communication with the *ERRC* in 1997, the Ministry of National Education justified the approval of the "Gypsy classes" as follows:

Romani children attend mostly integrated classes, together with Polish children. The adoption of such a solution (supported by organisations representing the Romani community in Poland) creates a series of problems. The most important is the poor command of the Polish language on the part of Romani children who are beginning schooling, which accounts for many school failures and calls for greater attention of the teachers. [...] The aim of these activities (the creation of Romani classes) is to allow Romani children more easily to overcome educational and adaptation barriers [...] and [to allow] the preparation of children who will continue education from class IV in the integrated system of Polish public schools. [...] At present (1997) the group of teachers teaching Romani children, on the basis of their own experience, wish to continue the experiment of the Romani children by expanding it onto higher classes of primary schooling.⁴⁶¹

Removal of Romani students from integrated classrooms altogether is particularly detrimental to those students' progress in school. Furthermore, there have been no

⁴⁵⁹ *European Roma Rights Center* interview with 34-year-old Ms T.K., June 9, 1997, Nowy Sącz.

⁴⁶⁰ Mirga, "Addressing the Challenges of Roma Children's Education in Poland – Past and Current Trends and Possible Solutions", p.4.

⁴⁶¹ Letter of the Ministry of National Education, signed by deputy director of the Bureau for European Integration and International Cooperation, Ms Magdalena Mazinska, to the *European Roma Rights Center*, October 20, 1997. Original document in Polish; translation by the *ERRC*.

clear pronouncements by Polish officials as to how Romani children are to be transferred back to integrated public school classes once they have completed the three classes of schooling envisioned in the “Gypsy classes” school. In practice, according to most Romani parents and school authorities with whom the *ERRC* spoke, most Romani children dropped out of school after completing the three “Gypsy classes.”

While the first protests against the institution of “Gypsy classes” from Romani organisations, individuals and parents date back to the early 1990s, authorities have ignored these voices of concern and have continued to fund and support the segregation of Romani children.

According to Mr Andrzej Mirga, as of 2001, 42 school-aged children from the Maszkowice settlement, Małopolska province, were reportedly ordered to attend a single “Gypsy class” in the local school, a class that had been established by Father Opocki a few years earlier. The single classroom in which all the Romani students were expected to attend class was approximately 20 square metres. All children from the age of 7 to 14 were put in this classroom. The entire class had only one teacher, who taught according to a substandard curriculum.⁴⁶²

In March 2002, Father Opocki told the *ERRC* that “Gypsy classes” were operating in Bochnia, Maszkowice, in two schools in Nowy Sącz, as well as in schools in Opoczno, Suwałki, Olsztyn and Ochotnica Górna. He also told the *ERRC* that classes that previously existed in Tarnów, Łosowa Góra, Łososina Górna, Mielec, Limanowa, and Ostróda (near Olsztyn) had been terminated.⁴⁶³ However, in spring 2002, school authorities were also reportedly initiating new “Gypsy classes,” for example in Piotrków Trybunalski, near Opoczno.

Year after year, many Romani children in Poland have been provided substandard education in racially segregated classrooms. Thus, a generation of Romani children has been prevented from realising their right to education.

⁴⁶² Mirga, “Addressing the Challenges of Roma Children’s Education in Poland – Past and Current Trends and Possible Solutions”, p.5.

⁴⁶³ *European Roma Rights Center* interview with Father Stanisław Opocki, March 28, 2002, Łososina Górna.

8.2. Segregation in “Special Classes” for the Mentally Disabled

In some instances, after graduating from “Gypsy classes”, Romani children have been transferred to classes for the mentally disabled. For instance, in the southern Polish town of Czarny Dunajec, many of the Romani students were enrolled in these “special classes” at the time of the *ERRC* visit in 2002.

In the school year 1996-97, a new school director in Czarny Dunajec reportedly initiated an investigation into the mental health of the pupils in the “Gypsy class”. According to Mr Dariusz Kosakowski, who taught the “Gypsy class” in that community, these tests ignored the language difficulties of the children. Mr Kosakowski told the *ERRC* that the psychologist declared the pupils “lightly handicapped”, a decision Mr Kosakowski disputed. This decision caused a change of the class’s curriculum. A new curriculum for “special classes” replaced the regular curriculum for the Romani children in the school.⁴⁶⁴

In 1999, the government of Czarny Dunajec decided to end the “Gypsy class” programme in the town by the end of the school year 1999-2000.⁴⁶⁵ Many Romani children from the “Gypsy class” were then reportedly placed in classes for the mentally disabled. About half of the children from the Roma settlement in Czarny Dunajec attended these classes at the time of an *ERRC* visit in April 2002, while the others attended regular classes.

According to Mr Marian Gil of the Kraków-based *Association of Roma in Poland*, over 25 percent of the Romani children in the area of Nowa Huta attend classes for the mentally disabled. Because the Romani children of Nowa Huta do not, for the most part, speak fluent Polish, some of them are put in “delayed” classes for those with slower development. Mr Gil told the *ERRC* that the schools do not seek agreement from the parents, but rather place the children there without their approval. Mr Tadeusz Gabor told the *ERRC* that, in Nowy Sącz, the classes for mentally disabled children – attended by many Romani children in Nowy Sącz – do not have sufficient equipment or adequate space. For example, in a local elementary school the *ERRC* visited in

⁴⁶⁴ *European Roma Rights Center* interview with Mr Dariusz Kosakowski, April 11, 2002, Czarny Dunajec.

⁴⁶⁵ “Kompromis z Cyganami”, *Nasze Strony*, Nowy Targ, June 25, 2000, p.7.

1997, 39 Romani children were supposed to sit around six tables in a room of 15 square metres.

8.3. Racially Motivated Abuse of Romani Children in Polish Schools

Roma in several communities in Poland told the *ERRC* that teachers treat them differently from the other children and that non-Romani children bully them. In Dębica, Sub-Carpathia province, Romani parents reported that, as a result of being treated with hostility by teachers and non-Romani children, many of their children stop liking school after a few months. As one parent explained: “They come home crying, telling us that the other children call them bad names. Sometimes, the other children even beat them, and the teachers don’t do anything about it. We want our children to go to school. The children are our future. We want them to live better than us, but what are we supposed to do when they come home crying and tell us that they hate school and don’t want to go any more?”⁴⁶⁶

In Świebodzice, Lower Silesia province, Roma reported similar experiences. At the time of an *ERRC* visit in 1997, Mr J.L. told the *ERRC* that he had just learned from his brother that his 12-year-old nephew refused to go to school after having been repeatedly beaten and humiliated by non-Romani children.⁴⁶⁷

In the southern Polish town of Tarnów, the *ERRC* met with 43-year-old Mr Z.S., whose oldest daughter was in the third grade of primary school. The child told the *ERRC* that the first year was especially difficult in school, because the teacher always made her sit in the back of the classroom and never paid attention to her. Her classmates were also hostile towards her at the beginning, she said, but added that, after about a year, relations with both the teachers and the other children gradually began to improve.⁴⁶⁸

The *ERRC* spoke with Ms R.A., an 18-year-old Romani woman from Tarnów, who reported that, throughout the course of her elementary school and secondary school career, her classmates treated her with prejudice, as did her teachers.⁴⁶⁹

⁴⁶⁶ *European Roma Rights Center* interview with Ms Janina Sadowska, June 8, 1997, Dębica.

⁴⁶⁷ *European Roma Rights Center* interview with Mr J.L., June 15, 1997, Świebodzice.

⁴⁶⁸ *European Roma Rights Center* interview with 9-year-old R.D., June 7, 1997, Tarnów.

⁴⁶⁹ *European Roma Rights Center* interview with Ms R.A., Tarnów, June 20, 2001, Tarnów.

When I went to school to the lyceum [a Polish school for students ages 14-18], I was treated by my schoolmates with prejudice. It all started just by saying my name. We were introducing each other. I told them my name. They said ‘*what* is your name?’ I repeated my name. ‘And so you are a Gypsy?’ ‘Yes, I am a Gypsy.’ Most of my schoolmates turned away from me and they did not want to talk to me anymore, they did not want to have anything in common with me. Only two people out of the whole class have talked to me at all.⁴⁷⁰

Ms R.A. also told the *ERRC* that she believed that teachers in Tarnów have repeatedly given her lower grades because of her ethnicity. According to Ms R.A., her biology teacher could not come to terms with the fact that she had better exam results than her non-Romani classmates. “My biology teacher, Ms L., said that she could not give me a better mark in biology. My result was between 4 and 5. I asked why, and she said that there was no way that a Gypsy could be better than other children.”⁴⁷¹

In a more violent incident in Tarnów, on October 1, 1999, around 12:30 PM, Adrian Wójcik, a 14-year-old Romani school boy, was reportedly severely beaten on public school grounds by a member of the school’s technical staff, Mr Józef Jachym, who was, according to victim and witness testimony, drunk at the time of the attack.⁴⁷² The incident took place at the Stanisław Staszic Primary School No. 7, on Poniatowskiego Street.

Adrian Wójcik told the *ERRC* that he and his two friends Łukasz Galara and Wojciech Lis were leaning out of the classroom window shortly before the beating.⁴⁷³ Adrian Wójcik spat onto the pavement as Mr Jachym was passing by. Shortly thereafter, Mr Jachym came to the classroom and told the teacher, Mr Jerzy Kowalczyk, that he was taking Adrian Wójcik to the director because he’d spat at

⁴⁷⁰ *European Roma Rights Center* interview with Ms R.A., Tarnów, June 20, 2001, Tarnów.

⁴⁷¹ *European Roma Rights Center* interview with Ms R.A., June 20, 2001, Tarnów.

⁴⁷² The incident was described by Adrian Wójcik in an *ERRC* interview, January 19, 2002, Tarnów, and acknowledged in a letter from the deputy mayor of Tarnów, No. EO14/SP 7/18/99, dated November 11, 1999.

⁴⁷³ *European Roma Rights Center* interview with Adrian Wójcik, January 19, 2002, Tarnów.

him.⁴⁷⁴ Adrian Wójcik told the *ERRC* that Mr Jachym took him out of the classroom and, as soon as they were in the corridor and the door was closed, told him, “Now I will kill you” and started to beat him.⁴⁷⁵ According to Adrian Wójcik, Mr Jachym struck his cheek with his fist, hit him several times in the chest and kicked him very hard in the ribs. Adrian Wójcik told the *ERRC* that Mr Jachym then threw him on the floor and kicked him once again in the ribs. While he was lying on the floor, the door of the classroom opened and his friends Łukasz Galara and Wojciech Lis came out, followed by the whole class, and Mr Kowalczyk. Mr Kowalczyk reportedly did not interfere to stop Mr Jachym from assaulting Adrian Wójcik. According to Adrian Wójcik, the teacher took the whole class back into the classroom and continued the lesson.⁴⁷⁶ Adrian Wójcik’s two friends stayed with him and started helping him get up to go home. As they left the school, Mr Jachym reportedly followed them and asked them where they were going. According to Adrian Wójcik and his friends, Adrian Wójcik told Mr Jachym that he was going home to tell everything to his parents. Adrian Wójcik told the *ERRC* that Mr Jachym then jumped on him and started trying to strangle him. His two friends intervened and forcibly restrained Mr Jachym, pulling Mr Jachym away from him. Mr Jachym then left, and Adrian Wójcik’s two friends, joined by Jakub Prokop, another classmate, walked Adrian Wójcik home.

The *ERRC* spoke with Ms Roza Wójcik, the victim’s mother. She stated: “After Adrian was safely home, I went immediately, at 1 PM the same day, back to the school and requested an investigation into the incident, but the director of the school said he wanted to keep the incident quiet.”⁴⁷⁷ According to Ms Wójcik, the director refused her access to the telephone to call for police and medical help. Ms Wójcik told the *ERRC* that several students, Romani children from a foster care institution, were standing nearby at the time and witnessed the director’s refusal to provide her access to the telephone.⁴⁷⁸ Neighbours living near the school on Cegielniana Street provided her

⁴⁷⁴ *European Roma Rights Center* interview with Adrian Wójcik, January 19, 2002, Tarnów; see also *Postanowienie o umorzeniu dochodzenia Sygn. akt 3 Ds. 1622/ 99*, [decision to terminate the investigation], February 29, 2000, p.2.

⁴⁷⁵ *European Roma Rights Center* interview with Adrian Wójcik, January 19, 2002, Tarnów.

⁴⁷⁶ *European Roma Rights Center* interview with Adrian Wójcik, January 19, 2002, Tarnów.

⁴⁷⁷ *European Roma Rights Center* interview with Ms Roza Wójcik, June 21, 2001, Tarnów.

⁴⁷⁸ *European Roma Rights Center* interview with Ms Roza Wójcik, January 19, 2002, Tarnów.

with access to a telephone and Ms Wójcik called the police and took her son to the emergency room at the hospital. The *ERRC* saw a medical report, which stated that Adrian had suffered a light concussion, bruises on his head and eyes and lacerations on his entire body, including strangulation marks on his neck.⁴⁷⁹ Adrian Wójcik was in the local hospital for seven days. The police, responding to Ms Wójcik's call, reportedly came to the school and measured Mr Jachym's blood-alcohol concentration with a breath test. According to Ms Wójcik, the test showed that Mr Jachym had 0.12 percent blood alcohol concentration at the time.⁴⁸⁰ Adrian Wójcik's parents subsequently filed a criminal complaint against Mr Jachym.⁴⁸¹

Ms Wójcik told the *ERRC* that, a day after the incident, Ms Kazimierza Olsuwkam, a teacher working in the school, came to speak to her. According to Ms Wójcik, Ms Olsuwkam proposed that she not make a big issue of the incident and told her to name a figure that would constitute adequate financial compensation. Ms Wójcik, a mother of seven, told the *ERRC* that, although her family is poor, she had not accepted the deal because she realised that Mr Jachym could have posed danger to other children, too.

The investigation of the incident was first closed by the prosecutor on February 29, 2000, on grounds of insufficient evidence.⁴⁸² Ms Wójcik appealed the decision. On May 24, 2000, the prosecutor decided to dismiss the case, citing insufficient evidence against Mr Jachym and "low societal risk." In dismissing the case, the prosecutor relied partly on opinions solicited from the school psychologist about Adrian Wójcik and his discipline in school. The psychologist stated that Adrian Wójcik's "memory and hearing are very handicapped; he is also not able to remember visually. He has a tendency toward deformation and filling out of gaps in memory with fictive acts. He experiences disturbances of short-term memory as well as long-term memory and he tends to ac-

⁴⁷⁹ See also "Pobicie w szkole", *Gazeta Tarnowska*, October 4, 1999, p.1.

⁴⁸⁰ *European Roma Rights Center* interview with Ms Roza Wójcik, January 19, 2002, Tarnów; also, Letter from Ms Roza Wójcik to the Regional Prosecutor in Tarnów, dated October 6, 1999.

⁴⁸¹ The International Convention on the Rights of the Child (CRC), states at Article 28 (2): "States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention."

⁴⁸² Decision of the Tarnów Regional Prosecutor to terminate investigation, 3 DS. 1622/99, February 29, 2000. Prosecutor of the Regional Prosecution in Tarnów.

cuse others, and he assumes hostility of others.”⁴⁸³ The *ERRC* spoke to Adrian Wójcik on its visits to Tarnów, in June 2001 and January 2002, and questions the validity of these opinions and the circumstances under which they were obtained. The psychologist’s negative opinions about Adrian Wójcik’s friends, Wojciech Lis and Łukasz Galara, were also used by the prosecutor to support the dismissal of the case. Ms Wójcik told the *ERRC* that the prosecutor did not allow her or the boy’s father to be present while the school psychologist questioned their son. Adrian Wójcik’s parents also described the style of questioning of the prosecutor as manipulative.⁴⁸⁴

The *Association of Roma in Tarnów* monitored the case and Mr Adam Andrasz, the head of the association, sent its findings to the Ministry of Education, the *Helsinki Commission for Human Rights*, the *Sejm Commission for National and Ethnic Minorities*, the Organisation for Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights, the *European Roma Rights Center*, the *Association of Friends of Children* and the Commissioner for Civil Rights Protection (“Ombudsman”).⁴⁸⁵ In response to his organisation’s inquiries, the senior specialist in the Office of the Ombudsman wrote a letter to Mr Andrasz. The letter, dated December 6, 1999, stated that his investigation had focused on communication with Mr Andrzej Sasak, deputy mayor of Tarnów, who contended that the incident was caused by the inappropriate behaviour of the pupil, Adrian Wójcik.⁴⁸⁶ According to a letter from Mr Andrzej Sasak, deputy mayor of Tarnów, to the Ombudsman, Mr Jachym was fired on October 4, 1999. However, Mr Sasak did not blame Mr Jachym for the incident. According to Mr Sasak, the Romani boy’s behaviour had provoked the violent reaction of Mr Jachym.⁴⁸⁷ Ms Roza Wójcik believes that, if the incident had involved the

⁴⁸³ Decision of the Tarnów Regional Prosecutor to terminate investigation, 3 DS. 1622/99, February 29, 2000. Prosecutor of the Regional Prosecution in Tarnów.

⁴⁸⁴ *European Roma Rights Center* interview with Ms Roza Wójcik, January 18, 2002, Tarnów. *European Roma Rights Center* interview with Mr Ireneusz Wójcik, January 18, 2002, Tarnów.

⁴⁸⁵ Letter from *Association of Roma in Tarnów* to the Regional Educational Department *Kuratorium Oświaty Delegatura w Tarnowie* from October 4, 1999.

⁴⁸⁶ Letter to the Ombudsman from Andrzej Sasak, deputy mayor of Tarnów, No. EO14/SP 7/18/99, November 11, 1999.

⁴⁸⁷ Letter to the Ombudsman from Andrzej Sasak, deputy mayor of Tarnów, No. EO14/SP 7/18/99, November 11, 1999.

beating of a non-Romani child, it would have turned into a big scandal but, because her son and she are visibly Romani, the authorities have not paid serious attention to ensure that justice be served.⁴⁸⁸

In his letter to the Ombudsman, the deputy mayor of Tarnów also detailed special treatment that the Romani students at the school supposedly enjoy. He wrote, “The elementary school No. 7 in Tarnów takes care of the pupils of Romani origin, ensures their full mental, physical, and social development in the school community, makes possible participation in interest clubs, feeds all Romani children and distributes occasional packages.” However, according to Ms Wójcik’s daughter, Iza Wójcik, there are no free lunches for children in the school, and, in fact, the Romani children are often subjected to degrading treatment in the lunch hall.⁴⁸⁹ Iza Wójcik told the *ERRC* that the Romani students have been accused by the kitchen staff of eating too much, and they are repeatedly sent back to the end of the lunch queue and are not allowed to eat lunch until non-Romani children have eaten theirs. Iza Wójcik also stated that she has been asked several times to clean the mess that other children have made in the lunch hall. The deceptively positive picture of the situation of Romani children at the school in Tarnów that the deputy mayor paints is yet another example of the Polish authorities’ tendency to downplay the problems encountered by Roma in the Polish educational system. Distorted official pictures and the deceptive notion of “special treatment” mask actual exclusion, segregation, deprivation, and outright violence.

8.4. Exclusion/Non-Schooling of Romani Children

In some instances, racist school directors allegedly refuse Romani children access to education. Mr Adam Andrasz, a Romani activist in Tarnów, told the *ERRC* that, when his family returned from a longer stay in Germany a few years ago, schools did not want to allow their Romani children back:

I turned to the director of one of the schools to solve the problem, but she told me that Roma don’t need education. She said that Roma were criminals anyway and that it wouldn’t make any sense to invest in our kids. She

⁴⁸⁸ *European Roma Rights Center* interview with Ms Roza Wójcik, January 18 and 19, 2002, Tarnów.

⁴⁸⁹ *European Roma Rights Center* interviews with Ms Iza Wójcik, January 18 and 19, 2002, Tarnów.

said something like ‘These people don’t have a right to exist.’ I walked out in rage and went to see a member of the local school administration. I told him what the school director had said, and asked him to react. He responded, ‘What do you want me to do with her? Fire her?’ I told him I didn’t want to create problems; I only wanted to arrange for the kids to go to school again. He called in the school director and told her she had done wrong. After that, the kids were finally allowed to go to school again.⁴⁹⁰

In Maszkowice, Romani inhabitants reported to the *ERRC* that their children were sent home and told not to come to school at all during the school year 1996-97 because “there is no place for them this year.”⁴⁹¹

8.5. Failure to Combat Truancy and School Abandonment

According to estimates of school superintendents in 16 provinces nationwide, in the 2000/2001 school year, approximately 30 percent of school-aged Romani children in Poland did not meet their obligation to attend school. According to their estimates, in that year, there were 2,923 school aged Romani children to whom obligatory schooling applied nationwide, of whom 878 were not meeting minimum attendance requirements.⁴⁹² The efforts of authorities to combat such high levels of truancy have to date been wholly ineffective.

Mr Jacek Milewski, director of a private school for Roma in Suwałki, Podlasie province, (the only one of its kind in the country), stated: “Romani children often do not attend the so-called zero-classes [pre-school classes] because they are optional and their parents prefer not to send them away from home before it is required. Consequently, Romani children in the first grade often have more difficulties adapting to school than Polish kids who have already attended the zero-class. Romani children also have language difficulties in the beginning since most of them speak Romani at home. Another major problem is that many Romani kids in regular schools get into trouble with

⁴⁹⁰ *European Roma Rights Center* interview with Mr Adam Andrasz, June 7, 1997, Tarnów.

⁴⁹¹ *European Roma Rights Center* interview with Ms S.Z., June 9, 1997, Maszkowice; *European Roma Rights Center* interview with Ms L.D., June 9, 1997, Maszkowice.

⁴⁹² Ministerstwo Edukacji Narodowy, “Program nauczania początkowego”, p.2.

the other kids. Since they look different, they are mocked and bullied during breaks and after school. After a few months, Romani children usually don't want to go to school anymore."⁴⁹³

8.6. Summary: The Undereducated

The educational level of Roma in Poland is very low in general; illiteracy rates are high, and the number of Romani students who complete higher education is extremely small. Polish officials state that statistics on rates of literacy by ethnicity are not collected in Poland. However, it is widely acknowledged by the Polish government, as well as by Romani activists, that illiteracy rates are much higher among Roma than among non-Roma. Among Romani families interviewed by the *ERRC* in visits in 1997 and 2001, approximately every fifth Romani child had finished his or her education without ever completing elementary school – in many cases, repeating classes over and over again and making no progress, although they continued to fulfil their obligation to attend school. According to some estimates, 90 percent of Romani children do not attend school beyond the fourth or fifth class.⁴⁹⁴ While 7 percent of the Polish population held a university degree in 1998/1999,⁴⁹⁵ the percentage of Roma in higher education is reportedly far lower. Official statistics on Roma in higher education are not available. However, according to one estimate, the number of persons of Romani origin with university-level education in Poland was no more than 30 persons in total.⁴⁹⁶

According to Mr Jacek Milewski, since the mid-1980s, Romani children in Poland began to drop out of school at increasingly higher rates. One reason for this, Mr Milewski states, is that, starting from around this time, Roma began travelling abroad with their families, for temporary work opportunities: “Many families started going abroad fairly regularly and brought their kids with them. They still do so, and this is a great problem from an educational point of view. But this is something we have to accept and try to

⁴⁹³ *European Roma Rights Center* interview with Mr Jacek Milewski, June 12, 1997, Suwałki.

⁴⁹⁴ Opocki, p.21.

⁴⁹⁵ Central Statistical Office, “Statistical Yearbook of the Republic of Poland 1999”, Warsaw, p.250.

⁴⁹⁶ Andrasz, Adam, *Dlaczego emigracja*, Report to the Centre for Roma Culture in Poland, unpublished.

deal with. I am not the one to tell them that they shouldn't go; the majority of them are very poor and have no way to survive if they don't seek opportunities elsewhere."⁴⁹⁷

The Polish government's failure to implement a national education policy that is integrative and multicultural in character has resulted in a wide range of abusive practices at the local level in schools with Romani students. In order to address the needs of Romani students effectively, a government programme would need to address the barriers of poverty and the expressions of racism among fellow classmates and school authorities. Until such positive steps are taken on the national level and a new, clearly organised programme is implemented to address Romani students' needs within the structure of integrated classes, practices in the education of Roma throughout Poland will not be conducive to integration and equal access to education for Romani children.

⁴⁹⁷ *European Roma Rights Center* interview with Mr Jacek Milewski, June 12, 1997, Suwałki.

9. THE MAŁOPOLSKA PROGRAMME

The “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003” (hereinafter the “Programme”), published in February 2001 by the Ministry of Interior and Administration,⁴⁹⁸ is, to date, the only major governmental initiative to improve the situation of Roma in Poland. Reportedly undertaken under pressure from British authorities, who had complained to the Polish government about the number of Romani migrants and refugees from Poland, the Programme is said to have come about as an attempt to address international criticism expressed in several reports.⁴⁹⁹

The Programme, a pilot initiative focusing on the situation of the Bergitka or Carpathian Roma in Małopolska province, is apparently based on the assumption that the situation of the Bergitka Roma is the worst in Poland. The Programme attempts to improve the situation of Roma in the areas of “education, employment, health, hygiene, accommodation conditions, skills for functioning in a civil society.”⁵⁰⁰

According to the Ministry of Internal Affairs and Administration, the Programme was developed in cooperation with Romani organisations, non-governmental organisations and local government units of the Małopolska province.⁵⁰¹ The coordinator of the Programme is the Minister of Internal Affairs and Administration.⁵⁰² Under the Programme,

⁴⁹⁸ Ministry of the Interior and Administration, “Pilot Government Programme for the Roma Community in the Małopolska Province for the Years 2001-2003”, Warsaw, February 2001, available at: http://www.mswia.gov.pl/pdf/program_eng.pdf. The full text of the Programme is included in this report as an appendix.

⁴⁹⁹ The Programme (p.4) lists two reports “worth mentioning”: Report of Beesley, Jenny, *Wyjazd do Polski: Projekt Romski*, Council of County Hertfordshire, November 1, 1999, prepared for the British Foundation *Westminster for Democracy* and presented to members of the European Parliament and representatives of the British Government, and the *Second Report on Poland of the European Commission against Racism and Intolerance*, which describes the situation as of December 10, 1999.

⁵⁰⁰ Programme, p.7.

⁵⁰¹ Programme, p.7.

⁵⁰² Programme, p.8.

local administrative units were called to appoint “plenipotentiaries for Roma” and “plenipotentiaries designated by local Roma communities” in Nowy Sącz and the Nowy Sącz District in the first half of 2000.⁵⁰³ The funding of the Programme is supposed to come from the resources of the local authorities, the national government and various EU programmes. However, officials with the EU delegation in Warsaw told the *ERRC* in May 2002 that they were unaware of any applications by the Polish government for support under the Małopolska Programme. The Programme requires that expenses be budgeted three years in advance⁵⁰⁴ but, according to information the *ERRC* obtained in September 2001, this requirement has not been fulfilled because of budgetary problems in the public administration.⁵⁰⁵

The document is ambitious in its general objectives of equalising the situation of the Bergitka Roma with that of the majority Polish population in areas that include “education”, “combating unemployment”, “health”, “living conditions”, “security”, “culture” and “knowledge in and about the Roma community”.⁵⁰⁶ Under each of these headings, the Programme details strategies and targets, including specific time frames, budget lines and responsibilities.

While the overall time-frame of the Programme is three years (2001-2003), the government recognises that the time-frame is clearly not enough to achieve objectives set out in the Pilot Programme, and it identifies the ideal minimal duration of the Programme as being between one and two decades.⁵⁰⁷

The process for the formulation of the Programme, which included consultations with Romani organisations, local authorities and non-governmental organisations, is certainly a new, positive aspect of the government’s policy towards Roma, since this was the first occasion on which various sectors of the public administration have been tasked with co-operation in improving the conditions for Roma in Poland and was

⁵⁰³ Programme, p.6.

⁵⁰⁴ Programme, p.9.

⁵⁰⁵ *European Roma Rights Center* communication with Andrzej Grymała-Kozłowski, September 22, 2001.

⁵⁰⁶ Programme, p.1.

⁵⁰⁷ Programme, p.8.

among the first moves by the Polish administration to involve Romani civic organisations. Likewise, the division of financial responsibilities between national government sources and local authorities is a welcome initiative, which may begin to change attitudes among members of the local administrative units and may have a long-term positive effect in pushing for further decentralisation by allowing direct relationships between local authorities and international donors' organisations.

However, there are a number of concerns with respect to the Programme. First of all, the implementation of some of the proposals in the Programme is reportedly problematic. On the one hand, many activities specified in the Programme do not have a budget line. This means that they have not been, and may not be, implemented. On the other hand, those activities that do have a budget line address the problems of the Romani community only partially and often do nothing to contribute to a change in the general climate of discrimination and mistrust. For example, the education section allocates 34,000 złoty (approximately 12,000 euros) for the transport of Romani children to grammar school in Bukowina Tatrzańska and Krościenko nad Dunajcem over the course of three years. While there is no doubt that busing Romani children to grammar school will have a positive effect on those children who actually get to school, the *ERRC* is concerned that the needs of the vast majority of Romani children, who drop out of elementary school because of racism and racial discrimination, are not addressed.

A second problem is that the vision of the Programme is tainted by official attitudes of denial of abuse and discrimination. For instance, the document also emphasises that in Poland, compared with the rest of Central and Eastern Europe, the "Roma problem, though acute is of much lower intensity."⁵⁰⁸ By focusing on the issues faced by the Bergitka Roma, the Programme also avoids addressing the issues faced by Polish Romani communities as a whole, instead building the impression that the difficult situation of the Bergitka Roma is caused primarily by poverty and is an isolated exception, rather than a telling example. Furthermore, the language of the Programme reflects racist stereotypes prevalent throughout Poland, stating, for instance, that there are "disparities between the Roma and the rest of the society in respect of the civilisation level."⁵⁰⁹

⁵⁰⁸ Programme, p.6.

⁵⁰⁹ Programme, p.7.

The section on security does nothing more than rehearse the denial of abuse so often encountered among Polish authorities. While the language of the Programme recognises the problem of racist attacks on Roma by skinheads, the security section of the Programme claims that “Roma are not frequent victims of crimes,” commends the police on their rapid reaction in cases in which Roma do fall victim to crimes, and chides Roma for allegedly refusing to cooperate with the police.⁵¹⁰

The Programme also addresses the issue of housing: “Premises occupied by Roma require repairs to be undertaken immediately; some of them do not meet the requirements of housing regulations [...] If repairs are not undertaken very soon, some buildings will be only due for demolition.”⁵¹¹ Repairs that are reportedly taking place under the Programme are indeed a positive step. The Programme further states that “one should bear in mind that this area of the Programme [the one devoted to the improvement of living conditions] may not be treated as an objective in itself but only as a means for the achievement of other objectives, such as education.”⁵¹² This statement begs the question of when providing an adequate standard of living for Roma will become a real objective of the Polish government. Furthermore, the Programme indicates that one of its aims is “settling the question of ownership of land” of Romani settlements but, makes no particular suggestion as to how that should be accomplished.⁵¹³

Education is identified as the most important part of the Programme.⁵¹⁴ Among the tasks that the Programme would undertake to improve the education of Roma are the following: Increasing the involvement of Romani adults in Romani children’s education by enlisting specially trained Romani support teachers and employing Romani parents as chaperones during field trips and other events, adding some multi-culturally oriented activities to the curriculum and providing financial support for nursery school, textbooks, school transport, pre-school preparatory classes and meals for students.

⁵¹⁰ Programme, p.17.

⁵¹¹ Programme, p.14.

⁵¹² Programme, p.16.

⁵¹³ Programme, p.16.

⁵¹⁴ Programme, pp.10-11.

While the government acknowledges the shortcomings of “an experiment where separate ‘Roma classes’ were set up,”⁵¹⁵ and calls for the introduction of integrated classes with special assistance for Romani children, the specific strategy for achieving this remains unclear. Limited funding is dedicated to establishing pre-school preparatory classes, employing Romani assistants, improving the Polish language skills of Romani children, pedagogical and psychological assistance or adult education. Most of the funds available appear to go for school food programmes. However, a number of Romani parents and pupils in elementary schools told the *ERRC* that, although they were promised extra food in school, as of the publication of this report, this had not been provided.⁵¹⁶

The Programme also has limitations in the areas of Romani representation and training on the topics of the Romani community and traditions. While some provisions exist in the Programme for a multi-cultural curriculum, limited efforts appear to have been made to implement them and the additions of Romani history, culture and language teaching have yet to be made at most schools. Teachers of Romani students told the *ERRC* that they were dissatisfied with the training they had received through the Programme. For instance, Ewa Bielak, a teacher of a predominantly Romani “special class” in Czarny Dunajec, told the *ERRC* that all the training organised through the Programme that she had undergone had been roughly the same and had taught her nothing about Romani culture and tradition.⁵¹⁷ Meanwhile, though the government did consult with members of the Romani community in the planning stages of the Programme, Romani representatives are not formally involved in the co-ordinating structures established under the Programme (including interdepartmental groups within the government and the Ministry of Education). Providing adequate training to educators and specialists (including Romani assistants) and including Romani participation in the implementation of the Programme, will, no doubt, be crucial to the Programme’s success and, ultimately, to the improvement of Roma access to equal education in Poland.

Observers and participants have questioned not only the effectiveness of the Programme but also its long-term impact upon the relationship between Roma and

⁵¹⁵ Programme, p.11.

⁵¹⁶ *European Roma Rights Center* interview with Roza Wójcik, January 19, 2002, Tarnów.

⁵¹⁷ *European Roma Rights Center* interview with Ewa Bielak, April 4, 2002, Czarny Dunajec.

non-Roma in the province, particularly in the absence of a larger strategy for changing public opinion and educating local authorities about discrimination and tolerance. When interviewed by the *ERRC*, a number of local authorities in the Małopolska province strongly opposed the idea of improving the living conditions of Roma. According to the deputy mayor of Nowy Sącz, Mr Leszek Zegda, the reaction of the local non-Romani population is not positive: “Ten percent of the budget of the town of Nowy Sącz goes to the support of Roma. That means that 10 percent goes to 1 percent of the population of Nowy Sącz, and that is a serious problem, [...] We are looking for ways to include non-Roma in the Programme.”⁵¹⁸ Many local municipalities opposed the Programme requirement that obliges the local government to provide financial support to improve the living conditions of Roma.

The *Helsinki Foundation for Human Rights* has reported that local conflicts between Roma and non-Roma proliferated after the announcement of the Małopolska Programme: “When Polish people heard that something was being done for Gypsies, they started to be angry. The situation has always been bad, but now it is getting even worse,” said Ms Agnieszka Mikulska from the *Helsinki Foundation for Human Rights*.⁵¹⁹ According to Mr Adam Bartosz, “after the Programme was announced and local non-Roma heard that there is money for ‘Gypsies’ from the national government as well as from local governments’ budgets, conflicts and attacks on Roma grew in numbers. Conflicts started in Czarny Dunajec and in Limanowa in the early 2001.”⁵²⁰

The Ministry of Interior and Administration has reportedly not included an overall evaluation in the Programme strategy.⁵²¹ An audit of funding spent to date might be a valuable tool to assess the effectiveness of the Programme.

⁵¹⁸ *European Roma Rights Center* interview with Leszek Zegda, June 21, 2001, Nowy Sącz.

⁵¹⁹ *European Roma Rights Center* interview with Agnieszka Mikulska, June 26, 2001, Warsaw.

⁵²⁰ *European Roma Rights Center* interview with Adam Bartosz, June 22, 2001, Tarnów.

⁵²¹ *European Roma Rights Center* interview with Andrzej Grymała-Kozłowski, September 22, 2001, Warsaw.

10. CONCLUSION

Targeted for racist violence and abuse by both non-state actors and public authorities, many Roma with whom the *ERRC* spoke during its extensive field research in Poland said they live in a climate of fear for their own lives and for the lives of their families. Because racism is not fully recognised or adequately combated, and because Poland's anaemic laws protecting minorities from physical abuse and discrimination are rarely invoked, neo-Nazis and other racist anti-Romani groups are tacitly supported in their racist abuse of Roma, and Roma are left exposed to violence with little hope of remedy.

Roma in Poland face numerous hardships, including devastating poverty, unemployment, inadequate housing conditions, segregation in education, exclusion from public places, and inadequate access to medical care and social welfare payments. Many Roma are refused registration by local authorities, a situation that prevents their access to a wide array of rights and services. Roma are confronted with discrimination and deeply ingrained hostility on a daily basis, including from their schoolteachers, neighbours, potential employers, and police officers. In such an atmosphere of exclusion and intolerance, Roma often live in relative isolation from the majority Polish population. New "Gypsy classes" are reportedly still being formed in other parts of Poland, perpetuating a trend toward deeper segregation. Roma are denied equal education.

Romani organisations and leaders attempting to co-ordinate communication between Roma and Polish authorities are often not given due respect and the actions of some local officials in the recent past have made it close to impossible to build partnerships between Roma and non-Roma. One such instance involved Mr Tadeusz Gabor and his group, the Laskowa Górna-based *Association of Roma in Poland*, which has been involved in the efforts of Romani organisations and leaders to improve relations between local authorities and the Romani population. Since 1999, Mr Gabor's organisation and the municipality in Limanowa had an agreement to organise an unprecedented mediation between the local population in Limanowa and Roma living in the Łęgi-Gorzaków settlement. During some occasional meetings between Roma and municipalities, however, humiliating security measures were put in place.⁵²²

⁵²² In 1999 in Limanowa, during a mediation meeting, Roma were humiliated and forced to take a subservient position when the municipality in Limanowa requested the presence of a security



Mediation between Roma from the Koszary settlement and the municipality of Limanowa, in southern Poland, 1999. The municipality called a private security service to assist during the event.

PHOTO: ASSOCIATION OF ROMA IN POLAND



In its Second Report on Poland in 1999, ECRI noted that “Poland remains a society in which the issues of racism, xenophobia, anti-Semitism and intolerance are still relatively unacknowledged.”⁵²³ The Polish government strongly contested this statement at the time. In the three years since the ECRI report, little has appeared to have changed in the attitude of the Polish authorities, who continue to deny the existence of discrimination, to downplay the problem of racially motivated violence and to overstate the willingness of the police and other authorities to investigate thoroughly and prosecute adequately incidents of violence against Roma. Prevalent discourse still centres around blaming Roma for the problems they face in Poland.

Using the proportionally small number of Roma in Poland as justification for failing to acknowledge the minority’s dire human rights situation, the Polish government has held to a strategy of presenting the situation of Polish Roma as vastly superior to that of Roma in other Central European countries. *ERRC* research has revealed that, wherever Roma live in Poland, violence, abuse and discrimination prevail. The *ERRC* believes that at the core of the problem of widespread popular contempt for Roma and other groups is the failure by Polish authorities, to date, to acknowledge that racism is a potent force in Poland – and to design and implement appropriate policies to combat it.

Polish authorities must design policies to address the serious human rights situation of Roma in Poland and must adjust existing programmes to remove provisions humiliating to, or inappropriate for, Roma. Roma need to be fully involved in decisions about Roma. Most importantly, the Polish government must develop strategies to combat racism, as well as to eliminate the discrimination that Roma in Poland face on a daily basis.

service of 15 armed men, who came wearing army clothes and *balaclavas* (black masks) (*European Roma Rights Center* interview with Mr Tadeusz Gabor, June 22, 2001, Laskowa Górna).

⁵²³ ECRI, Second Report on Poland, adopted on December 10, 1999, Executive Summary.

11. RECOMMENDATIONS

Based on the findings of this report, the *ERRC* urges Polish authorities to adopt all of the following in full:

1. Promptly bring those responsible for racially motivated crimes against Roma to justice, and ensure that when racial animosity motivates or otherwise influences a crime, it receives due judicial recognition.
2. Carry out thorough and timely investigations into all alleged instances of police abuse of Roma, including violence, unlawful searches and seizure of property, malicious investigation of violence against Roma, harassment, and failure to investigate racially motivated crimes and/or protect potential victims of violent attacks.
3. Bring Polish law into conformity with the requirements of Council Directive 2000/43/EC, “implementing the principle of equality between persons, irrespective of racial or ethnic origin”. Ensure that the implementing body mandated by the Directive is strong, fully independent and adequately staffed and funded.
4. Sign and ratify Protocol 12 to the European Convention of Human Rights without delay.
5. Without delay, sign and ratify the revised Social Charter of the Council of Europe, and make the declaration accepting the collective complaints procedure under Article D, paragraph 2 of Part IV of the revised Charter.
6. Ensure effective remedy for cases of discrimination against Roma in the field of housing, employment, health care, as well as access to social welfare payments and to public goods and services.
7. Undertake effective measures to ensure that local authorities register all persons actually residing in a given municipality, without regard to race.
8. Provide security of tenure for residents of Romani communities and settlements, and protect the inhabitants from forced and arbitrary evictions, as well as segregationist local practices.

9. Implement a comprehensive school desegregation plan, such that all Romani children may fully realise the right to education. Without delay, end the practice of segregating Romani children into so-called “Gypsy classes” or into classes for mentally disabled students. Integrate all Romani students into mainstream classes and, where necessary, design and implement adequately funded and staffed programmes aimed at easing the transition from segregated to integrated schooling.
10. Design pre-school programmes for Romani children to learn the primary language of schooling and to attain a level ensuring an equal start in the first class of primary school.
11. Develop and implement catch-up or adult education programmes aimed at remedying the legacies of substandard education and non-schooling of Roma.
12. Where instances of abuse in the school system are reported – abuse including exclusionary practices, physical and verbal assault, humiliating treatment, and failure by teachers and school administrators to protect Romani children from peer abuse – without delay, punish school authorities responsible, and implement measures aimed at preventing further abuse.
13. Develop curriculum resources for teaching Romani language, culture, and history in schools, and make them available to all schools, so that all children in Poland learn of the valuable contributions Roma have made to Polish society.
14. Provide free legal aid to members of weak groups, including Roma and the indigent.
15. At the highest level, speak out against the problem of anti-Romani sentiment and racially motivated crimes against Roma; at all levels, acknowledge and speak out against racism, racially motivated crime, patterns and practices of discrimination, and segregation. Address the root problem of anti-Romani racism in Poland by developing and implementing anti-racism curriculums for schools and campaigns for the media, so as to address widespread negative attitudes against Roma and racism generally.
16. Conduct comprehensive human rights and anti-racism training for the national and local administration, members of the police force and of the judiciary.
17. Proactively recruit qualified Roma for professional positions in the administration, the police force and the judiciary.

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12. APPENDIX

Ministry of the Interior and Administration

PILOT GOVERNMENT PROGRAMME FOR THE ROMA COMMUNITY IN THE MAŁOPOLSKA PROVINCE FOR THE YEARS 2001-2003

Warsaw, February 2001

I. DESCRIPTION OF THE SITUATION AND MAJOR PROBLEMS

The pilot government programme for the Roma community covers the area of the Limanowa, Nowy Sącz, Nowy Targ and Tatry districts, inhabited by the Roma of the Bergitka Group, and Tarnow, inhabited by the Polish Roma (the largest of four groups traditionally residing in Poland). The Roma population living in this area is estimated at ca 3000 to 3500 (ca 10% of all Roma living in Poland). The Roma of the Bergitka Group have inhabited these areas of Poland since at least the end of the 18 century. The Roma currently residing in Tarnow moved there as a result of the Roma settlement action undertaken by the Polish People's Republic in the 60-ties.

The Roma of the Bergitka Group, also called the Mountain or Carpathian Roma, form the most compact settlements traditionally living in villages of the southern part of Poland. This is the poorest group, one which is least respected by its fellowmen and has the loosest internal structure (no traditional superior, "*Szero Rom*"). In their everyday life, members of the group use a dialect of the Romany language ("*rromani*"). The community is not organised in a well- developed structure. However, each Roma settlement is headed by a superior called "chief settlement officer" ("*wójf*").

⁵²⁴ Document available at: http://www.mswia.gov.pl/pdf/program_eng.pdf. Last visited on August 22, 2002.

The key problems of the Roma community are related to the low level of education of its members. A high percentage of Roma children do not attend school on a regular basis. Roma do not attach due importance to schooling, considering education to be of little benefit. Other serious problems include: poverty, unemployment, poor accommodation conditions, poor health condition, low level of hygiene. The financial situation of Roma families is exceptionally difficult due to the high rate of unemployment, the fact that families have many children, and alcoholism being a common problem. Simultaneously, the community is characterised by a demanding attitude and feeble efforts undertaken to change the life situation of its own members. This is due to far-reaching historical and social determinants as well as many errors committed during the Polish People's Republic period.

The Roma of the Bergitka Group are definitely in the most difficult, situation as compared to other Roma groups in Poland. This view is shared not only by local Roma activists but also those working at the national level. It is therefore evident why the government programme covers this Roma group in the first place.

2. NEED FOR THE PROGRAMME

The need to establish the Programme results from the particularly difficult situation of the Roma community living in the districts (administrative units below the province level) of the Małopolska province mentioned in Chapter I. Previous experience and conferences devoted to these issues have shown that local governments are unable to cope with the existing problems on their own, without any involvement of the Government.

Roma often accuse the authorities of insensitivity to their specific problems. In turn, local governments emphasise that Roma are treated in the same way as other Polish citizens, and that resources allocated to Roma families in some communes/administrative units below the district level of the Małopolska province are much higher than those provided to the rest of the local community due to the extremely difficult situation of Roma. Both parties agree that solving difficulties which they are faced with requires the involvement of government administration.

The problems linked with the situation of Roma in the Małopolska province, differing fundamentally from contemporary civilisation conditions, are also highlighted by Polish Parliament deputies and Western Europe experts (including those from the European Commission and the Council of Europe).

It is also worth emphasising that the Roma community is treated in Poland as a national and ethnic minority, and as such it is entitled to receive full protection and assistance from the State in accordance with international agreements signed by Poland and its national legislation (including the Constitution in particular).

Poland has adopted a number of international legal instruments which include regulations concerning the protection of national minorities. These are, inter alia, the following: *Convention for the Protection of Human Rights and Fundamental Freedoms* of November 4, 1950, *International Convention on the Elimination of All Forms of Racial Discrimination* of March 7, 1966, *International Covenant on Civil and Political Rights* of December 16, 1966, *Convention on the Rights of the Child* of November 20, 1989. The key document which regulates the rights of national minorities in Europe is the *Council of Europe Framework Convention for the Protection of National Minorities*, ratified by the President of the Republic of Poland of November 10, 2000.

Within the framework of the United Nations and European organisations, a number of documents have been adopted which refer exclusively to Roma. The key ones include:

- Resolution of the UN Human Rights Commission No. 65 of March 4, 1992 *on the Protection of Roma/Gypsies*;
- Recommendation of the Council of Europe's Parliamentary Assembly No. 563, 1969, *on the Situation of Gypsies and Other Travellers in Europe*;
- Recommendation of the Council of Europe's Parliamentary Assembly No. 1203 of February 1993 *on Gypsies in Europe*;
- Resolution of the Council of Europe's Standing Conference of Local and Regional Authorities No. 243 of March 16-18, 1993 *on Gypsies in Europe: the Role and Responsibility of Local and Regional Authorities*;
- Recommendation of the Congress of Local and Regional Authorities of Europe No. 11, 1995, *Towards Europe of Tolerance: Roma/Gypsies' Contribution*;
- Recommendation of the Council of Europe's European Commission against Racism and Intolerance No.3, 1997, *Combating Racism and Intolerance against Roma/Gypsies*;
- *Brussels Declaration* of July 12, 1996 adopted by participants in round table discussions in the European Parliament in Brussels concerning Roma/Gypsies in Europe.

Roma are the national minority whose situation is most often discussed within European institutions. In 1995, an Expert Group for Roma/Gypsies was set up at the Council of Europe, and a Contact Point for Roma and Sinti was established at the Office for Democratic Institutions and Human Rights (ODIHR), Organisation for Security and Cooperation in Europe. A number of conferences and international programmes were organised as a result of the interest in the situation of Roma in Central and Eastern Europe. Many countries of this region have adopted national or regional programmes for the Roma community.

The situation of Roma in Poland is a matter of interest to European institutions and the European Union countries, particularly those which are the destination for Polish Roma seeking to acquire the status of refugees (e.g. the United Kingdom and Finland). The Government of the Republic of Poland cooperates with specialised agencies of the Council of Europe and the European Union countries in solving Roma's problems. Activities undertaken jointly with the British Know-How Fund have already yielded some results in, for example, Nowy Sącz and Tarnow.

The situation of Roma in Poland has been described in international reports. The latest ones which are worth mentioning include a very critical report concerning the Małopolska province, prepared by Jenny Beesley in November 1999 for the British Foundation "Westminster for Democracy" and presented to members of the European Parliament and representatives of the British Government, and the *Second Report on Poland of the European Commission against Racism and Intolerance*, which describes the situation as of December 10, 1999. The latter states, inter alia, the following: *Prejudices against the Roma/Gypsy community persist in society and certainly lead to discrimination in everyday life (...). It is reported that the Roma community is generally excluded from the Polish communities alongside which it lives and that conflicts on the local level occur, although they are seldom acknowledged to be on ethnic grounds (...). Some sources have also indicated that Roma/Gypsy communities face discrimination on the part of local authorities in the provision of services. ECRI draws the attention of Polish authorities (...) that governments take the appropriate measures to ensure that justice is fully and promptly done in cases concerning violations of the fundamental rights of Roma/Gypsies and ensure in particular that no degree of impunity is tolerated as regards crimes committed against Roma/Gypsies. ECRI also stresses that it is particularly important to render illegal any discrimination on the part of public authorities in the exercise of*

their duties. ECRI urges the Polish authorities to devote immediate attention to these problems.

The situation of Roma in Central and Eastern Europe is a matter of special interest to European institutions and the European Union Member States, which results mainly from fears of migration. This was clearly demonstrated in bilateral contacts with, inter alia, British, Finnish and Irish authorities during the last two years.

The interest of the European Union Members States and the Organisation for Security and Cooperation in Europe in the Roma issue, primarily in the Central and Eastern Europe countries, is based on the following two general observations:

- the Roma minority is the largest ethnic minority in Europe, and particularly in the countries of Central Europe;
- the situation of Roma is regarded, on the basis of, inter alia, the report of the OSCE High Commissioner for National Minorities dated March 2000, as “often the worst among all groups living in the OSCE area”.

Far-reaching involvement is also declared by deputies of the European Parliament who intend to encourage strongly the European Commission to undertake further action for the Roma community in the candidate countries. Moreover, keen interest in solving problems of Roma communities in Europe is shown by the OSCE, both by the High Commissioner for National Minorities and via the Office for Democratic Institutions and Human Rights in Warsaw. Informal dialogue concerning Roma issues between European institutions and the Central and Eastern Europe countries (particularly Slovakia, the Czech Republic, Romania, Bulgaria and Hungary) was initiated by the Finnish Presidency in the second half of 1999. Aiming to combat prejudices against Roma and to encourage activities changing the position of public administration, this dialogue builds on a recently produced analysis “Situation of Roma in the candidate countries; background document” and guiding principles drawn up by the Working Group of the “Central Europe” Council, OSCE, on the basis of this document. Special emphasis is placed on establishing and financing educational programmes which would increase Roma’s chances on the labour market, as well as on implementing other programmes, these to be financed from the national budget funds of the countries concerned and supported by the European Union assistance funds. Improvement in the situation of the Roma community is a short- and medium-term priority within the Accession Partnerships for 5 candidate countries (Bulgaria,

the Czech Republic, Hungary, Romania and Slovakia). Ca 10 million *Euro* were allocated from PHARE funds for these priority activities in 1999. Ca 13 million *Euro* will be allocated for these objectives in 2000. Furthermore, the Roma community may benefit from horizontal programmes, designed within the framework of the pre-accession strategy, such as “PHARE DEMOCRACY” and “Lien” (Development of support for a civil society). As part of preparations for the implementation of “ACCESS”, a new PHARE programme for non-government organisations, special representatives of the Commission will seek to identify priority target groups (beneficiaries) in the candidate countries. Some of these will include only Roma. Moreover, the Roma community may participate in EU programmes for young people which are open to the candidate countries (Socrates, including Comenius in particular, and Youth for Europe where 5 million *Euro* are allocated exclusively for Roma) and Tempus II.

The Roma problem in Poland, though acute, is of much less intensity than in some other countries of Central and Eastern Europe. Consequently, the European Union’s interest and its readiness to provide measurable and tangible assistance in solving problems in Poland is relatively low. However, to what extent Polish Roma benefit from assistance offered by the European Union will be largely determined by the level of activity on the Polish side. At the international forum, Poland declares it is open to cooperation and emphasises its interest in joint programmes to improve the overall situation of Roma.

The last European Commission’s report on progress towards accession in Poland and other candidate countries highlights the fact that no strategy for integration of the Roma community has been developed in Poland at the government administration level. It is also noted in the report that Roma’s economic and social conditions are worse than those of other members of the society. Referring to programmes for Roma undertaken by the applicant countries, the report points out that these should be financed from the national budget funds: “Such programmes should be supported by the budgetary resources (...) should be implemented on a regular basis in cooperation with Roma representatives”.

The difficult situation of the Roma community in the Małopolska province and the inability of local governments to cope with it were the factors underlying the decision about the involvement of government administration in solving the problems which have emerged (for a detailed description of problems see: Chapter V). The necessity to establish a *pilot government programme for the Roma community in the*

Małopolska province was highlighted during the 8th session of the Inter-Sector Task Force for National Minorities which took place of March 1, 2000. The Programme was jointly developed by:

- central institutions, in particular the Ministry of Internal Affairs and Administration,
- local government units of the Małopolska province,
- Roma organisations (the involvement of the Roma community in the development and implementation of the Programme is a key precondition of its success),
- non-government organisations.

The key role in collecting materials necessary to draw up a timetable for carrying out and financing tasks was played by commune councils of the Małopolska province. Other structures involved in the drafting of this document were district labour offices, the Małopolska Province Office and the Local Department of Education in Cracow.

The process of programme development and implementation involves plenipotentiaries for Roma, appointed in the first half of 2000 and working within local government structures (in Nowy Sącz and the Nowy Sącz District), as well as plenipotentiaries designated by local Roma communities.

The Roma issue is a subject of intense discussions in various circles in Poland. On the other hand, the community itself is seeking its own identity and ways for solving its pressing problems. Roma problems are and will continue to be solved on the basis of dialogue with the Roma community and its representatives.

3. OBJECTIVES OF THE PROGRAMME

The principal objective of the Programme is to achieve full participation of Roma, who live in the areas of the Małopolska province mentioned in Chapter I, in the life of a civil society and to mitigate the disparities between this group and the rest of the society. It is particularly important to achieve equal levels of development in areas such as education, employment, health, hygiene, accommodation conditions, skills for functioning in a civil society.

Discontinuing activities in these areas would aggravate further the disparities between the Roma and the rest of the society in respect of the civilisation level. The Roma

community, and the Bergitka Roma in particular, is the group that suffered most during the period of systemic transformations. Because of the low level of education of its members and its cultural specificity, it has been affected by all negative effects of transformations in Poland (unemployment, social problems, lower level of security). Moreover, it is this group that finds it most difficult to understand the transformations now taking place. Without reasonable external support, Roma will continue to rely on social welfare, which will be a heavy burden for both commune budgets and the State budget. Discontinuing activities today means higher costs in the future.

The Programme is not designed to offer ad hoc assistance in a difficult situation which the Roma community has found itself in, but to develop mechanisms which would make it possible to achieve the above-mentioned objectives. At the same time, it is essential to enable Roma to preserve their own cultural distinctness. With no educational background and difficult living conditions, Roma are susceptible to negative effects of civilisation, and thus their native culture is likely to disappear. In turn, preserving positive elements of the Roma culture may help this community to find its place in the contemporary Poland.

4. AIMS OF THE PROGRAMME

The Programme is a pilot initiative. Solutions proposed in the document are innovative and have not yet been applied in Poland. As the Programme is implemented and necessary experience gathered, its individual elements (especially in the area of education) should also be used in other regions of Poland. The Programme should first be extended to cover the whole area of the Małopolska province, including Nowa Huta where the Bergitka Roma have established a large settlement. It should be recognised that the Programme needs to be a multi-annual one. Its minimum duration should range between one and two decades. The three-year period as laid down in the law is clearly not long enough to achieve the strategic objectives of the Programme defined in Chapter III.

The Programme covers issues related to education, health, combating unemployment, welfare, housing, security, Roma culture, awareness of Roma issues in the Polish society, and awareness of reforms taking place in Poland in the Roma community.

In addition to government agencies, the following are involved in the implementation of the Programme:

- representatives of the Roma community,
- local governments (with communes being the basic units in the Programme),
- non-government organisations which are concerned with problems of the Roma community (*Helsinki Fundacja Praw Czlowieka* /Helsinki Human Rights Foundation/, *Fundacja Wspomagania Wsi* /Foundation for Supporting the Country/, *Europejski Instytut na rzecz Demokracji* /European Institute for Democracy/, *Fundacja im. Stefana Batorego* /Stefan Batory Foundation/, *Biuro Porad Obywatelskich Stowarzyszenia Centrum Informacji Społecznych* /Citizen Consultancy Office at the Association ‘Social Information Centre’/, *Polska Fundacja Dzieci i Młodzieży* /Polish Foundation for Children and Young People/.

The coordinator of the Programme is the minister competent for internal affairs. The involvement of local communities in the Programme is a necessary prerequisite for the achievement of its objectives. While designing the Programme, efforts were made to ensure that it would integrate the Roma minority in these communities and, instead of generating conflicts, would prevent any possible disagreements. Hence also the need to involve in the Programme those from the local community who, though not being Roma, are most in need.

The Programme includes information about costs to be incurred in its implementation and proposes institutions which will provide financial support. It may be financed from funds offered by:

- central government,
- local governments,
- non-government organisations,
- European assistance programmes.

It should be emphasised that, in accordance with the aims of the Programme, applications for grants under assistance programmes should be submitted by local government units or non-government organisations (including organisations which bring together members of the Roma minority). The Ministry of Internal Affairs and Administration has prepared and distributed to all interested parties a material on Assistance Funds which may be used in the implementation of the Programme. In cooperation with the Małopolska Province Office, the Ministry also intends to organise training sessions concerning the preparation of applications so that they meet the requirements of Assistance Funds.

The European assistance programmes which are potentially of key importance for the financing of the Programme include: ACCESS, SOCRATES-COMENIUS, LEONARDO DA VINCI, YOUTH, SAPARD. The World Bank offers the Rural Development Programme. Resources for individual tasks set in the Programme may also be obtained from the following national institutions and funds: the British KNOW-HOW FUND and THE PRINCE OF WALES, the Canadian Cooperation Fund, the Programme of Small Grants (KAP) of the Royal Netherlands Embassy, the programme of the Swedish International Development Agency, the Polish-Swiss Commission for Polish Zloty Funds. At the stage of programme development, contacts were established with all institutions and funds mentioned above.

Continuous financing of the Programme requires that expenses for the following three years be already now budgeted for. In order to ensure that resources for the implementation of the Programme are available in the State budget, a specific-purpose reserve should be established and remain at the disposal of the minister competent for internal affairs. These resources will be released at the request of the minister competent for internal affairs and transferred via the Małopolska Province Governor to individual local government units in the province. The government administration at the province level will also be charged with the task of on-going monitoring of the programme implementation and assessing the extent to which the aims of the Programme are achieved in individual years.

Local government units have agreed to take part in the Programme and to share costs of its implementation.

V. MEASURES DESIGNED TO IMPROVE THE SITUATION OF THE ROMA MINORITY BY AREA

1. Education

Description of the programme:

Most problems of the Roma community are related to the low level of education of its members. Roma children do not attend school regularly or at all; this is because their parents underestimate the role of education at a later stage of life and treat school as a repressive institution and as a threat to the Roma identity.

Roma children at the compulsory education age attend integrated classes or the so-called “Roma classes” (first such classes were established in the Bergitka Roma community several years ago on the initiative of the Reverend Stanislaw Opocki, the National Priest for Roma); however, they often finish their education at the age of 12. Young Roma set up their own families very early and, consequently, drop out of school while still at the primary level. Another reason explaining the dropout is that children beginning education in the primary school find it difficult to adapt to new conditions. When entering the first year of primary education, they often have a very poor knowledge of the Polish language. This problem also concerns their parents.

The report *“Romowie o edukacji swoich dzieci – na przykładzie Cyganow Karpackich”* (“Roma about education of their children: the example of the Carpathian Gypsy”), prepared for the Ministry of National Education, indicates that Roma children most often lack the initial preparation which is provided as part of pre-primary education. Roma do not normally enrol their children at nursery schools or in the so-called “zero classes”. One of the reasons is that they have no funds to pay for pre-primary education. Regrettably, in some cases social welfare benefits paid to parents were reduced because the Ministry of National Education awarded financial support for pre-primary education and integration camps. This definitely discourages Roma parents from enrolling their children at nursery schools and “zero classes”.

The fact that Roma drop out of school early may also be explained by adaptation barriers which result from the specificity of their culture and their poverty; the latter manifests itself in the lack of educational aids, malnutrition and clothes that are not as good as those other children wear. Moreover, adaptation difficulties of Roma pupils stem from their strong need to defend their own identity as well as the low social and economic status of their parents. Major problems in the education of children are related to the low level of education of parents who are unable to help their children in doing homework (Roma families believe that the responsibility for education rests only with the school and there is no need to study at home).

Roma children take over patterns of behaviour picked up in their families; these are: parents having no educational background and underestimating the role of education in the adult life; no regular job due to their low professional qualifications; passivity in solving life problems; a demanding attitude and the belief that one may function in the adult life without training for profession and changing or upgrading skills.

Educational difficulties are also determined by Roma's poor accommodation conditions. Children have no "nooks for study" at home, which is related to overcrowding and poor technical condition of buildings occupied by Roma. Roma families are unable to provide for several school-attending children at the same time; consequently, most young people do not continue their education at the post-primary level.

Moreover, given the fact that there is no single and generally recognised Roma language and teachers knowing Roma dialects are not available, it is not possible to organise classes for the Roma minority in its own language as in the case of other national and ethnic minorities.

Objectives:

The objective of the pilot government programme for the Roma community in the Małopolska province is to raise the level of education among Roma through increasing the completion rate, improving school attendance and learning achievements of Roma children and young people, and facilitating further study in post-primary schools for Roma young people. In the area of education, the Programme aims to ensure that the number of those of Roma origin who are unemployed and hold no professional qualifications will not increase to any higher level; to prevent this group from being marginalized in society even further than it is at present; and to halt the process of inheriting poverty by next generations.

Tasks:

Education is the most important element of the Programme because the situation in this area determines the possibility of improving conditions for the Roma community in other areas. Given the shortcomings of an experiment where separate "Roma classes" were set up, it seems most appropriate to provide intensive support to Roma children in integrated classes. The desirable model is that of integrated classes where teachers, who are familiar with the methodology of working with multicultural groups, devote special attention to Roma children, treating them as non-native speakers and bicultural children.

Every two or three Roma children should be assisted by a supporting teacher whose task would be to monitor the progress of children, to run compensatory classes, to help in doing homework and to keep in constant contact with families.

Supporting teachers, employed as additional staff in schools with Roma children and properly trained, should have access to literature on Gypsy issues as well as to assistance of intercultural methodologists and volunteers recruited from among students following higher education courses in social rehabilitation, care and education. Such teachers should be able to develop Roma children's motivation for learning as a means for social promotion and, at the same time, develop their interest in their ethnic distinctness, traditions and history of their own group. Special efforts should be made to encourage teachers working in classes with Roma children to establish good contact with parents; this will help to avoid bad climate around school issues and to ensure greater involvement of parents in the education of children. Other major tasks include:

- providing financial support for education in “zero classes” and ensuring the possibility of extending education at this level;
- introducing compensatory classes to help children fill in their gaps in education;
- enabling children to do homework in the school under the supervision of the teacher;
- organising special interests' clubs to enhance the elementary knowledge about the world which Roma children lack;
- organising classes devoted Roma culture and traditions;
- organising education and integration classes for children and young people to promote tolerance and to support Roma's adaptation in a new environment;
- encouraging children to take part in competitions, school contests and sports contests;
- establishing community centres where children may spend time under the pedagogical supervision;
- organising psychological and pedagogical support for parents and children;
- organising educational activities for adult Roma;
- organising vocational courses for young people and adults;
- organising meetings with parents devoted to compulsory education and obligatory school attendance;
- organising summer integration-oriented leisure activities in Gypsy camps for Roma and Polish children;
- enabling Roma children to take part in summer and winter camps;
- employing Roma parents who will take children to and from the school and look after them during field activities, excursions and other events;
- providing financial support for children's stay in nursery schools;
- providing financial support for the purchase of textbooks, teaching aids and school kits;
- providing financial support for the transport of children to schools;

- providing financial support for extra meals for children in the school;
- providing financial support for insurance of pupils against accidents.

2. Combating unemployment

Description of the programme:

Unemployment among Roma is directly related to their low level of education, the lack of professional qualifications and their insufficient knowledge of the Polish language. Other factors impinging on the high unemployment in the Roma community include: the high unemployment rate in Poland, the restructuring of industry and the collapse of state-owned enterprises where Roma have so far been employed, the disappearance of traditional Roma occupations such as smithing, horse trade, coppersmithing, etc.

The new system introduced after the collapse of communism could no longer offer the relatively secure economic position which was previously ensured by obligatory work and the absence of unemployment (the so-called hidden unemployment). In the market economy, Roma are unable to compete with Poles on the labour market, mainly because they have no formal qualifications. Consequently, they are faced with the risk of long-term exclusion from the labour market: the longer members of the Roma community remain unemployed, the lower is their level of education and the more limited is their work experience, the more difficult it is for them to find a job.

It should be emphasised that the high unemployment also results from the passive approach taken by Roma themselves; for example, they are reluctant to or do not enrol in retraining courses organised by district labour offices.

The report “*Romowie – bezrobocie. Elementy opisu położenia społecznego Romów w Polsce w 1999 r.*” (“Roma: Unemployment. Selected elements describing the social position of Roma in Poland in 1999”), prepared for the National Labour Office, indicates that:

- one third of Roma has not completed primary education;
- only 0.8% of the population surveyed hold higher education qualifications;
- not more than 43% of those surveyed indicated employment as a source of income for their families;

- although 32% of those surveyed declared readiness to take up employment, as many as 56% did not give any answer to the question about the interest in taking up paid work; moreover, a peculiar explanation, rooted in the tradition, was given to justify the lack of interest in paid work: statements such as “Gypsies do not have that”;
- only ca 30% of the Roma surveyed had contact with labour offices;
- not more than 25% of those surveyed declared readiness to attend vocational training courses, despite the very low level of education.

In the light of the data quoted above, the Roma community may be regarded as particularly exposed to the risk of long-term exclusion from the labour market. It is worth emphasising that the increase in the unemployment rate among the Bergitka Roma adds to their apathy.

Among all Roma groups, the Bergitka Roma are most affected by unemployment. It should be pointed out that 53.9% of the unemployed in the Małopolska province live in the rural areas where the Roma covered by the Programme are in the majority, and nearly all the Roma population there is unemployed and lives on social welfare benefits.

Objectives:

The objective of the Programme in the area of combating unemployment is to reduce the percentage of those without a job. This is particularly important in a situation where unemployment is of long-term character and affects nearly the whole ethnic group, families who have several children, live in appalling conditions and have no educational background. Roma as a group facing the risk of long-term unemployment should be a special target group for labour offices. Training for Roma should be designed to stimulate their psychosocial activity: developing their motivation to acquire, upgrade and change professional skills; encouraging them to seek for jobs actively; strengthening their self-esteem.

Tasks:

Activities designed to combat unemployment should be carried out by district labour offices in the target areas of the Programme, with the support of the National Labour Office. It is envisaged that the Programme will comprise the following elements:

1. developing motivation for retraining, and raising the level of general “ knowledge;
2. involving the unemployed in activities which encourage them to take an active approach;
3. training for occupations which are in demand on the labour market.

Individual tasks are as follows:

- segmenting the unemployed Roma with regard to forms of support to be planned;
- organising subsidised workplaces;
- providing skill upgrading and retraining courses;
- organising career guidance services;
- setting up an Information and Legal Advice Office for Roma;
- creating jobs in traditional Gypsy areas (support for the development of artistic handicraft, artistic smithing, Gypsy restaurants);
- promoting an active approach.

It should be pointed out that special schemes are envisaged as a statutory instrument used to mitigate effects of unemployment in social groups which are most at risk (these including Roma) (Law of December 14, 1994 on employment and combating unemployment, Journal of Law 1997, No. 25, item 128 with later amendments, and the Regulation of the Minister of Labour and Social Policy of November 15, 1995).

3. Health

Description of the programme:

The health condition of Roma families living in the foothill areas of the Małopolska province is an issue of great concern. Serious health problems result mainly from the low level of hygiene and disastrous living conditions: no water supply and sewage system, no heat insulation in buildings and their appalling technical condition, lack of money for fuel, poor diet, limited access to health-care services, and no tradition to monitor pregnancy among Roma women, which would help to cure congenital defects of children at an early age. Regrettably, prenatal care is non-existent among Roma.

Genetic diseases may also result from endogamy of the Roma living in the region covered by the Programme; the Bergitka Roma group is regarded as inferior by other Roma groups and there are thus no mixed marriages between its members and Roma from other groups.

According to Jenny Beesley's report mentioned in Chapter II, the health condition of Roma living in the foothill areas of the Małopolska province is extremely poor. They suffer from diseases such as viral hepatitis B, asthma, pneumonia, bronchitis, tuberculosis, anaemia, mental handicaps and hyperthyroidism. Because of disastrous sanitary conditions personal hygiene is at a very low level. The life expectancy for Roma in this area, as reported by J. Beesley, is 55 years.

Objectives:

The objective of the Programme is to improve the health condition by ensuring easier access to health care services for Roma in the Małopolska region, and to improve the level of hygiene. Special attention should be given to children and young people who, as reported by social workers, are neglected and are not vaccinated.

Tasks:

- organising “white days” for Roma;
- promoting improvement in hygiene;
- increasing the frequency of medical examinations taken by Roma women;
- subsidising medicines;
- creating possibilities for elderly people to stay in sanatoria;
- employing community nurses of Roma origin who would be in a much better position to persuade Roma women to take regular medical examinations;
- establishing points where Roma could be provided with immediate medical aid;
- carrying out summary examinations;
- checking personal hygiene of pupils;
- promoting vaccination;
- preventing jaundice;
- exterminating insects and rats;
- organising public lectures on hygiene and disease prevention measures; - ensuring regular garbage disposal.

4. Living Conditions

Description of the programme:

The overwhelming majority of the Roma living in the foothill areas of the Małopolska province is the social welfare clientele. In 10 communes of the province which are

inhabited by Roma, 75% of Roma families received or still receive various social welfare benefits, and in some communes various forms of such support are granted to over 95% of Roma families. These families are provided with the whole range of benefits such as cash allowances, meals paid for school-attending children, and in-kind assistance, including fuel.

Support is granted mainly in the form of regular social welfare allowances and specific-purpose allowances. Because of their arrears for the rent, Roma families are often ineligible for accommodation allowances. Premises occupied by Roma require repairs to be undertaken immediately; some of them do not meet the requirements of housing regulations, and in some cases construction licenses have not even been applied for. If repairs are not undertaken very soon, some buildings will be only due for demolition. Accommodating families with a large number of children and several generations, Roma apartments are overcrowded. Another major problem is that the question of the ownership of land occupied by Roma remains unsettled and, consequently, no new apartments may be built.

Income obtained by a large number of families remains below the poverty line. Only those who are of or above the retirement age, and thus benefit from state pensions, receive regular payments. It is, however, estimated that the next few years will see a growing number of Roma who, though reaching the retirement age, will never be eligible for state pensions; this means a further increase in the number of those with no source of regular income. Social welfare benefits have so far been granted in the form of cash allowances, which enhances the already strong demanding attitude among Roma. Roma are a special group of social welfare beneficiaries due to their specific culture. Therefore, standard measures aiming to stimulate their psychosocial activity fail to bring desirable outcomes. Roma should be covered by special social welfare schemes which take into account their specificity. Though clearly necessary, social welfare as offered so far does not serve to encourage economic independence among Roma families or to restore their capacity for performing various duties, nor does it support their social integration.

Objectives:

The objective of the Programme is to improve Roma's living conditions, and accommodation conditions in particular. The Programme also aims to help Roma families achieve the financial situation which would make it easier for them to benefit

from other areas of the Programme. e.g. EDUCATION. In this context, it should be pointed out that those most affected by poverty are children; children are deprived of basic equipment and clothes or opportunities to take part in holiday trips; moreover, they may not continue their study in post-primary schools because parents have no funds to pay for their transport to schools outside the neighbourhood. Another important element of the Programme is the improvement of sanitary conditions (connecting apartments to sewage and water supply systems; access to running water, etc.).

One should bear in mind that this area of the Programme may not be treated as an objective itself but only as a means for the achievement of other objectives such as education. Cash allowances should be reduced to the minimum, and support should be granted conditional on Roma's own activity. Social welfare should also be linked with other areas, e.g. education.

Tasks:

- repairing existing apartments and buildings;
- building low-cost or subsidised apartments;
- settling the question of ownership of land;
- allocating land for construction sites;
- supporting the construction of small apartments;
- drawing up technical documentation for buildings;
- purchasing construction materials;
- arranging for engineering supervision during construction;
- providing installations for electricity and water supply;
- connecting Roma settlements to water supply and sewage systems;
- building house-based biological sewage treatment stations;
- building house-based septic tanks or purchasing container sanitary facilities;
- offering assistance to facilitate the payment of rent arrears, e.g. providing for payment in instalments;
- granting social benefits;
- mobilising the Roma community in order to ensure its psychological and social independence through social work and guidance;
- granting specific-purpose and periodical allowances for the purchase of clothes, medicines, fuel;
- improving skills of social workers.

5. Security

Description of the programme:

Roma are the national minority which is most exposed to racist attacks. They are sometimes attacked by skinheads because of their different skin shade or lifestyle. However, according to the General Police Headquarters, Roma are not frequent victims of crimes, and crimes committed against them bring a rapid reaction of the Police. Some Roma communities complain that the Police are sluggish in reacting to racist attacks; they do not, however, submit official complaints about the conduct of individual officers.

An important factor which makes it more difficult to detect perpetrators is the reluctance among Roma themselves to cooperate with the Police and the fact that committed crimes are not reported to the Police. At both the local and central levels, efforts have been made by the Police to arrange meetings with representatives of Roma associations to discuss the risks involved, but the Roma side has shown no interest in these initiatives. Nevertheless, some Roma communities complain that there is no awareness among police officers of possible ethnic grounds underlying such attacks. Police statistics concerning crimes committed on ethnic grounds, which most often involve victims from the Roma minority, are optimistic; however, this may also suggest that there is only limited information available in the Police to assess the situation in the Roma community. Roma do not, as a rule, cooperate with the Police, even in the case of crimes against members of its own community, often seeking justice on their own. The Police do not have among their staff any officers of Roma origin who would be in a better position to work with injured fellowmen.

Measures designed to protect national and ethnic minorities (including Roma) against crimes committed on grounds of nationality have now been introduced in the new Polish Penal Code. However, resentment is often voiced by Roma against sentences for crimes against them and the provision allowing those indicted for such crimes to be released pending trial.

Because of the rule that the ethnic origin of crime perpetrators should not be recorded, the Police are unable to assess accurately the level of criminality among Roma. Likewise, no data on the nationality of convicts are available in the Ministry of Justice, this being forbidden by law (The Law of August 29, 1997 on the protection of per-

sonal data, Journal of Law No. 133, item 883). With incidents involving Roma being publicised widely by the press, it is generally believed that criminality in this community is running high. According to the Police, however, the level of criminality among Roma does not differ from national indicators.

Even though the Police do not keep any detailed registers of crime perpetrators or victims with respect to their ethnic origin, the experience gathered shows that offences or crimes most often committed by Roma are thefts, thefts with burglary, and robberies. When studying criminal circles, the Police and criminology researchers observe that the level of criminality among Roma is much higher in large agglomerations than in the country, where most of the Bergitka Roma live.

Objectives:

The objective of the Programme is to improve security by enhancing the sensitivity of the Police to racist crimes and taking action to change the conviction that such acts are not socially harmful. The Programme also aims to help Roma see the necessity for cooperation with the Police in combating crime and to build greater confidence in law enforcement agencies. In the longer term, efforts should be made to recruit persons of Roma origin to police forces.

Tasks:

It is advisable to provide training in the area of racist crimes for police officers working in the Roma community, to make them more sensitive to the issues related to racist hatred, and to raise their awareness of the cultural specificity of Roma which requires a special approach. Extensive cooperation between the Police and Roma would be helpful in this area (several cases of assault on Roma at their homes were reported where the injured parties did not file a request for legal action, even though perpetrators were captured on the spot as a result of the Police intervention). Furthermore, tasks in the following areas should be undertaken:

- preventing crimes committed on ethnic grounds, and ensuring rapid reaction to such crimes;
- providing support for victims of crimes committed on ethnic grounds;
- changing the attitude of Roma so that they see the necessity for cooperation with the Police in order to punish perpetrators of crimes against Roma;

- patrolling the areas inhabited by Roma;
- recruiting persons of Roma origin for police forces (patrol and local police forces);
- ensuring cooperation and exchange of information between the Police and representatives of the Roma community;
- employing guardians appointed by court who understand the specificity of the Roma community.

6. Culture

Description of the programme:

After the year 1989, a large number of Roma associations have been established which mainly organise cultural events. Since then, the Festival of Roma Culture and the International Gypsy Band Meetings have been held regularly, and periodicals “Romp-o Drom” and “Dialog-Pheniben”, subsidised by the Ministry of Culture and National Heritage, have been published.

The National Museum Auschwitz-Birkenau in Oświęcim is organising an exhibition devoted to the martyrdom of Roma during World War II in the Auschwitz Concentration Camp. It will be based on documentation gathered by the Centre of Sinti and Roma Documentation and Culture, materials provided by the Museum in Oświęcim and collected by Roma organisations in various countries.

In Tarnów, inhabited mainly by the Polish Roma group, the first Gypsy museum collection in Poland was displayed in 1979, and the first permanent exhibition devoted to the Gypsy culture and history in the world was opened in 1990. This place also hosts folk events. One of regular events held there is the Gypsy itinerant camp which leaves Tarnow in July each year to make a several-day tour. Another permanent exhibition is the Gypsy sector in the heritage park in Nowy Sącz.

The Bergitka Roma living in the foothill areas of the Małopolska province have largely forgotten their own culture. Therefore, special efforts should be made to encourage the involvement of this most assimilated Roma group in cultural activities which would help to create a positive image of Roma culture in the Polish society.

Roma have lived on the margins of the European society throughout centuries; as a result, like in other countries, there is no awareness in Poland of Roma customs

and traditions. Efforts should therefore be made to encourage the involvement of local communities in cultural activities. These are linked with the tasks proposed in the Programme for the area of EDUCATION (establishing special interests' clubs for children and young people, setting up musical bands) and COMBATING UNEMPLOYMENT (supporting the establishment of Gypsy restaurants, restoring artistic handicraft).

Moreover, steps should be taken to commemorate the places of Roma martyrdom during World War II, because only those specialising in this area are aware that half of the Roma population in Europe lost their lives during that period in concentration camps and ghettos. It was not before the beginning of the 80-ties that the Roma war tragedy was first discussed at the international forum. Because of the vague awareness of common national heritage among Roma, their memory of suffering during the war has emerged in the recent years as an important factor in developing the sense of belonging to the Roma community.

The main obstacle in the process of social integration of Roma is their fear to lose their cultural identity. The tasks to be undertaken should aim to convince Roma that raising the level of education of the Roma community will serve to strengthen their cultural identity.

Objectives:

The objective of the Programme is to preserve and develop the Roma culture. This should be achieved through activities designed to present this culture to wide circles of the society. Simultaneously, the cultural diversity of the Małopolska region should be highlighted with a view to promoting tolerance and openness to other cultures among Roma as well other communities.

The Programme also aims to preserve the places of Roma martyrdom during World War II and thus to reawaken the memory of Roma victims in the Polish society.

Tasks:

- providing support for existing musical bands and for the establishment of new bands;
- providing support in the preparation of cultural and sports events organised by the Roma community;

- introducing aesthetic education for Roma children and young people through their direct contact with the art;
- organising a review of Roma artistic works;
- providing support for young people to develop their artistic talents;
- preparing historical documentation which illustrates the history of Roma in Małopolska;
- organising events devoted to history;
- extending the Gypsy sector in the heritage park;
- supporting publication activities;
- establishing a Centre of the Roma Culture;
- providing support in the organisation of the International Festival of Roma Children and Young People;
- supporting the International Roma Memory Camp;
- commemorating the martyrdom of Roma during World War II.

7. Knowledge in and About the Roma Community

Description of the programme:

A major issue of concern is both that the Polish society has too little knowledge about the situation of Roma and that Roma themselves can hardly find their way in the contemporary realities of a civic society. This concerns in particular the Bergitka Roma who communicate only with their next-door neighbours and have very limited contact with information coming from the world outside their community. It is especially difficult for the Mountain Roma to understand changes recently taking place in Poland, and in particular reforms carried out by the Polish Government.

Relations between Roma and non-Roma communities in Poland are largely based on stereotypes. Dishonesty, reluctance to work, the lack of hygiene and high levels of criminality are some of the elements in the image of Roma which still prevails in the Polish public opinion. On the other hand, living in social isolation which have been both imposed on and chosen by them, Roma are distrustful and contemptuous of ‘outsiders’, though often not showing such feelings. With its state and law enforcement institutions, the external world is unacceptable to Roma. A wide-ranging educational action may be a solution to this problem; such an action, to be undertaken mainly in communities of ethnic Poles, should promote tolerance and openness to OnIERS, and should encourage efforts to raise the awareness of changes taking place in Poland among Roma.

Objectives:

The main objective of the Programme is to ensure social integration of Roma through improving the image of Roma in the Polish society and raising the awareness of processes taking place in the country and throughout the world among Roma.

Tasks:

The tasks undertaken in the framework of the Programme aim to propagate in the Polish society the true image of Roma with the variety of their customs and their distinct identity, which may enrich Polish culture in line with the old tradition of “the Republic of Nations”. Opinion-shaping media, including regional TV divisions as well as national radio and TV stations, may provide an important contribution by taking up these issues in their programmes. The Polish TV Division in Cracow is now preparing a programme devoted to Roma culture and problems, and to the promotion of tolerance and social integration. The Cable Television now working in Nowy Targ may be used as a channel to promote programmes focused on problems of the Roma community and its culture as well as this Programme for the Roma community on the Małopolska province. A programme about the situation of Roma in Małopolska was broadcasted in September 2000 by Channel I of the Polish Radio.

Educational activities should be carried out in the Roma community to inform them about the realities in the country which they live in: civic rights and duties, rights they have been granted as a national minority, reforms being currently introduced, access to pedagogical, psychological and social welfare services, Poland’s accession to the European Union and changes involved in this process. Such awareness-raising activities are designed to prevent the exclusion of Roma from a civic society. Other major tasks include:

- establishing posts of local plenipotentiaries of the Roma community;
- organising a mobile Citizen Consultancy Centre;
- promoting publications about Roma;
- organising a Polish-Roma camp with an integration programme;
- broadcasting regular programmes about Roma in local and national media.

13. SUMMARY IN ROMANI

O Europako Rromano Chachipasko Centro kerda monitoringo ande Polandia thaj arakhla kaj kontra e rroma kerel pes rasistikani diskriminacia, rasno motivirime violencia thaj policiaki tortura. Rromane chachipa ande Polandia si sajekh dukhadine ande Polandia pal o nacionalo vaj lokalo barederipe (autoriteto) den cikni protekcia e Rromenge thaj butivar oprin e viktimo de astarel pire chachipa. O Governo dzi akana chi dia lache garancie e Rromenge pala egalutne chachipa thaj chi kerda lache aktivitetura te phagavel e ekskluzia e Rromengi andar Polandiako societato.

But cikno numbri e Rromengo ande Polandia sasa utilizime katar Polandiako Governo te phagavel e rromane problemura ande komunitetura sar vi te phagaven kontra rromane sentimntura mashkar majoritetoski populacia. Ande 1990-te bersha e polandiako autoriteto/barederipe chi vazda piro glaso kontra anti-Rromano kriminaliteto thaj chi phagarda e rasistikani diskriminacia. E Rroma andar Polandia nashti adzukaren katar o Polandikano them te azsutil lenge vaj te sikavel o chachipe kana si lenge fundamentale chachipa phagardine. E Rromen si chahcipe vi kana phenen kaj si inkaldine (kaj si kontra lende kerdini ekskluzia) andar Polandiako societato. Vi kana si kerdine varesave aktivitetura po drom te shukarel pes e situacia e Rromengi ande Polandia sa so si kerdino naj sasa adekvato.

Numaj jekh lungo programo kerda kadale themesko governo te shukarel thaj zurarel e situacia e rromengi, Pilot Governosko programo pala Rromane komunitetura ande Malopolska Provincia pala e bersha 200-2003-to thaj kava si zala/cerra te phagaven pes maj vasne problemura ande rromane Komunitetura vaj te phagavel pes o rasizmo ande Polandiako societato. Pe jekh rig kava programo sikavel lachi voja e themeski te zsutil e Rromenge numaj pe dujto rig vov zurarel e rasistikane stereotipura thaj segregacia ande Polandia.

Zurali thaj intenzivo misia savo kerda o *ERRC* thaj leske partnerura sar vi regulare raportura katar e manusha save keren monitoringo ande kava them sikada varesave egzemplarura pala o phagavipe manushikane xakajengo kontra e Rroma ande Polandia:

1. **Rasizmostar motivirime violencia:** E Rroma si sajekh atakuime katar e skinhedura, kontra lende kerel pes rasizmostar motivirime violencia thaj tortura

katar Gadze. But incidentura sesa ande maj paluni decenia kana e gadzikane grupe (save kamen o neo-nacizmo) marde e Rromen, die ande Rromane komunitetura vaj ande lenge khera. Kana e Rroma phenena so si kerdino lenca e sherutnenge e atakura kontra lende sesa maj zurale. Sar rezultato gasave situaciako e Rromen si dar katar svako khetano dzivdipen e gadzenca.

2. **Problemo te protektuin pes e Rroma thaj na-chachipe pala Rromane viktimura katar rasizmostar motivirime kriminalo:** Polandiaki policia thaj krisimasko sistemo chi sidjarde te keren reakcia po kriminalo kontra e Rroma thaj chi kamle te dikhen kaj kava kriminalo sasa rasizmostar kerdino. Polandiako autoriteto butivar chi kerda reakcia pe raportura thaj mukla e viktimonen te aven bi protektuime katar avutni violencia thaj khonik chi kamla te arakhel o drom sar te phagavel pes kriminalo kontra e Rroma. Kana e lie te keren pes rodipa kontra rasizmostar motivirime kriminalo von achile (sesa blokirime) thja butivar phenenas kaj achile godolese kaj chi arakhle evidencia te bi phandena e manush save kerda kriminalo kontra e Rroma vi ande kazura kana o bango manush sasa sikadino katar o Rromano viktimo.
3. **Policiaki tortura:** E policia thaj aver barederipa/autoritetura ande Polandia keren svakodivesutni tortura pe manusha andar Rromano komuniteto kade kaj kontra o zakono traden len ando phanglipe, len lenge khera vaj aver barvalipa. Kana kerel pes varesavo rasizmostar motivirime kriminalo thaj kana godo ashunel e policia varekana pe viktimura tradel pes o bangipe. Aver egzemplo pala policiaki tortura kontra e Rroma si ande relacia e Rromenca andar e Romania save avile ande Polandia. Rezultato kadale torturako si deprotacia Rromengi, lenge chavrengi separacia thaj linipe lenge barvalipengo. Kodola save mashkar e policia keren tortura kontra e Rroma butivar naj doshardine pala e bilachipa save keren.
4. **Diskriminacia:** Direkto thaj indirekto diskriminacia si adivesutni situacia mashkar e na-Rromano majoriteto thaj Rromano minoriteto ande Polandia. Polandiake anti-diskriminaciake aktivitetura (zakoneske paragrafura) ande adivesutni vrama naj lache. Godolese/vash odi kaj si gasavi legislacia, ande situacia kana chi xatjarimaski kultura kontra e rroma si bari, kana e stereotipura astrade bari zor ande Polandiako societato e rroma si konstanto achadine/blokirime thaj naj len shaibe te astaren fundone xakaja thaj sociale servisura.

4.1 **Diskriminacia kontra e Rroma ando fremo e urbanizmosko O ERRC** kerda but dokumentura save vakaren/vorbin pala dukhavipe Rromane

xakajengo/chachipengo ando fremo e urbanozmosko ande Polandia. E Rromenge si oprime te train ande publike khera, khonik chi protektuil lenge barvalipa. O *ERRC* kerda raporto pala gasavi diskriminacia. E lokale barederipa/autoritetutra traden e Rromen te dzan andar e khera thaj maj dur keren segregacia sar vi getoizacia. Vi pe thana kaj trail o Romano komuniteto bari vrama legalo situacia pala o beshipe e rromengo ande khera naj phagardino thaj gasavi situacia putarel o vudar pala e tortura kontea e Rroma sajekh.

- 4.2 **Diskriminacia ando fremo sastipaske protekciako:** E Rromane komunitetoren naj nisave sastipaske servisura. O *ERRC* kerda raportura ande save e manusha save den sastipaski protekcia chi kamle te azsutinen e nasvale Rromenge numaj kaj si len aver etnikani buchim.
5. **Diskriminacia ando fremo e butjarimasko:** E gadze ande Polandia generalo chi kamen te den butjarimasko than e Rromenge pal e themeske ofisura pala o butjaripe butivar dikhen pe Rroma sar pe responsabile pala gasavi situacia deso sar viktimura. Dzi kaj o nacionalo governo dikhel pe Romano na-butjaripe sar baro problemo khonik chi lel sama pe rasistikani diskriminacia savi kerel pes ando fremo e butjarimasko.
6. **Diskriminacia ando fremo sociale azsutimaske pokinimasko:** O *ERRC* kerda dokumentura ande save sikada egzemplarura pala diskriminacia kontra e Rroma ando fremo sociale azsutimaske pokinimasko. Kana o barederipe kerel kadi buti e Rromenca von maj anglal den specialo tretmano e gadzen thaj thampal/pala godo azsutinen e Rromenge. Gasavo egzemplo del sar rezultato na-butjaripe e Rromengo so tradel len te train/dzivdinen ando baro choripe.
7. **Diskriminacia ando fremo utilizaciako e servisongo:** Oficiale thaj private institute butivar oprin/chi den e Rromenge shaibe te utilizin e servisura numaj godolese kaj si Rroma. Ande restoranura, barura, ratjake klubura e Rromen butivar naj shaibe te utilizin e servisura thaj varekana aven tradine katar kadala thana.

O *ERRC* arakhla sar e lokale barederipa keren diskriminacia kade kaj chi keren registracia e Rromengi sar manusha save train/dzivdinen ande godo foro thaj maj dur e barederipa kava utilizin te oprin chachipa/xakaja e Rromenge ande Polandia. Kana o manush registruil pes sar civilo savo beshel ande jekh foro atoska les si shaibe te utilizil than kaj ka beshel, si les shaibe po socialo azsupte, shaibe te utilizil themeske

servisura. O barederipe kana chi registruil e Rromen chi del len o shipe te realizuin pire sociale thaj ekonomikane chachipa/xakaja. Numaj e Rroma ande Polandia si sajekh chudine katar o societato kade kaj chi del pe lenge shaibe te aven registruime.

8. **Segregacia ando fremo e edukaciako:** Ande 90-te bersha segregacia Rromane studentongo ande speciale “Rromane klasura”, vaj speciale klasura pala retardirime studentura sasa pragmatika ande sasti Polandia. Bilaches kerdine, bilaches lachardine kadale klasura die substandardo edukacia thaj vazda opre marginalizacia thaj ekskluzia Rromane chavorengi. Varesave shkolateke administratora ande Polandia chi kamen te registruin Rromane studentonen ande shkole thaj kade direkto phagaven e xakaja pala e edukacia. Kava raporto si vi jekh dokumento savo sikavel sarsavi torturaa kerel pes kontra e Rromane studentura katar e butjarne ande shkola thaj katar gadzikane studentura. O *ERRC* arakhla kaj kana si gasave problemura e shkolateke barederipa chi dosharen kodolen save kerde varesavi tortura kontra e Rromane studentura, von alosaren aver drom thaj protektuin e viktimumen.

Kerdini si vi jekh publikacia, katar Jekhethanesko Naciengo Komiteto pala Ekonomikane, Sociale thaj kulturake chachipa/xakaja thaj katar Jekhethaneske Naciengo Komiteto pala chavrengi xakaja, kasko areslipe sasa te kerel analiza pala e situacia ande Polandia. Ande kadi publikacia ande maj paluni observacia pala Polandia (CRC/C/15/Add.31/15 Januari 1995-to bersh), o Komiteto pala e chavrengi chachipa/xakaja dia piro gindipe ande relacia pala “ tradicionalo chixatjaripe savo ci vadzi baro ande kava them thaj kaj godolese/vash odi nashti realizuin pes generale principura e Konvenciake (pala chavrengi xakaja/chacipa), thaj specialo nashti realizuil pes o artiklo/kotor 2 (savo vakarel pala na-diskriminacia), artiklo/kotor 3 (principo paala majlache interesura e chavrengi) thaj 12 (respekto pala gindipe e chavresko)”. O Komiteto arakhla kaj si e Rromane chavre specialo dukhadini grupa thaj dia rekomodacia kaj maj palune aktivitetura trubun te keren pes po drom te achavel pes e diskriminacia kontra lende. Kava raporto sikavel kaj naj sasa kerdine lache aktivitetura katar e vrama kana o Komiteto dia piri rekomodacia; e violencia kontra e Rroma thaj segragacia ando fremo e edukaciaki sasa maj bari ande dujto dopash majpalune dekadaki, e situacia Rromane chavrenca thaj generalo e Rromenca sasa but bilachi.

E Polandiako areslipe si te del ande Europaki Unia. Te kerel pes kava areslipe trubun te respektuin pes maj bare manushikane chachimaske standardura khetane e chachipasa andar Europaki Konvencia pala Manushikane Chachipa thaj Fundamentale slobode savi e Polandia dekumaj ratifikuisarda. Maj dur po drom te avel kompleto

membro e Polandia musaj/trubul te adoptuil opletu legislacia savi ka avel kompatibilo e Konziloske direktivasa 2000/43/EC katar 29-to Juni 2000-to bersh savi implementuil principura katar egalutno tretmano mashkar manusha bi diferenciako pe lengi etnikani buchim/fela vaj nacia katar o akcetuimasko djes/datumo (kava akharel pes rasistikane Egalitetoski Direktiva), savi si akana kotor katar *acquis communautaire*, so sa e thema save kamen te ten ande Europaki Unia trubun te len/akceptuin. E Polandia akceptuisarda vi e mashkarthemutni obligacia ando fremo mashkarthemutne Konvenciako pala Civile thaj Politikane chachipa/xakaj, mashkarthemutni Konvencia pala Eliminacia svakone formako Rasistikane Diskriminaciako, Mashkarthemutne Konvenciako pala chavreske xakaja/chachipa, thaj mashkarthemutni Konvencia pala Eliminacia svakone Diskriminaciake Formako kontra e dzuvlja.

E Polandia trubul/musaj te akceptuil/lel thaj te kerel implementacia kadale obligaciengo kade kaj ka nevljarel piri akanutni legislacia, kade kaj ka shuvel/thol ande godi legislacia opripe pala rasistikani diskriminacia thaj protekcia minoritetonge chachipengo/xakajengo. Andi kadi legislacia trubul aktivo te protektuin pes manushikane xakaja/chachipa e viktimonengo katar rasizmostar motivirime violencia kade kaj ka arakhen pes lache juristikane draabura pala e viktimura katar e violencia thaj diskriminacia thaj kade kaj ka phagavel pes e diskriminacia po nacionalo thaj lokalo levelo. Ande avutne bersha e Polandia trubul te alosarel mashkar kultura savi si pherdi violenciasa, diskriminaciasa savi phagarda relacia mashkar majoriteto thaj Rromano minoriteto thaj te dzal po drom savo respektuil manushikane chachipa thaj manushikasno digniteto, savo respektuil o zakono thaj demokratia.

Gindosa po kava raporto o *ERRC* del rekomodacie so e Polandiako barederipe trubul te akceptuil:

1. So maj sigo te traden pes anglal o krisi kodola save so responsabile pala rasistikane motivirime kriminnalo kontra e Roma.
2. Te keren pes rodipa pe sa instance ko thaj kana andar e policia kerda tortura kontra e Roma sar: violencia, kontra zakonesko linipe e Rromenge barvalipengo, te kerrel pes rodipe pala rasistikane motivirime kriminalo thaj te protektuin pes potenciele viktimura katar potenciele atakura.
3. Te kerel pes o Polandiako zakono te avel kompatibilo e Direktivasa 2000/43/EC, "implementacia principurengi pala egaliteto mashkar manusha bi diferenciako pala

rasa vaj etnikani buchim”, adoptuime katar Europake Konziloske Uniako po 29-to Juni, 2000-to bersh “rasaki Egalitetoski Direktiva”). Te dikhel pes kaj e manusha andar o bordo pala implementacia keren piri buti korkore vojako thaj te dikhel pes kaj si kadale manusha adekvato alosardine.

4. Somnisardo thaj ratifikuime pe vrama Protokolo 12 Europake Konvenciako pala Manushikane xakaja/chachipa.
5. Pe vrama somnisardo thaj ratifikuime nevljardino Socialo Charteri Europake Konzilosko thaj te kerel pes deklaracia ande savi ka lel pes/akceptuil pes kolektivo procedura ando fremo e artiklosko D, paragrafo 2 kator IV-to katar o nevljardino Charteri.
6. Te dosharen pes kodola save lie than/kerde diskriminacia kontra e Rroma ando fremo e urbanizmosko, butjarimasko, sociale protekciako sar vi akseso pala socialo pokini[e thaj publike thaj aver themeske servisura thaj maj palal te del pes lachi kompenzacia e viktimurenge katar e diskriminacia.
7. Te del pes sekuritato pala bare vramaki rezidencia Rromane Komunitetongi thaj te protektuin pes/arakhen pes e manusha save beshen gothe te e foroske barederipa chi traden len sarvi te ortektuin pes katar segregacia.
8. Te keren pes e aktivitetura areslimasa te e lokale autoritetura/barederipa registruin sa e Rromen save beshen ande godi regia bi diferenciako pala e rasa.
9. Te implementuil pes lacho shkolate desegregaciako plano. te phagavel pes e praksa te e Rromane chavre shuven/thon pes ande “Rromane klasura” vaj ande klasura pala mentalo hendi kepirime studentura. Te kerel pes integracia Rromane chavorengi ande klasura kaj si vi e gadzikane studentura thaj kaj trubul te kerell pes implementacia e programosi savo trubul te lokharel e tranzicia andar segregaciaki pe nasegregaciaki edukacia.
10. Te so maj sigo keren pes e aktivitetura areslimasa te e Rromane chhavre save si tradine andar e shkole aven integrishime ande normale shkolate sistemura.
11. Te kerel pes anglal-shkolako programo pala Rromane chhavre te sikaven e chhib pe savi kerel pes edukacia ande godo regiono.

12. Te dosharen pes e sitjara/profesora thaj e shkollake administratora save keren tortura pe Rromane studentura thaj te protektuin pes e chavre katar gavage bilachhipa.
13. Te buxljaren pes e shaipa pala sitjaripe Rromane chibaki, kulturaaki thaj xistoriaki ande shkole thaj te kava kerel pes pala sa e shkole, thaj kader sa e chavre ande Polandia shaj sikaven gabor/sode si bari kontribucia e Rromengi ande Polandiako societato.
14. Te del pes bi lovengo slobodo legalo azsutipe e grupenge saven naj bari zor thaj vi e Rromenge.
15. Pe maj baro levelo pala anti-Rromano sentimento thaj rasizmostar motivirime kriminalo; pe sa e levelura te vakarel pes kontra o rasizmo, rasizmostar motivirime kriminalo thaj pala e egzemplarura katar diskriminacia thaj segregacia te dikhel pes so si problemura katar anti-Rasizmo ande Polandia kade kaj ka buxljaren pes thaj implementuin pes anti-rasizmoske curriculumura pala shkole thaj kampanje pala e media thaj kade shaj dikhen pes, kade shaj savore dzanen sarsave si negative stereotipie kontra e Rroma thaj rasizmo globalo.
16. Te kerel pes lacho manushikane chachimasko thaj anti rasizmosko treningo pala nacionalo thaj lokalo administracia, pala e policia thaj krisura.
17. Te kerel pes regrutacia kvalifikuime/edukuime Rromengo pala profesionale pozicie ande administracia, polkicia thaj krisura.

REPORTS BY THE EUROPEAN ROMA RIGHTS CENTER

State of Impunity:

Human Rights Abuse of Roma in Romania

(September 2001)

Campland:

Racial Segregation of Roma in Italy

(October, 2000)

A Special Remedy:

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