



Position of the Board of the Association of German Social-Cultural Societies in Poland on legal discrimination against the German minority

With this position, the Board of the Association of German Social-Cultural Societies in Poland openly and vehemently condemns the discrimination against the German minority and the stigmatisation of children learning German as a national minority language, recently introduced into the legal system, the policy towards national and ethnic minorities, and the educational regulations in Poland.

This finally occurred on 4 February 2022 when the Education Minister Przemysław Czarnek announced a regulation introducing changes to the regulation on the conditions and manner of the performance of the tasks enabling the maintenance of the sense of national, ethnic and linguistic identity of pupils belonging to national and ethnic minorities as well as communities speaking a regional language, by kindergartens, schools and public institutions. The amendment, which can undoubtedly be referred to as momentous in the history of the Republic of Poland, is contained in one simple sentence: "in Paragraph 8 Clause 3, after the phrase »three hours per week«, the following phrase is added: » and in the case of pupils belonging to the German minority – one hour per week«". With this sentence, pupils belonging to national minorities have been divided into two categories on the basis of their nationality.

Thus, one of the national and ethnic minorities recognised in Poland is subjected to particular discrimination. We are convinced that the introduction of double standards for different groups being in a similar situation is contrary to Article 1 of the Universal Declaration of Human Rights, according to which "All human beings are born free and equal in dignity and rights", and Article 32 of the Constitution of the Republic of Poland, which states that "1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. 2. No one shall be discriminated against in political, social or economic life for any reason whatsoever."

Two years ago we celebrated the 15th anniversary of the adoption of the National and Ethnic Minorities Act. The Act provides as follows: "Article 6.1. Discrimination on account of one's belonging to a minority shall be prohibited. Public authorities shall be obligated to take appropriate measures in order to: 1) foster full and real equality in the sphere of economic, social, political and cultural life between persons belonging to a minority and persons belonging to the majority; 2) protect persons who are an object of discrimination, hostility or violence because of their belonging to a minority; 3) build up inter-cultural dialogue." It is difficult not to notice that the regulation issued on 4 February 2022 is contrary to the aforementioned Act.

The Education Minister's decision was preceded by the fact that on 17 December 2021, while adopting the Budget Act for 2022, the Sejm of the Republic of Poland simultaneously passed an amendment providing for a significant reduction of funds in the educational part of the general subvention for local government units, allocated for the teaching of national and ethnic minority languages. The decision directed against local governments, teachers, but above all the education of the youngest, was criticised by the Ombudsman, who stated: "As Ombudsman, I cannot accept that public expenditure is cut to the detriment of communities or groups that often experience marginalisation in various spheres of social or cultural life, and whose support constitutes a particular obligation of state institutions." The decision of the Education Minister was also protested against by representatives of the German and other minorities, experts, academics, business people, teachers and representatives of Polish immigrant organisations. Petitions against this measure were signed by some 10,000 academics, business people and parents. Also, the Senate of the Republic of Poland,

recognising the rights of minorities as a constitutional good, proposed another amendment restoring the reduced subsidy. Despite so many voices of opposition, the amendment was finally passed on 27 January 2022 and the funds for minority language teaching were significantly reduced. However, we still found it hard to believe that thirty years after the establishment of a democratic system, the state decided to change the legal system and discriminate against its own citizens on the basis of nationality.

The rhetoric accompanying these actions is exacerbating negative social attitudes towards national and ethnic minorities, and the German minority in particular. Therefore, due to the unfavourable atmosphere surrounding minorities and the fact that discrimination against Polish citizens of German nationality has been legally sanctioned, we call upon the Government of the Republic of Poland, and in particular upon Minister Przemysław Czarnek, professor of the Catholic University of Lublin, to heed the words of the great authority connected with his Alma Mater, St. John Paul II, who, in his address on the occasion of the 25th World Peace Day in 1989, wrote: "When the Church speaks of discrimination in general (...) or of specific discrimination that harms minority groups, she turns first and foremost to her own members, regardless of their position or responsibility in a given society. Just as there can be no discrimination in the Church, no Christian can knowingly encourage or support structures or attitudes that separate persons from other persons, groups from other groups."

As citizens of the Republic of Poland, who contribute their taxes to the state budget, have the same rights and obligations as other citizens, both those belonging to the majority and those belonging to national and ethnic minority groups, convinced of the rightness of our indignation at the discrimination directed against us, we expect the amendment of 4 February 2022 to be withdrawn from the legal system. We declare that we feel entitled and compelled by the decisions of the authorities to use all legal, media and social measures available at home and abroad to restore the constitutional order.

We also call upon the European institutions and the governments of the Member States of the Council of Europe, the OSCE, the European Union and especially the German Government to take actions possible in international and bilateral relations to defend the European values violated by the aforementioned decisions of the Polish Sejm and Government. Everyone must also demand with greater determination that the Republic of Poland fully fulfil its obligations arising from the ratified European Charter for Regional or Minority Languages, as its provisions effectively protect against the situations that have affected us.

We are also motivated by the words of the undersigned, Bernard Gaida, spoken during this year's ceremony commemorating the post-war tragedy of the innocent civilian population of Silesia in Gliwice, Świętochłowice and Łambinowice: "The discrimination to which we close our eyes today will only increase".

Bernard Gaida

Chairperson of the Board of the Association of German Social-Cultural Societies in Poland

Opole, 7 February 2022