



## Poland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2009**

**October 26, 2009**

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 reporting period.

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

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 officials 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 2008 Annual Statistical Yearbook of Poland, the formal membership of the listed religious groups includes: 33,699,264 Roman Catholics, 504,150 Polish Orthodox Church members, 53,000 Greek Catholics, 128,235 Jehovah's Witnesses, 77,500 Lutherans (Augsburg Confession), 23,568 Old Catholic Mariavits, 21,303 Pentecostals, 9,595 Seventh-day Adventists, 18,804 members of the Polish Catholic Church, 4,853 members of the New Apostolic Church, 4,818 Baptists, 4,481 Methodists, 3,510 Lutherans (Reformed), 3,389 registered members of Jewish associations, 2,425 members of the Church of Christ, 2,153 Catholic Mariavits, 1,275 members of the Church of Jesus Christ of Latter-day Saints (Mormons), 915 members of the International Society for 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.

#### **Section II. Status of Government Respect for 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 three-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 the following religious holidays as national holidays: Easter Monday, Corpus Christi Day, Assumption of the Virgin Mary, All Saints' Day, Christmas, and St. Stephen's Day.

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, two new religious groups registered: Hindu Bhavan Religious Union and Sardza Ling Institute.

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.

The Constitution gives parents the right to raise their children in accordance with their own religious and philosophical beliefs. Religious education classes are taught in the public schools. In theory, children have a choice between religious instruction and ethics. Although Catholic Church representatives teach the vast majority of these religious classes, parents may request classes taught by representatives from any of the legally registered religious groups to fulfill the religious education requirement; however, there were reports that accommodation for the needs of religious minorities was a problem. While not common, the Ministry of Education pays for non-Catholic religious instruction in some circumstances, such as Polish Orthodox classes in eastern Poland. 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 which 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 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. In 2008 and 2009 the President hosted several events in honor of citizens who risked their lives to help Jews during the Holocaust. On April 21-23, 2009, high-ranking representatives of the President and the Government, along with five citizens who rescued Jews during the Holocaust, participated in Holocaust Memorial Days ceremonies in Washington, D.C., sponsored by the U.S. Holocaust Memorial Museum. Representatives of the President and the Government participated in ceremonies commemorating the 66th anniversary of the Warsaw Ghetto Uprising. The President and the Government also supported efforts to build a Museum of the History of Polish Jews in Warsaw. Construction began in June 2009.

#### *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 reporting period.

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. In September 2007 the HFHR presented its written comments at the request of the European Court of Human Rights (ECHR), which was reviewing the complaint of a family who claimed 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, as well as 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.

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

#### *Abuses of Religious Freedom*

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 who had not been allowed to be returned to the United States.

#### *Improvements and Positive Developments in Respect for Religious Freedom*

The Government continued 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 international

organizations, although the President and Prime Minister also play 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 5,200 had been resolved and more than 1,200 properties had been returned by the fall of 2008.

The last of these laws was enacted in 1997 and provided for the Jewish community to submit property claims. The law provided a five-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 29, 2008, the commission either partially or entirely concluded 1,450 cases. Of that number 389 were settled amicably, 259 claims were either partially or entirely accepted, 474 ended in a decision to discontinue proceedings, 213 claims were rejected, and in 42 cases the judgment had not been agreed upon.

As of August 31, 2008, 2,794 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 July 31, 2008, 890 cases were concluded, of which 239 were resolved by a settlement between the parties; 159 ended in judgments; and 492 claims ended in the decision to discontinue or to reject the application.

As of September 16, 2008, the Orthodox Church filed 472 claims, of which 274 were closed in full or in part.

The property commission for all other denominations received a total of 168 claims. As of September 11, 2008, the commission concluded 62 cases, which included 11 judgments on transfer of property or compensation, two settlements for property and financial compensation, 32 discontinued claims, and six dismissed claims. An agreement had not been reached in 11 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 is no comprehensive law on returning or compensating for privately-held real property confiscated during these eras. In 2008 the Government continued to develop legislation to provide administrative mechanisms for the restitution of private property in addition to existing judicial mechanisms. This draft legislation was never sent to the Parliament (Sejm) for action but remained in interministerial channels. Since the 1990s, Parliament has made several attempts to enact such legislation. While some restitution claimants have regained title to their property through court action, the lack of legislation precluded simpler recourse through administrative channels; this 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 January 2009 and pressed for urgent passage of a private property restitution law with more lenient filing requirements. In February

2009 the Prime Minister's Plenipotentiary for International Dialogue, Minister Wladyslaw Bartoszewski, sent a letter to Claims Conference representatives in which he expressed support for comprehensive, just, and fair legislation, citing the Government's "moral responsibility to rectify the wrongs caused by nationalization" of private property by the Nazis and the communist regime. Bartoszewski and other government representatives made similar statements at the multilateral Conference on Holocaust Era Assets in Prague in June 2009.

Representatives of the President and the Government routinely sponsored and participated in events to promote religious tolerance, including academic conferences, dedications of religious monuments, restorations of Jewish cemeteries, cultural events, museum exhibits, and film festivals in major cities. On June 24, 2009, high-ranking government officials attended the opening in Torun of the College of Hebraic Studies, which is run by a Franciscan order. The College, which was expected to enroll its first class in October 2009, was established by Father Marek Tandek to promote the study of Jewish religion, culture, and history.

On March 5, 2009, the Polish Ministry of Education and the OSCE Office of Democratic Institutions and Human Rights (ODIHR) launched a set of teaching tools to combat anti-Semitism. The materials are specifically aimed at middle-school age (gymnazium) students with the intent of correcting stereotypes and prejudices at an earlier age. The material was endorsed at the launch by Minister Bartoszewski--an Auschwitz survivor--and the Deputy Minister of Education, Krzysztof Stanowski.

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, prominent societal leaders took positive steps to promote religious freedom. For example, in January 2009 government and Roman Catholic Church officials took part in the Church's Annual Days of Judaism, intended to promote interfaith dialogue.

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, but there was no evidence directly linking these groups to incidents of violence.

On January 31, 2009, Professor Bogulsaw Wolniewicz stated on the Radio Maryja Catholic radio station that "he cannot tolerate any longer the brazen promotion of Jewish culture and Jewish point of view in Poland which has been going on for at least the last decade." On February 27, the Government's Media Ethics Council stated that Radio Maryja authorities, by allowing these types of anti-Semitic comments without any commentary, violated the basic ethical norms and laws of the country and appealed to Radio Maryja to undertake all necessary measures to prevent the broadcast of any anti-Semitic comments in the future. In February the Polish NGO Open Republic brought the case to the attention of government prosecutors.

On January 30, 2009, the District Court in Bialystok sentenced three persons to 12-20 months' imprisonment for promoting fascism and racial-based hatred for writing swastikas and anti-Semitic slogans on the walls of Bialystok's ghetto and Jewish cemetery in 2007.

In February 2008 the head of the extreme-right PNN, Leszek Bubel, posted a four-minute video on the YouTube Internet site in which he boasted about his anti-Semitism and urged Jews to leave the country. During the reporting period, several criminal and civil cases against Bubel for inciting hatred and disseminating anti-Semitic literature were either resolved or continued in courts in Bialystok, Lublin, Wrzenia, and Warsaw. Bubel previously served six months in jail for inciting racial hostility and defaming Jews.

In November 2008 a Torun court, citing the lack of sufficient evidence, upheld prosecutors' June 2008 decision not

to charge the prominent Polish priest, Tadeusz Rydzyk, with offending religious sentiment through public speech. In July 2007 the weekly news magazine *Wprost* released an audiotape, allegedly a recording of 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 June 2008 prosecutors formally decided not to charge Rydzyk after interviewing witnesses; in July 2008 the Union of Jewish Communities appealed the prosecutors' decision not to charge Rydzyk.

In May 2007 prosecutors filed hate-crime 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 reporting period. The charges, which are punishable by up to five years' imprisonment, stem from the 2006 arrest of the administrators for allegedly posting the description of a journalist as including 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 March 2008 a court in Leszno sentenced a skinhead to 10 years' imprisonment for the stabbing of the journalist.

On October 20, 2008, a family court reprimanded four teenagers who jeered at and attacked an Orthodox Jew visiting a Jewish cemetery in May in Warka. The youths, ages 13-16, insulted, punched, and kicked the victim. The teenagers were charged with causing bodily harm and insulting a person's nationality, which are criminal offences that can be punished by up to three years' imprisonment.

Occasional cases of cemetery desecration, including of both Jewish and Catholic sites, occurred during the reporting period, primarily by rebellious youth. For example, on April 29, 2009, six tombstones were damaged in the Jewish cemetery in Kalisz and on July 24, 2008, a group of young persons set up a campfire in the same cemetery and broke down a couple of tombstones and a monument. On March 17, 2009, unidentified vandals damaged more than 50 tombstones in a Jewish cemetery in Chrzanow. In August 2008 vandals damaged 41 new tombstones at the Jewish cemetery in Wroclaw. In these types of cases, the police opened investigations to find the perpetrators.

On February 17, 2009, police arrested four drunken high school students who damaged some headstones and crosses in a Catholic cemetery in Wesola. The two 17-year-old students pled guilty and were sentenced to three months of voluntary service; the cases against the 16-year-old students were pending a hearing before a court for juvenile offenders.

In July 2008 two young persons damaged tombstones in the recently restored Jewish cemetery in Losice. The two vandals were caught, pled guilty, and were sentenced to 10 months' imprisonment (suspended for three years) and a fine of approximately \$270 (800 PLN). They were accompanied by a man who was abusive towards police officers; he was fined and sentenced to one year's imprisonment (suspended for three years). The vandals were also required to cover the costs of tombstone restorations.

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. For example, on May 15, 2009, Cardinal Stefan Wyszyński University in Warsaw hosted a scientific conference on "Sociology of Religious Life: Research

Traditions and Cultural Changes." On April 18, 2009, approximately 90 press, radio, and television journalists from all over the country participated in the workshop "Church without Secrets" held in Lichen (Saint Mary's Shrine). On October 3-4, 2008, the Copernicus Center of Jagiellonian University and the Philosophy Department of the Papal Theology University held a two-day conference entitled "Will Science Replace Religion?"

The March of the Living is an annual international education program that takes place in the country and Israel. 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 to subsequently 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 April 21, 2009, and was themed "We stand for hope, not for hatred" in solidarity against Iranian President Ahmadinejad's anti-Semitic statements at the Durban Review Conference taking place simultaneously in Geneva. There were an estimated 10,000 participants from across the globe. Polish high school and university students also participated, as well as an international Christian group. Former Canadian Minister of Justice and prominent human rights advocate Irwin Cotler and Israeli Vice Prime Minister Silvan Shalom were in attendance, as were several Holocaust survivors from the United States. The U.S. Ambassador to Poland and his wife 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 and, as warranted, raise concerns with government officials. 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. 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 four or five 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 May 6, 2009, the Embassy and City of Warsaw co-hosted a conference on "Multicultural and Multilingual Schools," which covered religious minority issues such as the classroom assimilation of Muslim refugee children from Chechnya. On February 13, 2009, the Ambassador honored Dr. Marek Edelman with the Embassy's Karski Freedom Award for his promotion of democracy and human rights within the country; among his contributions, Dr. Edelman was one of the founders of the underground Jewish Fighting Organization and one of the three subcommanders in the Warsaw Ghetto Uprising of 1943.

On April 3, 2009, the Embassy, in cooperation with the Center for Citizenship Education (an NGO) and the Warsaw Center for Educational and Social Innovation and Training (a local government center for teaching excellence) co-hosted a conference for 100 middle and high-school teachers from all over the country on Holocaust education entitled "The Holocaust as a Challenge for Modern Education." The Ambassador opened the conference along with a representative from the Ministry of Education. Elizabeth Edelstein from New York's Museum of Jewish Heritage also participated in the conference and conducted workshops throughout the country the week prior. Among other things, the conference included distribution of a poster set on rescue called "Traits that Transcend" developed in 2008 in cooperation with the Jewish Foundation of the Righteous in New York. Since 2007, over 2,000 Polish translations of the poster sets have been distributed to teachers of history, Polish literature, and civic education throughout the country.

Consulate General Krakow, in cooperation with local partners, hosted various programs under its "Bridges of Tolerance" initiative. In December 2008 the Consulate General joined the German, French, Italian, and Austrian Consulates to support a two-day conference entitled "Religion in the Public Sphere" as part of the Bridges of Tolerance program. This conference examined religion's impact on political life, education, and bioethics in Poland, other European countries, and the United States. The conference included a widely publicized art installation on a Krakow city tram about religious tolerance. National newspaper, radio, and television covered the tram art installation and the conference. The Consulate General regularly purchases materials focusing on tolerance for high school English teachers. The Consulate General also has a section called "Resources for Teachers" on its website that includes materials on teaching tolerance.