

Xenophobia, radical nationalism and manifestations of hatred in 2020-2022: Poland

1. Legislation.

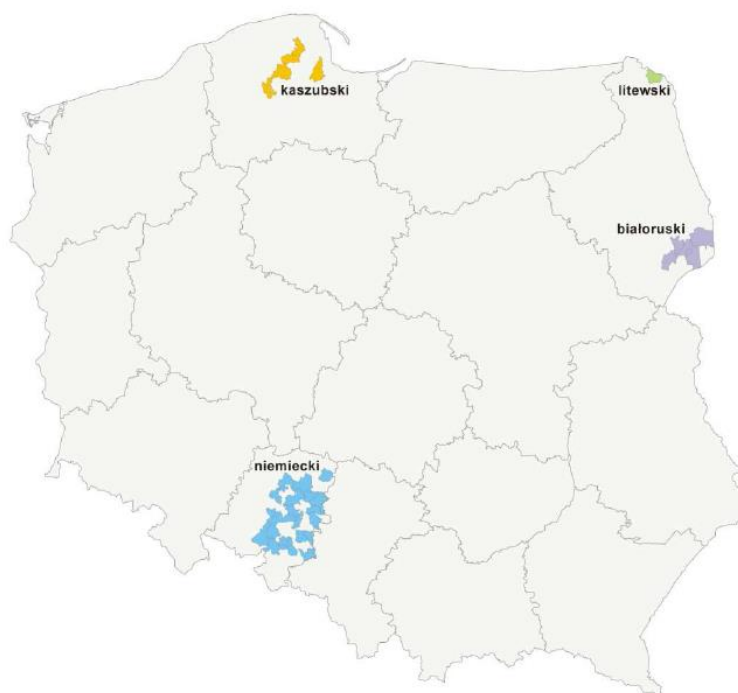
1.1 Legislation affecting the interests of national minorities.

Polish law distinguishes between a national and an ethnic minority. In the current Constitution, Article 35 states that "the Republic of Poland shall ensure to Polish citizens belonging to national and ethnic minorities the freedom to maintain and develop their language, to preserve their customs and traditions and to develop their culture"¹. The Act "On National and Ethnic Minorities and Regional Language" of 6 January 2005 among the criteria for classifying a group into a certain category, the main distinction is identifying itself with a nation with its own state. Groups that identify themselves with a nation with its own state are recognised as national minorities (Armenians, Belarusians, Jews, Lithuanians, Germans, Russians, Slovaks, Czechs, Ukrainians). Groups that do not identify themselves in this way are recognised as ethnic groups (Karaites, Lemkis, Roma, Tatars).

Article 7, paragraph 2, provides for the compulsory transliteration of the names and surnames of persons belonging to minorities when their alphabetic systems do not coincide with the Latin script. Article 8, paragraph 4, guarantees the right to education in a minority language. Article 9 regulates the use of a minority language as an auxiliary language at the commune level if the number of inhabitants belonging to a minority is at least 20 per cent. Article 14 further clarifies that the ratio of the number of inhabitants of the commune belonging to different national and ethnic groups is recorded by a population census. The last census in Poland took place in 2021.

¹ Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., dostępny w internecie: prawo.sejm.gov.pl

Figure 1. Poviats in which an auxiliary language of office management has been established.



While the situation in the field of legislative guarantees of minority rights is generally satisfactory, the legal situation of Silesians and Wilamians remains unresolved. Both communities speak their own languages, their ancestors have lived for generations on the present territory of the Republic of Poland, both have a sense of their separate cultural identity and express a desire to preserve it. However, they are not subject to the legal guarantees provided for national and ethnic minorities or regional language communities. In the 2011 National Population and Housing Census, more than 840,000 people indicated their Silesian national-ethnic identity either as the only one (more than 370,000 respondents) or as co-existing with others (including Polish). This fact has been essentially ignored by the Polish state - so far, despite the fact that more than 10 years have passed since the census, the state authorities have not taken any action that could lead to granting the Silesian community the right to preserve and develop its own identity, similar to that enjoyed

by national and ethnic minorities under Article 35 of the Constitution². According to the 2021 census, the number of people identifying themselves as Silesians has fallen to 585,700. The Polish Government explicitly opposes the cultivation of Silesian identity as an ethnic identity, recognising Silesian speech as a dialect of the Polish language and the Silesians themselves as a regional community - an integral part of the Polish nation.

The Polish state has also failed to recognise the existence of the now small Vilam community for the revival of the Vilam language and the culture associated with it. The de facto preserved identity of the Wilamow people also requires, within the framework of safeguards, the provisions of the Law on National and Ethnic Minorities and Regional Language. However, any changes in legislation should be carried out with particular sensitivity, especially in view of the rise of nationalist and separatist movements in contemporary Europe³.

The granting of minority status requires amendments to the Minorities Act and depends entirely on political will, and the groups concerned have no influence on the State in this regard, even if it is clear from a historical-sociological or cultural-anthropological point of view that they possess all the necessary characteristics for this purpose. Political will is also necessary to confer regional language status on a language used by a certain community, which, on the basis of the Minorities Act, leads to the granting of rights and guarantees identical to those of such a community in favour of minorities. In the several years of operation of the Law on National and Ethnic Minorities, there has been no political will to introduce amendments to widen the circle of its beneficiaries. Several draft laws on amendments to the Law on Minorities were submitted to the Parliament, proposing either to add the Silesian community to the catalogue of ethnic minorities or to recognise Silesian as well as

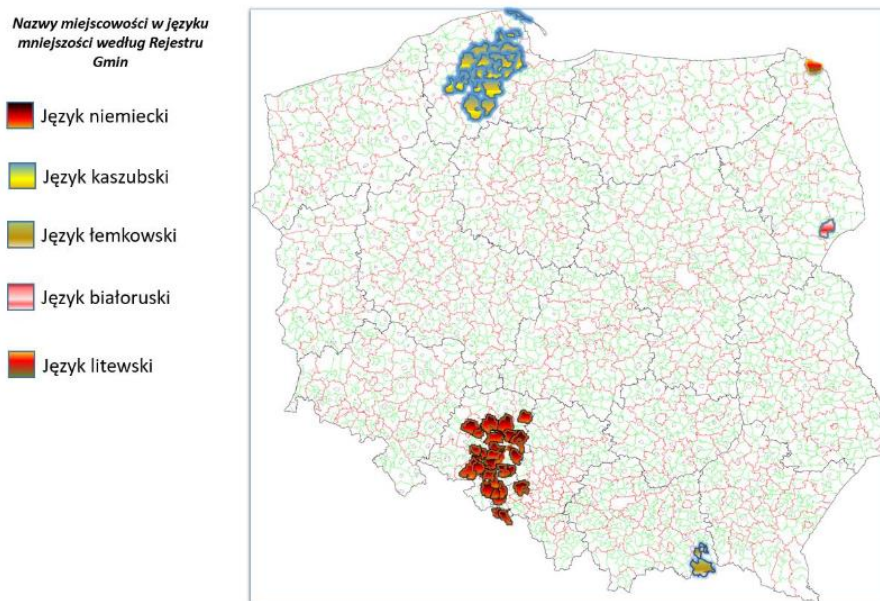
² A. Skóra, The language problem of minorities in a homogeneous state. Comments on the example of the legal status of the Silesian, Kashubian and Wymysorys languages in Poland, "Studia Prawnoustrojowe" 2021, nr 54, s. 563. 563.

³ Kurzyna-Chmiel D. Aktualna sytuacja prawna mniejszości narodowych i etnicznych, ze szczególnym uwzględnieniem praw w dziedzinie oświaty // Studia Prawnoustrojowe. 2022. № 55.

Vilam language as a regional language. Work on these proposals failed at various stages. The noticeable increase in the sense of cultural and linguistic commonality among the Silesians and Vilamians, as well as objective features entitling both communities to additional cultural rights, giving them a chance to survive and develop their separate identity, should be recognised by the state.

The Ministry of Interior and Administration emphasises that granting the status of a regional language to a certain dialect depends on the fulfilment by that dialect of the prerequisites arising from the provisions of the law, and in the opinion of the Ministry, the Silesian and Wilamian ethnolects do not meet such prerequisites. In view of the above, the Ministry of the Interior sees no need to carry out legislative work that would result in Silesian and Wilamian ethnolects being granted the status of a regional language.

Figure 2. Poviats in which names of geographical objects and indexes are duplicated in an auxiliary language.



Źródło: Wykonano na podstawie <https://www.gov.pl/web/mniejszosci-narodowe-i-etniczne/rejestr-gmin-na-ktorych-obszarze-sa-uzywane-nazwy-w-jezyku-mniejszosci2>

Article 18(2) of the Act provides an exhaustive list of measures to which State subsidies may be directed:

1) activities of cultural organisations, artistic movement and creativity of the minority, as well as artistic activities of significant importance for the culture of the minority;

2) Investments that help preserve the cultural identity of a minority;

3) publication of books, magazines, periodicals and advertising publications in a minority language or in Polish, both in print and other technical forms of image and sound recording;

4) support for TV and radio programmes realised by minorities;

(5) Protection of places associated with minority culture;

6) club activities;

(7) Maintaining libraries and records of minority cultural and artistic activities;

8) education of children and youth realised in various forms;

(9) Advocating for minority knowledge;

10) other programmes implementing the objectives referred to in paragraph 1, as well as

supporting the civic integration of minorities.

Article 19 recognises Kashubian as a regional language. However, the provisions of Article 14 regarding the number of inhabitants in the commune are interpreted differently as the number of inhabitants who use the Kashubian language without regard to their belonging to a minority. It is statistically recorded that Kashubian language is used by about 100 thousand people in communication. Dialects of the official language as well as languages of migrants cannot claim the status of a regional language.

1.2 Migration legislation.

It is not easy to obtain permanent or even temporary residence in Poland. Polish migration legislation is considered restrictive. Foreign nationals must fulfil a number of conditions in order to obtain a residence and work permit in Poland. They must prove in detail all the circumstances that allow them to claim the right to reside

legally in Poland. In addition, the relevant services check whether they pose a possible threat to state security. All proceedings are conducted in Polish, which is an additional difficulty for foreign women and foreigners. To enter Poland, a foreigner must have a valid visa. The exception is citizens and nationals of the European Union and some non-EU countries, including Ukraine, the USA, Australia, Brazil, Israel, Japan or Georgia, who can enter Poland without a visa for 90 days. During their stay in Poland, foreigners must have a document that entitles them to stay in the country. This can be, for example, a visa, temporary residence permit or refugee status. The rights of a foreigner depend on the type of his/her residence permit. It affects the duration of the permitted stay in Poland, as well as the right to employment, the possibility to start a business, to benefit from the social assistance system or to receive free education at a Polish university. For example, refugees have the right to work in Poland, while those on a tourist visa do not. However, regardless of the foreigner's residence status, one right remains unchanged: the right to education for children under the age of 18. Every child, regardless of migration status, has the right to education in a Polish school⁴ .

In July 2021, a draft government decree on migration policy was prepared. However, its submission to the Council of Ministers for consideration ended in an unexpected clerical disaster - the withdrawal of the document and the dissolution of the department within which it was prepared. International migration issues were transferred to the Department of International Policy (which later became the Department of International Relations and Migration, within which the Department of Migration and Border Policy was created). Further adoption of the migration policy document was initially postponed to the fourth quarter of 2021 and then to the third quarter of 2022 (although it already referred to the policy guidelines for 2021-2023). There is currently no information on the Ministry's website, although it was still available in September 2022⁵ .

⁴ Górczyńska M. Polska jako kraj imigracji - kto i w jakim celu przyjeżdża do Polski? Fakty o migracjach na XXI wiek. - Warszawa: Fundacja Centrum Edukacji Obywatelskiej, 2020. S. 9.

⁵ <https://www.gov.pl/web/premier/projekt-uchwaly-rady-ministrow-w-sprawie-przyjecia-dokumentu-polityka-migracyjna-polski-kierunki-dzialan-2021-2023>

The special law of 12 March 2022, which allowed legal residence and extensive financial and social assistance to Ukrainian citizens, included the newcomers in the already existing system of health care, education or labour law on an equal footing with Polish citizens. Also important was the visible activity of local authorities (especially in the largest cities of Poland, where the vast majority of refugees from this country - more than 70% - found shelter) and non-governmental organisations, business support and unprecedented mobilisation of Polish society. It is worth mentioning here the phenomenon of private "housing sponsorship", which avoided the creation of special centres for refugees from Ukraine⁶ .

According to the Special Act, the stay of any refugee who legally entered Poland after 24 February 2022 and declared his/her intention to stay here is legal for 18 months, i.e. until 24 August 2023.

This does not apply to Ukrainians who:

- have a permanent, temporary or authorised residence permit or a residence permit of a long-term resident of the European Union;
- have refugee status;
- have extra protection;
- have applied for international protection in Poland or have declared their intention to do so.

If the entry of a citizen of Ukraine has not been registered at the border control, it can be done on his/her application within 60 days of arrival in Poland in the nearest commune administration. Such an application shall be submitted in person in paper form with a legible signature. It can be made on behalf of the child by the parent or the person in whose care the child is placed. A passport is not required.

The departure of a citizen of Ukraine from the territory of Poland for a period of more than 1 month deprives him/her of the right to legal residence.

When applying for a General Population Registration System - PESEL number, citizens of Ukraine and their family members must attach a photograph

⁶ Grzymała-Kazłowska A., Stefańska R., Ziółkowska P. (2022). Learning from refugee sponsorship: how to host refugees fleeing from Ukraine to Poland?, CMR Spotlight 5 (40), May.

(colour, 35x45 mm, made on a monochrome light background, with uniform lighting, covering the image of a person from the top of the head) to the top of the shoulders - so that the face 70-80% of photos). Fingerprints will also be taken. The identity of the applicant will be confirmed on the basis of a travel document, Pole card or other photo document allowing identification (even invalid). In the case of persons under 18 years of age, it may also be a birth document. Therefore, the application for a PESEL number must be accompanied by a copy of the document on the basis of which the authority established the identity.

Persons who were previously assigned a PESEL number must reapply to submit a photograph and collect fingerprints. In accordance with the Law, they need to take advantage of the assistance solutions provided by the Law on Assistance to Citizens of Ukraine.

A Ukrainian citizen whose stay in Poland is recognised as legal and who is entered in the PESEL register is entitled to assistance in the form of a lump sum of PLN 300 per person. These are funds intended for maintenance, in particular to cover the costs of food, clothing, footwear, personal hygiene products and housing. Persons entitled to this allowance are:

- citizens of Ukraine who came to Poland due to military actions conducted on the territory of their country;
- Ukrainian citizens with a Pole Card who came to Poland with their closest relatives because of the hostilities;
- spouses of Ukrainian citizens, if they arrived in the country directly from the territory of Ukraine in connection with military actions;
- refugee children.

Basic requirements: entry into Poland from 24 February 2022, entry in the PESEL register. Applications for this benefit can be submitted to the Communal Centre for Social Security. In the application you must provide the following data (your own and minor children's): first name(s) and surname, date of birth, nationality, gender and current address of residence in the commune. You must also bring the following documents (yours and your children's):

- the document that is the basis for crossing the border - type, series and number of the document (e.g. passport);
- information on the date of entry into the territory of Poland;
- PESEL number.

In addition, the person submitting the application must provide the following details to facilitate communication with us and expedite payment:

- a Polish operator's phone;
- email address;
- account number in a Polish bank.

Persons who have decided to accept a refugee from Ukraine can claim an additional benefit on this occasion of 40 PLN per person per day. Thanks to a special act of 16 March 2022, employers can employ Ukrainians without unnecessary formalities. All persons who entered Poland from 24 February 2022 can count on legal work in Poland, thanks to which their stay is legal for 18 months. In order to employ a Ukrainian, it is necessary to:

- conclusion of a contract - for work, assignment or specific work;
- notification of the poviats labour office within 14 days of the person starting work.

In order to conclude such a contract, a citizen of Ukraine needs:

- a document proving his/her identity - identity card or passport;
- the number of the bank account to which the remuneration will be transferred;
- PESEL numbers are unnecessary.

These provisions apply only to persons who have Ukrainian citizenship. Other foreigners leaving Ukraine cannot enjoy similar rights. Their employment will continue to be based on general rules.

A Ukrainian citizen legally residing in Poland can register with the Poviats Employment Service and be recognised as unemployed or looking for work. Ukrainians can also start a business. The prerequisite here is to have a PESEL number.

A citizen of Ukraine legally staying on the territory of Poland is entitled to:

- family benefits;
- child benefit 500+ if living with children;
- family capital;
- co-financing of a child's stay in a nursery, children's club or kindergarten.

When determining eligibility for family allowances based on the income criterion, a family member not residing in Poland is not taken into account when calculating family income per person.

Eligibility for the allowance starts from the month in which the application is received, but not before the refugee is entered in the register of Ukrainian citizens who came to Poland due to the armed conflict in their country. The same applies to children.

Most refugees arrive with children, so it is also necessary to ensure their access to schools and kindergartens. In order to enrol a child in a school or kindergarten, it is enough to call the institution to get the necessary information about the possible admission of children from Ukraine.

Ukrainian citizens travelling to Poland are provided with free medical care. Anyone who needs such assistance can report a health problem to a family doctor, specialised polyclinic or hospital. All such benefits will be paid by the National Health Fund from the state budget.

The special act applies only to Ukrainian citizens and their family members, even if they are citizens of another country. However, it does not apply to foreigners who stayed in Ukraine after 24 February 2022, except for persons with the right of permanent residence in Ukraine.

On 12 April 2023, the Sejm adopted an amendment to the Special Act on assistance to Ukrainian citizens who left Poland due to hostilities. The Sejm adopted the following amendments to Art. 12 of the document:

- if a citizen of Ukraine who legally entered the territory of the Republic of Poland from 24 February 2022 declares his intention to remain on the territory of

the Republic of Poland, his stay on that territory will be considered legal until 4 March 2024;

- the stay of a child born on the territory of the Republic of Poland by a mother belonging to the above category is legal during the period concerning the mother;

- if it is a citizen of Ukraine who has a Pole Card and legally arrived on the territory of the Republic of Poland after 24 February 2022 and declares his/her intention to stay on the territory of the Republic of Poland, his/her stay is considered legal until 4 March 2024. The same applies to members of his/her immediate family.

According to the amendment, minors arriving after 24 February 2022 and guardians of minors may legally stay in Poland a little longer under certain conditions, namely until 31 August 2024:

- If they are children in nursery school as at 4 March 2024;

- if children receive school or other compulsory education - in Polish or Ukrainian schools, including by distance learning;

- If the person started a part-time secondary school, high school or adult school no later than the academic year 2022/2023 (secondary vocational school, upper secondary school or adult school).

In addition, students who have passed the matriculation exam can stay in Poland until 30 September 2024.

On 29 May 2023, President of the Republic of Poland Andrzej Duda signed the proposed amendments to the Special Act. The legal stay of Ukrainians in Poland was extended until 4 March 2024. The amendments also extended the validity of national visas, the Pole card, Polish identity documents, and documents on authorised stay.

The functioning of the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine has brought experience that shows the need for another amendment, consisting in clarifying some of its provisions, modifying some of the decisions taken, as well as adding new standards. The updated version of the law removed the provision

granting refugees from Ukraine the right to obtain a regular temporary residence permit after nine months of stay in Poland.

As for Ukrainian citizens who crossed the Ukrainian-Polish border before 24 February 2022, the amendments to the law also provide for the extension of their permission to stay in Poland legally. If the previous version of the special act allowed such persons to stay in the country legally until the end of 2022, the amendment extends this period until 24 August 2023.

The updated special law requires that refugees from Ukraine who arrive in Poland and plan to stay here under the status of temporary European protection must obtain a PESEL number. Migrants have 30 days to do so (previously the deadline for registration in the PESEL system was 90 days from the date of entry into Poland). This applies both to those Ukrainians who are about to enter Poland and those who have been in Poland for some time. In the case of the latter category, the thirty days will start to run from the date of entry into force of the amendments to the Act. Until now, obtaining a PESEL number opened many opportunities for Ukrainians in Poland, but was not compulsory.

Another important change in the special act is the official authorisation of the electronic document available in the Diia.pl application as a residence permit for Ukrainian citizens. The legalisation of this electronic document should close all questions and eliminate any problems related to border crossing by Ukrainians.

The amendment to the Special Law will fix at the legislative level the fact that the installed Diia.pl module together with the travel document entitles a citizen of Ukraine to cross the border multiple times within a short period of time - for example, for family reasons, to obtain documents or to solve professional issues.

In addition, Poland officially informed EU and Schengen countries that Diia.pl is a sufficient document confirming the legal stay of Ukrainian war refugees in Poland. Therefore, this electronic document allows Ukrainian citizens to travel freely to EU countries and even beyond its borders.

If a refugee returns to Poland within 30 days, social benefits are resumed (the mechanism of this process has not yet been explained in detail). If a refugee stays

outside Poland for more than 30 days, he/she loses his/her special status and all related privileges, including the right to assistance and social benefits. However, the special status can be restored if the person is forced to seek asylum again and ends up in Poland. In order to strengthen control over Ukrainian citizens - recipients of social benefits travelling from Poland, the amendment to the law introduces legal grounds for the social insurance body to obtain information from the register of border crossings by Ukrainians from the Border Guard Service.

According to an amendment to a special law, the conditions for providing assistance to Ukrainians living in collective housing centres will also change. The amendment stipulates that Ukrainian citizens who came to Poland fleeing hostilities and settled in mass accommodation centres will be able to stay there free of charge for 120 days. More precisely, from 1 March 2023, refugees who will stay in Poland for more than 120 days will have to compensate 50% of the cost of the assistance they receive in collective accommodation (but not more than 40 zlotys per day). And from 1 May 2023, Ukrainian citizens who will stay in Poland as refugees for more than 180 days will be required to cover 75% of the costs of accommodation in mass accommodation centres (but no more than PLN 60 per day). It is worth noting that senators wanted to postpone the introduction of the new rules to 1 April and 1 June respectively, but the Sejm rejected the relevant Senate amendment.

Nevertheless, the most vulnerable categories of Ukrainian citizens are exempted from the obligation to pay for accommodation even after 120 days :

- people with disabilities and their carers;
- people of retirement age;
- pregnant women;
- persons raising a child under 1 year of age;
- parents/guardians of three or more children.

People who for some reason find themselves in a difficult life situation and cannot contribute to the costs will not have to pay for their accommodation. Each such situation will be considered individually and will be assessed by the voivode or the person directly providing assistance.

The amendments to the special act ratified by the Sejm also concern the extension and diversification of benefits for refugees from Ukraine. Thus, Association of Roma in Poland

1.3 Legislation to Combat Hate Crimes.

The list of hate crimes can be expanded to include virtually any punishable behaviour described in the criminal code. On the other hand, these would be hate crimes in the strict sense of the word, i.e. crimes that include an explicit reference to the discriminatory motivation of the perpetrator and are directed against listed groups and persons belonging to them. The prohibition of discrimination on grounds of national origin, ethnic origin and religion derives from a number of international laws and treaties. It is punishable by up to two years' imprisonment under articles 119, 256, 257 of the Criminal Code of the Act of 6 June 1997.

Broadly speaking, hatred is expressed in the form of insults. It can be verbal or written statements. It can be a shout or a gesture. An insult does not have to express specific verbal content, nor does it have to contain an accusation against another person. The decisive factor in assessing whether a given behaviour is an insult is an objective assessment of that behaviour and its social reception. In other words, only behaviour that is generally regarded as offensive can constitute an insult. If the perpetrator's behaviour does not contain socially recognised signs of insult, it does not constitute a crime, even if the person at whom the perpetrator's behaviour was directed subjectively felt insulted by that behaviour. It is not an offence to refer a person or persons to a national, ethnic, racial, religious or extra-confessional group, but it must be connected with insulting that group or insulting a person because of his or her belonging to that group. Freedom of expression should be taken into account in hate crime cases⁷.

⁷ Dominik Mrozowski: Przewidywania z nienawiści - przyczynek do dyskusji - URL: <https://monitorkonstytucyjny.eu/archiwa/20326>

On 18 February 2021, the European Commission found that Poland had failed to comply with EU law by incorrectly transposing Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and manifestations of racism and xenophobia by means of criminal law. In the opinion of the Commission, the provisions of Polish criminal law incorrectly transpose the provisions of the Decision concerning incitement to racist and xenophobic hate speech and limit the scope of criminalisation of incitement to hatred⁸. The lack of clear qualification in the nature of hate crime offences gives rise to abuses in the registration of reports, police intervention, acceptance of statements by courts and even in the court process itself.

2. Law enforcement practice

2.1 Law enforcement practices affecting minorities

Between 1 January 2020 and 31 December 2022, the Ombudsman for National and Ethnic Minorities had received some 80 complaints. This should also include cases involving acts of violence and incitement to hatred based on national, ethnic or religious affiliation. A large proportion of these cases did not concern acts of violence or hate speech directed against persons belonging to national or ethnic minorities; the victims were most often foreigners. The events of the last three years, including the SARS-CoV-2 virus pandemic, had changed the specific nature of the problems faced by national and ethnic minorities. In complaints received by the Ombudsman, especially at the beginning of the 2020 epidemic, the lack of access to vaccines or hygiene and sanitation measures was a recurring issue.

The process of conducting the National Population and Housing Census 2021, conducted on the basis of the Law on the National Population and Housing Census 2021 and the Law on State Statistics has raised doubts about the correctness of the data collection forms of the Central Statistical Office, caused complaints from

⁸ <https://www.prawo.pl/prawnicy-sady/strategia-przeciwdzialania-mowie-nienawisci-w-polsce-nie,507239.html>

representatives of national and ethnic minorities. The census form makes it impossible to provide accurate, complete and truthful answers by blocking non-Polish diacritical marks. The census website provides an incomplete catalogue of census promotional materials aimed at national and ethnic minorities. Materials were available in Czech, Kashubian, Russian, Slovak, Ukrainian and Belarusian, but there were no materials in the language of the largest minority, German. This narrowing of the catalogue to only a few minorities may have led to an underreporting of the number of minorities.

TVP 3 Białystok decided in April 2020 to restrict access to programmes in minority languages. According to press reports, a programme broadcast in the language of the Belarusian minority called Belarusian Week was taken off the air of this channel after 23 years of broadcasting. It was the only item on the schedule addressed to the Belarusian minority, which is numerous in Podlasie. Eugeniusz Szpakowski, director of TVP's regional branch, decided to remove the programme from the schedule. The reason for this was the difficult financial situation of the Białystok branch of Polish Television, caused by the COVID-19 virus pandemic. Mikołaj Wawrzeniuk, the programme's editor, found out that he could be a private producer of "Belorusskaya Nedeli" and produce it outside the Polish TV centre in Białystok. Lack of access to equipment and archive meant that the author could not produce the programme. Later, the Białystok branch of Polish Television stopped broadcasting the programmes "Russian News", "Tatar News" and "We are Gypsies". The decision to stop broadcasting programmes in minority languages met with resistance from representatives of the minority communities concerned. Joint MPs Paulina Matysiak and Adrian Zandberg became interested in the case. They submitted an enquiry to the Ministry of Culture and the Ministry of the Interior on the matter, as Szpakowski's decision directly violates the provisions of the Law on National and Ethnic Minorities.

2.2 Anti-discrimination practices.

In 2022, the subject of more than a dozen appeals to the Ombudsman was the issue of changing the funding (reduction of the educational subsidy) and organisation (reduction of the number of hours from 3 to 1 per week) of teaching German as a minority language.

An essential aspect of the problem of the life of national and ethnic minorities is the realisation of the right to education in one's mother tongue, guaranteed by the "Law on the Education System" of 7 September 1991⁹. Article 44, paragraph 8 of the Act restricts the right of a graduate of a minority-language school to take the language subject of his/her minority as a foreign language as a compulsory examination. The subject "Polish Language" cannot be taken as a foreign language, but the subjects "History of Poland", "Geography of Poland" can be taken both in Polish and in the languages of national and ethnic minorities, as well as in a regional language. This regulation also applies to graduates of bilingual schools. According to the Educational Information System (SIE), as of 30 September 2021, a total of 83,285 students benefit from studying a national or ethnic minority language and the Kashubian regional language¹⁰. The number of students studying languages spoken by national and ethnic minorities in the 2020/2021 academic year was around 13,000. The largest groups of students were those studying German and Russian¹¹.

The teaching of national minority languages as well as the functioning of national minority schools are described in detail in the law and are relatively well funded within the framework of the education subsidy. Nevertheless, there is an uneven redistribution of expenditure with regard to individual minorities. Due to the entry into force of the Budget Act 2022 on 17 December 2021, the funds originally

⁹ Ustawa z dnia 7 września 1991 r. o systemie oświaty

¹⁰ IV raport dla Sekretarza generalnego Rady Europy z realizacji przez Rzeczpospolitą Polską postanowień Europejskiej karty języków regionalnych lub mniejszościowych. - Warszawa, 2022. S. 10.

¹¹ IV raport dla Sekretarza generalnego Rady Europy z realizacji przez Rzeczpospolitą Polską postanowień Europejskiej karty języków regionalnych lub mniejszościowych. - Warszawa, 2022. S. 32.

budgeted under education subsidy for national and ethnic minority language teaching have been reduced. As of 1 September 2022, language teaching for all national and ethnic minorities is provided at the current level of three hours per week, except for the German minority, for which a reduced level of one hour per week is provided. For pupils or students belonging to the German minority, the minority language is taught as an additional language.

The Association of German Socio-Cultural Associations in Poland has requested to intervene in the issue of realising the right of pupils and students belonging to the German minority to be taught German as a minority language and, in parallel, as a modern foreign language in grades VII and VIII of primary school. The Ministry of Education has introduced a new interpretation of the Education Act, obliging schools to separate the two forms of German language teaching from 2019/2020.

The changes, reinforced by amendments to the so-called "Identity Ordinance" and the Ordinance on the Procedure for Distribution of the Educational Part of the General Subsidy for Local Government Units in 2022, introduced into Polish law instruments of blatant discrimination against citizens of the Republic of Poland, de facto children whose parents - referring to the content of the European Charter for Minority and Regional Languages - were willing to send them to additional classes in the minority language¹².

On 1 March 2022, the Ombudsman addressed the Prime Minister, stressing that the introduction of the contested amendments was discriminatory and, as such, contrary to constitutional norms and international law binding on the Republic of Poland. Furthermore, the amendments, which have the effect of significantly worsening the legal position of a certain group of Polish citizens solely on the grounds of their German origin, go beyond the legislative authorisations contained

¹² Mazurkiewicz M. Edukacja języków mniejszości jako narzędzie ochrony przed skutkami kryzysu demograficznego na poziomie lokalnym? // ANALIZA CELOWA. 2023. № 2. - URL: [http://frdl.org.pl/static/upload/store/frdl/ANALIZY_CELOWE/EDUKACJA_JEZYKOW_MNI_EJSZOSCI_\(5\).pdf](http://frdl.org.pl/static/upload/store/frdl/ANALIZY_CELOWE/EDUKACJA_JEZYKOW_MNI_EJSZOSCI_(5).pdf)

respectively in Article 13(3) of the Act of 7 September 1991 on the education system and in Article 28(6) of the Act of 13 November 2003 on local government revenue.

Any failure to effectively enforce these rights may indicate that Poland is in breach of its obligations under the European Charter for Regional or Minority Languages adopted in Strasbourg on 5 November 1992. The Ombudsman, given the importance of the issue at hand, has approached the President of the Supreme Audit Office with a proposal to include this topic in the audit activities of the Supreme Audit Office planned for 2023.

One of the main guarantees of the right to teach one's mother tongue or history is to ensure that minority communities have access to textbooks and teaching materials in these subjects adapted to the current core curriculum. The Ombudsman for National and Ethnic Minorities had received complaints from members of minorities, including the Slovak minority, stating that such textbooks were not produced and teachers were forced to teach using their own original curricula. The Slovak Society in Poland drew attention to unequal treatment in the establishment of cultural institutions for national minorities, as well as in the access of pupils learning their mother tongue to school textbooks in Slovak. The Society of Slovaks in Poland addressed the Government Plenipotentiary for Equal Treatment on this issue, but did not receive a response. Since 2021, the Integrated Education Platform has been hosting teaching materials for teaching in national and ethnic minority languages as well as regional languages. This allows teachers and students, as well as other interested parties, to use textbooks and supporting literature published both in traditional and electronic form. Work is currently underway to migrate resources from the Scholaris portal to the Integrated Education Platform www.zpe.gov.pl.

The Association of Roma in Poland draws attention to the practice of some media outlets to indicate the nationality of perpetrators or suspects in cases where they are of Romani origin. Providing such information in descriptions of incidents, the circumstances of which are not related to the nationality of the persons involved, only contributes to the stigmatisation of members of minority communities. Such actions perpetuate unfavourable images of minorities, which very often underpin

xenophobic attitudes and can lead to manifestations of intolerance and, in extreme cases, acts of physical aggression motivated by hatred. 20 November 2020. The Media Ethics Council explicitly stated in a public statement that journalists should not indicate the national or ethnic origin of perpetrators of offences in order not to reproduce negative stereotypes reinforcing the erroneous and harmful perception that Polish citizens of other ethnic origin or foreigners living in Poland are collective bearers of negative characteristics.

21 December 2020. The Council of Ministers adopted the following multi-annual Programme for the Social and Civic Integration of Roma in Poland for 2021-2030.¹³ . The developed document is a description of the most important activities implemented in 2021 within the Government Programme for the Social and Civic Integration of Roma in Poland 2021-2030.

Education remains a priority issue of the Integration Programme. Despite the activities carried out in previous editions of the programme - remedial classes, measures to increase school attendance, purchase of school textbooks - the average score of Roma pupils has not improved and the percentage of pupils "dropping out" of the school system at the secondary level remains unchanged and covers almost the entire Roma population aged 15-18.

The new Integration Programme has returned to collecting data on the average score of Roma pupils and school attendance. The low attendance of pupils - especially in the Podlaskie Voivodeship - and the relatively low average score of Roma pupils are noteworthy, although it is higher than the average score indicated in the reports of the Supreme Chamber of Control on the results of the inspection of 9 municipalities in the Małopolskie Voivodeship. There is no doubt, however, that the average score shown in 2022 does not reflect the potential of Roma pupils and points to the need to intensify work with them at school. Care should be taken to ensure that the projects implemented do not perpetuate the stereotype - even if

¹³ Uchwała nr 190/2020 Rady Ministrów z dnia 21 grudnia 2020 r. w sprawie ustanowienia programu wieloletniego "Programme integracji społecznej i obywatelskiej Romów w Polsce na lata 2021-2030" -. <https://www.gov.pl/web/mniejszosci-narodowe-i-etniczne/program-integracji-spoecznej-i-obywatelskiej-romow-w-polsce-na-lata-2021-2030>

positive - of Roma only as dancers and musicians. Performing only music and dance tasks does not develop children's intellectual potential. For this reason, in the current edition of the Integration Programme, priority will be given to other types of educational activities: school theatres, hobby groups, sports events, competitions, knowledge Olympiads, excursions, seminars for schoolchildren, organisation of "meetings with interesting people", "living libraries", school and inter-school "science picnics", career counselling, etc.

Romani educational assistants are trusted by the local Romani communities - they provide comprehensive assistance to Romani pupils in their contacts with the school environment, promote a positive image of the school and the benefits of education, provide emotional support to Romani pupils, help teachers and carers to identify the needs and possible problems of individual pupils, and assist and mediate in difficult and conflict situations. The assistant's duties also include establishing good relations between the pupils' parents and the school, informing parents about the school's progress, and monitoring pupils' attendance and progress.

Monitoring of the educational situation is facilitated by collecting data from the Education Information System on the number of pupils, including Roma, for whom schools organise additional classes. It is necessary to strengthen measures to mobilise the heads of education system units to systematically inform the CIO about pupils so that their number does not decrease.

One of the significant educational problems of the Roma community is the relatively high proportion of pupils in special education, so measures should be taken to collect estimates of the number of these pupils, which would allow a more realistic assessment of this phenomenon.

2.3 Combating hate crimes.

In 2020-2022, 622 people were charged with racist, hate and fascist offences. According to statistics provided to the Ombudsman by the National Prosecutor's Office, 304 convictions were sent to the courts, 421 people were convicted and 11 were acquitted.

In 2020, 1,570,665 criminal cases were registered by territorial prosecutor's offices, including 1,658 criminal cases for offences committed on racist, anti-Semitic or xenophobic grounds, representing 0.156 per cent. A total of 622 persons were charged in 507 cases. The courts imposed preventive measures on only 42 persons¹⁴.

One of the main reasons for the low number of prosecutions is the low rate of reporting of hate crimes against LGBT+ people, as well as crimes on disability or other grounds. According to research by the Fundamental Rights Agency, only 16 per cent of people who have been physically or sexually assaulted because they are LGBT+ have reported this to someone. Reporting rates are even lower for threats and insults, which account for the majority of all attacks. This means that the most common types of hate crime are the least reported¹⁵.

Among the ongoing investigations since 2020, including 726 cases related to actions committed through the use of the Internet, 187 to acts involving violence, 161 to threats against a person, 123 to racist inscriptions, so-called graffiti on walls, buildings, fences and 55 to activities related to organised demonstrations, meetings and gatherings.

The most frequent cases investigated concern public insults on the grounds of national, ethnic, racial or religious affiliation (of a private person or social community) - 580 cases, propaganda of a fascist or other totalitarian state system or incitement to hatred - 354 cases, and the use of violence or threats on the grounds of national, ethnic, racial or political affiliation or religious affiliation - 286 cases¹⁶.

On 18 February 2021, the European Commission, acting under Article 258 of the Treaty on the Functioning of the European Union, ruled that Poland had

¹⁴ Zarzuty za przestępstwa z nienawiści - jakie statystyki? - URL: <https://www.infor.pl/prawo/nowosci-prawne/5346577,Zarzuty-za-przestepstwa-nienawisci-statystyki.html>

¹⁵ Godzisz P. Czy u nas jest mniej przemocy wobec osób LGBTI niż na Zachodzie? Ekspert sprawdza słowa polityków PiS. - URL: <https://oko.press/przemoc-wobec-lgbti-statystyki-obwe>

¹⁶ Zarzuty za przestępstwa z nienawiści - jakie statystyki? - URL: <https://www.infor.pl/prawo/nowosci-prawne/5346577,Zarzuty-za-przestepstwa-nienawisci-statystyki.html>

published a study addressing some of the issues mentioned but effectively omitting the aspect of countering hate speech in the media space¹⁷ .

2.3.1 Criminal proceedings and sentences.

On 27 January 2021, a court in Warsaw upheld the decision of the prosecutor's office not to open an investigation into the insult of a teenage Roma singer. At the same time, the court stated that the basis for the refusal was "the absence of data sufficiently substantiating the suspicion of a criminal act". The reasoning was that the phrases "Roma from Germany" and "Swabian Roma" were not offensive and that, moreover, such words were "rooted in the Polish language and are not unambiguously pejorative" [sic!]. In the case of the racist inscriptions against Wiktoria Gabor, upon notification by the girl's lawyer, there were parallel proceedings before the District Prosecutor's Office in Warsaw-Zoliborz, which also ended with the denial of discovery. Following the court's decision, the Roma Association in Poland stressed in a statement dated 9 February 2021 that "Roma on the internet are subjected to humiliation and insults - almost with impunity. This is a minority against whom the majority of internet users have no legal or ethical inhibitions. These internet users know that they are in no danger of being accused." The association said that in recent years it has "sent dozens of notifications to the prosecutor's office about the possibility of committing offences under Article 119, Article 256 para. 1 and article 257 of the Criminal Code (incitement to hatred on the grounds of national differences, public insult of a group of persons on the grounds of nationality), and in all these cases (all!) the prosecutor's office either refused to initiate an investigation (case), and in two cases, after initiation, stopped the proceedings".

In mid-January 2021, the Warsaw-Prague-Poludne district prosecutor's office dropped proceedings against a participant in the so-called Independence March who raised his hand in a gesture resembling a Nazi salute on the Poniatowski Bridge. A

¹⁷ <https://www.gov.pl/web/krrit/fake-news---disinformation-online---new-publication-krrit>

photographer who posted his picture online said: "I noticed a man wearing a red and white scarf. [...] I approached and pointed my camera at him. As I took the picture, the man raised his right hand in a "Heil Hitler!" gesture. He didn't speak, he didn't smile. He didn't make it clear that it was a joke. He just shouted it and walked on." In connection with the incident, the district police department in Prague-Poludna opened a case of public propaganda of fascism.

On 4 January 2021, an indictment was filed with the Warsaw District Court against three men. Two of them were accused of preparing the explosion of dangerous substances that endangered the lives and health of many people. Further charges related to the manufacture and possession of firearms without the necessary licence. In addition, one of the men was charged with creating a document in which he incited hatred based on ethnic and religious differences. A third defendant was charged by the prosecutor with possession of explosive precursors without the necessary licence.

Poznan. On 22 December, an unknown man attacked a gay couple holding hands on Glogowska Street in front of the entrance to the Western Railway Station. He hurled insults at them, including: "Faggots", "Lesbians", "Fuck you", before pulling out a knife and heading towards them. One of the victims, Kacper Nowicki, chairman of the Poznan youth council, said: "The guards [of the station - editor's note] heard this man shouting, they reacted instantly. They ran up to him and separated him from us." Nowicki filed a criminal threat report with the police. Criminal charges were filed in the case. On 7 May 2021, the Poznań-Nowy Town District Court found the suspect guilty and sentenced him to 540 hours of community service. The man was also banned from approaching and contacting the victims.

Toruń. On 25 March 2022, on Sheroka Street in front of a kebab restaurant, two residents of the city attacked a group of four people: citizens of Egypt, Turkey and Turkmenistan and a Polish woman. They hurled insults at them, threatened to beat them up, and one of the attackers also started to beat the victims roughly. The attackers were Patrick W., 37, and David K., 31. The case was investigated by the Toruń-Centre-West District Prosecutor's Office. In June 2022, the District Court in

Toruń found both men guilty of assaulting each other on ethnic grounds by insults and direct threats, and Patryk W. was also found guilty of violating bodily integrity. The court sentenced him to one year and four months of community service (at the rate of 30 hours per month). David K. (who acted as a repeat offender) was sentenced to 10 months of community service.

Wrocław. On 14 April 2021, in a shop on Tenchowa Street, a man shouted to two shop assistants: "I was beaten by Ukrainians and I will do the same to you, I will kill you, I will hurt you, get the fuck out" and "You fucking Ukrainian". On 4 April 2022, the Wrocław Regional Court sentenced Piotr P. to one year of restricted freedom with an obligation to perform 20 hours of community service per month for ethnic insults and threats to beat and kill Ukrainian women.

Toruń. On the night between 13 and 14 December 2021, a man of Indian origin was attacked by a resident of the city in front of a pub on Szewska Street. He hurled insults at him and hit him in the face with his fists. The offender was detained. The Toruń-Centre-West District Prosecutor's Office charged Filip W. with assault on the grounds of nationality. The man pleaded guilty and voluntarily surrendered himself to punishment. On 11 May 2022, the Regional Court in Toruń sentenced him to 10 months of restricted freedom in the form of community service (20 hours per month). In addition, the offender was obliged to apologise to the offended Indian.

Kalisz. On 11 November 2022, Independence Day, there was an extremely anti-Semitic demonstration in the city, organised by Wojciech Olszanski (pseudonym of Aleksander Jablonowski) and Marcin Osadowski. Olszanski told the crowd, "LGBT, queers, Zionists are the enemies of Poland. Get out of our country! To Brussels!", he also apologised to his supporters for not joining the Civic Militia, while waving a baton taken out from behind his belt: "Because then I would have been able to attack the KOR cattle with such a baton!". In the middle of his speech, he announced that he would burn the "Kalisz Statute" (a document created in 1264 by Boleslaw the Pious, which regulated the legal position of Jews in Poland and became a symbol of their security and personal freedom), and proclaimed: "The Jews in Poland are the masters and we are their slaves. Jews have always fraternised with

the occupiers. [...] We abolish Jewish laws in this land for all eternity, amen" and "Never again will a Pole be the slave of a Jew", to which the assembled shouted, "Death to the Jews!". Olshansky then put a copy of the book on a spear, and Osadowski doused it with flammable liquid and set it on fire. The crowd at this time chanted, "Here is Poland, not Polin!" (the Hebrew word for Poland). After burning the "Statute of Kalisz" Olshansky proclaimed: "We are free from Jewish lies" and repeatedly chanted "Death to the enemies of Poland," to which the crowd responded: "Death!". At the end of the speech Olshansky exhorted, "Dig up such documents, dig up such statutes, wherever you are, and into the fire with them!" and "Poland for the Poles." Piotr Rybak (convicted in 2017 for publicly inciting national hatred) also spoke at the demonstration: "Who represents us in the Sejm, who represents us in the Senate, who represents us in the government? [...] These Polish-speaking people who come from Israel are working against the Polish nation. Under hidden names. We Poles cannot allow them to dominate our country." He also urged: "If we unite, we will win and drive this Polish-speaking rabble to Israel, as we did in 1968." The demonstrators also held banners with the slogan "Death to the enemies of the fatherland," a sign of the so-called Black Sun (used by the Nazis during World War II) and a crossed-out menorah (menorah - a symbol of Judaism). Since neither the city authorities nor the police dispersed the gathering, the Never Again Association, as well as the Union of Jewish Communities in Warsaw, the American Jewish Committee (AJC), the Jewish Chulent Association and Chief Rabbi of Poland Michael Schudrich filed a complaint with the District Prosecutor's Office in Ostrów Wielkopolski. On 3 January 2023, the District Prosecutor's Office in Sieradzie announced that the case had been dropped. The incidents during the demonstration were widely covered by national and international media. In response to the condemnation, Wojciech Olszanski held an online broadcast from Kalisz on 13 November, during which he made new anti-Semitic statements: "What would these leftist p...ys do without our march? They are Jewish sycophants. They're rallying, they're outraged. You want war? You'll get it" and "Poland for Poles! Death to the enemies of Poland!". Olshansky also addressed Robert Winnicki (a member of the

Confederation), who was also criticised: "You, Winnicki, trumpet the Jew. A typically Jewish response." On 15 November Olshansky, Osadovsky and Rybak were arrested. They were charged with three counts: public incitement of hatred on the grounds of national differences, insulting a group of people on the grounds of their national and religious affiliation and public incitement to commit crimes on the grounds of national and religious affiliation. The court imposed a preventive measure against them in the form of remand in custody for three months. The men filed an appeal against this decision. On 30 November, the regional court in Kalisz agreed to change the preventive measure - Olshanski, Osadowski and Rybak were released after posting a property bond.

3. state support measures for migrants, national and religious minorities.

3.1 National and ethnic minorities

Over the last few years there has been a gradual improvement in the situation of the Roma minority in Poland. This has been influenced both by the active participation of Roma organisations and the functioning of the Programme for the Integration of the Roma Community in Poland 2021-2030¹⁸. The positive (albeit flawed) nature of the Roma programme should be emphasised.

The activities are presented in four areas, referred to in the Integration Programme as "intervention areas":

- Education,
- housing,
- innovative integration projects,
- systemic challenges.

The Programme allocates additional funds, in particular to improve the difficult living conditions in which part of the Roma community in Poland lives or to support the education of Roma children.

¹⁸ The programme is established by Council of Ministers Resolution No. 190/2020 of 21 December 2020.

The housing problems of Roma are still significant. For example, in Maszkowice and in Koszary (Małopolskie Voivodeship), residents have been waiting for years for assistance, especially in improving housing conditions. In 2021, the municipality of Łącko started new investments to improve the safety and infrastructure of the village. Limanów Municipality is also planning investments to improve housing conditions in Koszary.

This settlement, which is home to about 270 people, consists of dozens of residential and household buildings, most of which were erected about a dozen years ago (the founding of the settlement dates back to the late 1940s). The condition of the buildings has deteriorated dramatically. The quality of materials used in their construction, the way they were used and the passage of time have resulted in the fact that most of the houses not only do not provide decent living conditions, but also pose a real threat to the health and life of their inhabitants.

In recent years, successive appeals to the municipal authorities, as well as the involvement of the Ministry of Interior and Administration and the Małopolska Voivodeship, have failed to get the municipality of Łącko to adopt a plan for the comprehensive revitalisation of the housing estate, one of the reasons being the resistance of the municipal authorities, which may be related to discriminatory attitudes towards the local Roma community. In the period 2016-2020, the Municipality of Łącko spent less than half of the funds allocated to the Municipality of Łącko in this period from the Programme for the Integration of the Roma Community in Poland 2014-2020 on renovation and investment tasks related to the Roma settlement. Due to doubts about the spending of public funds at the disposal of the Municipality of Łącko for purposes related to the Roma community, the Supreme Chamber of Control included the municipality in the inspection plan for 2023.

3.2 Support for migrants

Over the last decade, Poland has transformed from a country of emigration to a country of immigration. At the end of 2021, 875,090 foreigners were registered for

pension and disability insurance; a significant jump from 184,188 in 2015. These statistics do not include all groups. It does not include children or non-working people, for example. Only just over 4% of tax-paying foreigners were from EU countries. Almost 72% were Ukrainians. Of this population, 66 per cent were men.

According to the 2020 poll, Poles liked Arabs (65%), Roma (57%), Russians (43%), Ukrainians (41%), Romanians (40%) and Jews (33%) the least¹⁹. In 2021, the situation has changed only slightly. Poles had the least sympathy for Arabs (46%), Roma (42%), Russians (35%), Romanians (31%), Jews (29%) and Germans (27%)²⁰. In 2022, the leaders of Poles' anti-rating sympathies remained Arabs (46%), Russians (38%) Roma (37%), Belarusians (29%) and Jews (27%)²¹.

With the beginning of the armed interstate conflict between Russia and Ukraine, observers expected an increase in tensions between Ukrainians and Russians in the country, but the "Brown Book"²² (the most comprehensive list of ethno-political events in Poland) did not record a single report of mutual attacks. The institutions of the Polish state insist on protecting the rights of the Russian national minority - citizens of Poland, on separating foreign citizens of Russian nationality from the policies of the authorities of the Russian Federation. Moreover, Poland does not share the pro-Ukrainian doctrine of the collective responsibility of all Russian citizens for the foreign policy course pursued by the Russian military and political leadership.

According to the Economic Immigration Barometer, economically active Ukrainian citizens worked mainly in construction, agriculture, services (hospitality, childcare, health care); only 2% of Ukrainians worked in professions requiring

¹⁹ Omuła-Rudzka M. Raport z badań CBOS. Postawy wobec innych narodów. Warszawa: Fundacja Centrum Badania Opinii Społecznej, 2020.

Melnychenko N. Raport: Przystępstwa z nienawiści w Polsce w 2020 roku. - URL:

<https://odfoundation.eu/a/81457,raport-przestepstwa-z-nienawisci-w-polsce-w-2020-roku/> - https://odfoundation.eu/content/uploads/2021/08/hate-crimes-2021-by-rtf_update_pl_3.pdf

²⁰ Komunikat z badań CBOS. Stosunek do innych narodów. 2021. № 30. - URL: https://www.cbos.pl/SPISKOM.POL/2021/K_030_21.PDF

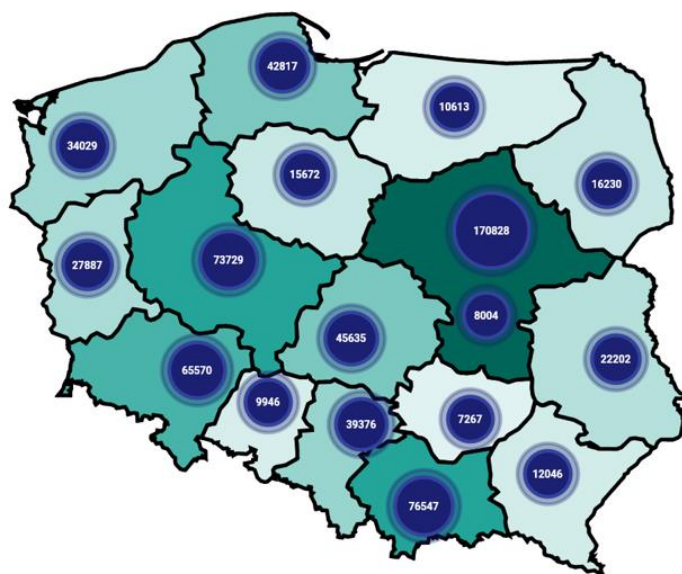
²¹ Komunikat z badań CBOS. Stosunek do innych narodów. 2022. № 21. - URL: https://cbos.pl/SPISKOM.POL/2022/K_021_22.PDF

²² Brunatna Księża (2020-2023). - Warszawa: Stowarzyszenie "Nigdy więcej", 2023. 319 s.

higher education (engineering, IT, medicine). This largely reflected the needs of the Polish labour market. The lack of reliable and up-to-date data is a serious problem. The problem with PESEL is that almost no one is de-registered when they leave. There is a problem with data from schools - it is estimated that only about 50 per cent of Ukrainian children attend Polish schools²³ .

In 2022, due to the influx of war refugees from Ukraine, the population of Poland for the first time in history exceeded 40 million people (according to official statistics on 31.12.2020 this figure was 38,265 thousand, and on 1.04.2022 - already 41,452 thousand). Poland became the second country in the world (after Turkey) with the largest number of refugees²⁴ . It was during this period that Poland's migration status changed from a typical emigration status to an emigration-immigration status, mainly due to labour migration based on the dominance of short-term and circular migration (mainly from Ukraine).

Figure 3. Regional distribution of the number of asylum applications, 2022.



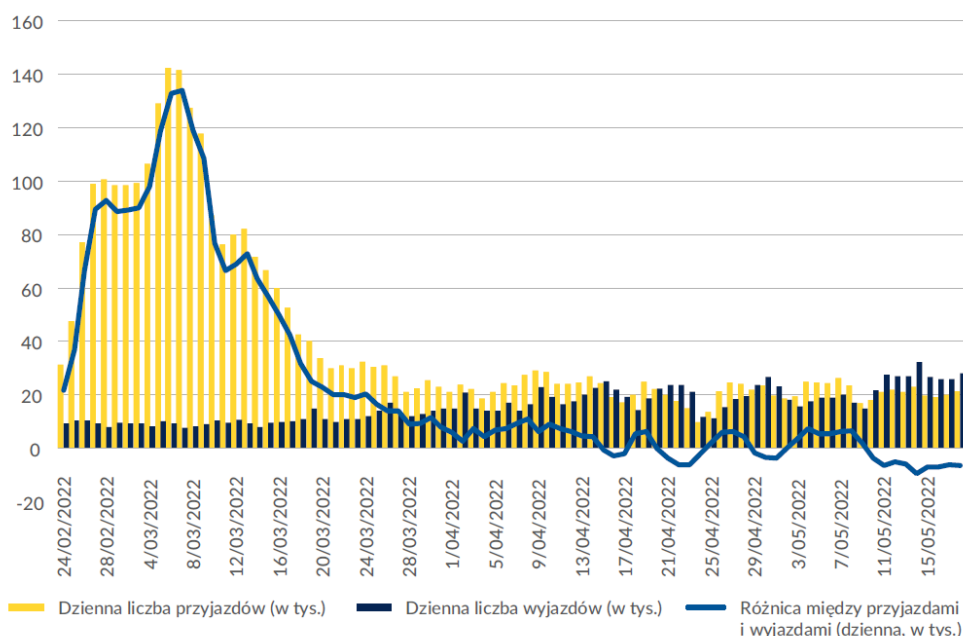
²³ Clifton-Sprigg J. Stanowisko 1/2023: Polska potrzebuje polityki migracyjnej - pogląd z dobrobytem w tle. - URL: <https://napokolenia.pl/stanowisko-1-2023-polska-potrzebuje-polityki-migracyjnej-pogląd-z-dobrobytem-w-tle/>

²⁴ Szonert M., Łodziński S. Polityka migracyjna "bez polityki". Antynomie tworzenia polityki migracyjnej w Polsce w okresie 2016-2022 // CMR Working Papers. 2023, Luty. № 130/188. - URL: <https://www.migracje.uw.edu.pl/wp-content/uploads/2023/02/CMR-WP-130-188-1.pdf>.

The consequence of this has been that the state's migration policy has acquired the character of a public policy "without policy", i.e. pursuing consistent actions in various migration areas (such as labour market, national policy, border protection and refugee policy) without a broader political and official discussion of its objectives in the long term.

According to the Polish Border Guard, between 24 February and mid-May 2022, 3.5 million border crossings towards Poland and 1.5 million towards Ukraine were recorded (in both cases the figures include all border crossings without distinction of nationality and multiple border crossings by the same persons). Fig. 4 presents the scale of cross-border traffic between the border traffic between Ukraine and Poland and shows an impressive increase in the scale of mobility in the first 2-3 weeks after the outbreak of the armed conflict, followed by a stabilisation of inflows and, since the beginning of May 2022, a positive balance of border crossings towards Ukraine.

Figure 4. Number of crossings of the Polish-Ukrainian border 24.04.2022 - 18.05.2022.



Źródło: Opracowanie własne Duszczyk, Kaczmarczyk na podstawie danych Straży Granicznej

In addition, the variability of both inflows and outflows is very high, which may reflect the realities of combat, but also indicates that we are dealing with a

highly mobile population that is interested in returning home, if at all possible. In addition, there is a positive - albeit weak - correlation between entry and exit dynamics. This mobility pattern is somewhat reminiscent of the reality of migration between Ukraine and Poland before the outbreak of the armed conflict, which included a large number of temporary migrants and people moving regularly between the two countries. We still lack data to assess the scale of this phenomenon, but many signs suggest that some economic migrants continue their journeys despite the armed conflict. At the same time, due to the uncertainty of developments in Ukraine, both militarily and in terms of economic development, it is extremely difficult to predict whether short-term migration will not yet turn into long-term migration.

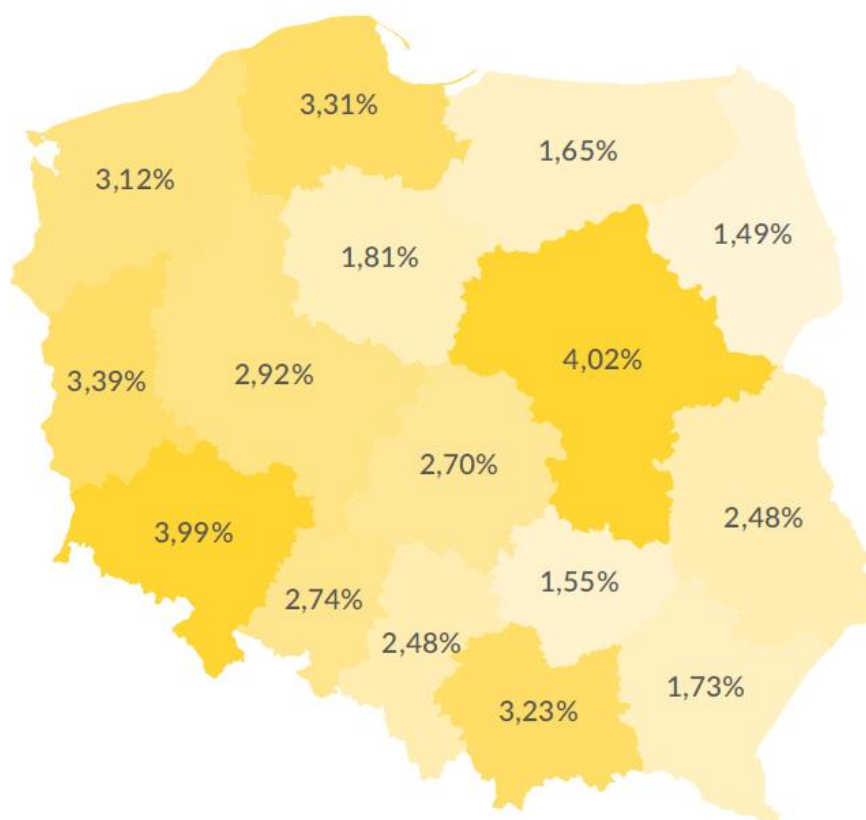
If we look at the number of asylum applications submitted in 2022 - 170828, one significantly exceeds the figures for 2021 and 2020. Overall, the number of war refugees who were in Poland at the end of April 2022 is estimated to be between 1.4 and 1.55 million. In particular this estimate was given by the State Secretary of the Ministry of the Interior, Pawel Schäfermaker, in a statement dated 24 February 2023²⁵.

Estimates based on data obtained at the border crossing may be supplemented by information obtained during the registration process. In accordance with the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine, Ukrainians register to obtain a Polish PESEL number, which is required to access certain public goods and services. As of 31 December 2022, the number of registered war refugees was approximately 1.15 million, and the demographic structure was radically different from what it had been before. More than 47 per cent of those registered were children and adolescents under the age of 18, the majority of whom (about 34 per cent of the total) were children aged 3-14. The next largest group was working-age women, accounting for

²⁵ Szefermaker: tylko współpracując, byliśmy w stanie pomóc tylu uchodźcom z Ukrainy. - URL: <https://samorzad.pap.pl/kategoria/aktualnosci/szefermaker-tylko-wspolpracujac-byalismy-w-stanie-pomoc-tylu-uchodzcom-z>

42 per cent of those registered. The remainder were mostly elderly (over 60/65 years), making up about 7 per cent of those registered. Men of working age represented just under 4 per cent of the total number of refugees.

Figure 5. Ratio of registered military refugees to the total population by region, %.



According to expert estimates, the total number of Ukrainian citizens permanently or temporarily staying in Poland reached its peak in April 2022 and amounted to 2.9 million people (of which about 1.5 million arrived before 24 February 2022) and steadily decreased thereafter.

5. Activities of radical communities.

In October 2021, the Mayor of Warsaw, Rafał Trzaskowski, appealed in court against the decision of the Mazowieckie Voivode to recognise the Independence March as a cyclical assembly for 2021-2023. The District Court of Warsaw granted the mayor's appeal and cancelled the voivode's decision, a decision upheld by the Court of Appeal. Ultimately, the head of the Office for War Veterans and Victims of Repression, Jozef Kasprzyk, decided to give the so-called Independence March the status of a state event. On 11 November 2021, during the so-called Independence March in Warsaw, organised by Robert Bonkiewicz's Independence March Association, there were riots and acts of violence involving assembly participants. The event was illegal because the Warsaw authorities refused to authorise it, a decision upheld by the courts of two instances.

On 11 November 2022, Independence Day, the so-called "Independence March", organised by Robert Bonkiewicz's Independence March Association, once again marched through the streets of the capital. Representatives of the National Radical Camp, the All-Polish Youth, the Association for Tradition and Culture "Niklot", autonomous nationalists, pseudo-football fans, as well as the leader of the Hungarian far-right party "Our Fatherland" László Toroczkai and members of the neo-fascist Italian group Forza Nuova took part in it. During the march, participants displayed racist banners including: "It's OK to stay white", flags with the Celtic cross symbol (signifying support for so-called white supremacy), some also wore camillets and scarves with this sign. In addition, the banners contained slogans such as "Today immigrants, tomorrow terrorists" (with Islamophobic overtones), "This is Poland, not Polin" ("Polin" is the Hebrew word for Poland), "Volksdeutsche and the red plague - will not leave Poland" and "Death to the enemies of the fatherland" (the last two are extremely nationalistic, encouraging aggression on ideological grounds). Participants in the so-called Independence March raised shouts of "Polska cała / tylko biała", "Jeb...ć Murzyna / Legia Warszawa - biała drużyna", "We don't need mosques and synagogues" and "This is Poland, not Brussels, here we don't support

perversions". They also chanted the anti-Semitic slogan "No to wars for Israel". Anti-American themes were also heard during the march, with shouts of "The US is the centre of evil" and a banner "F...ck Biden" (an insult to the US president). Some demonstrators wore sweatshirts with content encouraging violence: they featured a characteristic graphic depicting an attacker kicking a lying man, as well as the slogan "Good night, left side", popular among neo-fascists. In addition, during the march, the participants burned a picture of Donald Tusk, the former president of the European Council, as well as a German flag. At the same time they shouted "Burn the fascist rag!" and "Burn this Jewry". The police station of Warsaw's District I in Szurowski instituted proceedings in both cases. They concerned "careless handling of explosives, disturbance of public order and littering of public places" (the investigation did not focus on insulting the German flag). During the so-called Independence March, Robert Bonkiewicz gave a strange speech coloured by xenophobia. He proclaimed: "We are under attack by Germany, which is using the EU institutions to take away our sovereignty. [...] There is a war going on. It is not only a war on the border and a war, perhaps less visible, with Germany, with the European Union, but also a war of civilisations."

He also stated that Germans want to "force us to kill born children" and that they "want to deprive us of our national, cultural and even gender identity" [sic!] Robert Winnicki, a Confederation deputy and president of the National Movement, also addressed the crowd, referring to the situation on the Polish-Belarusian border (where refugees have been held in disastrous humanitarian conditions since August 2021) and stating, "If it is necessary to shoot, the Polish army will shoot." He also shouted "Poland for Poles".

Legnica. On 17 March 2021, under the flag of the Confederation of the Polish Crown, a meeting was held with Marcin Rola (founder of the YouTube channel wRealu24), Wojciech Sumlinski (director of the film "Return to Jedwabne", in

which he denies Polish responsibility for the crime in Jedwabne²⁶) and Confederation MP Krzysztof Tuđuj (a member of the National Movement). During his speech, Rola once again fuelled prejudice against refugees from Ukraine and spread false information. He stated, "Soon there will be five million people here that we will have to support." Speaking about doctor Katarzyna Ratkowska, who was suspended for a year for promoting anti-vaccine material, he said: "We probably had to make room for a doctor from Ukraine." Rola was also dismissive of dark-skinned refugees from Ukraine: "I was in Medyk and in Korchova, there were a few players there after such a harsh tanning session. [...] Why the hell did they build a wall on the Polish-Belarusian border when all this company flew over the Ukrainian-Polish border, because it's not normal". Furthermore, in the context of the armed conflict in Ukraine, Rola referred to one of the strangest anti-Semitic conspiracy theories: "Plus the Heavenly Jerusalem project - why not? Remember Operation Bridge in the early 1990s, when WSI transported over a million and a half Ruthenian Jews to Israel? And there are huge problems with water, with Palestinians on the other side. Is it impossible, unrealistic?". Meanwhile, referring to the coronavirus pandemic, he said: "There is such a study coming out, taken from a Jewish banana in America, that anyone who denies these pandemic problems is also an anti-Semite. [...] Foliant, shur, flat-earther, anti-Semite, Nazi, fascist - very subtle epithets." Also at the meeting, Wojciech Sumlinski linked the alleged threat from Ukrainian refugees to an anti-Semitic conspiracy theory: "In Return to Jedwabne we show that the Jews divided Poland among themselves, and in the book [under the same title - editor's note] we give documents created and signed by American, Israeli and Polish Jews, they could not agree on what would belong to whom in this Polina [in Hebrew it means Poland - editor's note] they are building. [...] We are exposing the Jews today." Sumlinsky referred to Rola's anti-Semitic arguments: "The heavenly Jerusalem still exists [...]. There is no more water in Israel, there are problems with

²⁶ Mass murder of up to 1,500 Jews in the urban-type settlement of Jedwabne, Jedwabne district, Białystok region, BSSR (now the town of Jedwabne, Podlask voivodeship, Poland) on 10 July 1941 during the Nazi occupation. Most of the pogromists were Poles.

everything, Israel is looking for a new place for its citizens. Polin is one [...], there has to be migration, because it [Ukraine] is the second place, besides Polin, that [Jews] have taken a fancy to. [...] There will be a big outflow of population from the south of Ukraine, I don't know how they will do it, but they will move that population to make room for the Jews." He also repeated well-known anti-Semitic accusations in the context of the coronavirus: "It's all the Jews, the great globalists of this world, [who] invented COVID-19."

On 12 December 2021 in Szczecin, the Confederacy organised a "shooting competition named after Kyle Rittenhouse" - the man who shot dead two participants in the anti-racist Black Lives Matter protests in the United States in 2020. A poster announcing the tournament featured a photograph of the attacker with a machine gun, as well as racist symbols.

On 1 April 2022, a press conference was held in the Sejm, at which the leader of the National Movement, Robert Winnicki, and the Confederation deputy Michał Wawer (vice-president of the ND) presented a draft "law on the moratorium on the granting of Polish citizenship". According to the draft, such a moratorium would be in force for ten years (sic!). Wawer addressed the issue of refugees from Ukraine: "This is a policy of permanent change in Poland's social structure. [...] We call on the parliamentary majority to put an end to this suicidal policy of changing the social structure of Poland." For his part, Winnicki said, "After World War II we had a homogeneous state [...] and this is a definite value" and stated: "We say an unequivocal 'no' to changing the national structure of the Polish state." On the same day, Winnicki appeared in a programme hosted by Paweł Zdziarski (a publicist for the weekly *Do Rzeczy*) on the *wRealu24* YouTube channel, where he stated, "We have already accepted more than two million war refugees, there is such a risk, a threat [...] of a rapid change of the nationality structure in Poland. [...] It cannot be a mass resettlement plan, because the nation has not agreed to it. [...] It must be remembered that it is the Polish nation that is the master in our state." Zdziarski complained about the "omnipresence of the colour of the Ukrainian nation" in Poland, and Winnicki echoed him: "These things go to the point of exaggeration and

paranoia, and it will not end well. [...] An explosion of exaggerated Ukrainophilia. [...] There is this annoying propaganda everywhere that Poles should learn Ukrainian." On this occasion, the Confederate deputy called for an alliance with Iran because "we should be satisfied with punching the vile state located in Palestine, i.e. Israel, in the nose" ("state located in Palestine" is a phrase used by anti-Semites who favour the destruction of Israel).

On 11 November 2022 in Wrocław, on Independence Day, there was a march through the streets of the city organised by Jacek Mendlar (National Revival of Poland), a former priest and extreme right-wing activist (convicted in 2021 for insulting and inciting hatred based on national differences against Jews and Ukrainians). Mendlar advertised this demonstration online with the slogan: "Stop the Ukrainianisation of Poland" (a conspiracy theory that Poland will be taken over by Ukrainians). On his way to the march, he was detained by police for several hours. According to Lukasz Dutkowiak, spokesman for the provincial police department in Wrocław, Mendlar's detention was based on the provisions of the Police Act, which authorises law enforcement agencies to "detain persons who clearly pose a direct threat to human life and health, as well as property". The march was attended by representatives of the National Revival of Poland, Grzegorz Braun's Confederation of the Polish Crown and pseudo-fans of Śląska. The demonstrators chanted anti-Ukrainian and anti-Semitic slogans and displayed banners with similar content. Among other things, they shouted: "Here is Poland, not Polin" (Polin in Hebrew means Poland; a slogan referring to the conspiracy theory that Jews seek to take over Poland). At the head of the march they carried a large banner with the slogan "Death to the enemies of the homeland" (calling for ideological violence) and another with the sign of the Celtic cross (symbolising the so-called white power). In addition, the marchers displayed a Confederate banner with the slogan: "Stop the Ukrainianisation of Poland", as well as the term "Ukropolis" and a graphic with a crossed-out map of Poland in the colours of Ukraine. Some marchers also wore clothes with the symbol of the Slavic swastika.

On 30 November 2022, in front of the Romanian Embassy in Warsaw, members of the Polish National Renaissance (PNR) honoured Corneliu Codreanu (1899-1938) on the anniversary of his death. Codreanu was the founder of the Iron Guard, a fascist group active in Romania from 1927 to 1941. The organisation carried out political assassinations, pogroms and murders of Jews. It was part of the fascist, pro-German government of Ion Antonescu. The following praise for Codreanu is published on the ALP website: "The Iron Guard (Archangel Michael's Legion) has become an example inspiring thousands of European nationalists. [...] This year was already the 25th Guard [of the Polish National Revival] in honour of Codreanu."

On 6 December 2022 in Wrocław, members of the Polish National Renaissance (PNR) took part in an organised meeting with a group of children of different ages under the slogan "Nationalist Father Christmas 2022". One of the activists, dressed as Father Christmas, wore an armband with the Phalanx symbol, which was used in the interwar period by Polish fascist organisations. Another member of the ALP wore a T-shirt with an image of two rifles as well as a neo-Nazi slogan (the so-called "14 words"): "We must ensure the existence of our people and a future for white children"; this slogan was coined by David Lane, the racist terrorist leader of the American group The Order. The text was inspired by a passage from Adolf Hitler's book *Mein Kampf*). The T-shirt also featured the so-called "rune of life", a sign used by SS units, a modern symbol of hatred used by racist organisations in many countries.

On 6 March 2022, a march organised by the extreme right-wing group "National Częstochowa" took place in Częstochowa through the streets of the city. Participants in this gathering chanted racist slogans and ideologically motivated threats: "White Europe", "There will be a stick for the Leftist snout", "Once with a sickle, once with a hammer - Leftist scum", "Death to the enemies of the fatherland". They also expressed support for Janusz Walusz, a Polish immigrant sentenced to life imprisonment for a racist murder committed in 1993 in South Africa. On 21 November 2022, a South African court ordered his parole from prison. The

demonstrators in Czestochowa shouted "Janusz Walusz is our role model" and displayed a banner reading "Free Walusz!" and a Celtic cross symbol representing so-called white power. A representative of the Częstochowa City Hall monitored the procession, but the assembly was not dispersed.

On 24 September 2022, a march "Stop the Ukrainianisation of Poland", organised by the Confederation of the Polish Crown of MP Grzegorz Braun, marched through the streets of the capital. Participants displayed banners: "Here is Poland, not Ukropolis!" (a vision of Poland taken over by Ukraine) and "Stop changing the ethnic structure of Poland." They also shouted: "There will be a stick for the Banderite snout!".

On 7 March 2023, activists of the All-Polish Youth disrupted a meeting in Poznan with Ukrainian writer Oksana Zabuzhko. They chanted: "Poland is us, not Bandera and his dogs!". Meetings with the writer were also disrupted by members of the All-Polish Youth on 21 November 2022 in Kraków and 14 February 2023 in Warsaw.

6. Hate crimes

The Open Dialogue Foundation's publication contains reports on hate crimes committed in Poland in 2020. All reports are divided by the specific motives of the offences:

- racial and xenophobic - 39;
- homophobic - 28;
- misogyny and misogyny - 16;
- nationalist and neo-fascist - 7;
- religious - 7;
- anti-Semitic - 6;
- political - 6.

This does not mean that 109 hate crimes were committed in the country in 2020. Here we are dealing with reporting statistics, we have no information about some crimes, and on the other hand, not all reports in the formal legal sense can be

characterised as criminal acts. It is no coincidence that in 75 cases the report writers do not know the procedural fate of the reports.

A significantly larger number of reports of hate crimes are cited in the "Brown Book" released by the "Never Again!" Society in March 2023²⁷. In more than 300 pages, several hundred incidents of physical assault or verbal aggression against Ukrainians, LGBTQ people, Jews and people of colour are described in chronological order from March 2020 to March 2023. The report also documented demonstrations with hate slogans, acts of discrimination and fascist banners in stadiums. Here are some examples:

Torun. 9 February 2020. Beating of five people on nationality grounds. The victims, among them people from Ukraine, Belarus and Russia, were attacked in the city centre. "The reason for the attack by a group of young men was a conversation in Russian between us. They had no remorse about beating the girl. A Polish friend has a fractured skull," wrote one of the victims in the social network. The perpetrators were recorded by surveillance cameras and police were looking for people who could help identify the suspects. One of the attackers was found and detained while shoplifting.

Sokula County. 17 February 2020, Public insult of Moroccans. A man insulted strangers on a popular social network because of their skin colour and nationality. The Centre for Monitoring Racist and Xenophobic Behaviour reported this to the Public Prosecutor's Office. The district court in Sokulka sentenced the man to six months' restricted liberty with 20 hours of community service per month.

Katowice. On the night of 11-12 February 2021, on Korfantego Avenue, "unknown perpetrators" smashed the window of the office of Civic Coalition MP Monika Rosa's office for homophobic reasons. They wrote "Fags raus!" on the window, where a rainbow flag (a symbol of the LGBT community) was hanging. On the same day, 12 March, Deputy Rosa's office received a call from a man who

²⁷ Brunatna Księga (2020-2023). - Warszawa: Stowarzyszenie "Nigdy więcej", 2023. 319 s.

threatened to kill the deputy. On 9 April, Monika Rosa announced that because the perpetrators could not be found, the police stopped the investigation.

Warsaw. On 6 March 2021, at the Central Station, two security guards behaved aggressively and negligently towards a homeless man. When he was leaving the building at their command, they suddenly threw him to the ground and then dragged him across the floor. One of the passengers (with an oriental accent) protested the rude intervention - in response, the guards hurled xenophobic slurs and threats at him. One of them shouted: "Go, because I'm going to throw you out through the mezzanine. Go, you Ukrainian scum!". When the passenger said he was a Polish citizen, he heard the guard say, "You and Poland? Get in the head, whore." The man was from Belarus and had lived in Warsaw for three years. Polskie Koleje Państwowe SA has been notified of the incidents involving the station's security guards. In a statement to the media, its spokesperson said that the two men had been personally banned from providing any services to PKP. A statement on the matter was also issued by DGP Security Partner, the company that hired the guards: "The Board of Directors condemns any racist or xenophobic behaviour among the company's employees. The attitude and words uttered by the employees during the incident were unacceptable and should not take place." Both men were dismissed.

Toruń. On 25 March 2021, on Shiroka Street in front of a kebab shop, two residents of the city attacked a group of four people: citizens of Egypt, Turkey and Turkmenistan, as well as a Polish woman. They hurled insults at them and threatened to beat them up. The attackers were Patrick W., 37, and David K., 31. The case was investigated by the Toruń-Centre-West District Prosecutor's Office. In June 2022, the District Court in Toruń found both men guilty of ethnic assault by insults and direct threats, and Patryk W. was also found guilty of violating physical integrity. The court sentenced him to one year and four months of community service (30 hours per month). David K. was sentenced to 10 months of community service.

Wrocław. On 14 April 2021, in a shop on Tenchowa Street, a man shouted to two shop assistants: "I was beaten by Ukrainians and I will do the same to you, I will kill you, I will hurt you, get the fuck out" and "You are a shitty Ukrainian". On 4

April 2022, the Wrocław Regional Court sentenced Piotr P. to a one-year restriction of liberty with an obligation to perform community service for 20 hours per month for national insults and threats of beating and death against Ukrainian women.

Gdansk. On 20 April 2021, two men attacked a Ukrainian citizen in Suchanin. When he and his friends were sitting in a car, the bandits shouted insults at him, referring to his origin, and vandalised the car with a metal bar: they broke a window and damaged the bodywork. The police were called to the scene. The Ukrainian victim told police that the attackers had been harassing him since the beginning of April: they called him names and threatened him because of his nationality. Both men were detained. They were charged with public insult and threats based on nationality, as well as destruction of property. The case was investigated by the Gdańsk-Oliwa District Prosecutor's Office.

Łódź. On 28 May 2021, on Piotrkowska Street, six men hurled insults at a group of foreign female students wearing hijabs (Muslim headscarves). The aggressor hit one of the women in the lower back. A man also threw a beer glass at the female students. None of the passers-by reacted. According to the victims, a police officer at the police station refused to take their statement, explaining that he did not know English.

Poznan. On 24 February 2022, the day Russia's military action against Ukraine began, the owners of the Akamed polyclinic on Przemysłowa Street posted a message in Russian on the institution's door: "We do not accept Russians". The use of collective responsibility is unfair to members of the Russian community in Poland. After the incident at the Akamed clinic was publicised in the local media, the content of the discriminatory notice was changed: the word "Russians" was crossed out and "Supporters of the military operation in Ukraine" was added in Polish.

Warsaw. On 6 March 2022, Ola Kaczorek, an LGBT activist, reported on Twitter* about a discriminatory notice that someone had placed on the door of the Pańska Corner office building. It read: "Entry of persons of Russian nationality is prohibited".

6.1 Vandalism in cemeteries, attacks on religious buildings.

Augustowo. On 6 January 2020, on Orthodox Christmas Eve, in this village in Bielskoe powiat, an unknown person painted the inscription "Katsaps" on an information board located near the Orthodox church. In Polish, the term is used to disparage Russians and, more generally, citizens of the former Soviet Union.

Szczecin. In mid-March 2020, unknown perpetrators vandalised a memorial plaque in Dworzowa Street in memory of Jewish residents of the city who were murdered in the Belżec death camp during the Second World War. A swastika and an SS symbol appeared on the plaque with an inscription.

In 2021, a case of vandalism was recorded in the barracks of the former German camp Auschwitz II-Birkenau by drawing anti-Semitic inscriptions and destroying a monument commemorating the victims of the Holocaust. On the night of 9-10 January 2021, someone drew swastikas and SS symbols on the wall around the Jewish cemetery. Police officers patrolling the neighbourhood intervened. On the same day, municipal services cleared the fence. The incident was condemned by Mayor Janusz Hwerut, as well as by the Jewish Museum, which issued a statement on the matter: "Vandalising the wall of the Jewish cemetery in Auschwitz with symbols of German Nazism is an act of terrible hatred and an insult to the memory of the victims of genocide, including the Jewish residents of Auschwitz, most of whom perished in the nearby Auschwitz-Birkenau death camp." In a statement to the media, Tomasz Kuncewicz, director of the Auschwitz Jewish Museum, said the destruction of the Jewish cemetery also occurred in May 2020, when unknown perpetrators painted a Star of David on a gallows on the wall. On 12 January, police detained three men, residents of Auschwitz. The district prosecutor's office charged two of them with publicly promoting fascism and damaging the monument, while the third was charged with damaging the monument. Incidents of desecration of Jewish cemeteries were also recorded in Częstochowa and Bielsko-Biała.

Mysłowice. On 23 March 2021, the police were notified that unknown perpetrators had destroyed 30 crosses from the mass grave of victims of the Nazi

camp Rosengarten in the Evangelical cemetery on Auschwitz Street. At least 800 people were buried in two mass graves in the necropolis. The Rev Dr Adam Malina, pastor of the evangelical Augsburg parish in Mysłowice, also reported other acts of destruction taking place in the cemetery: "It used to be individual toppled crosses over a period of several years. Such a scale as today has never happened."

Gdansk. On the night of 11-12 March 2023, two minors drew a swastika on the entrance to the synagogue. Three letters "K", standing for Ku Klux Klan, were also painted on the facade. The perpetrators of the destruction were arrested.

6.2 Incidents of racial, ethnic and religious violence, attacks on human rights defenders and anti-fascists.

The Onion. On 19 March 2020, three teenagers, students at a local primary school, attacked a 59-year-old female resident of Vietnamese origin. They shouted at her that she was "from China", "she has a coronavirus" and insulted her with coarse profanity, they also threw stones and rubbish at her, spat in her direction and one of them pushed her. The attackers were detained by the police.

Gdansk. On 20 June 2020, an unidentified man attacked a man who came from Egypt. He shouted at him: "Get out, you black bastard" and hit him in the face with his fist. He also tried to stab him with a knife.

Warsaw. On 17 February 2021, an intruder attacked a gay couple. He shouted to the men: "Don't hold hands, not in front of children!". Stabbed one of them in the back. The victim was taken to hospital.

Poznan. On 14 March 2021, on a tram, a passenger shouted threats and racist insults at a Guatemalan man who was travelling with his wife and child.

Cases of racially, ethnically or religiously motivated violence included a fight between residents of a housing estate and a group of persons of Roma origin on 27 June 2021 in Melz. The incident, which resulted from a dispute between a minor resident of the housing estate and another minor belonging to the Roma minority, led to an escalation of violence between Roma and their non-Roma neighbours. As a result of these tensions, xenophobic inscriptions against the Roma community,

which may have incited hatred based on ethnic differences, allegedly appeared on the walls of residential buildings in Milec.

Kraków. On the night of 12-13 September 2021, at the intersection of Lobzowska and Batory Streets, two assailants beat a man, an employee of the Jewish Community Centre in Kazimierz, born in Ukraine, who was passing by them. In a statement to the media, the victim said: "I was talking on the phone, speaking Russian. First they started calling me a faggot. And then one of them hit me on the back of my head. And he kept hitting. I tried to defend myself, but I had no chance. My hands and face were covered in blood. While they were hitting me, one of the men tore the Star of David off my neck. I have been living in Krakow for eight years now, and sometimes someone called me names on the street. But I have never been beaten. The man was helped by passers-by and one of them escorted him to the police station on Królewska Street. The policeman refused to take a report about the beating.

Krakow. On the night of 21-22 May 2022, three citizens of Belarus (two young men and a woman) were attacked in a bar on Slavkowska Street on xenophobic grounds. When they were talking to each other in Russian, an aggressive man suddenly approached them and said: "We will fight", and when he was refused, he hit one of the Belarusians in the face with his fist. When a colleague of the victim tried to explain the situation, the attacker hit him on the back of the head. According to eyewitnesses, the guards of the premises also behaved aggressively. They used violence against the Belarusians and sprayed pepper spray on one of them. The police and ambulance were called to the scene. One of the Belarusians was taken to hospital.

Katowice. On 9 June 2022, an unknown man attacked a teenager of Ukrainian origin at a bus stop and on a bus. He threatened him and hurled nationalistic insults at him.

Lublin. On 30 August 2022, three black students were subjected to a racist attack by a group of several men who were walking past them on the pavement.

Lublin. On 7 January 2023, two men attacked a woman from Ukraine, her 13-year-old son and pregnant daughter. They shouted at them: "Get out of Poland" and insulted them with coarse profanity. When the boy tried to call the police, they threw him to the ground and beat him on the head with their fists. They also beat a pregnant woman. They were charged with public insult of Ukrainian citizens, death threats and use of violence.

6.3 Hate-motivated murders.

Sendziszów Malopolski. On 13 January 2022, a resident of the town severely beat a homeless man. He delivered two punches with his fist to his face and, when the victim fell to the ground, kicked him unconscious on the head, causing multiple injuries. As a result of this attack, Slavomir K. died after several days in hospital.

7. Conclusions for the period.

The needs of national and ethnic minorities are recognised in both international and national legal regulation. In the former case, there is a distinct lack of terminological uniformity, which is undoubtedly due to the sensitivity of the topic. International organisations clearly respect the right of states that have signed international agreements to define the concept of minorities themselves, taking into account local conditions. The analyses carried out have revealed numerous legal measures aimed at preserving the identity, traditions, customs, culture and language of these groups. It should be emphasised that, despite the collective definition of the subject, we are dealing here with individual legal protection. These rights may be asserted either individually or jointly with other members of the minority in question, i.e. collectively. minority, i.e. collectively. It can be concluded that the range of rights belonging to minorities is now broad. The establishment of the Joint Commission of the Government and National and Ethnic Minorities is also commendable. Although the extension of its competence from advisory and consultative to creative would undoubtedly allow for a fuller protection of minorities. National legal solutions that are consistent with international legal

regulation, Among their many guarantees is the right to use and learn one's language. use and learn one's language. use and learn one's language. The possibility of using a minority language as an auxiliary language is particularly favourable. Undoubtedly important is the right of minorities to learn their language, culture and history in schools and, to a correspondingly lesser extent, in State kindergartens. in schools and, to a correspondingly lesser extent, in State kindergartens. in schools and, to a correspondingly lesser extent, in State kindergartens. According to the established criteria, only one minority language has been identified in our country, namely the Kashubian language. The article also notes the aspirations of other minority groups to include their language in this privileged linguistic category, as well as to be included among national or ethnic minorities in general. There is no doubt that the legislative, enumerative designation of minorities is in order, denying the right, however, to groups that do not fulfil the existing criteria, although characterised by a clear cultural difference from the majority of the population. The conclusion of the analysis of these legal provisions is to emphasise the need to update the definition, taking into account the needs, especially financial and educational needs of other groups with a distinct cultural identity, but who are not classified as national or ethnic minorities. however are not classified as national or ethnic minorities.

The influx of war refugees from Ukraine is contributing to the change in Poland's status from a country transforming from a migration donor country to a recipient country. This transformation is taking place at the fastest pace in modern European history. It should be assumed that, regardless of the outcome of the armed conflict and its consequences for Ukraine's economic development, Poland will become a bicomunal country with a clear predominance of the Polish nation, but with a growing participation of the Ukrainian national community. This presents opportunities but also challenges. With the adoption of systemic solutions in areas such as, above all, housing, education, labour market, health and culture, a greater presence of Ukrainians than before in Poland will be beneficial. However, this requires adopting a different perspective on the presence of foreigners in Poland. The perception of foreigners living in Poland as temporary immigrants must give

way to the belief that Poland is turning into a country where the presence of foreigners, especially from Ukraine, is a permanent element in the functioning of the state and society is becoming more diverse than before.

8. Recommendations:

1. In relation to organisations of migrants, national and ethnic minorities, and regional communities, it is necessary to change the method of financing the activities of public organisations - in addition to subsidising individual funding of individual commissioned activities and projects, financing the overall functioning of the organisation so that it can realise the goals for which it was established.

2. Regarding guarantees for the realisation of the rights of national and ethnic minorities:

- Ensure long-term funding for the cultural activities of national and ethnic minority organisations and institutions through legal guarantees and a stable funding system for these organisations;

- provide opportunities for minority languages to be used in economic and business activities alongside the most widely spoken languages, such as English, German and Russian;

- expand the range of public organisations funded by the Ministry of Interior and Administration;

- guarantee the rights of national and ethnic minorities to their own representation in the media;

- to recognise Silesian speech as a regional language similar to Kashubian;

- Expand the use of auxiliary languages in the administrative practice of communes;

- Promote legal possibilities for the use of bilingual names and auxiliary language in municipalities where minorities constitute a small proportion of the community, lowering the threshold to 15 per cent;

- Increase targeted educational subsidies in the form of grants and scholarships to educational institutions of national and ethnic minorities, bilingual schools, pupils and students.

3. Concerning war refugees from Ukraine:

- extend assistance to additional groups of people not mentioned therein. In particular, family members of citizens and nationals of Ukraine and persons permanently residing in that country. Otherwise, this leads to the need to duplicate procedures;

- extend support under similar conditions to persons with Ukrainian citizenship who arrived in Poland before 24 February 2022. There is no reason to apply a different regulation to them - they too are currently unable to return to their country of origin (especially men who, if returned, would not be able to leave Ukraine);

- benefits under a special law should focus on the legality of residence, the right to work and set up a business, and the right to health care. The issue of social assistance benefits should be made contingent on actual income - as is the case for Polish citizens and nationals;

- persons without Ukrainian citizenship who have fled Ukraine should be granted a longer period of legal residence in Poland - this period cannot be only 15 days (as is the case today), as during this period it is often not even possible to organise a return to the country of origin, if such a return is possible at all;

- expand the list of persons covered by the speculative law to other groups of persons who have fled or are unable to return to Ukraine, and extend some support measures to other groups of migrants and migrant women, such as Belarusians and Belarusian women and other refugees and refugee women.

- de-bureaucratise the procedures for legalising work and residence, both for those fleeing Ukraine and for other categories of migrants.

4. Regarding the integration of Roma:

- Increase the number of assistants in educational institutions;

- introduce the practice of project financing of housing stock renovation at the level of communes and poviats.
- take measures to encourage contractors engaged in the implementation of integration measures;
- Encourage Roma organisations to take frequent initiatives aimed at increasing the employment of Roma citizens;
- Establish a permanent monitoring group under the Ministry of Interior and Administration for the implementation of the Roma Integration Programme.