

# **Minorities in Czech and Polish law**

## **Abstract**

This thesis is devoted to a comparison between the legal regulation of national and ethnic minorities in Czech and Polish law. These two jurisdictions have been selected for comparison due to partly shared legal culture, linguistic proximity, and comparable modern history. The analysis is focused on guarantees provided to national and ethnic minorities in both countries and reveals that while there are many similarities between the two legal cultures, the legal systems differ in numerous ways.

In both countries, the basic legal guarantees to minorities are regulated in the constitutions and additionally, legal guarantees to minorities are dealt with comprehensively in acts devoted solely to national and ethnic minorities, *i.e.*, the Act on the rights of persons belonging to national and ethnic minorities, Act No. 273/2001 Coll. in the Czech Republic, and the Act of 6 January 2005 on national and ethnic minorities and on the regional language, (Dz.U. 2005 Nr 17 poz. 141).

Both comprehensive minority acts regulate similar fields, such as the right to education in minority languages, the right to dissemination and reception of information in minority languages, the right to multilingual signs and inscriptions, the right to use one's forename and surname in a minority language and the right to use minority languages in administrative and court proceedings. The minority acts in both countries also regulate representation of minorities in the advisory bodies for national minorities of the central governments. The Czech minority act is more general and refers to other acts and regulations for details, such as the act on schools, act on municipalities *etc.* The Polish minority act is more detailed and instead of hardly definable terms, such as the requirement for a minority to have resided in the state territory "traditionally and for a long time" lists solid criteria, such as the condition that a minority has been residing in the territory for hundred years.

Even though the jurisdictions differ in their approaches regarding legal regulation of matters, it can be concluded that they aim at identical objectives, which has been herein revealed through the analysis of case-law. In the present climate of international law, where an unequivocal, universally accepted legal definition of the concept of national minority is missing, the position of various groups in a state territory is often ambiguous. However, clear and consistently applied legal regulation of the position of minorities could prevent tensions, or even ethnic conflicts.

**Key words: Czech law; national minorities; Polish law**