

**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**

**Introduction**

Since the first report on the implementation by the Republic of Poland of the provisions of the Framework Convention of the Council of Europe was presented, many events have occurred, which influenced the way in which Polish citizens belonging to the Ukrainian minority evaluate the realisation of the provisions of this document. On the positive side, we can indicate the entry into force of the Act on National and Ethnic Minorities and Regional Language in January 2005, the creation of the Joint Committee of the Government and Ethnic and National Minorities, the regularisation of some of the education-related issues as well as actions favourable to minorities at the level of certain local governments.

However, with regard to the first and the second Report filed by the Republic of Poland, the Opinion on Poland of the Advisory Committee, the Questionnaire concerning the 1<sup>st</sup> Report formulated by the Advisory Committee, the Findings of the Advisory Committee as well as the experience of the last two years, it has to be noticed that many problems indicated by the Council of Europe's experts have not been solved. These problems influence the situation of Polish citizens belonging to the Ukrainian minority, the evaluation of Polish policy towards ethnic and national minorities as well as the state of the intercultural dialogue. One of the worrying examples was minimising the role of non-governmental minority organizations in the preparation of the second Report by limiting the process of consultations and the possibilities for NGOs to present content-related remarks as to the Report. Another worrying fact is the lack of reaction on the part of the government to the issues signalled by the Advisory Committee concerning the preparation of the first Report.

Among the negative points, especially in the context of the 60<sup>th</sup> anniversary of the 1947 deportations of around 150,000 Ukrainian citizens of Poland during the Operation „Wisła”, we have to count the complete lack of willingness of the Polish government and parliament to conduct dialogue about the elimination of material and legal consequences of these deportations (the Polish parliament still has not passed a law concerning compensation for property and some possessions taken over by the state), which continue to influence the situation of Ukrainians. Another negative point is making a positive policy towards the Ukrainian minority contingent on the situation of the Polish minority in Ukraine as well as on the current state of relations with Ukraine.

The Ukrainian minority is critical of the implementation of the state policy towards the Ukrainian minority, especially in the areas historically inhabited by Ukrainians. The criticism refers in particular to the activity of local and central authorities in Podkarpackie Voivodeship. The situation of Ukrainians in Przemyśl and the attitude of some representatives of government and municipality authorities to the postulates of the Ukrainian minority question the principles of the state policy towards the Ukrainian minority.

The hereby Report is an attempt to present the situation of the Ukrainian minority from the perspective of Ukrainian minority NGOs, whose actions are aimed at preserving the culture, language and national identity of the minority, strengthening democratic standards in relations with other minorities and creating positive relations with all citizens.

## Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

## Implementation

### Paragraph 1

- a) The lack of legal regulations concerning the property of Ukrainians – both of individuals and of social organizations – taken over by the communist state, has to be seen as discriminatory and proves that citizens and legal entities are not treated equally before the law. In the same period, taking into account the postulates of citizens, the authorities regulated the issue of Poles called “Zabużanie”, that is people of Polish nationality, transferred in 1944-46 from the territories of the USSR to Poland. This kind of practice gives ground to charges of unequal treatment of citizens<sup>1</sup>. The issue of restoring property to social organisations has been completely omitted in Polish legislation, which has a negative influence on the functioning of minority’s NGOs (problems with finding lodgings, no possibilities to develop).
- b) After 1989, the Polish state regulated the issue of the property of religious organisations, but it was not entirely satisfactory to all Churches. For example, in the opinion of the Orthodox Church, whose worshippers are among other, Ukrainians, the regularisation of the property issues of this church was carried out with the infringement of the principle of equality before the law and of equal rights of Churches and religious organisations. This opinion was voiced in the query of 15<sup>th</sup> February 2002 submitted by Sawa, Archbishop of Warsaw and Metropolitan of All Poland to the Constitutional Tribunal to check the constitutionality of some of the provisions of the Act on the relation of the State to the autocephalous Orthodox Church of Poland.
- c) There is a risk of unequal treatment of Polish citizens and of violating their fundamental rights because of adding to the Criminal Code of the Article 132a, which stipulates that “Any person publicly imputing to the Polish Nation the participation in, organisation of or responsibility for the communist or Nazi crimes, is liable for up to 3 years imprisonment.”

In fact, during the Second World War, the 1944-46 deportations to the USSR or the 1947 deportations of the Operation „Wisła”, the representatives of state authorities as well as of Polish underground organisations committed crimes against the

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<sup>1</sup> The government bill on compensation for property taken over by the state of 19.05.2005 has not been finalised.

Ukrainian civil population. In view of the abovementioned provision, the sole mentioning of historical facts can result in criminal sanctions. Moreover, it constitutes a direct threat to the freedom of expression.

- d) The way to address the issue of victims of the communist system, adopted in the Act on the Veterans and Victims of Repression and in the decision of the Chancellery of the Prime Minister of 27.04.2004, also differentiates between the rights of citizens depending on their nationality.

In the case of 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<sup>2</sup> are entitled to receive compensation for unjust imprisonment and repression. In the case of the Polish victims of communism, the prisoners of German and Soviet concentration camps, the right to receive compensation is retained by the children and relatives of deceased victims<sup>3</sup>. Another form of unequal treatment of citizens in the most recent amendment to the Act on Veterans and some Victims of War and Post-War Repression is taking into account only the Poles transferred in 1940 and disregarding completely the Ukrainians transferred in 1947<sup>4</sup>.

## **Paragraph 2**

- a) A positive example of implementing the Convention is appointing and functioning of Plenipotentiaries for National Minorities at the level of government and local government administration.

In the case of Ukrainians, the positive results of such actions are visible in particular in Warmian-Masurian Voivodeship (both at the level of the voivodeship and of the local administration). Another positive action in the spirit of the Convention is passing a separate budget for the needs of the minorities in this voivodeship.

- b) The situation in the areas historically inhabited by Ukrainians, especially in Podkarpackie Voivodeship deserves some criticism.

This voivodeship lacks an actual equality policy towards Polish citizens of Ukrainian nationality. The regional authorities don't take into account the postulates of Ukrainian minority, don't conduct an effective dialogue on the issues concerning this minority (there is no response to many proposals concerning different spheres of social life – education, culture, opposing discriminatory practices). At regional level, there is no truly functioning Plenipotentiary of the Voivode, who would be responsible for implementing the state policy towards minorities in the region (although there are precise obligations flowing from the Act on National Minorities and Regional Language<sup>5</sup>). The government administration of the region does not pay due attention to the condition of the monuments of material culture, the needs of the Ukrainian community and the dialogue with social partners. These issues are also neglected by the local governments in the region. The administrative authorities do not intervene even when the actions of local authorities are contrary to the principles of the policy towards minorities – for example, they do not react to local government representatives promoting the principle of mutuality.

The relations with the Ukrainian minority in Podlachian Voivodeship have a very particular character. The Ukrainian cultural presence is acutely visible in the south-

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<sup>2</sup> The decision of the Polish government (the Chancellery of the Prime Minister) of 27.04.2007.

<sup>3</sup> The Act of 23rd February 1991 on abolishing the decisions concerning persons repressed for their activity in support of the independence of the Republic of Poland.

<sup>4</sup> The Senate's draft amendment of the Act on Veterans and Victims of War and Post-war Repression of 13th February 2007.

<sup>5</sup> The act specifies that « (...) and voivodes play a particularly important role in carrying out the activities in favour of the minorities.

eastern part of the region. Podlachia is the only region whose Ukrainian population was not transferred in the Operation „Wisła” and where there still exist areas densely populated by people using dialects of Ukrainian. This region’s policy towards national minorities doesn’t take into account the minorities’ views and postulates (mainly concerning culture, taking into consideration the minority’s contribution to the region’s achievements, the cultural needs). Although it is a region where cultural diversity has been most commonly preserved, a multicultural model of the voivodeship’s functioning has not been created (in this domain, the government authorities have not used the possibilities created by the provision about the Plenipotentiary of the Voivode). The lack of a model of co-operation has had a negative influence also on the functioning of the Ukrainian minority, whose situation is particular, because until 1989 its existence was completely overlooked in the public life.

Another voivodeship which encompasses areas traditionally inhabited by Ukrainians is Lublin Voivodeship. Its eastern part, where the Ukrainian cultural presence used to be very strong, is now populated by a Ukrainian community, not very numerous, whose members evaded deportations or managed to return. The Ukrainian community is practically absent from the public life there. It is marginalised even in the region’s co-operation with Ukraine. This voivodeship also lacks a Plenipotentiary of the Voivode for national minorities. The local authorities do not undertake sufficient actions aimed at preserving the multicultural heritage of the eastern part of the region. All of this contributes to the acceleration of the process of assimilation of this community.

- c) In the implementation of the state policy towards minorities some representatives of central and local authorities do not sufficiently take into consideration the Ukrainian minority’s particular character, which is the result of its dispersion, of its diversity, of the Polish-Ukrainian historical conflicts of the Second World War and of the post-war period, of strong negative stereotypes in the Polish society as well as of the hostile attitude towards minorities.

## **Recommendations**

- a) The government should propose amendments to legislation which is unfavourable and discriminatory towards minorities.
- b) At government and at parliament level, a dialogue should be initiated concerning the legal regularisation of the issue of Ukrainian property (of individuals and social organizations) taken over by the state in the post-war period.
- c) At the level of central institutions, adequate measures should be taken in order to diminish discriminatory practices in the regions and to oblige institutions responsible for the minority policy to actively create actions favouring the co-operation with the Ukrainian minority.
- d) The government should aim at eliminating the disproportions in the state policy towards minorities in legislation and at putting this policy into practice at regional level. The government and its regional representatives should also react firmly to cases of the authorities negating the civil rights of ethnic and national minorities or promoting the principle of mutuality.
- e) The possibilities flowing from the regional activity of Plenipotentiaries for National Minorities should be used to a greater extent in the implementation of a positive state policy, especially in the regions historically inhabited by the Ukrainian minority, where the highest number of negative practices takes place.

## Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

## Implementation

### Paragraph 1

The government awards funds for projects realised by minorities (including the Ukrainian minority) in the form of grants of the Ministry of Interior and Administration. Some local governments also offer financial support. Ukrainian as a mother tongue is taught within the system of public education.

- a) The central authorities haven't started a dialogue with the minorities concerning the setting up of the minority cultural institutions financed out of the public resources, for example museums or the Centre of Ukrainian Culture, which significantly limits the possibilities to preserve the identity and to develop the culture of Ukrainians in Poland.
- b) A serious issue is the unequal access of the national minorities to the public funds. Out of the subsidies of the Ministry of Interior and Administration for the year 2007, the Association of Ukrainians in Poland – the biggest organisation of the Ukrainian minority in Poland – is only able to pay for the permanent posts in accountancy. The project coordinators can only be employed on commission contract. In the Association of Ukrainians of Podlachia, the subsidies of the Ministry of Interior and Administration for 2007 cover the costs of one substantial permanent post and of the accountancy staff. This fact amounts to continuous problems for the minority non-governmental organisations which carry out all-year projects. The lack of equal access to public funds means that the activities promoting the minority's culture are carried out only through the minorities' NGOs. The majority's culture can be promoted by cultural institutions receiving financial support both from the state budget and local government budget. The institutions of the majority have the possibility to secure funds to pay their employees and to keep their cultural centres functioning, whereas the actions promoting the culture of the minorities are carried out thanks to volunteers, which limits significantly the scale and the possibilities of developing these cultures.
- c) The minority non-governmental organisations have to meet higher and higher formal criteria when applying for public funds (preparation of the grant applications, realisation of the project, a final financial report), whereas the possibilities to obtain these grants become more and more limited. It is a very serious issue especially for the Association of Ukrainians in Poland, active on the national scale (10 regional centres, several tens of different events during the year), which does not have many possibilities of acquiring funds from other sources such as private sponsors. The Association of Ukrainians employs 4 persons in the main office in Warsaw and 3 in the local centres. This is not enough for the needs of the minority. There are no

permanent posts for people who could fully commit to the social and cultural activity in such important regions as Lower Silesia and Podkarpackie Voivodeship. Other Ukrainian organizations also have to deal with this kind of problems (for example The Lemko Association, The Ukrainian Society in Lublin). The government does not provide enough support for the minorities' NGOs in order to prepare them to meet the formal criteria. The formal and bureaucratic criteria tend to be exceedingly complex. Another barrier are limited funds, which do not allow the minorities' NGOs to employ specialists.

- d) The project drawn up by the Ukrainian community to set up a cultural institution of a national minority – the Centre of Ukrainian Culture – has been rejected by the government. There is no willingness to conduct dialogue with the minority about improving the situation of Ukrainian culture in Poland by creating a cultural institution of the minority. The funds allocated in the last period for projects aimed at preserving identity, carried out by the minorities' NGOs, remain at the same level (they are to rise only by 5% in 2008) whereas for example the funds for the activities aiming at preserving the identity of Poles abroad have increased by over 40% in 2006–2007. In the case of national minorities, the formal criteria and restrictions to obtain them have become much stricter.
- e) In the field of education, there are not enough teaching specialists of the Ukrainian language (for example in Podkarpackie Voivodeship). There is no conception of a reform of the educational system for the Ukrainian minority. The only pedagogic periodical “Ridna Mowa” targeted at the Ukrainian community (in Polish and in Ukrainian) receives no regular financial support.
- f) Attempts to start teaching Ukrainian as a mother tongue are sometimes perceived negatively and scuttled by people with hostile attitude towards minorities. Very often such actions do not receive any criticism from the government representatives (as in Podlachian Voivodeship).
- g) In some of the regions, there are no separate funds for the needs of minorities at regional or local level.

## **Recommendations**

- a) The state authorities should find legal possibilities of setting up a cultural institution of the Ukrainian minority financed out of the public funds, which would reinforce the activities of the minority communities aimed not only at preserving but also at developing their culture and language.
- b) It is necessary to find an optimal mechanism of financing the statutory activity of non-governmental organisations aimed at preserving national and cultural identity of the minorities in the form of subsidies in a way which enables their normal functioning throughout the year.
- c) The administrative authorities should initiate a dialogue with local governments in order to introduce standards of a positive policy towards minorities, their traditions and culture at local level as well as to ensure local government's subsidies for the cultural initiatives of minorities.

## Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

## Implementation

### Paragraph 1

The government supports multicultural projects carried out by governmental institutions, NGOs, educational institution and local authorities. However, there is still a visible disproportion in the degree of participation in activities contributing to the development of dialogue at the level of different regions. This is especially so in the case of eastern borderland.

- a) In the areas traditionally inhabited by Ukrainians, the allocated public funds are too small for the cultural needs of the minority.
- b) One example of actions contrary to the spirit of the convention is the government authorities' approval to commemorate facts (the documentation of which raises many doubts) in a way which causes dislike and negative attitudes towards the Ukrainian minority<sup>6</sup>.
- c) Since 2006, we have witnessed a progressive marginalisation of educational programmes devoted to ethnic and national minorities in the public media, which play an important role in informing the Polish society about the minorities. Since December 2006, these programmes have been broadcast in the public channel TVP 3 at unfavourable hours (on Saturday at 7 a.m.). A similar situation has arisen in some of the radio broadcasting stations.
- d) The actions promoting multiculturalism are often carried out without taking the Ukrainian minority into account and without considering their contribution and needs. Because of that, these actions have only a formal character (with the so-called virtual tolerance) and do not correspond to real needs of the citizens. For instance in the areas inhabited historically and currently by the Ukrainian minority, the funds are often allocated to projects connected with the culture and tradition of minorities which no longer inhabit the region (for example in the powiat of Lesko, where remembrance and monuments of other minorities inhabiting the city up until the Second World War are being restored, while the cultural monuments and traditions of Ukrainians are being negated).
- e) The central and local authorities do not always take effective measures to preserve the multicultural heritage of the regions. It is especially the case in areas where the Ukrainian culture used to flourish, and where at present the Ukrainian community is

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<sup>6</sup> The commemorations realised with the approval of The Council for the Protection of Memory in 2003, which explicitly appeal to anti-Ukrainian attitudes in the region.

not numerous or strong enough to preserve on its own the Ukrainian component of the multicultural heritage.

- f) In some of the regions historically inhabited by Ukrainians, especially in Lublin and Podlachian Voivodeships, during projects or programmes (carried out among other by public institutions), aimed at preserving multiculturalism, the words “Ukrainian” or “Ukrainians” referring to this community and its culture are frequently avoided.

## **Paragraph 2**

The state authorities do not take sufficient measures to prevent the spread of negative attitudes towards Polish citizens of Ukrainian nationality.

- a) The local authorities do not support minorities in conflict situations and do not adequately prevent public attacks on the minority or incitement to what amounts to discrimination against this minority.
- b) The actions, which violated human rights and which used to be committed against Ukrainians in the past are sometimes approved (also under the patronage of public institutions) while their negative consequences are dismissed (for example in the case of 1947 deportations of the operation „Wisła”).
- c) Another worrying fact is applying double standards in the issue of commemorating Polish and Ukrainian victims of the post-war conflicts by the government institution – Council for the Protection of Memory of Fighting and Martyrdom. Different criteria are applied when deciding on the inscriptions on the monuments commemorating Polish and Ukrainian victims of the Polish-Ukrainian conflict, for example in the village of Pawłokoma (Podkarpackie Voivodeship).
- d) Another negative phenomenon is giving permission to build memorials with inscriptions or significance insulting the minority’s feelings in the areas historically inhabited by the Ukrainian minority (the so-called monuments to hatred). A shockingly cruel monument in Przemyśl represents according to its initiators an episode from the Polish-Ukrainian conflict, which , as it turned out, had never taken place. The government authorities do not take up dialogue with the minority on this subject.
- e) The Ukrainian minority is frequently not treated by the state authorities as a partner in the process of commemorating places and people important for this community, including Polish citizens of Ukrainian nationality. The government institution subordinate to the Polish Minister of Culture - The Council for the Protection of Memory of Fighting and Martyrdom – for years has been making arrangements in this domain only with the Ukrainian government, refusing to involve the Ukrainian community of Poland in this process. In this way, the commemoration of the minority’s ancestors is decided exclusively with representatives of another country, while ignoring the opinions of Polish citizens – members of a national minority.
- f) Local authorities and government administration do not react in any way to the demands to verify the inscriptions on memorials dating back from the communism in the areas traditionally inhabited by the minority. Some of these inscriptions and memorials are explicitly insulting to the feelings of Ukrainians (in the town of Zagórz, Podkarpackie Voivodeship, the monument bears a profaned Tryzub – the coat of arms of Ukraine).
- g) Sometimes the actions initiated by the minority in order to preserve its identity and cultural tradition are treated as contrary to the Polish society best interests. Such reactions can be perceived mainly in the areas historically inhabited by Ukrainians.
- h) There are cases of promoting negative attitudes towards Ukrainians, without an appropriate reaction on the part of suitable state institutions. The Polish citizens of Ukrainian nationality are accused of “actions detrimental to the Polish state”, of “anti-



Polish attitude”, they are blamed of real and alleged crimes, while the crimes committed on Ukrainian victims fail to be mentioned. The national minorities and their leaders are discredited, for example in some of the private media<sup>7</sup>. Aggressive statements can often be found on the internet discussion forums of different media. These are usually the reactions to articles about the problems of Ukrainians in Poland and in the past<sup>8</sup>. In numerous cases, the authorities responsible for a positive policy towards minorities do not react to such practices.

## Recommendations

- a) The state authorities and institutions – The Ministry of Interior and Administration, The National and Ethnic Minorities Committee of the Polish parliament, the Ministry of Culture and National Heritage should promote actions and institutions effectively involved in fostering dialogue and mutual understanding between the minority and the majority.
- b) The public institutions should take measures aimed at preserving the multicultural heritage of regions, taking account of the role of national minorities.
- c) The state authorities should firmly and systematically react to the cases of expressing hatred in the mass media and monitor any such cases. The Culture and Media Committee of the Polish parliament should take similar actions.
- d) The state authorities should aim at dialogue concerning the commemorations and in particular abandoning double standards in the commemoration of Polish and Ukrainian victims of post-war conflicts.
- e) The Council for the Protection of Memory of Fighting and Martyrdom should abandon the practice of making arrangements concerning the Ukrainian places of national memory solely with the Ukrainian government and take up dialogue with Polish citizens belonging to the Ukrainian minority.

### Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

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<sup>7</sup> Widely-accessible far-right press excels in such attacks: newspapers such as „Myśl Polska” (<http://www.myslpolska.org/?article=listall&c=3>) or „Nasz Dziennik”. Such attacks are also present in a catholic TV station “Trwam”, in the radio “Maryja”, as well as in some leftist media such as the “Przegląd” weekly (<http://www.przegląd-tygodnik.pl/index.php?site=historia&name=100>).

<sup>8</sup> <http://forum.gazeta.pl/forum/72,2.html?f=69&w=58478383&v=2&s=0>.

## **Implementation**

### **Paragraph 1**

Since 1989 the Ukrainian minority has been present in the public electronic media. Ukrainian programmes are broadcast in voivodeships where the Ukrainian minority constitutes a substantial part of the population.

- a) In 2006 the time available in the public media for TV and radio programmes held in Ukrainian was limited and the broadcasting hours changed for less convenient ones. This was the case for example in Radio Wroclaw (“Sami Swoi”, a 30 minute weekly programme in Ukrainian existing between April 2005 and September 10<sup>th</sup> 2006, broadcast at 8 p.m. was moved to 11.30 p.m.). In December 2006, the TV authorities attempted to eliminate a 13-minute TV programme “Telenowyny”, broadcast twice a month during prime time. The community of Ukrainian minority as well as of Polish intellectuals took actions to defend the programme. Thanks to their efforts, the programme was preserved and from January 1<sup>st</sup> 2007 to August 2007 was broadcast once a month during 25 minutes, on Saturday, at 7 a.m. Such timing however, to a great extent limited the accessibility of the programme. Other issues are: a limited geographical cover of the programme’s broadcasting, frequent changes of broadcasting time (without informing the audience) and future plans as to the programmes’ broadcasting.
- b) In one of the regions traditionally inhabited by Ukrainians – in Lublin Voivodeship – there is no radio programme for the Ukrainian minority.
- c) A general problem is marginalizing the Ukrainian community in some regions by avoiding consultation and dialogue about the functioning of programmes in Ukrainian, the lack of representatives in Broadcasting Councils of the public media (including Warmian-Masurian Voivodeship, inhabited by the largest number of Ukrainians and in Podlachian or Lublin Voivodeships).
- d) Since 2006 in the Boards of Directors of the public media companies there have been no persons responsible for ethnic subjects, which has limited the possibilities of dialogue, of elaborating an optimum formula of the presence in the public television of ethnic programmes or programmes in the languages of ethnic and national minorities.
- e) In the case of several radio and TV programmes the main problem is the way of subsidising (the budget is too small to allow to present the whole diversity of the Ukrainian community’s life) which limits their possible development (attracting and engaging professional journalists) and significance for the process of promoting intercultural dialogue.

### **Paragraph 2**

There are several programmes devoted to ethnic subjects in the public media – including programmes dealing with the issue of the Ukrainian minority’s tradition and culture.

- a) One of the constant problems is a lack of objective criteria of financing the ethnic programmes (especially in the public television), the changes in broadcasting times and a lack of a permanent place in the TV programme.
- b) The dialogue initiated in late 90’s between the public broadcasting stations and the national minorities since 2005 has been almost entirely abandoned (both at regional level and at the level of institutions responsible for the state policy towards minorities).
- c) There are no clear mechanisms for the minorities to influence the programmes of the public broadcasting stations targeted at these minorities. The minority organisations are not treated as partners in the creation of the programmes but as petitioners.

## Recommendations

- a) The state authorities responsible for the minority policy and for the functioning of the public media should return to the effective dialogue with the Ukrainian community and try to improve the mechanisms which monitor the process of minorities gaining access to the public media.
- b) In cases reported by the minority, the authorities should react firmly and discuss the obligations towards minorities with the public broadcasting stations.
- c) A clear distribution of duties and a system of reacting to cases of limiting the minorities' access to the media should be introduced, which would include cooperation with the communities concerned.
- d) The government authorities should initiate the coordination of work at inter-department level so that the problems of access, of subsidies for the ethnic programmes, their hours and length in the public media are defined and solved in short periods of time. Currently, none of the state institutions plays this role.
- e) The public authorities should take measures to ensure a full access for the minorities to public radio and TV programmes in their native language.

### Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

## Implementation

### Paragraph 3

In the areas traditionally inhabited by Ukrainians there are still problems with the names of streets, towns or places, which are the evidence of the historical presence of the Ukrainian community in these regions. Under communism the traces of Ukrainian presence were eliminated on a massive scale (the names of streets or towns were changed, the monuments of material culture were destroyed). The municipalities, local and central administrative authorities in some of the regions are still unwilling to discuss the problem.

- a) The remaining artificial local names, introduced under communism in order to blur the traces of the Ukrainian cultural presence, do not contribute to the preservation of

multiculturalism or to the normal functioning of a minority. The initiatives taken to restore the traditional names do not always have positive effect<sup>9</sup>.

- b) At local level, in the municipalities, there is no willingness to realise the demands of minorities and restore the traditional street names, connected with the presence of Ukrainians in the region (changed in the post-war period: the case of Przemyśl)<sup>10</sup>.
- c) Similar controversies and misunderstandings arise frequently when suggestions are made to introduce new street names to honour prominent representatives of Ukrainian culture or local minority leaders, which would mark the presence of Ukrainian minority in the history of these regions.
- d) There is no possibility to introduce bilingual signs and inscriptions in places inhabited by Ukrainians, due to the dispersion of the Ukrainian population by the communist authorities in 1947 and the need to obtain the permission of local authorities. Because of that the Act on national and ethnic minorities and regional language, of January 6<sup>th</sup> 2005, does not guarantee the possibility to give effect to the postulates of Ukrainians in this field.

## Recommendations

- a) The state authorities should take steps to restore the traditional local names changed to blur the traces of Ukrainian cultural presence.
- b) The local authorities should initiate a dialogue with the municipalities to draw attention to the need of taking account of the minorities' postulates (including the Ukrainian one) as far as the issue of street naming is concerned. It would be recommendable to create legal opportunities to enable the effective use of the right to introduce bilingual inscriptions in places inhabited by Ukrainians. The main concern is to lift barriers (such as the minority population constituting at least 20% of the total population of the gmina or obtaining the approval of local communities for restoring traditional names) so that this kind of facilitation for minorities can be put into practice (at present this provision remains a dead letter).

### Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

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<sup>9</sup> As in the case of restoring the historical names of places changed under the communist regime, for example : Poździarz, Dusowce, Ruska Wieś in the powiat of Przemyśl, Dąbrówka Ruska in the powiat of Sanok etc.

<sup>10</sup> Giving several streets in Przemyśl names connected with the Ukrainian presence and restoring names functioning until the 80's: Taras Shevchenko Street, Ulana Kravchenko Street, Markiyan Shashkevych Street. The Ukrainian community has also proposed naming one of the streets after Mykhaylo Verbytsky, who composed the music for the Ukrainian anthem.

## Implementation

The full participation of Ukrainians in public and social life of the country cannot be considered without taking into account the transfers of 1947 and the resulting dispersion of the Ukrainian population. The electoral law does not take this fact into account.

- a) The electoral committees of minorities do not have to reach the threshold level in the general elections, but in the case of the Ukrainian minority it is a strictly formal provision having no practical value.
- b) The fact that minorities are not represented in the parliament and that there is no possibility to present the views of the minority representatives of the forum of the parliament stems directly from the operation „Wisła” and the resulting dispersion. The rejection of the idea of special constituencies for minorities results in minorities being entirely dependent on political parties. Considering the persistent and strong negative stereotype of Ukrainians and a small number of potential voters in each constituency, the main political parties are not particularly interested in placing minority representatives on their lists of candidates running for parliament and the Senate or in solving some of the issues signalled by the Ukrainian minority. In practice that means limiting the civil rights of the members of Ukrainian community.
- c) A similar problem with the Ukrainian representation arises in most regions at the level of voivodeship authorities.

## Recommendations

The government should take up a dialogue with the minority communities and with the parliament in order to elaborate solutions having regard to the dispersed minorities. This applies in particular to the Ukrainian minority, as it was the one to be dispersed by virtue of the state authorities' decision in 1947 and deliberately kept in the new area of settlement with the use of administrative methods. An optimal solution would be to amend the electoral law to ensure the creation of electoral districts for minorities (special constituencies that would permit to elect representatives of ethnic and national minorities for parliament).

### Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

## Implementation

### Paragraph 1

The Polish government concluded several bilateral agreements with Ukraine, which *inter alia* regulate in a positive way the issue of the Ukrainian minority in Poland and the Polish one in Ukraine. However, in putting their provisions into practice, a tendency to interpret these provisions unfavourably for the minorities becomes visible.

- a) The government tends sometimes to apply “the principle of reciprocity”, that is making the realisation of the postulates of the Polish citizens belonging to the Ukrainian minority conditional to the situation of the Polish minority in Ukraine or to the realisation of issues in which the government takes great interest.
- b) It may be seen as a paradox, but the relations with the country, which is the homeland to the minority may contribute to the marginalisation of this minority. An example of this is the issue of Ukrainian memorials on the territory of Poland or the realisation of the Ukrainian community of Przemyśl’s demand to give them back the “Dom Ludowy” building taken over by the state in 1972<sup>11</sup>.
- c) The lack of dialogue or willingness to co-operate with the Ukrainian minority on the part of the Polish authorities is being justified unofficially by the postulates of Polish minority in Ukraine not being realised or by issues related to the historical Polish-Ukrainian relations on the territory of Volhynia and Eastern Galicia during the Second World War.
- d) Some of the members of parliament and representatives of local governments also call for the application of the principle of reciprocity.
- e) In the case of the realisation of transfrontier projects, especially in the areas traditionally inhabited by Ukrainians, a dialogue with the minority is rarely initiated, the needs of national minorities are not taken into consideration and the members of this community are not very often invited to participate in the co-operation programmes.<sup>12</sup>

## Recommendations

- a) The government should return to a real dialogue with the Ukrainian minority in the issues concerning this minority.
- b) The cases of applying or of promoting “the principle of reciprocity” regarding the Polish citizens of Ukrainian nationality should be condemned by the government. It should happen both in the case of issues of all-Poland as well as of local importance.
- c) The government should try to influence the local governments of the regions traditionally inhabited by Ukrainians to minimise the impact the promoters of the “principle of reciprocity” have on their functioning.

Warsaw, 15<sup>th</sup> October 2007

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**Grzegorz Kuprianowicz** – Representative of the Ukrainian community in the Joint Committee of the Government and Ethnic and National minorities, President of the Ukrainian Society in Lublin

**Stefan Hładyk** – President of the Lemko Association, Representative of the Lemko community in the Joint Committee of the Government and Ethnic and National minorities

**Andrzej Artemiuk** – President of the Association of Ukrainians of Podlachia

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<sup>11</sup> The restitution of the building is subject to the condition of the Polish community in Lviv receiving an allotment from the Ukrainian authorities.

<sup>12</sup> An example is the realisation of tourist projects (including those subsidised by the European Union) in the borderland areas. In the descriptions of the monuments of material culture linked with the Ukrainian presence, the use of the Ukrainian language is frequently avoided, which is a means of blurring the fact of the minority’s presence in these areas.

## **Information about the organisations which participated in the preparation of this Report:**

- 1. The Association of Ukrainians in Poland**, functioning since 1990, carries out projects targeted at different groups in the society: children, students of primary schools, colleges and high schools, adults and aged people. It has realised such initiatives as international projects, international camps, concerts of Orthodox church music, all-Poland and regional festivals of Ukrainian culture, children's festivals, seminars on historical subjects as well as on the culture of Polish-Ukrainian borderland, seminars promoting cooperation of Polish and Ukrainian NGOs, cooperation of media organised within "The Polish Year in Ukraine". The Association took part in the realisation of the project "The Polish Year in Ukraine" and, in cooperation with the City of Warsaw, of the project "Days of Kiev in Warsaw". Apart from cultural activity, the Association has been involved in consultation projects concerning legal issues relative to the situation of ethnic and national minorities in Poland. It takes part in the work of the Joint Committee of the Government and Ethnic and National Minorities as well as the National and Ethnic Minorities Committee of the Polish parliament. In 1990 the Association took over the responsibilities of the publisher of "Nashe Slovo" weekly. For many years, the Association has been the publisher of books and periodicals in Polish and in Ukrainian and of the annual "Almanach Ukrainski". The Association is a co-editor of the TV programme "Telenowyny", broadcast on the Regional Television Channel TVP 3. It is trying to cooperate with the broadcasting stations realizing programmes in Ukrainian (for example in Koszalin, Olsztyn, Krakow and Wroclaw). The Association has 10 regional centres, its structure includes several support organizations, such as The Association of Ukrainian Women, The Ukrainian Teachers Society, The Association of Ukrainian Political Prisoners of the Stalinism Period and The Ukrainian Doctors Society. The Association belongs to such international organisations as The Ukrainian World Congress, The European Congress of Ukrainians, The Ukrainian World Coordinating Council. In Poland it cooperates with the NGOs of other minorities as well as Polish NGOs promoting human rights and development of good-neighbourly relations with Ukraine.
- 2. The Lemko Association** is an all-Poland NGO created in 1991 in Gorlice. It is a member of the Federal Union of European Nationalities (FUEN) and of the World Lemko Federation. The aim of the Lemko Association is to stimulate, preserve and develop the cultural and educational activity in Lemkivshchyna and other centres of the Lemko community in Poland. It is also to support and develop the cultural heritage of many centuries of Lemko ethnic group by taking care of the monuments of Lemko culture; to influence the development of science and education in the Lemko community; to promote amateur artistic activity; to inspire scientific research in the field of Lemko Studies, to represent and defend the interests of the Ukrainian ethnic group of Lemkos; to develop cooperation between the nations of the borderland area of South-Eastern Poland, Slovakia and Ukraine. The Lemko Association carries out its mission mainly by: organizing the "Lemkowska Watra" event – a festival of Lemko culture in Zdynia, the realisation of cultural cycles such as "Meetings with Lemkivshchyna", the activity of "Watra" publishing company and the coordination of teaching Ukrainian and the Lemko dialect to the Lemko children. The Association has achieved some successful results: after many years of efforts the Association achieved the repeal of the administrative decisions to take over the Lemko property by the State Treasury after the 1947 Operation "Wisła", a tragic event for the Ukrainian

community (including the Lemko community); also, following the court's ruling it managed to restore the true name and surname of Nikifor, a Lemko painter – Epifaniy Drovnyak. Another important issue for the Lemko community is condemning the Operation “Wisła” by the Parliament of the Republic of Poland. The Lemko Association maintains its stance that only the condemnation of the 1947 deportations by the Polish Parliament can finally clear the reputation of Ukrainians in Poland, removing the stigma of enemy and enabling them to consider themselves rightful citizens of this country.

3. **The Association of Ukrainians of Podlachia** is an organisation of the Ukrainian community of the Podlachia region, that is the historical-geographical region stretching from Wladawa in the south to the Narew river in the north. The registered office of the Association is situated in Bielsk-Podlaski. Northern Podlachia (between the rivers Bug and Narew) is densely inhabited by the Ukrainian minority. The situation is different in Southern Podlachia, where most of the population was transferred in the Operation “Wisła” , and those who remained or returned are dispersed. The Ukrainians of Podlachia belong mainly to the Orthodox Church. The Ukrainian movement in Northern Podlachia started in the 80s of the 20<sup>th</sup> century and resulted in the creation in 1992 of the Association of Ukrainians of Podlachia. The organisations carries out activities aimed at popularising the Ukrainian culture and at preserving and developing the cultural heritage of the Ukrainians of Podlachia. The Association tries to achieve these aims by publishing activity, organisation of concerts and open air events, promoting amateur artistic groups and organising art workshops for children and teenagers.
  
4. **The Ukrainian Society in Lublin** is a local organization of a part of Ukrainian community in Lublin and its vicinities. It was established in 1999 as the Society for the Protection of the Tombs of Ukrainian Soldiers in Lublin. Over the recent years it has expanded the scope of its activity, transforming into a socio-cultural organization. Its activity is mainly aimed at preserving the national and cultural identity of the Ukrainian community in Lublin and in the region. It also carries out different actions aimed at preserving the Ukrainian historical remembrance not only in Lublin, but in other cities of the region as well. Apart from that, it organizes cultural events such as the “Podlachian Mosaic” Festival of Ukrainian Culture in Lublin in 2006.