SUMMARY OF MEETINGS WITH THE OMBUDSMAN, CIVIL SOCIETY AND JEWISH COMMUNITY LEADERS

Right wing, nationalist groups and demonstrations

There is growing right-wing nationalism in Poland that has been bolstered by anti-immigrant sentiment in the EU-wide debate about accepting Syrian refugees. Like other Central and Eastern European countries, Polish leaders are insisting that they will not take them. With the redrawn borders and population transfers that took place after the end of World War II, Poland became a mostly homogeneous society with few minorities. While the country took in several thousand mostly Muslim refugees during the Yugoslav war in the 1990s and over 80,000 refugees from Chechnya, nearly all of them eventually moved elsewhere.

One long-time NGO leader said he does not remember a time in Poland where the problem of xenophobia has been so tough. He concluded that it was premature to have imagined, as he did, that anti-Semitic ideology would end with the current generation. Instead, he says it is now being transmitted to a new, younger generation of Poles. Another argues that while Poland was in the process of accession to EU Membership it was mindful of how it addressed these concerns, but now that its Membership is established it simply matters less.

Several people cited an anti-immigrant demonstration organized last November 2015 in Wrocław that ended with the burning of an effigy of a Jew. For some NGO leaders it was evidence that, “what starts as xenophobia ends up as anti-Semitism.” They said that while it was criticized by local leaders (bishop and mayor), the police stood by and national political leaders were silent. Notably, a group of conservative intellectuals published a “Letter to Patriots” which condemned the anti-Semitic behavior. However, when pressed, a spokesman for President Andrzej Duda said he wouldn’t interject himself in, “petty disputes.” There were also some claims that this was a, “Russian provocation.” Although the police launched an investigation shortly after the event, it took three months before the suspect was charged with a crime. In essence, they said, this became emblematic of the new political environment—where right-wing, populist expressions are tacitly welcomed while the traditional programs of teaching tolerance in schools and expecting strong police actions on hate crimes are being minimized. As one NGO observer put it, when the focus is on immigration and xenophobia, “anti-Semitism pops up like a yoyo.”

A second event occurred in April 2016, in Białystok when members of the National Radical Camp or ONR (an anti-Semitic, neo-fascist organization that was banned in the 1930s but reconstituted after 1989) organized a march. It had been expanding its activities largely through
marches on Poland’s National Day each November promoting nationalist and xenophobic messages. On this occasion, the ONR demonstrators shouted, “Zionists will hang from trees.” This was the first public call to kill Jews in Poland since the years immediately after the end of the Second World War. Prior to the march, a mass was held in the local cathedral, bedecked with ONR flags for the occasion. Father Jacek Międlar, the charismatic spiritual leader of the Polish extreme right, gave a sermon warning Poles not to give in to “Jewish cowardice” and to “fight for their rights” in a “Great National Poland”. A list of “traitors to the Nation” was also read out. This was viewed as a challenge to both the Catholic Church in Poland and to the Government. The chairman of the Polish Episcopate promptly condemned the outrage, but other Church leaders kept silent, as did the Government. The priest had been barred by the Church from delivering public sermons but nevertheless made this appearance. In previous years the Church was confronted with the anti-Semitic broadcasts of Radio Maryja and its founder, Father Tadeusz Rydzyk and sought to discipline him. Now, according to one civil society monitor, Father Rydzyk’s preaching has become mainstream in comparison to this new development. One legal observer also argued that the Government has an obligation to enforce hate speech laws, but in this case it has chosen to remain silent.

**Sensitivity to Holocaust-era history**

These matters cannot be easily separated from the complicated and emotional ways Poland understands its World War II-era past. Poland suffered grievously under Nazi occupation, and there were so many victims that they defy any accurate accounting. It is generally estimated that 3 million Poles and 3 million Jews living on the territory of Poland were murdered by the Nazis. This has sometimes made for a “competition” between victims. And while acutely mindful of their own suffering, Poles may not have an adequate appreciation for the even more dire fate of their Jewish neighbors who were all marked for systematic extermination. (In a 2009 OBOP poll 45% said Poles and Jews suffered equally in WWII, and 16% that Poles suffered more.) In contrast to its neighbors, the right-wing forces in Poland did not collaborate with the Nazis, which may make it harder today for Poles to acknowledge the deeply anti-Semitic nature of those movements. “There have always been tensions between history and memory,” as one of our interlocutors put it.

Although not new, there is a feeling that the problems have become more acute in recent months. One person pointed to the Presidential debates when candidate Andrzej Duda asked the incumbent why he supported the, “anti-Polish point of view on Jedwabne.” At the outbreak of the war, Polish residents of the town of Jedwabne forced an estimated 300 of their Jewish neighbors into a barn and set it on fire. The story of Jedwabne, described in the book, *Neighbors*, by historian Jan Tomasz Gross, led to a stormy public debate, but in the end Polish President Kwasniewski presided over a commemoration ceremony in 2001 that removed a plaque that had blamed the Germans for the massacre and accepted Polish responsibility. Although the facts of Jedwabne were documented by the State-run Institute of National Remembrance in an exhaustive account based on eyewitness interviews and published in 2004, the subject has again surfaced. A highly regarded Polish film, *Aftermath*, produced in 2012, was a fictionalized account of Jedwabne told through the story of two brothers who inherited
property that was seized from a murdered Jewish family in the town. We were told that the lead actor faced personal anti-Semitic attacks just because of the role he played in the film.

Poland has long been sensitive to journalists and others who are sloppy in writing or in thinking and use the term, “Polish death camps,” when, as government officials point out, they should rightly speak of Nazi death camps in German-occupied Poland. No less than US President Barack Obama misspoke when he presented the US Medal of Freedom posthumously to Jan Karski in 2012, and he was roundly taken to task by both the Prime Minister and Foreign Minister for using this term in his speech. Nevertheless, the current government believes still more must be done, and the Justice Ministry will propose legislation that increases the criminal penalties for this display of anti-Polish defamation.

The books of Professor Jan Gross (one of which is referenced above) and his sometimes provocative comments in the Polish media—he was quoted as saying that Poles killed more Jews than Germans during World War II—have generated much debate in Poland, and he has long had his critics among conservative circles. But attacks on him have escalated. The President has raised the question of rescinding state awards previously presented to him and asked the Foreign Ministry for guidance. In April he was subjected to a five hour interrogation as part of a prosecutorial investigation.

**Perceived shift in government commitments to combat group hatred and discrimination**

Civil society organizations which have conducted training programs in schools to combat intolerance and discrimination report that these programs are not being renewed under the current administration. At the same time they say that local school officials in some towns are now inviting the Polish nationalist organization ONR into their schools where they offer quite the opposite presentation.

The Prime Minister has recently disbanded a government commission charged with combating racism and anti-Semitism in Poland known as the Council for Preventing Racial Discrimination, Xenophobia and Related Intolerance. Although even government critics acknowledge that this commission was limited in its effectiveness, they are troubled that nothing is being proposed in its place.

Several people cited the words of Jarosław Kaczyński, the Chairman of the ruling Law and Justice Party, who announced that there was no need for hate speech legislation in Poland. They recognized that there might be some ambiguity in these words—does it mean that the current legislation is sufficient or that the problem is not important—but felt it sent a message that called into question some long-accepted goals.
Anti-Semitic hate speech at sporting events

Shouting anti-Semitic epithets against opposing teams is a growing phenomenon in Poland, according to civil society monitors. And while they may be a feature of sporting events they also find their way into the schoolyard and other public settings. They report some 5-10 xenophobic incidents each day in Poland with a great many of them being anti-Semitic in character. While authorities do prosecute some of these anti-Semitic incidents, these monitors have flagged some problems as well. For example, they say that some cases of anti-Semitic incidents at football matches are not prosecuted because authorities cannot identify Jews as being present at those games who would serve as the victims in the case, failing to recognize that you can have anti-Semitism without Jews.

Restitution of Jewish property

Poland adopted legislation to facilitate the restitution of Jewish communal property in 1997, following similar laws governing the return of property to other religious bodies. Although the holdings of the Catholic and Protestant Churches were much greater, the restitution of their properties is virtually complete. The Jewish Community presented claims for approximately 5,500 properties, but barely half of them have been resolved. According to Jewish community leaders, authorities are eager to return Jewish cemeteries—where the responsibility for upkeep then transfers from local municipalities to the Jewish community—but have repeatedly blocked and stalled efforts to return those properties with real value. In fact, the cost to the Jewish community of continuing this process has now exceeded the monetary value of what is being restituted. As one leader summed it up, “Their good will is zero.”

One additional legacy of the long history and large pre-war Jewish population of Poland is the presence of many Jewish cemeteries in the country. Today’s Jewish community lacks the resources needed to provide even the most rudimentary care of them. There are also still being discovered dozens of mass graves of Polish Jews who were murdered during the Holocaust and buried where they were shot. These too require identification, memorialization and protection.

Positive statements and actions by political leaders

In March President Duda visited the Polin Museum and expressed great enthusiasm for its exhibition. He gave an excellent major speech at the opening of the Ulma Family Museum in the village of Markowa, which was dedicated to the rescuers of Jews during the Holocaust. The Ulma family had saved a group of Jews, but after being denounced by a neighbor, they and the Jews they were sheltering were murdered by the Germans. In his speech the President also mentioned the blackmailers and the traitors, indicating a more nuanced understanding of the situation of Jews in occupied Poland.

In April, several senior officials participated in the 73rd anniversary commemoration of the Warsaw Ghetto Uprising. Both the President and the Prime Minister spoke at the ceremony. One observer noted the importance of the President’s remarks which treated the Ghetto
Uprising as an event in Polish history. This was a departure from the previous practice of conservative leaders, he said, who have had difficulty in treating Jews as Poles.

The mayor of Warsaw, Hanna Gronkiewicz-Waltz from the opposition PO party, used the occasion to denounce the presence of racism, anti-Semitism and extremism in Polish public life. She cited the burning of the Jewish effigy in Wroclaw and the ONR event in Bialystok as examples, and she chastised the Polish political class for its silence. She stated that the message of the ghetto uprising is that such manifestations cannot be left unchallenged and called for strong responses to them. She was subject to a hate campaign in government-aligned media for her remarks. Also, while six Polish mayors have signed the AJC declaration against anti-Semitism, all of them are from the opposition.

In a speech delivered by Jarosław Kaczyński on June 27, 2016 in Bialystok, the party leader addressed the increase in antisemitism in Europe generally and described it as, “sometimes completely undisguised and sometimes quiet and furtive, focusing on attacks on the State of Israel.” “We must oppose antisemitism and speak about where it leads regardless of its form,” he said.

On July 4, 2016 (after the date of this visit) Polish President Andrzej Duda spoke at observances marking the 70th anniversary of the Kielce Pogrom where he condemned antisemitism and xenophobia and said, “...such behavior as then (during the Kielce pogrom) will never be accepted in our common country.”

SUMMARY OF MEETINGS WITH GOVERNMENT OFFICIALS

Security and monitoring and combating hate crimes

Poland has not experienced any of the violent incidents and terrorist threats that have led Western European Jewish communities and their governments to make physical security a priority issue. Nevertheless, the ease of movement within Schengen borders argues for vigilance. Interior Ministry officials say they are mindful of special security needs and respond accordingly. They cite the security provided to annual March of the Living programs which bring thousands of Jewish young people to Poland from Israel, the US and other countries. Additionally, they note that this summer’s NATO summit and World Youth days featuring a visit from Pope Francis require significant preparedness for any possible terrorist threat. A new anti-terrorism law has now been adopted by Parliament, and we are told that new security measures are in place even if they are not visible to the casual observer. As the law grants significant discretionary powers to the security services, it has also been criticized as a threat to individual liberties by some NGOs and opposition parties.

I raise an issue brought up by the President of the Union of Jewish Religious Communities, who reported the concerns of the local Jewish community in Gdansk, which had sought monitoring support for the synagogue, which faces dormitories housing thousands of foreign students from
Arab countries. Ministry officials say they were unaware of the requests, which probably remained at a local level, but would be prepared to receive and consider them.

Poland has worked closely with ODIHR in the development and implementation of police training programs. In fact, more than 86,000 police have gone through the TAHCLE training program, and it is surely a best practice model for other OSCE participating States to follow.

Justice Ministry officials stress that they treat hate crimes seriously. Between 2004 and 2009, they developed and adopted a program on anti-discrimination, and from 2005, they have had a mandate to withdraw the legal status of organizations deemed to be anti-Semitic. In 2015, the Ministry adopted the ODIHR prosecutors’ training program on hate crimes known as PAHCT. Officials also reported on the implementation of two training sessions with judges that made use of the new POLIN museum.

During the course of my visit I sought an answer to the question posed by civil society leaders about the dismantling of the Council for Preventing Racial Discrimination, Xenophobia and Related Intolerance. That fell under the authority of the Ministry for Digitalization, I was told, which was not part of my program schedule. Subsequent to my visit I received a detailed written response which described the ineffectiveness of this body, stating it was reduced to, “formal meetings which added no value to the competences of the Council’s members.” Thus, it was abolished. In the meantime further action on how and with what to replace it will be determined after a review of the 2013-2016 National Action Plan for Equal Treatment.

The Interior Ministry says a good network has been developed with NGOs and minority groups. Together, they developed a project, entitled, “Immigrants against hate crimes: How to assert your rights,” which spread this information via a website and leaflets printed in ten languages. It is widely credited with significantly increasing the numbers of incidents that are reported.

There is also an established working group that includes members from both the Interior Ministry and the minority communities considered most at risk.

Poland has adopted ODIHR’s definition of hate crimes for its own monitoring and reporting. Unfortunately there has been a change in the data collection framework so it is not possible to compare 2015 statistics with that of previous years.

Discussions about establishing and implementing legislation to criminalize the term “Polish death camps” were also a part of my conversation. Justice Ministry officials were adamant that the problem remained a serious one and required these enhanced measures. While they acknowledged the efforts of the previous government, they insisted that more had to be done. In fact, I was quite astonished to be told that they saw the use of this phrase as fully analogous to Holocaust denial. Laws against Holocaust denial have been passed by many EU States and are fully included in EU-wide mandated legislation. Such Holocaust denial legislation is also present in Poland.
I raised the question of police reactions to the anti-Semitic incident that occurred at last November’s anti-immigrant demonstration in Wroclaw, and I was told that the police were successful in collecting evidence by which the perpetrators can be identified and the case remains open. However, let me also note that another Polish official took issue with this event being described as an “anti-immigrant” march, although that is how all of the civil society observers understood it. Instead, he said it was simply an “anti-EU” demonstration.

More detailed, additional information about this case was shared with me after the visit. The person who burned the effigy of a Jew was identified and on February 25, 2016, was charged with a crime, according to article 256 of the Penal Code which makes it an offense to, “incite to hatred based on national, ethnic race or religious differences.” For the time being no charges have been brought against any other people in connection with this incident.

Education

Educational targets and curriculum content are laid out in a framework document that was prepared and adopted in 2008. Local schools are required to follow this even as they are free to develop their own programs to achieve the stated goals. This core curriculum defines knowledge, skills and attitudes, which should include respect for the tradition and culture of one’s own nation as well as respect for other cultures and traditions. It stipulates that each school must undertake appropriate steps to prevent discrimination of any kind. These goals may be addressed through programs that are conducted with the support of civil society organizations.

One such program is run by the Forum for Dialogue Among Nations which brings teachers to schools in rural areas of the country to work with students and help them research the history of pre-war Jewish communities in their midst. This not only helps them learn about the history of their own towns and villages but makes them aware of a Jewish past before the Holocaust which can contribute to an appreciation for diversity in Polish society and a greater sensitivity to anti-Semitism. So far they have conducted these programs in over 250 schools in 160 towns and villages. The program receives the honorary patronage of the Education Ministry but so far must rely largely on private donors for its implementation.

I raised the question of ONR members bringing their intolerant message into local Polish schools, a charge leveled by civil society leaders. In response I was told that the official policy is to focus on tolerance. It may be that ONR activity in the schools does not comport with Ministry policy, but I did not hear a clear and confident statement that it is not present somewhere in the nation’s schools.

The Polish Education Ministry also administers a program that brings thousands of foreign students to spend some time alongside Polish students in the country’s schools. One part of this program places 150 Israeli students in Polish schools, which includes a number of joint activities including visits to memorial sites.
Poland’s law on national minorities provides the possibility for preschools, schools and educational institutions to teach the language, history and culture of minority communities, organized by the school director at the written request of the students’ parents. This law serves as the basis for Jewish schools in Wrocław and Warsaw.

Ministry of Culture and the role of museums

The number of museums per capita in Poland is significantly less than the EU average. Thus, Ministry officials take pride in a number of the more recent museums that have opened or are being constructed in the country. These include the Museum of the Warsaw Uprising, a museum on the history of World War II and especially POLIN: Museum of the History of Polish Jews, which won the award for best European museum of 2016. The museum tells the story of the millennium long history of Jewish life in Poland and is a natural tool to educate Polish students, the general public and foreign visitors alike. The museum’s director and educational staff report that they are already implementing programs that bring Polish law enforcement officials to visit the exhibition, modeled to some degree on the long-running program of the US Holocaust Memorial Museum in Washington. The museum has also developed a mobile, temporary exhibition that can travel and be set up in various towns around the country.

A number of government officials and community leaders also spoke of the recently dedicated Ulma Family Museum in Markowa, which pays tribute to Poles who rescued Jews during the Holocaust, known by the term, “Righteous Gentiles.” The Ulma Family gave shelter to their Jewish neighbors, but upon being discovered by the Nazis all were murdered. Their story serves as a reminder that the thousands of Righteous Gentiles in Poland risked their own lives in the process. While there is broad support for this museum, some Jewish leaders share the view that the number of Polish rescuers is frequently inflated and obscures the sad reality that far more Poles were collaborators or by-standers during the Holocaust. Nevertheless, a monument to commemorate Polish rescuers adjacent to the POLIN Museum has been proposed by Jewish sponsors. Also (as noted above) the Jewish leaders who attended the dedication ceremony praised the speech of President Duda for its strong message condemning anti-Semitism in Poland today.

Additionally, following my visit I was informed by Deputy Minister of Culture Magdalena Gawin that in her capacity as General Conservator of Monuments she planned to extend state protection to all Jewish cemeteries in Poland. Since then, Jewish community leaders including Chief Rabbi Michael Schudrich have met with the Deputy Minister and describe this as a significant positive development. As noted above, the small Jewish community lacks the resources necessary to care for the vast number of cemeteries in the country and considers this to be firstly a responsibility of the government.
CLOSING COMMENTS AND RECOMMENDATIONS

1. The daily fear of being a victim of anti-Semitic harassment or worse, which has come to mark several Western European countries, is largely absent in Poland. Physical anti-Semitic attacks in Poland are rare, and communal security concerns are markedly lower than in other places.

2. When senior Polish leaders speak out clearly against anti-Semitism their words offer assurances to the Jewish community and send a message to the general society. They should be commended for those occasions where they have done so even as they should speak out more often.

3. The growing right-wing, populist and xenophobic sentiments and expressions should be condemned in their own right. But even if they are primarily directed at immigrants or other minorities, they also serve to stoke anti-Semitic feelings and put the Jewish community on edge.

4. The poor record of restitution of former Jewish communal properties in comparison to the successful return of Catholic and Protestant Church properties is a disparity that should be rectified. It may itself reflect an anti-Semitic bias or be viewed as such by the outside observer.

5. The Cultural Ministry is commended for its intention to provide state protection to the thousands of Jewish cemeteries in Poland. It should now work cooperatively with Jewish community leaders to see that this protection is realized in an effective and mutually agreeable way.

6. Polish authorities are commended for the operational relationship they have developed with ODIHR in the training of police and prosecutors, which should serve as a best practice model for other OSCE participating States to follow.

7. POLIN: The Museum of the History of Polish Jews can also serve as a unique educational resource. The government and museum staff should be encouraged to develop and expand programs that use it to teach police, prosecutors and other officials along with the traditional target groups of students.
8. Poland has taken upon itself the difficult burden of Holocaust remembrance with institutions ranging from the long-established and internationally recognized Auschwitz State Museum in Oswiecim to the recently dedicated Ulma Family Museum in Markowa. But in addition to recounting the German plan to murder the Jews of Europe and the admirable story of the rescuers, it must not shy away from confronting the difficult chapters that address the bystanders and collaborators, who were present in Poland as they were in the other countries occupied by the Nazis.

9. Polish authorities have every right to protest the hurtful and ignorant term, “Polish death camps,” when in fact they were built by the Nazis when Poland was occupied by Germany. I believe it most commonly reflects mere ignorance and is better addressed through education rather than criminal prosecution. But in any case, one must reject any analogies made to Holocaust denial which is unambiguously intended to inflict pain on the victims and incite hatred.

10. Over recent years there has been a flourishing of NGOs and other civil society groups that have developed skills and expertise in teaching tolerance and understanding of ethnic and religious differences to schoolchildren in Poland through partnerships with local school districts and the Ministry of Education. In the current climate these programs are all the more important and should be redoubled, not reduced.

11. Government and police officials should take greater care in monitoring and restricting the activities of radical groups such as ONR and ensure that they are not allowed to take their venomous ideology into the schools.

LIST OF MEETING PARTICIPANTS

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Mr Rabbi Michael SCHUDRICH, Chief Rabbi of Poland;
Mr Konstanty GEBERT, journalist, Gazeta Wyborcza;
Mr Jan HERCZYNISKI, Treasurer, Open Republic Association;
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