

## **Appendix to the Alternative Report on the implementation of The Council of Europe's Framework Convention for the Protection of National Minorities**

The situation of the Ukrainian community in the context of the second Report on the implementation by the Republic of Poland of The COE's Framework Convention for the Protection of National Minorities. The situation as of 2008.

The Ukrainian community in Poland welcomes the change in the attitude of the authorities of the Republic of Poland towards the issues of national minorities, including the Ukrainian community, which has occurred during the months after the change of the government. The change has been visible among others in the attempts to solve concrete problems, including some of these stated in the Alternative Report on the implementation of The Council of Europe's Framework Convention for the Protection of National Minorities.

There are noticeable changes at different levels of relations between the Ukrainian community and public authorities. The following are the most important:

I. The administration of the Ministry of Internal Affairs and Administration, responsible for the minority issues, took the initiative to solve concrete problems as opposed to negating their existence or blaming the minorities for them, which used to be a common practice under the previous administration.

II. The government started to conduct dialogue with national minorities concerning real problems, including the issues pertaining to the Ukrainian minority, through the Joint Committee of the Government and Ethnic and National Minorities, which in the previous years was not really performing its function of a place of debate, as well as through the National and Ethnic Minorities Committee of the Polish parliament.

III. Different state institutions were included in the dialogue with minorities, including the Ukrainian community; the government started to inform about some of its planned actions concerning the minorities (such as restoring property) via the Joint Committee of the Government and Ethnic and National Minorities.

IV. The Ministry of Internal Affairs and Administration initiated a series of steps at the level of administration which are meant to solve concrete issues raised by minorities.

V. State institutions started talks with minorities on the methods of carrying out the next national census in 2011, which is of particular importance given the way the previous census was conducted.

VI. Most officials stopped overtly advocating the use of reciprocity principle with regard to national minorities.

VII. Some regions appointed Plenipotentiaries of the Voivode for National Minorities.

However, a lot of issues signalled in the Alternative Report remain unsolved; also, new risks have emerged resulting among others from the lack of activity and the negative attitude towards the Ukrainian minority of some state and local government officials and lack of reaction of appropriate state institutions to this kind of behaviour.

The Ukrainian community considers the following issues unsatisfactory:

I. In the domain of legal regulations:

- The provisions of the Act on National Minorities and Regional Language, because of the dispersion of Ukrainian minority in 1947, make it impossible for members of this minority to fully exercise the rights of national minorities (among others the provisions on signs in the minority language, auxiliary language etc.). The public authorities do not undertake

dialogue about including in the Act the specificity of the Ukrainian minority resulting from repression enforced by the communist state authorities.

- There is still a lack of legal regulations concerning the property of individuals and legal entities taken over by the state in 1944-1989. In the reprivatisation act, currently worked on by the parliament, there is no reference to the postulates of restoring the property of Ukrainian organisations, which questions the equality before the law of the entities of social life. Even symbolic compensations would help the minority to improve its situation<sup>1</sup>.
- At the same time, currently, other social groups whose property has been taken over by the State Treasury (the property of “Zabuzanie”) have the issue of property restoration legally solved. The issue of the Ukrainian property of individuals and legal entities taken over in 1944-1989 has not been regulated. This is therefore an example of unequal treatment of aggrieved Polish citizens.
- There is no dialogue of the state institutions with the Ukrainian minority on the issues important for this minority, such as the reform of legislation on the functioning of the public media<sup>2</sup>.
- According to the decision to pay special pensions to Ukrainians detained in the Labour Camp of Jaworzno, only the victims of the camp alive at the moment of passing the decision are entitled to receive compensation for unjust imprisonment and repression. In the case of the Polish victims of communism the right to receive compensation is retained by the children and relatives of deceased victims (the latest example of applying similar principles is a draft act whereby compensation can be obtained not only by people repressed under the Martial Law, but in the case of their death also by their families).

## II. In the domain of the practice of governing:

- The government and parliament institutions have not undertaken a substantive dialogue with the Ukrainian minority on all of the issues signalled in the Alternative Report on the implementation of The Council of Europe’s Framework Convention for the Protection of National Minorities of October 15, 2007 (including the most important issues concerning institutionally ensuring the development of minority culture, preserving identity in the context of dispersion and strong negative attitude of the society).
- The political struggle between the government and the opposition concerning the public media reform makes it uncertain whether the radio and TV programmes in the language of the Ukrainian minorities will be sustained. Neither of the parties presents in an overt and satisfactory way the future of these programmes (the functioning mechanism, the place in the public media, funding).
- Although the results of the 2002 Census concerning the number of members of different national minorities have been questioned by researchers, the state officials quote these data as reliable, which raises fears that the amount of financial support for projects aimed at preserving identity and culture of the minorities is made dependent on these data.
- The issue of returning to the Ukrainian minority the building of symbolic importance in Przemyśl – the “Dom Ludowy” – has not been solved yet (despite the involvement of the government). The state authorities do not prevent in a sufficient way the scandalous practices of the authorities of the city of Przemyśl in this domain<sup>3</sup>.

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<sup>1</sup> The property is restored or its loss compensated only to religious organisations. Even symbolic compensation for the property of social organisations would help the minority to improve its cultural and educational activities.

<sup>2</sup> The government prepared an amendment to the Act on Radio Broadcasting and Television, which has been passed on to the Polish parliament, but has not been so far presented to the representatives of the minorities.

<sup>3</sup> The „Dom Ludowy” was built in 1904 thanks to donations of the Ukrainian community. Despite the efforts of central authorities the postulate of restoring the building to the Ukrainian minority has not been finalised yet.

- Another unresolved issue is negating the right of the Ukrainian community to participate in the arrangements concerning the form and number of commemorations of people and historical events connected with this minority. The negative practices of the state institution - The Council for the Protection of Memory of Fighting and Martyrdom – have not been curbed. The Council still makes the issues of commemorating Polish citizens of Ukrainian nationality dependent on analogical activities in Ukraine (concerning the Polish commemorations). These issues (commemorating the Ukrainian minority on the territory of Poland) are decided upon without the participation of minority organisations.
- The criteria for appointing the Plenipotentiaries for National Minorities by the voivodes in the regions remain unclear. In some regions the Plenipotentiaries still play a marginal role in creating positive models of the policy towards the Ukrainian minority, supporting the minority at the level of local governments, solving concrete problems<sup>4</sup>.
- There is a lack of decisive action of the state authorities against discriminatory practices noticeable at the level of some local governments, such as the involvement of some local authorities in overtly anti-Ukrainian activities (like the support of the local government of Podkarpackie Voivodeship for a historical conference which promoted the negative stereotype of Ukrainians through biased presentations of local government representatives and historians).
- Despite a considerable improvement in the spirit of cooperation between the minorities and the Ministry of Internal Affairs and Administration, some officials of the ministry responsible for implementing the policy towards minorities prefer a restrictive form of cooperation. The procedures and personal attitudes of the officials sometimes cause serious problems for minority organisations<sup>5</sup>. Such practices are contrary to the minority's experience of cooperation with the Ministry of Culture, cause excess workload – such as unnecessary tasks and unjustified bureaucratic procedures – for workers and volunteers of the minority organisations and limit the possibilities of carrying out substantive work.

### III. Cooperation with the media and institutions guaranteeing media objectivity

- There are intensified cases of public media being involved in promoting the negative stereotype of Ukrainians by publicising the image of the Polish-Ukrainian conflict during the Second World War which is at variance with objective research and by strengthening (through an appropriate choice of participants in the programme) a unilateral, not objective vision of the past. The state institutions responsible for protecting the standards of objective journalism and open public debate on socially important issues (such as the National Council of Radio Broadcasting and Television), do not undertake actions to prevent such practices, although complaints have been made<sup>6</sup>.
- The public media conduct a very limited dialogue with the minorities on issues concerning them (the functioning of programmes in minority languages, dialogue on promoting the

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Although the present owner – the state and local government authorities – claim it is properly taken care of, the building is falling into a state of dilapidation.

<sup>4</sup> This has a negative influence on the possibilities of carrying out cultural activities in the regions where the minority is less numerous, or preserving the monuments of material culture of the minority (religious buildings, cemeteries etc.).

<sup>5</sup> Because of the negative attitude of officials, the Lemko folk group “Kyczera” experienced serious problems.

<sup>6</sup> The programmes in question are: „Warto rozmawiać” broadcast by the Second Chanel of Polish television on October 30, 2008; the “Volhynia genocide” programmes on the TVP Historia Channel within the “Controversies” series on May 29 and 30, June 4, 10, 16 and 29, July 5 and 11, 2008; the “Subjects of the Day” programme broadcast by TVP Kraków on November 4, 2008; “Witnesses of unknown stories. Volhynia – slaughter or genocide” by TVP Łódź on October 26, 2008, retransmitted by TV Polonia. It is a dominating practice to invite historians with extreme views to the programmes (very often amateur historians, people whose views are far from objective).

principles of tolerance and multiculturalism in radio and TV programmes). The controlling institutions do not react to the negative practices of media management – the announcements to cut the time for programmes in minority languages and funds for their realisation.

#### IV. Lack of reaction to negative practices in the regions

The minority finds that there is no sufficient reaction of public authorities to such practices as effacing identity for example by:

- negating or aggressively responding to activities undertaken by the minority to preserve its identity; such activities are deemed to be detrimental to the interests of Polish society<sup>7</sup>;
- providing subsidies by the local governments at the level of gmina, powiat and voivodeship to organisations which publish materials distorting the historical and current reality<sup>8</sup>.

To sum up, we have to say that there is a noticeable change in the attitude of state authorities towards the Ukrainian minority as well as other minorities. However, there is a lack of comprehensive forms of solving the problems of the Ukrainian community, including those signalled in the Alternative Report.

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<sup>7</sup> An example is introducing bilingual signs on the territories historically inhabited by Ukrainians such as the village of Bielanka – violent protests of the Polish community at the level of gmina, voivodeship and the Ministry of Internal Affairs and Administration.

<sup>8</sup> The maps of the Carpathian Cycle Routes list all the functioning Orthodox Churches (*cerkiew* in Polish) as churches (*kościół* in Polish). On the 40<sup>th</sup> anniversary of the death of remarkable Lemko painter Epifaniy Drovnyak (“Nikifor”), the Jasło Powiat Starostship funded a commemorative plaque in Folsz in the Social Care House, where the painter died. The plaque uses the name Nikifor Krynicki, which is a distortion of reality and a further example of trying to efface the identity of the painter despite the ruling of the District Court in Muszyna, which restored the actual personal data of the painter, confirming that Nikifor was in fact Epifaniy Drovnyak.