



## Poland

### International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

There were occasional reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, the generally amicable relationship among religious groups in society contributed to religious freedom. Anti-Semitic sentiment persisted among some elements of society and among certain prominent political figures; however, the Government publicly denounced anti-Semitic acts. There were occasional desecrations of Jewish and Roman Catholic cemeteries by skinheads and other marginal elements of society.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. U.S. Embassy and Consulate General Krakow officers actively monitored threats to religious freedom and sought further resolution of unsettled legacies of the Holocaust and the communist era.

#### Section I. Religious Demography

The country has an area of 120,725 square miles and a population of 38 million.

More than 94 percent of the population is Roman Catholic. According to the 2007 Annual Statistical Yearbook of Poland, the formal membership of the listed religious groups includes: 33,862,800 Roman Catholics; 506,800 Polish Orthodox Churchmembers; 53,000 Greek Catholics; 126,827 Jehovah's Witnesses; 77,500 Lutherans (Augsburg Confession); 23,670 Old Catholic Mariavits; 21,199 Pentecostals; 9,620 Seventh-day Adventists; 19,035 members of the Polish Catholic Church; 4,881 members of the New Apostolic Church; 4,726 Baptists; 4,445 Methodists; 3,516 Lutherans (Reformed); 2,500 Jews; 2,425 members of the Church of Christ; 2,195 Catholic Mariavits; 1,299 members of the Church of Jesus Christ of Latter-day Saints (Mormons); 915 members of the Church of Krishna Consciousness (Hare Krishnas); and 112 registered members of Muslim associations. These figures do not account for persons who adhere to a particular faith but do not maintain formal membership. Figures for Jews and Muslims in particular are significantly deflated as a result. Jewish and Muslim organizations estimate their actual numbers to be 30,000-40,000 and 25,000, respectively.

The majority of asylum seekers are Muslims from Chechnya. In the refugee centers around the country, they organize their own mosques where they practice their religion.

Each of these religious groups has a relationship with the state governed by either legislation or treaty, with the exception of Jehovah's Witnesses, the New Apostolic Church, Hare Krishna, and the Church of Christ.

#### Section II. Status of Religious Freedom

##### *Legal/Policy Framework*

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free

practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

Citizens are guaranteed the freedom to practice any faith they choose. Religious groups may organize, select and train personnel, solicit and receive contributions, publish, and meet without government interference. There are no governmental restrictions on establishing and maintaining places of worship.

The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or up to a 3-year prison term.

Citizens have the right to sue the Government for constitutional violations of religious freedom, and legal protections cover discrimination or persecution of religious freedom.

There are 15 religious groups whose relationship with the state is governed by specific legislation that outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are 149 other registered religious groups that do not have a statutorily defined relationship with the state. All registered religious groups, including the original 15, enjoy equal protection under the law.

The Government observes Easter Monday, Corpus Christi Day, Assumption of the Virgin Mary, All Saints' Day, Christmas, and St. Stephen's Day as national holidays.

Religious communities may register with the Ministry of the Interior; however, they are not required to do so and may function freely without registration. The 1989 Law on Guaranteeing Freedom of Conscience and Belief requires that in order to register a group must submit the names of at least 100 members as well as other information. Information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. All registered religious groups receive the same privileges, such as duty-free importation of office equipment and reduced taxes. During the reporting period, one new religious group, the Singh Sabha Gurudwara, registered.

The law places Catholic, Jewish, Orthodox, and Protestant communities on the same legal footing, and the Government attempts to address the problems that minority religious groups may face.

Foreign missionaries and religious organizations are not required to register in the country and may operate freely without registration. Foreign missionaries are subject only to the standard rules applicable to foreigners. There were no reports that missionaries were denied entry. If an organization (Polish or foreign) chooses to register, it is then asked to follow the requirements for registering a religious organization listed in the 1989 Law on Guaranteeing Freedom of Conscience and Belief (outlined above).

The Constitution gives parents the right to raise their children in accordance with their own religious and philosophical beliefs. Religious education classes continue to be taught in the public schools. Children have a choice between religious instruction and ethics. Although Catholic Church representatives teach the vast majority of these religious classes, parents may request similar classes in any of the legally registered religions. While not common, non-Catholic religious instruction exists, and the Ministry of Education pays the instructors. Religious education instructors, including clergy, receive salaries from the state for teaching religion in public schools. Catholic Church representatives are included on a commission that determines whether books qualify for school use.

The Government does not require the designation of religion on passports or national identity documents.

In accordance with the 1998 Concordat, the Government and the Catholic Church participate at the highest levels in a Joint Government-Episcopate Task Force, which meets regularly to discuss church-state relations.

The Government continues to work with both local and international religious groups to address property claims and other sensitive issues stemming from Nazi- and communist-era confiscations and persecutions. The Ministry of Foreign Affairs is largely responsible for coordinating relations between the Government and these international organizations, although the President also plays an important role. The Government

cooperates effectively with a variety of international organizations, both governmental and nongovernmental, for the preservation of historic sites, including cemeteries and houses of worship. However, contentious issues regarding property restitution and preservation of historic religious sites and cemeteries remained only partially settled.

Progress continued in implementing the laws enacted in the 1990s providing for the restitution to religious communities of property owned prior to World War II that subsequently was nationalized. Five commissions -- one each for the Catholic Church, Jewish community, Lutheran Church, and Orthodox Church, and one for other denominations -- supervised by the Interior Minister oversee religious property claims. Of approximately 10,000 communal property claims, more than 5,100 had been resolved and more than 1,200 properties had been returned by the end of 2007.

The last of these laws was enacted in 1997 and provided for the Jewish community to submit property claims. The law provided a 5-year period, the longest period allowed for any religious group, to file claims for synagogues, cemeteries, and community centers as well as buildings that were used for other religious, educational, or charitable activities. The Jewish community submitted 5,544 claims by the May 2002 filing deadline. As of September 30, 2007, the commission either partially or entirely concluded 1,280 cases. Of that number 343 were settled amicably; 225 claims were either partially or entirely accepted; 417 ended in a decision to discontinue proceedings; 186 claims were rejected; and 352 properties were restored.

As of September 30, 2007, 2,768 of the 3,063 claims filed by the Catholic Church had been concluded, with 1,463 claims settled between the church and the party in possession of the property, usually the national or local government.

The Lutheran Church, for which the filing deadline was 1996, filed claims for 1,200 properties. As of September 30, 868 cases were concluded, of which 230 were resolved by a settlement between the parties; 153 ended in judgments; 485 claims ended in the decision to discontinue or to reject the application.

The Orthodox Church filed 486 claims of which 215 were closed in full or in part.

The property commission for all other denominations received 46 claims from the Protestant-Methodist Church and the Protestant-Lutheran Church. The commission concluded 24 cases, which included 12 decisions to discontinue, and 2 decisions to return the property. No agreement was reached in 10 cases.

The laws on communal property restitution do not address the issue of communal properties to which private third parties had title, leaving 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.

There was no progress during the reporting period on adoption by Parliament of long-awaited legislation that would govern the restitution of private property. Since the 1990s, Parliament has made several attempts to enact such legislation. It passed a law in early 2001, but the President vetoed it because of its budgetary implications and because it was considered discriminatory. The legislation imposed a citizenship requirement that would have made most American and other foreign citizens ineligible to file a claim. Some restitution claimants have regained title to their property through court action. Prime Minister Tusk, during his visit to the United States in March 2008 and to Israel in April 2008, promised that the issue of re-privatization would be resolved by the end of the year. Deputy Minister of Treasury Laszkiewicz said that the ministry is reviewing estimates of the value of potential claims. The lack of legislation in this area affected individuals of many religious groups seeking restitution or compensation for property confiscated during and after World War II.

The Conference on Jewish Material Claims Against Germany held its annual meeting in Warsaw in February 2007 and pressed for urgent passage of a private property restitution law with more lenient filing requirements. The group met with high level officials, including the Prime Minister, who made a statement in support of compensation for private property confiscated by the Nazis and the communist regime.

The Government cooperates with local nongovernmental organizations (NGOs) and officials of major denominations to promote religious tolerance and provides support to activities such as the March of the

Living, an event to honor victims of the Holocaust, and the Museum of the History of Polish Jews. In April 2008 the Government hosted a number of world leaders, including President Peres of Israel and a U.S. presidential delegation headed by Department of Homeland Security Secretary Chertoff at ceremonies commemorating the 65th anniversary of the Warsaw Ghetto uprising and presented awards to leaders and survivors of the uprising.

### *Restrictions on Religious Freedom*

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

According to the Helsinki Foundation for Human Rights (HFHR), there are challenges in organizing ethics classes for students who do not attend religion classes in Polish schools. On September 24, 2007, the HFHR presented its written comments at the request of the European Court of Human Rights (ECHR), which is reviewing the complaint of a family who claims that the Government violated Article 9 (freedom of thought, conscience, and religion), Article 13 (right to an effective remedy), and Article 14 (prohibition of discrimination) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; and also Article 2 of Protocol Number 1 to the Convention (right to education). The complaint was submitted to the ECHR in 2002, but the case was still pending at the end of the reporting period. According to the HFHR, the dispute lies in a specific regulation, which requires a minimum of seven students to organize religion or ethics classes. This requirement results in indirect discrimination against students belonging to minorities, including those who choose ethics lessons instead of religious classes.

Although the Constitution provides for the separation of religion and state, crucifixes hang in both the upper and lower houses of Parliament, as well as in many other public buildings, including public schools.

In contrast with previous reporting periods, there were no refusals to register new religious groups during the period covered by this report.

Public radio and television stations broadcast Catholic Mass under licenses granted by the National Radio and Television Broadcasting Council.

### *Abuses of Religious Freedom*

On March 1, 2007, six major factions in the European Parliament condemned the anti-Semitic booklet published by Maciej Giertych, a Polish member of the European Parliament and former head of the League of Polish Families (LPR), a national conservative political party. It was also condemned by Polish President Lech Kaczynski. The booklet, *Civilization at War in Europe*, asserts that Christianity should be the sole model for European culture, education, and morality, and attacks Jews for impeding this goal. Giertych distributed an English language version of the booklet to all 785 members of the European Parliament. On March 2, he posted the contents in Polish on his personal website.

Roman Giertych, Maciej's son, served as a Deputy Prime Minister and Minister of Education from May 2006 until August 2007. In October 2007 Roman Giertych and LPR ran a political campaign ad against the war in Iraq and Afghanistan which included anti-Semitic messages. Among other things, the television spot featured footage of President Kaczynski, first at a meeting with U.S. President Bush, and then with Orthodox Jews at Jerusalem's Western Wall, where he donned a yarmulke. The ad stated that cooperation with the U.S. and Israel had put the Polish nation "in the line of attack." However, after his party's failure to meet the minimum parliamentary threshold in the October 2007 elections, Giertych resigned as chairman of LPR and announced he was leaving political life. During much of Roman Giertych's tenure as chairman, LPR was affiliated with the nationalist-extremist youth organization All-Polish Youth (MW), which espouses anti-Semitic positions and recruits its members from among skinheads.

In January 2006 Marcin Libicki, a Polish member of the European Parliament and member of the center-right Law and Justice Party (PiS), demanded a synagogue in Poznan be demolished, claiming it was unsightly, anti-Polish, and anti-Catholic. This demand resulted in popular protests, and Poznan Mayor Ryszard Grobelny firmly ruled out demolition. In July 2007 a draft plan for reconstruction of the synagogue was presented. Upon

completion, the synagogue would be transformed into the Center for Judaism and Dialogue. It will house a concert hall, a Museum of the History of Poznan Jews, a hall of the "Righteous among the Nations," a restaurant, exhibition halls, a library, an information and education center, a bookshop, and a synagogue.

There were no reports of religious prisoners or detainees in the country.

#### *Forced Religious Conversion*

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### **Section III. Societal Abuses and Discrimination**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Isolated incidents of harassment and violence against Jews continued to occur, almost always linked to skinheads or other marginal societal groups. The All-Polish Youth (MW), National Rebirth of Poland (NOP), the Polish National Party (PPN), and several other organizations were known to espouse anti-Semitic views.

In February 2008 the head of the extreme-right PNN, Leszek Bubel, posted a 4-minute video on the YouTube Internet site in which he says he is a "proud anti-Semite" and told Jews to "get out" of Poland. At the end of the period covered by this report, a number of criminal and civil cases remained pending against **Bubel**. The cases stem from his actions to **incite hatred towards other nationalities and to** disseminate anti-Semitic literature.

On the night of October 20, 2007, Rabbi Icchak Rapaport was accosted on a train from Wroclaw to Warsaw by two skinheads, according to the Never Again Association, a Polish NGO that combats all forms of racism. One of the assailants shouted anti-Semitic remarks and threatened the rabbi. Nobody on the train came to his aid. The rabbi notified the police about the incident, but was otherwise not harmed.

On the night of August 27, 2007, in Bialystok local neo-fascists painted "Poland for Poles" and "White Power" on the walls of a mosque. Prior to this incident, similar slogans appeared on buildings associated with the Jewish community in Bialystok, including a Jewish cemetery. Vandalism at the Jewish cemetery included phrases associated with the Holocaust, such as "Arbeit macht frei," and "Jude raus."

In July 2007 the weekly news magazine *Wprost* released an audiotape, allegedly a recording of a prominent Polish priest, Tadeusz Rydzyk, making anti-Semitic comments during a lecture in Torun and claiming that President Kaczynski "is in the pockets of the Jewish lobby." Rydzyk suggested that the tape had been tampered with. President Kaczynski denounced the remarks. In March 2008 prosecutors started interviewing witnesses in response to a complaint filed by the Union of Jewish Communities. In June 2008 prosecutors formally decided not to charge Rydzyk, citing a lack of sufficient evidence, and in July 2008 the Union of Jewish Communities filed an appeal.

On June 30, 2007, members of the National-Radical Camp, a neo-fascist organization, paraded in Myslenice. The demonstrators shouted anti-Semitic slogans.

**On May 18, 2007**, prosecutors filed charges with a Wroclaw court against Polish administrators of Red Watch, a website maintained by the anti-Semitic Blood and Honor group. The cases were still pending during the period covered by this report. The charges, which are punishable by up to 5 years' imprisonment, included promoting a totalitarian state and inciting racial and national hatred. In 2006 police arrested the administrators of Red Watch, who allegedly posted information about a journalist described as "an enemy of white people." The journalist was later stabbed in Warsaw by skinheads.

In May 2008 a 19-year-old U.S. citizen Orthodox Jew was attacked by an estimated twenty teenagers in Warka. The teenagers jeered and derided him as a "Jew" before punching him in the face.

Occasional cases of cemetery desecration, including of both Jewish and Catholic sites, occurred during the period covered by this report. For example, in March 2008 the grave of Elimelech Weisblum, one of the country's most famous Chasidic leaders, was desecrated in Lzajsk. The perpetrators covered the grave with swastikas, anti-Semitic slogans, and a Star of David in a noose. In August 2007 an estimated 100 tombstones were desecrated at the Czestochowa Jewish cemetery. The tombstones were covered with anti-Semitic slogans and Nazi symbols. In these types of cases, the police opened an investigation to find the perpetrators.

Interfaith groups worked to bring together the various religious groups in the country. The Polish Council of Christians and Jews met regularly to discuss issues of mutual interest, and the Catholic and Orthodox churches had an active bilateral commission. The Polish Ecumenical Council, a group that includes most religious groups other than the Roman Catholic Church, was also active. Approximately 250 Greek Catholic churches were taken over by Roman Catholic dioceses after World War II, and Greek Catholics worked to have those properties returned. This was an internal issue between the Greek and Roman Catholic dioceses, mediated by the Pope, which did not involve the Government.

There were several conferences devoted to religion and religious tolerance. Gdansk University held two international conferences titled "The role of religious minorities in functioning of Gdansk and other European cities" in May 2008 and "Tolerance versus Education" in November 2007.

The March of the Living is an international education program which takes place in Poland and Israel annually. It brings Jewish teenagers from all over the world to Poland on Yom Hashoah (Holocaust Memorial Day) to march from Auschwitz to Birkenau, the largest concentration camp complex built during World War II, and subsequent travel to Israel to observe Yom HaZikaron (Israel Memorial Day) and Yom Ha'Atzmaut (Israeli Independence). The March from Auschwitz to Birkenau took place on May 1, 2008. There were several thousand participants of various nationalities and religious beliefs from a number of countries, including Israel, the United States, Canada, Australia, Mexico, Japan, Turkey, Sweden, Germany, Belgium, Greece, the Netherlands, and Switzerland. Polish high school and university students also participated. The U.S. Ambassador to Poland and U.S. Ambassador to Hungary represented the United States.

#### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

Representatives of the U.S. Embassy and Consulate General Krakow regularly monitor issues relating to religious freedom and interfaith relations, including ethnic-Polish-Jewish relations. Embassy and consulate officers met frequently with a wide range of representatives of religious communities, the Government, and local authorities on such matters as religious freedom, property restitution, religious harassment, and interfaith cooperation. The Embassy and Consulate General actively urged the protection and return of former Jewish cemeteries throughout the country, participated in several cemetery rededications, and urged the Government and Parliament to enact private property restitution legislation. The Embassy continued to support "Free2Choose," a program combining Holocaust remembrance with a discussion on civil rights by sending U.S. officers to participate in student debates. Embassy and consulate officers maintained contact and attended events associated with the Orthodox, Protestant, and Muslim minorities.

Embassy and consulate representatives, including the Ambassador, regularly met with representatives of major religious communities, including leaders of the Jewish community, to discuss religious freedom. The U.S. Special Envoy for Holocaust Issues met on several occasions in Warsaw and Krakow with government and community officials. Consulate general officials routinely attended commemorations at Auschwitz honoring the Jews, Roma, ethnic Poles, and others killed there. They also monitored developments regarding historical sites related to the Holocaust, supported efforts at commemoration and youth education, and facilitated official visits to the Auschwitz Museum.

Every year the Embassy sends Polish teachers to the United States for a summer teacher training program on the Holocaust and also organizes the visits of U.S. officials to schools under the Embassy Speakers Bureau program. On April 30, 2008, the Ambassador hosted a reception in honor of the winners of the Irena Sendler Award for teachers of Holocaust and tolerance issues. On January 25, 2008, in cooperation with the Jewish

Foundation of the Righteous in New York and the Center for Citizenship Education in Warsaw, the Embassy co-hosted a conference for high school teachers on Holocaust education entitled "Rescuers in the Times of Darkness."

The U.S. Consulate General in Krakow, in cooperation with local partners, has hosted various programs under its "Bridges of Tolerance" initiative. On November 27-28, 2007, the consulate general held its annual conference on the topic "Diversity-Media-Dialog," which was organized and co-funded by the European University in Krakow, and the U.S. Consulate General, together with the Goethe Institute and *Tygodnik Powszechny*, a Roman Catholic weekly publication. In addition, it organized exhibitions promoting religious tolerance at the Galicja Jewish Museum and Auschwitz Jewish Center. The Consulate gave a grant to the Auschwitz Jewish Center for school and community education on tolerance. The Krakow Consulate General gave two presentations in the fall of 2007 for teachers on teaching tolerance. The U.S. Consulate has a new section called "Resources for Teachers" on its website that includes a section on teaching tolerance.

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