

POLAND 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion and states religion is a personal choice, and all churches and religious organizations have equal rights. Relations with the Roman Catholic Church are determined by an agreement with the Holy See that grants privileges not accorded to other religious groups. Relations with other churches and religious organizations are determined by statutes adopted as a result of agreements between their representatives and the government. The criminal code prohibits public speech that is offensive to religious sentiment, but courts often overturned convictions. The Constitutional Tribunal ruled existing laws which refer to protection of religious feelings do not violate freedom of speech and public discourse. Prosecutors investigated some cases of anti-Semitic speech, but were often unable to identify perpetrators. According to Jewish and other religious groups, property restitution to religious communities continued to proceed very slowly.

Protests and demonstrations against immigration often involved anti-Islamic, and sometimes anti-Semitic, messages. For example, on September 11 and 12, fans of the two largest soccer clubs in Poland displayed anti-Islamic banners during soccer matches in Poznan and Warsaw. Several anti-immigrant marches were accompanied by anti-Muslim messages. Vandals targeted Muslim, Jewish, and Catholic religious sites and private property. Interfaith organizations worked to promote tolerance and religious freedom in response to incidents of vandalism.

The U.S. embassy and Department of State officials met with government officials and with representatives of Jewish groups to discuss the state of private and communal property restitution and countering anti-Semitism. The embassy and the Consulate General in Krakow sponsored events that promoted interfaith dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 38.6 million (July 2015 estimate). The Polish government Statistical Yearbook, which accounts for “selected” religious groups, estimates 87 percent of the population is Roman Catholic. Groups together constituting less than 5 percent of the population include atheists and non-believers, Jehovah’s Witnesses, Lutherans, Greek Catholics, Pentecostals, and members of the Polish Orthodox Church. The Statistical Yearbook states that

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in 2013, the latest year for which data is available, there were 2,397 registered members of Jewish groups and 1,251 registered members of Muslim groups. Official data includes only those organizations that voluntarily submit information and does not include those who have not formally joined a religious group. Jewish and Muslim groups estimate their numbers to be 20,000 and 25,000, respectively, although some Jewish groups estimate the number could be as high as 40,000.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of conscience and religion. It states freedom of religion includes the freedom to profess or to accept a religion by personal choice as well as to practice that religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites, or teaching. The constitution states “churches and other religious organizations shall have equal rights.” It stipulates the relationship between the state and churches and other religious organizations shall be based on the “principle of respect for their autonomy and the mutual independence of each in its own sphere.” The constitution specifies that relations with the Catholic Church shall be determined by an international treaty concluded with the Holy See and by statute. Relations with other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Per the constitution, freedom of religion also includes the right to own places of worship and to provide religious services. Parents have the right to ensure their children receive a moral and religious upbringing and teaching in accordance with their convictions and their own religious and philosophical beliefs. The constitution acknowledges the right of national and ethnic minorities to establish institutions designed to protect religious identity. The constitution prohibits parties and other organizations whose ideology are based on Nazism.

The criminal code outlaws public speech that offends religious sentiment. The law prescribes a fine, typically 5,000 zloty (\$1,276), or up to two years in prison for violations.

Specific legislation governs the relationship of 15 religious groups with the state, outlining the structure of their relationship with the state and procedures for

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communal property restitution. The 15 religious groups are the Roman Catholic Church, Polish Orthodox Church, Evangelical-Augsburg (Lutheran) Church, Evangelical Reformed Church, Methodist Church, Baptist Church, Seventh-day Adventist Church, Polish Catholic Church, Pentecostal Church, the Union of Jewish Communities, Mariavite Church, Old Catholic Mariavite Church, Old Eastern Orthodox Church, Muslim Religious Union, and Karaim Religious Union. Marriages performed by officials from 11 of these groups do not require further registration at a civil registry office; however, the Mariavite Church, Muslim Religious Union, Karaim Religious Union, and Old Eastern Orthodox Church do not have that right. An additional 161 registered religious groups do not have a statutorily defined relationship with the state.

The law provides equal protection to all registered religious groups. In accordance with the law, the government and the Catholic Church uniquely participate at the highest levels in the Joint Government-Episcopate Committee, which meets regularly to discuss Church-state relations.

Religious groups that are not the subject of specific legislation may register with the Ministry of Administration and Digitalization, but registration is not obligatory. Under the new government formed on November 16, the Ministry of Interior assumed responsibility for the registration of religious groups. Unregistered groups function freely without registration, but are unable to undertake certain legal functions in the name of the group. To register, the law requires a group to submit a notarized application with the personal information of at least 100 citizen members, details about the group's activities in the country, background about its doctrine and practices, a charter and physical address, identifying information about its leaders, a description of the role of the clergy, if applicable, and information on funding sources and methods of new-member recruitment. The 176 registered and statutorily recognized religious groups receive privileges not available to unregistered groups, such as selected tax benefits and the right to acquire property and teach religion in schools.

Four commissions oversee religious property restitution claims, one each for the Jewish community, the Lutheran Church, and the Orthodox Church, and one for all other denominations. The commissions function in accordance with legislation providing for the restitution to religious communities of property owned prior to World War II that was nationalized during or after the war. The laws on communal property restitution do not address communal properties the government sold or turned over to new private owners after World War II.

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Citizens have the right to sue the government for constitutional violations of religious freedom, and the law protects against discrimination or persecution on the basis of religion or belief.

In accordance with the law on education, all schools teach religion in conformity with the wishes of the parents, although it is not a compulsory course. Religious education classes are designed for specific religions, and by law a school must provide a class for an individual religion if at least seven students in the school are interested in attending a class on that subject. Each religious group has the right to determine the content of its classes. Students may also request to take an optional ethics class instead of a religion class. All religious education instructors receive salaries from the state for teaching religion in public schools.

Government Practices

The property commissions resolved approximately 160 communal property claims during the year for a cumulative total of approximately 6,800 cases resolved out of just over 10,500 communal property claims. The commission handling Jewish communal property claims had partially or entirely resolved 2,645 of the 5,554 claims the Jewish community had submitted by its 2002 filing deadline. The commission handling Lutheran property claims had partially or entirely resolved 960 of the 1,200 claims filed by its 1996 filing deadline. The commission handling Orthodox Church restitution had partially or entirely resolved 264 of 472 claims filed by 2005, and the property commission for all other denominations had partially or entirely resolved 83 out of 170 claims. The deadline for filing claims was 1998 for all other denominations except the Baptist Church and the Protestant Reformed Church, which could file claims through 2006. Previously resolved were 2,847 claims by the Catholic Church.

Critics said the laws on communal property restitution did not address the issue of communal properties to which private third parties had title, and the government left several controversial and complicated cases unresolved. In a number of cases, buildings and residences were built on land that included Jewish cemeteries destroyed during or after World War II. The Jewish community continued to complain that the pace of Jewish communal property restitution was slow. In August the president sent Warsaw property legislation passed by the parliament to the Constitutional Tribunal for review. The legislation concerned the property rights of former owners of Warsaw properties confiscated during the communist

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era. The legislation would have affected some property restitution claims in Warsaw, including some claims involving the Polish and U.S. Jewish communities, but the president did not sign the legislation, and it did not go into effect pending the Constitutional Tribunal's review, which had not yet scheduled a hearing of the case as of the end of the year.

In December Pawel Kukiz, a member of parliament and leader of its third largest political grouping in parliament, stated large scale antigovernment protests were being financed by a "foreign Jewish banker." The President of the Polish Union of Jewish Communities and the Israeli ambassador wrote letters to the government condemning Kukiz's statement as anti-Semitic.

Prosecutors pursued some cases of anti-Semitic speech, while discontinuing investigations into others. In October the Warsaw-Zoliborz district prosecutor's office initiated an investigation into anti-Semitic and anti-Roma slogans which were spray painted on various buildings around Warsaw city center. Nongovernmental organizations (NGOs) said law enforcement officials continued to improve their performance in investigating anti-Semitic incidents, but often failed to identify the perpetrators. NGOs also stated that, unlike in previous years, prosecutors did not discontinue investigations due to the "low social harm" of the incidents.

Groups such as All-Polish Youth, National Rebirth of Poland, Red Watch, and Blood and Honor espoused anti-Semitic views, but authorities were not able to link any of them to specific incidents of violence or vandalism.

In February a Wroclaw local court convicted the author of the book *How I Fell in Love with Adolf Hitler* to 30 hours of community service per month for six months for promoting fascism and incitement to hatred on racial, religious, and cultural grounds.

On October 6, the Constitutional Tribunal dismissed a complaint by a Polish pop star over current laws on offending religious feelings. Dorota Rabczewska, better known as Doda, stated that trying citizens for offending religious feelings was unconstitutional, as it prevented freedom of expression on religious matters. In January 2012, Doda was ordered to pay a fine of 5,000 zloty (\$1276) for stating during a 2009 interview that the Bible "was written by someone who was hammered on wine and who had been smoking herbs." In the Constitutional Tribunal decision, the judges ruled the article of the criminal code which referred

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to offending religious feelings constituted a justified interference in freedom of speech, as it did not violate the essence of freedom of speech and public debate.

On May 27, the Warsaw district prosecutor's office discontinued for the fourth time an investigation into anti-Semitic comments posted on the internet in 2011 about former Foreign Minister Radoslaw Sikorski and his family. Prosecutors stated they discontinued the investigation due to the lack of an offense, the statute of limitations, and the failure to identify the perpetrator.

Janusz Korwin-Mikke, a Member of the European Parliament, remained under investigation by the Warsaw prosecutor's office for performing a Nazi salute during a debate in the European Parliament in July. Press reports indicated the prosecutor's office was considering whether Korwin-Mikke violated laws banning incitement to hatred. In addition, Korwin-Mikke faced disciplinary proceedings and sanctions from the European Parliament, including a 2,200 euro fine (\$2,393) and a 10-day suspension.

In November the Czulent Jewish Association and the Autonomia Foundation presented a study on history textbooks entitled "Anti-Semitism is Not an Option" to the national ombudsman's office. According to remarks made by the president of the Czulent Jewish Association, "There are ... open and covert nationalistic and discriminatory content [in the textbooks] which may lead to the strengthening of prejudice and anti-Semitism."

On October 31, recently elected President Andrzej Duda attended Reformation Day celebrations with the Lutheran community in the town of Bielsko-Biala. On September 10, Duda visited a mosque in the village of Bohoniki, where much of the Polish Muslim community resides. On August 19, he participated in religious ceremonies for the main holiday of the Polish Orthodox Church at the Grabarka Shrine. On December 9, the president hosted a Hanukkah celebration in which the nation's chief rabbi and other leading members of the Jewish community participated.

Crucifixes continued to be displayed in both the upper and lower houses of parliament, as well as in many other public buildings, including public school classrooms.

The government and the city of Warsaw continued to fund the operating budget for the Museum of the History of Polish Jews, which opened in 2014.

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The government is a member of the International Holocaust Remembrance Alliance. The government funded exchanges with Polish participants and U.S. and Israeli Jews to foster dialogue on restitution, the Holocaust, and interfaith issues.

Section III. Status of Societal Respect for Religious Freedom

There were incidents of demonstrations against immigrants which involved anti-Islamic slogans and banners, as well as anti-Semitic messaging. Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

A Pew Research Center survey released in June found 56 percent of the population had negative views about Muslims and 38 percent had negative views about Jews.

In September and October more than 20 anti-immigrant marches took place throughout the country as part of a planned nationwide action. Many of these marches included anti-Muslim banners and messages, including an October 15 march in Kielce where participants shouted “Kielce without Islam.” Similar slogans appeared during other anti-immigrant marches organized around the country during the second half of the year. Police did not intervene in any of these demonstrations, stating that the demonstrations were peaceful and the public order was not disturbed. There were reports of attacks on immigrant-owned businesses during and after some protests, including anti-Muslim graffiti.

Anti-Muslim behavior and demonstrations sometimes occurred during sporting events. On September 11 and 12, fans of the two largest soccer clubs in Poland displayed anti-Islamic banners during matches in Poznan and Warsaw.

On November 18, nationalist groups marched in Warsaw, Wroclaw, and Krakow to protest the perceived “Islamification” of Europe and the November 13 terrorist attacks in Paris. The demonstrations included anti-Muslim slogans and signs.

During the Wroclaw demonstration, an effigy of an Orthodox Jewish man holding the EU flag was set on fire. Police did not intervene. On November 19, Wroclaw mayor Rafal Dutkiewicz notified the prosecutor’s office about the incident and issued a statement condemning such demonstrations. He also said the persons responsible for burning the effigy should be punished. The representative of the Union of Jewish Communities requested an immediate meeting with the Wroclaw

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police commander and stated the passive attitude of police left the Jewish community feeling threatened. Local police and prosecutors identified the person who burned the Jewish effigy but, as of the end of the year, it was not clear whether he would face any charges for his action.

There were incidents of vandalism targeting property associated with Catholic, Muslim, and Jewish institutions.

On October 31, two individuals destroyed nine tombstones at a Jewish cemetery in the town of Bielsko-Biala. Police arrested two individuals in early November who were awaiting trial at the end of the year. A similar incident took place at the same cemetery in August, when seven tombstones were damaged. In April unknown perpetrators defaced 15 tombstones at the Jewish cemetery in the town of Olkusz. Police made no arrests in the latter two cases.

On July 11, a woman visited the newly opened Center of Muslim Culture in Warsaw and left pigs' heads inside the complex and at the parking area. On July 16, police detained a suspect. If found guilty, she could face up to two years' imprisonment.

In February and June unknown perpetrators desecrated Roman Catholic churches in the towns of Czestochowa and Ilza; they damaged some paintings and wrote Satantic symbols and sprayed hate graffiti on the walls.

The Polish Council of Christians and Jews continued to regularly organize conferences and ceremonies to encourage tolerance and understanding, as did a bilateral commission established by the Catholic and Orthodox Churches. In March the Council of Christians and Jews organized a conference to celebrate its 25th anniversary under the "Close Christian-Jewish Encounters" project. In October the group co-organized an international conference commemorating the 50th anniversary of Nostra Aetate, the Second Vatican Council's Declaration on the Relation of the Church to non-Christian Religions. As part of the commemoration, the Catholic episcopate issued a special pastoral letter condemning anti-Semitism. On January 15, the Catholic Church celebrated its annual Day of Judaism, which featured numerous events throughout the country, including meetings, lectures at schools, film screenings, and exhibitions. The main celebrations started with a prayer by Christians and Jews at the former Auschwitz-Birkenau death camp, attended by local Bishop Roman Pindel and Chief Rabbi of Poland Michael Schudrich. The Polish Ecumenical Council, which

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included most Christian groups outside the Roman Catholic Church, also promoted ecumenical dialogue and religious tolerance.

On January 26, the Catholic Church celebrated the 15th annual Day of Islam to promote peace among religious believers. The event included lectures, readings of the Bible and the Quran, and prayers.

In January Holocaust survivors, politicians, and religious leaders gathered to mark International Holocaust Remembrance Day and to commemorate the 70th anniversary of the liberation of Auschwitz-Birkenau.

Section IV. U.S. Government Policy

The Ambassador and officials from the U.S. embassy and the Krakow consulate general met with government officials to discuss the state of private and communal property restitution. They also met with members of the local Jewish community, visiting leaders from the Jewish community in the United States, and other religious leaders to discuss private and communal property restitution, and measures to combat anti-Semitism.

The Ambassador and officials from the embassy and consulate general met with Muslim leaders to discuss property restitution issues and measures to combat anti-Muslim sentiment.

The embassy and the consulate general continued to regularly monitor religious freedom and interfaith relations.

A U.S. Presidential delegation attended the commemoration of the 70th anniversary of the liberation of Auschwitz-Birkenau on January 27.

In September the Department of State Special Envoy to Monitor and Combat Anti-Semitism met with rabbis in Warsaw to discuss Jewish community developments and anti-Semitism issues. In March and October, the Special Envoy for Holocaust Issues met with government officials in Warsaw to discuss Jewish community property and private property restitution issues and social welfare benefits for Holocaust survivors.

The Ambassador met regularly with representatives of major religious groups, including Catholic, Muslim, and Jewish leaders.

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The Ambassador and staff of the embassy and consulate general participated in events to promote interfaith dialogue, especially among young people, and religious freedom. They supported a wide range of activities to promote Holocaust education and religious tolerance and respect.

The embassy continued to use exchange programs, meetings with students, and grants to promote religious freedom and tolerance. The embassy supported the visit of teachers to the United States for a summer teacher training program on Holocaust education. The embassy provided financial and organizational support to Jewish cultural festivals in Warsaw and Krakow and to the Museum of the History of Polish Jews for an exhibit featuring pieces from a U.S. artist inspired by wooden synagogues in Poland. The consulate general provided financial support to international programs at the Auschwitz Jewish Center for Genocide and Religious Persecution Prevention, and was active in educational programs for staff of the Auschwitz-Birkenau State Museum.