[PL] Adoption of the Act on National and Ethnic Minorities

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On 6 January 2005 the Polish Parliament adopted the Act on National and Ethnic Minorities and on Regional Language. Subsequently, on the following day the Act was sent to the President for signature. Minorities' rights are already recognized in the Polish Constitution, in ratified international conventions and bilateral treaties, as well as in other national legal acts. The new Act introduces several important provisions, among them those relevant for public service broadcasters' (PSB) obligations towards national and ethnic minorities. It defines the terms "national minorities" and "ethnic minorities". Following these definitions it recognises 9 national minorities (Belarussians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians, Jews) and 4 ethnic minorities (Karaites [Karaimi], Lemkos [Lemkowie], Romas, Tatars) in Poland. The Act also introduces a separate category, i.e. a regional language, that in the meaning of this Act is a Kashubian [Kaszubski] language, taking into account that - according to Parliamentary expertise - Kashubians are a specific regional group. They cultivate a distinctive cultural and linguistic character, but consider themselves as Polish. It is stressed that State authorities should take appropriate measures to support activities aimed at preserving, maintaining and developing the cultural identity of minorities and persons using a regional language. These actions can include grants e.g. for support of television and radio programmes produced by these groups. The Broadcasting Act of 29 December 1992 (with later amendments) already contains some provisions in this respect, that follow from the general definition of the PSB's remit. It imposes the obligation to have regard to the needs of national minorities and ethnic groups. The Broadcasting Act embraces also the institution of the "social broadcaster", which may be for example a minorities' association. Social broadcasters are exempt from fees that have to be paid for awarding or altering the license. Nevertheless it was argued that more detailed provisions referring to the PSB obligation towards minorities in Poland may be useful. Moreover, the new bill envisages appropriate changes in different laws. It proposes to lay down within the framework of the Broadcasting Act a more specific task of the PSB, that it should "have regard to the needs of national and ethnic minorities, as well as of communities using a regional language, including transmission of news programs in the national and ethnic minorities' languages as well as in the regional language". Furthermore, it provides rules for the regional branches of public television. These regional broadcasters transmit programmes in the minorities' languages or in the regional language. When there are

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programme councils appointed, candidates proposed by associations of national and ethnic minorities as well as of communities using regional languages, should be included. The programme council of a public television's regional subsidiary serves as an advisory and consultative body to the director of the branch.

Ustawa z dnia 6 stycznia 2005 r. o mniejszo´sciach narodowych i etnicznych oraz o jezyku regionalnym

http://e-prawnik.pl/show/data.php/dHlwZT00MTAwJmlkPTU4MzMmdj05

Act on National and Ethnic Minorities and on Regional Language of 6 January 2005

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