



Stowarzyszenie Osób  
Narodowości Śląskiej

# Stowarzyszenie Osób Narodowości Śląskiej

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## **FOREWORD**

**Stowarzyszenie Osób Narodowości Śląskiej (SONS)** - The Association of People of Silesian Nationality is an association which represents the interests of the citizens in the Republic of Poland. These citizens declare Silesian nationality and constitute a distinct ethnic group. They want to preserve the identity, their Silesian language and customs. The report below contains information on a violation of fundamental human and minority rights by the Republic of Poland with regard to this group.

## **Silesians**

The Silesians are inhabitants of the region of Silesia, today within the borders of the Republic of Poland and the Czech Republic, and are also quite numerous in diaspora in Germany. Owing to historical developments most of indigenous Silesians inhabit only part of eastern Silesia, i.e. Upper Silesia. This group can be easily distinguished from other inhabitants in the region through language, separate customs and a strong sense of identity. Without judging on whether Silesians are or are not a separate nation, the results of the two consecutive censuses conducted in Poland in 2002 and 2011 provide information on the identity of the members of this group:

- 173.200 people declared Silesian nationality during the census in 2002
- 847.000 people declared Silesian nationality, with 436.000 declaring it as their first nationality (in the 2011 census it was possible to declare a double ethno-national identity)

The organization "The Association of People of Silesian Nationality" (SONS) with the seat in Kotorz Mały, Opole county, is the first ever formally registered organization with "Silesian nationality" in its name. The registration was completed in December 2011.

## **Silesian issues and the Council of Europe**

After coming across the Third Council of Europe General Secretary's report about the Framework Convention for Protection of National Minorities we can gather that the implementation of the Convention's rules by the Republic of Poland continues to ignore the issue of the Silesians as a minority group. It is so despite the fact that according to the last two censuses the Silesians make up the biggest non-Polish ethnic group (or national minority) in Poland.

This issue was omitted in the report, despite the Second Opinion accepted by the Framework Convention for National Minorities Convention Advisory Committee on March 20<sup>th</sup> 2009 in Strasbourg suggested that:

„35.The Advisory Committee has been informed by representatives of Silesians of their ongoing activities, aimed at the recognition of their language, culture and ultimately national identity. The Advisory Committee recalls that the ruling of the European Court of Human Rights which found no violation of the freedom of association by the refusal of the Polish authorities to register the “Union of People of Silesian Nationality” (Związek Ludności Narodowości Śląskiej - ZLNŚ) did not express an opinion on whether or not the Silesians are a national minority.”

36.The Advisory Committee regrets that, in spite of the substantial number of persons declaring, in the last census, their Silesian nationality and their use of the Silesian language at home, the legislation adopted in 2005 does not address the issue of the Silesians as a national minority. The Advisory Committee considers it regrettable that the authorities have not considered the matter since the first monitoring cycle.”

#### Recommendations

37. The Advisory Committee considers that the authorities should favour a more flexible and open approach to the scope of application of the Framework Convention. It considers that it would be possible to examine, in consultation with those concerned, the possibility of including persons belonging to groups currently not afforded the protection offered by the Act on National and Ethnic Minorities and on Regional Language including non-citizens where appropriate, in the application of the Framework Convention, in particular as regards their linguistic and cultural interests.”

38. In particular, the authorities are encouraged to open a dialogue with persons having expressed an interest in the protection afforded by the Convention, such as the Silesians, on the possibility of including them in the scope of application of the Framework Convention. At the same time, the authorities should adopt measures to support the preservation of the culture and identity of those concerned.”

#### **Violation of the rights of Silesians by the Republic of Poland**

1. We informed the Polish Government about the following problems concerning the legal registration of Silesian organizations:

a) The Association of People of Silesian Nationality (SONŚ) with the seat in Kotorz Mały, Opole county, is the first ever organization formally registered, in December 2011, with “Silesian nationality” in its name (for the justification of the registration, see Attachment 1).

However, in January 2012, the District Attorney’s Office in Opole appealed the registration (see Attachment 2).

In September 2012 the District Court in Opole dismissed the attorney’s appellation and the registration of the association came into force (see attachment 3).

In October 2012 the District Attorney’s Office in Opole appealed to the Supreme Court of Poland. The appeal awaits the Supreme Court’s verdict.

But, on 5 December 2013 The Supreme Court of the Republic of Poland ruled that the case be returned to the District Court in Opole as “the registration of the Association of People of Silesian Nationality is not legal and may mislead citizens of Poland in regard of what concerns the legal status of Silesians in Poland.” Further, the Supreme Court stated that even though Silesian identity deserves respect, it cannot be considered a proof or act of a national awareness, because the recognition of such a national awareness could lead to a challenge to the territorial integrity of the republic. No results of the above mentioned censuses were taken into account.

b) Another association of Silesians – the Union of People of Silesian Nationality (ZLNŚ, Związek Ludności Narodowości Śląskiej) once again was refused registration. Their complaint against the legality of the refusal of registration is still pondered at the European Court of Human Rights, and awaiting a verdict.

2. We inform you about the correspondence between the Silesian organizations and the Polish government during 2011-2013, regarding the topic of a formal status of the people declaring Silesian nationality and using the Silesian language. This correspondence shows the Polish government's constant unwillingness towards any dialogue with the Silesians. This unwillingness is clearly in breach of the suggestions made by the Advisory Committee.

- a) The joint application for the inclusion of the Silesian minority and the Kashubian minority in the Act on Ethnic and National Minorities and the Regional Language (of 6 January 2005) of 12 March 2012 was addressed by these two minorities to the President of the Republic of Poland, the Prime Minister of the Republic of Poland, the Sejm and Senate Marshals, the Secretary of State, and the Co-President of the Joint Committee of the Government and Sejm on the National and Ethnic Minorities (see Attachment 4).

The application mentioned above was answered only by the Secretary of State, Włodzimierz Karpiński, who informed that the Silesians and the Kashubians are not included in the Act on Regional Language, Ethnic and National Minorities and the Regional Language and there were no legislative plans concerning including them in this Act in 2012. (attachment 5)

- b) In the context of the absence of Silesian representatives in the Joint Committee of the Government and the National and Ethnic Minorities (Komisja Wspólna Rządu i Mniejszości Narodowych i Etnicznych), the Association of People of Silesian Nationality (SONŚ) recommended Artur Jabłoński, the co-president of this Committee on behalf of the Kashubian organizations, should represent the interests of the Silesians. As a result, which is reprehensible, Artur Jabłoński was removed from this post and expelled from the Committee two months later.

- b) The Upper Silesian Council (Rada Górnośląska - RG) was created by eleven Silesian organizations in May 2012, its declaration says:

2.1. The Council consists of the organizations accepting the following:

- legal recognition of the Silesian ethnic group (national minority) by the Polish administration
- recognition of the Silesian language as a regional language
- introducing the school subject Knowledge about the Region as obligatory in primary, secondary and high schools (see Attachment 6)

On 17 May 2012 the organizations grouped in the Upper Silesian Council (RG) together with the Union of People of Silesian Nationality (SONŚ) signed a joint letter addressed to the Prime Minister of the Republic of Poland (see Attachment 7), requesting to begin consultations with the Silesians and their organizations, and to invite their representatives to the Joint Committee of the Government and the National and Ethnic Minorities (Komisja Wspólna Rządu i Mniejszości Narodowych i Etnicznych) so that they could constructively discuss any matters Silesian that are at hand.

On 22 June 2012 the Ministry of Administration and Digitalization (Ministerstwo Administracji i Cyfryzacji) replied that membership in the Joint Committee was determined by the Act on National and Ethnic Minorities and the Regional Language (Ustawa o mniejszościach

narodowych i etnicznych oraz języku regionalnym), and the Ministry could see no legal possibility to alter the conditions of membership in the Joint Committee. There was no answer to our proposal of a meeting with the Joint Committee's representatives in order to work out a compromise solution, e.g., giving the status of a member-observer to the Silesian representatives (see Attachment 8).

- c) On 28 September 2012 Upper Silesian Council (RG) requested the President of the Republic of Poland to initiate a legislative process aiming at changing the Act on National and Ethnic Minorities and the Regional Language by including the Silesian ethnic group in this act (see Attachment 9). We also applied to the Ombudsman for Citizen Rights so that the Constitutional Tribunal could be asked to confirm whether the Act on National and Ethnic Minorities and the Regional Language in its present shape, by disregarding the Silesians and their Silesian language, was in breach of Articles 32 and 35 of the Constitution of the Republic of Poland, and also in breach of some of the regulations in the Framework Convention for Protection of National Minorities (see Attachment 10).

The application addressed to the President of the Republic of Poland has never been answered, though the Ombudsman invited us for a meeting. After listening to our postulates the Ombudsman promised a legal analysis and another meeting in January 2013. The meeting has not taken place to this day.

## Conclusion

In today's Poland the Silesians are an important and law abiding community with a well-defined identity and the wish of availing of the democratic freedom of assembly.

- We are appalled by the fact that our national identity continues to be ignored by the authorities of a country which claims to respect all basic human and minority rights, a country which is a member of the United Nations, of the Council of Europe and of the European Union.
- We consider reprehensible the state's attempts to ignore or even arbitrarily redefine our Silesian identity, despite our firm, clear and repeated declarations of this identity, as evidenced in the aforementioned censuses.
- We consider the state's behavior an illegal interference of in an individual's identity, resulting in the limiting of the right to assemble. Hence, it the Polish administration in its approach to the Silesians appears to be guilty of a violation of basic freedoms, in particular, of the freedom of association as defined in article 20 of the Universal Declaration of Human Rights.

..... - President of SONSÓ

..... - Vice President of SONSÓ