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Poland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

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 reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, prominent societal leaders took positive steps to promote 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. Groups that constitute less than 5 percent of the population include Polish Orthodox, Jehovah's Witnesses, Lutherans (Augsburg Confession), Greek Catholic, and others. In addition, according to the 2009 Annual Statistical Yearbook of Poland, there were 3,332 registered members of Jewish associations 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, and consequently the data for Jews and Muslims in particular are significantly deflated. Jewish and Muslim organizations estimated their actual numbers to be 20,000 and 25,000, respectively.

The majority of asylum seekers are Muslims from Chechnya. In the country's refugee centers, 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 criminal code stipulates that offending religious sentiment through public speech is punishable by a fine or a maximum 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 155 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. In accordance with the 1998 concordat, the government and the Roman Catholic Church participate at the highest levels in a Joint Government-Episcopate Task Force, which meets regularly to discuss church-state relations.

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 law requires that to register, a group must submit the names of at least 100 members as well as other information. Information on membership must be notarized, 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, the following new religious groups registered: Beit Polska, Jewish Progressive Community of Poland, the Churches of Christ Association, Sangha Dogen Zenji, and Slavic Faith.

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 Roman Catholic Church representatives teach the vast majority of these religion 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 accommodating 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 the eastern part of the country. 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.

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.

Religion classes are taught in public schools. Students may request to take an ethics class or a personalized religion class if they do not wish to take the standard course. Where an alternate class is not available, students may opt to spend the class time in supervised study. According to the Helsinki Foundation for Human Rights, there were challenges in organizing ethics classes for students who did not attend religion classes, which resulted in indirect discrimination against students belonging to minorities. The foundation noted that a specific regulation requiring a minimum of seven students to organize a separate religion or ethics class is a significant impediment for many schools, particularly in rural areas.

On June 15, 2010, the European Court of Human Rights issued a ruling in response to a 2002 case filed by a Polish family over the practice of including grades from religion or ethics classes on students' report cards. The court ruled that the absence of a mark for "religion/ethics" on the students' school transcripts amounted to a form of unwarranted stigmatization, which violated the European Convention for the Protection of Human Rights and Fundamental Freedoms. The court dismissed a corresponding claim that the lack of choice between ethics and religion classes in some schools was a violation the convention. On December 2, 2009, the Constitutional Court ruled that an Education Ministry directive, which stated that grades for religious education should be included in students' overall grade point averages, did not violate the constitution.

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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 school classrooms.

The government continued to work with both local and international religious groups to address property claims and other sensitive matters 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, problems 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 August 31, 2009. However, concerns remained with the slow pace of Jewish communal property restitution.

The last restitution law was enacted in 1997 and provided for the Jewish community to submit property claims. The law granted 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 5,504 claims by the May 2002 filing deadline. As of August 31, 2009, 1,722 claims had been partially or entirely concluded.

Laws concerning restitution of property to the Catholic Church were enacted in 1989. The deadline for filing claims ended in 1992. As of August 31, 2009, a total of 2,812 of the 3,063 claims filed by the Catholic Church had been either partially or entirely concluded. In May 2010 the Warsaw prosecutor's office charged two members of the Catholic restitution commission with corruption and providing false statements that allegedly underestimated the values of property returned to the Catholic Church. Five additional persons were being investigated.

The Lutheran Church, for which the filing deadline was 1996, filed claims for 1,200 properties. As of September 18, 2009, 905 cases had been partially or entirely concluded.

As of August 31, 2009, 354 of the 472 claims filed by the Orthodox Church had been partially or entirely concluded. The deadline for filing claims ended in 2005.

The property commission for all other denominations received a total of 168 claims. As of August 31, 2009, the commission had partially or entirely concluded 68 cases. The deadline for filing claims ended in 1998 for all denominations except the Baptist Church and Protestant Reform Church, which had until July 2006.

The laws on communal property restitution do not address the topic 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 World War II or the communist era. During the reporting period, the government continued to develop legislation to establish an administrative process through which claimants could receive partial compensation for private property confiscations, in lieu of in-kind restitution. Since the 1990s parliament has made several attempts to enact such legislation. Some restitution claimants have regained title to their property through court action or government administrative decisions. In addition, since 2001 more than \$150 million (513 million zloty) was paid in compensation from the State Treasury Reprivatization Fund for illegally nationalized private property. Compensation payments were also made to persons who lost private property as a result of state persecution. The lack of legislation precluded simpler recourse through more expeditious administrative channels; this affected individuals of many religious groups seeking restitution or compensation for property confiscated during and after World War II.

On June 8, 2010, the country joined 42 others in Prague in reaching agreement on guidelines and best practices relating to the restitution of, or compensation for, immovable (real) property confiscated during the Holocaust (1933-45) and as an immediate consequence of the Holocaust. These guidelines were developed in response to the Terezin Declaration issued at the end of the June 2009 Prague Conference on Holocaust Era Assets, in which the country also participated. The voluntary and nonbinding guidelines encourage states to develop fair and transparent processes to handle such claims to immovable property outside of litigation and through national programs and frameworks. On March 1, 2010, a representative of the prime minister's chancellery declared in written comments that while in-kind restitution of property is not feasible in most cases for a variety of reasons, the government's draft legislation to provide partial compensation for private property confiscations would strive to conform to the guidelines. The comments noted the importance of respecting the constitutional principle of equal treatment of citizens, regardless of nationality and religion.

The Conference on Jewish Material Claims Against Germany held its annual meeting in Warsaw in January 2010 and pressed for urgent passage of a private property restitution law with more-lenient filing requirements.

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

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

On May 13, 2010, the foreign minister presided over the unveiling of a statue in Warsaw to commemorate the day in 1943 on which the last surviving Jewish fighters escaped the Warsaw Ghetto.

On January 26, 2010, in conjunction with the 65th anniversary of the liberation of the Nazi death camp at Auschwitz-Birkenau, the Education Ministry hosted an intergovernmental Holocaust education conference in Oswiecim. The conference, entitled "Auschwitz--Memory, Responsibility, Education," was attended by high-level government officials from 32 countries. The conference explored the importance of Holocaust education and preservation of Holocaust-related sites as means to combat anti-Semitism and promote tolerance.

On December 15, 2009, the country's then-First Lady Maria Kaczynska and the Presidential Minister Ewa Junczyk-Ziomecka honored Jewish leaders for their contributions to the renaissance of the Jewish community in the country and for their role in fostering Polish-Jewish dialogue.

In October 2009 the new College of Hebraic Studies in Torun began its first class with the enrollment of students. The college was established by Catholic priest Marek Tandek to promote the study of Jewish religion, culture, and history.

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.

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, National Rebirth of Poland, the Polish National Party (PNN), 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 June 15, 2010, the European Commission against Racism and Intolerance criticized the country for making insufficient progress in fighting anti-Semitism. The commission acknowledged progress in certain areas; however, it deemed the persistence of racist and anti-Semitic discourse, lack of comprehensive antidiscrimination legislation, and vulnerable situation of Roma to be continuing sources of concern.

In June 2010 a group of boys between ages nine and 12 years of age vandalized the Social-Cultural Society of Jews in the town of Zary in the western part of the country, breaking lamps and windows and drawing swastikas on the walls. Authorities referred the children to a juvenile court and made their parents liable for covering the damages.

On May 8, 2010, unidentified individuals displayed anti-Semitic material at a soccer match in the town of Rzeszow. Police arrested five persons, two of whom were charged with inciting hatred against Jews and making death threats.

On March 27, 2010, approximately 150 persons protested against the construction of a mosque in Warsaw. The protest was organized by the Future of Europe Association, which claimed that the mosque's investor was linked to a radical Islamist movement. The Warsaw city council approved the construction of the mosque and an attached cultural center, which were being built by the Muslim League of Poland.

On March 18, 2010, a Krakow court sentenced three persons to two-and-a-half years' imprisonment for stealing the "Arbeit Macht Frei" sign that hangs above the main entrance to the Nazi death camp at Auschwitz. The sign was found cut into three pieces and buried in the woods two days after the theft. Prosecutors charged a Swedish man, who had ties to a neo-Nazi organization, with orchestrating the theft. Sweden extradited the man to Poland to stand trial.

On March 13, 2010, vandals defaced the Holocaust memorial in Krakow on the eve of the commemoration of the 67th anniversary of the liquidation of the Krakow ghetto. The vandals spray-painted anti-Semitic slogans and Nazi symbols on the monument. Authorities removed the graffiti before the commemoration ceremony, during which the archbishop of Krakow, Cardinal Stanislaw Dziwisz, apologized to Jews on behalf of all Christians for the incident. At the end of the reporting period, police had made no arrests.

On July 6, 2009, a Krakow court convicted a landlord for using anti-Semitic slogans and neo-Nazi gestures towards two of her tenants, who were of Jewish origin. The woman was fined \$1,700 (5,000 zlotys) and received a suspended prison sentence.

On October 20, 2009, a Bialystok appeals court suspended the sentences of three underage individuals who had been sentenced to 12 to 20 months imprisonment for promoting fascism and race-based hatred. The persons were convicted of drawing swastikas and writing anti-Semitic slogans on the walls of Bialystok's ghetto and Jewish cemetery in 2007. The appeals court held that a sentence of imprisonment for such an offense was too severe for minors.

On December 15, 2009, the Warsaw prosecutor's office indicted three Polish administrators of Red Watch for promoting a totalitarian regime and inciting hatred and violence. The indictment stemmed from a 2006 case in which a Web site maintained by the anti-Semitic and homophobic group Blood and Honor published names and personal information of persons from minority groups, human rights nongovernmental organizations (NGOs), and local media. At least 385 persons were threatened and harassed by the publication. The persons faced up to five years' imprisonment if convicted.

On February 23, 2010, a Bialystok court convicted four persons for promoting anti-Semitism and disseminating anti-Semitic texts with posters and periodicals that were distributed in Bialystok in 2005. Several persons were charged in the case, including the head of the extreme-right PNN, Leszek Bubel. However, the court deferred hearing the case against Bubel due to his poor health. There were no developments in several other criminal and civil cases against Bubel related to a 2008 YouTube video in which he boasted about his anti-Semitism and urged Jews to leave the country. Bubel previously served six months in jail for inciting racial hostility and defaming Jews.

Occasional cases of cemetery desecration, including both Jewish and Catholic sites, occurred during the reporting period, primarily by youthful individuals. For example, in May 2010 vandals damaged 56 tombstones at a Jewish cemetery in Sosnowiec. In April 2010 vandals damaged almost 90 tombstones and a monument to soldiers who died in World War I at a Jewish cemetery in Wroclaw. In January 2010 vandals damaged 17 tombstones at a Catholic cemetery in Czelusnica. In November 2009 vandals spray-painted graffiti on tombstones and walls of a Jewish cemetery in Sopot. In July 2009 vandals defaced the gates of a Jewish cemetery in Gora Kalwaria near Warsaw, and in a separate incident, vandals damaged 170 tombstones at a Catholic cemetery in Bydgoszcz. Police opened investigations, which continued at the end of the reporting period.

The government cooperates with local 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 2009 and 2010, the president hosted several events in honor of citizens who risked their lives to help Jews during the Holocaust. The president and the government also supported efforts to build a Museum of the History of Polish Jews in Warsaw. Construction was expected to be completed by 2012. Government representatives participated in ceremonies commemorating the 67th anniversary of the Warsaw ghetto uprising.

Interfaith groups worked to bring together the various religious groups in the country. The Polish Council of Christians and Jews met regularly to discuss topics 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, also was active. In January 2010 Catholic Church officials took part in the Annual Days of Judaism, intended to promote interfaith dialogue.

There were several conferences devoted to religion and religious tolerance. On June 17-18, 2010, the Warsaw School of Economics and the Polish Sociology Society hosted a conference on linkages between religion and the economy; on April 12-14, 2010, Szczecin University hosted an interdisciplinary conference on language, religion, and identity; on November 19-20, 2009, the Krakow Private University hosted an international conference on religion and international relations; and on September 6-9, 2009, the Krakow Catholic archdiocese hosted the International Meeting for Peace under the theme "People and Religions," gathering approximately 500 religious leaders from around the world.

The March of the Living is an annual international education program that takes place in the country and Israel. It brings Jewish teenagers throughout 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 travel subsequently 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 12, 2010. There were an estimated 8,500 participants from across the globe, including Israeli

Ambassador to Poland Zvi Ravner, French Chief Rabbi Gilles Bernheim, U.S. Jewish Federation President Kathy Manning, U.S. embassy representatives, and Holocaust survivor Mark Seigelman. Polish high school and university students also participated, as well as an international Christian group.

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. U.S. embassy and Krakow consulate general representatives regularly monitor matters relating to religious freedom and interfaith relations, including relations between Christians and Jews, and as warranted raise concerns with government officials.

During the reporting period, embassy and consulate general 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.

The ambassador regularly met with representatives of major religious communities, including leaders of the Jewish community, to discuss religious freedom. Among others, the ambassador met with Kazimierz Nycz, archbishop of Warsaw; Cardinal Stanislaw Dziwisz, archbishop of Krakow; Jozef Kowalczyk, archbishop of Gniezno and Catholic primate of Poland; Michael Schudrich, chief rabbi of Poland; and Burt Schuman, Beit Polska chief rabbi. The ambassador also participated in multiple events to promote interfaith dialogue, such as the 100th birthday celebration of Irena Sendler, a Pole who rescued thousands of Jewish children during the Holocaust; a ceremony commemorating the 15th anniversary of a Polish-American exchange program operated by the American Jewish Committee and the Polish Forum for Dialogue Among Nations; an event organized by the Jewish Foundation for the Righteous in honor of Poles who rescued Jews during the Holocaust; and study tours organized by the Anti-Defamation League, the U.S. Holocaust Memorial Museum, and other organizations.

The ambassador served as honorary patron for a series of events to honor the legacy of Jan Karski, a Polish courier who brought news of the Holocaust to Western governments during World War II, and other activities in support of Warsaw's Jewish history museum. The ambassador also met frequently with government officials and organizations representing Holocaust survivors to discuss private property restitution problems. Embassy officers took part in events to promote tolerance and mutual understanding, including the opening of a Jewish studies institute in Bialystok. The embassy supported the production of a film, cosponsored by Humanity in Action and the Polish Jewish Youth Association, documenting Jewish life in pre-War Poland.

U.S. Special Envoy to Monitor and Combat Anti-Semitism Hannah Rosenthal 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 mission sends Polish teachers to the United States for a summer teacher training program on the Holocaust, cosponsored by the Association of Holocaust Organizations and the United States Holocaust Memorial Museum. In 2010 seven teachers were selected to participate in the program. The embassy also sent 10 teachers on a Voluntary Visitors exchange program focused on Holocaust education. Under the embassy speakers bureau program, U.S. officials visited schools to discuss tolerance, diversity, and religious freedom in the United States.

On April 16, 2010, for the third consecutive year, the embassy, in cooperation with the NGO Center for Citizenship Education and the Center for Education Development (a local government center for teaching excellence), cohosted a conference for 100 middle and high school teachers from all over the country on Holocaust education. Mary Johnson, senior researcher from Facing History and Ourselves, gave the keynote address, held workshops, and met with students, academics, and experts in Warsaw and Lodz in the week preceding the conference.

On January 27, 2010, a U.S. presidential delegation attended ceremonies commemorating the 65th anniversary of the liberation of the Auschwitz-Birkenau concentration camp. Also in January, Special Envoy Rosenthal met in Warsaw with government officials, Catholic Church representatives, and Jewish organizations. The embassy organized a roundtable for NGOs and watchdog groups in conjunction with the visit. In October 2009 U.S. Vice President Joe Biden visited the Monument to the Heroes of the Warsaw Ghetto Uprising to honor the memory of Jews who perished in the Holocaust.

During the reporting period, embassy and consulate general officials also worked on various programs with students and teachers to promote tolerance and religious freedom. These included a video conference with author and playwright Janet Langhart Cohen and a conference on multiculturalism in Podlasie, a multiethnic region in the northeast, cosponsored by the embassy and Humanity in Action Poland.

The consulate general in Krakow, in cooperation with local partners, continued to host various programs under its "Bridges of Tolerance" initiative. In December 2009 the consulate general cohosted an event to illustrate the use of art and new media technologies in promoting tolerance and diversity. Representatives from other foreign missions and cultural centers took part in the event, which was covered widely in local media and on Web sites and YouTube. The consulate general regularly purchases materials focusing on tolerance for high school English teachers and also has a section called "Resources for Teachers" on its Web site that includes materials on teaching tolerance.

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