

POLAND 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. The government made some progress in resolving communal property restitution claims of religious groups stemming from the Holocaust and the Communist era, although the pace of Jewish communal property restitution slowed.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prosecutors frequently abandoned investigations into criminal incidents targeting members of minority religious groups when they failed to identify perpetrators; 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, but the government publicly criticized anti-Semitic acts. There were occasional reports of vandalism of religious sites, including Jewish and Roman Catholic cemeteries and Jewish synagogues and monuments.

U.S. embassy and consulate officials actively monitored threats to religious freedom and sought resolution with government authorities of unsettled restitution issues from the Holocaust and the Communist era. They also participated in outreach events and meetings aimed at promoting interfaith dialogue, religious freedom, and tolerance.

Section I. Religious Demography

According to the government's Small Statistical Yearbook, the population is 38.2 million. Almost 89 percent of the population is Roman Catholic. Groups together constituting less than 5 percent of the population include Jehovah's Witnesses, Lutherans, Greek Catholics, Pentecostals, and members of the Polish Orthodox Church. There are 2,908 registered members of Jewish groups and 1,251 registered members of Muslim groups. Official data may understate the numbers of Jews and Muslims, because it does not include those who have not formally joined a religious group. Jewish and Muslim groups estimate their actual numbers to be 20,000 and 25,000, respectively.

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Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom.

The criminal code outlaws public speech that offends religious sentiment. The law prescribes a fine, typically 5,000 zloty (\$1,613), or up to two years in prison for violations.

New guidelines announced in October provide for prosecuting hate speech found on the Internet. The guidelines facilitate legal action in cases of Internet content found to be offensive on racial, national, or religious grounds.

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.

Specific legislation governs the relationship of 15 religious groups with the state, outlining their internal structure, activities, and procedures for 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 one of these 15 groups do not require further registration at a civil registry office. An additional 158 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 a 1998 concordat with the Vatican, 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.

Religious groups may register with the Ministry of Administration and Digitalization, but registration is not obligatory. Unregistered groups function freely without registration. 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

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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 173 registered religious groups receive privileges not available to unregistered groups, such as duty-free import of office equipment and reduced taxes.

The constitution gives parents the right to raise their children in accordance with their own religious and philosophical beliefs.

In accordance with the law on education and the concordat with the Vatican, all schools teach religion to students. All religious education instructors, about half of whom are Catholic clergy or nuns, receive salaries from the state for teaching religion in public schools. 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 ethics class instead of a religion class, and the school must provide an ethics class if at least seven students request it. According to the Helsinki Foundation for Human Rights, students in smaller schools, particularly in rural areas, often do not have access to alternate classes. When an alternate class is not available, students may opt to spend the class time in supervised study.

Four commissions oversee religious property restitution claims, one each for the Jewish community, the Lutheran Church, and the Orthodox Church, and one for 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 government is a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

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

Government Practices

There were no reports of abuses of religious freedom.

Although the constitution provides for separation of religion and state, some government practices reflected the dominant role of the Catholic Church.

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

On November 26, the minister for administration and digitalization announced the establishment within the ministry of the Council for Combating Racial Discrimination, Xenophobia and Intolerance to monitor and prevent hate speech, social aggression and discrimination. The minister stated that the national and local governments should speak out against incidents directed at minorities such as desecration of cemeteries or commemorative plaques.

By December the property commissions had resolved approximately 6,500 of just over 10,500 communal property claims. The Jewish community continued to report a slower pace of Jewish communal property restitution.

Following dissolution of the Catholic property restitution commission in 2011 by mutual agreement between the government and the Catholic Church, the remaining Catholic claims were transferred to the court system. At the time of its dissolution, the commission had partially or entirely concluded claims affecting 3,142 properties, while 216 claims were unresolved.

According to the most recent data, the commission handling Jewish communal property claims had partially or entirely concluded 2,306 claims 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 concluded 965 cases of the 1,200 claims filed by its 1996 filing deadline. The commission handling Orthodox Church restitution had partially or entirely concluded 236 of 472 claims filed by 2005, and the property commission for all other denominations had partially or entirely concluded 73 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.

Because the laws on communal property restitution do not address communal properties that the government sold or turned over to new private owners after World War II, it was not possible to resolve many controversial and complicated cases.

On June 18, the Warsaw Appeals Court upheld a January 16 lower court decision fining pop star Dorota Rabczewska 5,000 zloty (\$1,612) for offending the religious feelings of two individuals by stating in a 2011 interview that the Bible was written by someone “drunk on wine and smoking some herbs.”

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By year's end, the Gdansk Appeals Court had not issued a ruling on the appeal of the 2011 acquittal of heavy metal singer Adam Darski for destroying a Bible and calling the Roman Catholic Church a "criminal sect" during a 2007 concert. In the acquittal, the court ruled that Darski had not intended to offend religious sentiment. The Supreme Court released an advisory opinion on October 29 stating that a person who had not intended to offend religious sentiment could nonetheless be found guilty if that person could have reasonably anticipated that his or her statements or actions would cause such offense.

The government and the city of Warsaw continued to fund the construction of the Museum of the History of Polish Jews.

On November 27, the Constitutional Court ruled that the minister of agriculture exceeded the powers of his office by creating an exemption to the law on the protection of animals to allow ritual slaughter. The exemption provided that animals be stunned before slaughter except when a registered religious group carried out the slaughter according to traditional religious practices. The Court stated that, while the minister's action was unconstitutional, the ritual slaughter of animals was allowed to continue until December 31. The Jewish community called for the government to pass legislation to ensure the legality of ritual slaughter beyond this date.

On June 8, in advance of the 2012 European soccer championships hosted by Poland and Ukraine, the Ministry of Foreign Affairs hosted the launch of the Union of European Football Associations (UEFA) "Respect Diversity" program to discourage anti-Semitism and racism during the tournament. The tournament took place with no significant incidents in the country.

On January 24, President Bronislaw Komorowski met with representatives of Christian, Jewish, and Muslim religious groups to highlight cultural and religious diversity and to stress its positive contribution.

On August 17, the visiting head of the Russian Orthodox Church and the president of the Roman Catholic bishops conference signed a joint statement urging Poles and Russians to set aside historical grievances and work together. The Russian Orthodox leader also met with President Komorowski during his visit.

Muslim asylum seekers, primarily from Chechnya, organized prayer rooms in refugee centers.

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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.

There were incidents of vandalism targeting property associated with religious groups. Jewish groups were the main victims, but vandals also targeted Muslim and Christian institutions. The nongovernmental organization (NGO) Never Again documented numerous cases of anti-Semitic chants and paraphernalia among soccer fans, both during matches and in public gatherings.

On March 18, vandals wrote anti-Semitic symbols and slogans on the walls of a Jewish cemetery in the town of Wysokie Mazowieckie and on a monument commemorating Jewish inhabitants of the town. On October 9, unknown individuals placed satanic symbols on a church building in the village of Zalesie Dolne near Warsaw. On November 17, vandals smashed a newly-erected marble plaque commemorating the wartime persecution of Jewish residents of Opcze.

NGOs reported that law enforcement officials have improved their performance in investigating these incidents, but rarely identified the perpetrators. Groups such as the All-Polish Youth, the National Rebirth of Poland, the Polish National Party, and the neo-fascist Red Watch openly espoused anti-Semitic views, but authorities were not able to link any of them to specific incidents of violence or vandalism.

On August 31, the district prosecutor's office in Lomza discontinued its investigation into the desecration a year earlier of a monument commemorating the mass killing of Jews by Poles in the town of Jedwabne during World War II. The office said it had failed to identify the perpetrators.

On September 4, the Gdansk police arrested a person suspected of setting fire to a small grocery store owned by a Palestinian who was the imam of the Gdansk Muslim community. The store was set on fire three times during the year. The mayor of Gdansk condemned the incidents on public radio.

Investigation into a 2011 attempt to set fire to the Muslim prayer house in Bialystok continued. Prosecutors had not identified the perpetrator by year's end.

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On February 22, prosecutors discontinued the investigation of a December 2011 assault on a Catholic priest in the town of Suwalki. The case appeared religiously motivated because the perpetrator, after beating the victim, took his prayer book but not his money. Prosecutors were unable to identify the perpetrator.

Lublin law enforcement officials continued to investigate a campaign of anti-Semitic actions against Tomasz Pietrasiewicz, director of the Jewish-themed NN Theater. On May 16, perpetrators put up anti-Semitic posters around Lublin depicting Pietrasiewicz. The incident followed attacks against Pietrasiewicz and the theater in previous years, including a violent attack on his home.

On May 6, a soccer fan shouted anti-Semitic slogans through a loudspeaker during a soccer match in the Bialystok stadium. His trial for inciting hatred on grounds of nationality began on September 12 and continued at year's end.

On October 3, vandals painted anti-Semitic slogans and symbols on the walls of the soccer stadium in Rzeszow.

In cooperation with the government and UEFA, the NGO Never Again led a campaign to fight racism and anti-Semitism in soccer in advance of European soccer championships. Never Again organized training on the value of tolerance in sports for schoolteachers, local government officials, and stadium employees.

Interfaith groups encouraged tolerance and understanding. The Polish Council of Christians and Jews met regularly to organize conferences and ceremonies, and the Catholic and Orthodox Churches had an active bilateral commission. The Polish Ecumenical Council, which included most Christian groups outside the Roman Catholic Church, promoted ecumenical dialogue and religious tolerance.

On January 17, the Roman Catholic Church celebrated the Day of Judaism, which featured numerous events throughout the country, including meetings, lectures at schools, film screenings, and exhibitions. On January 26, the Roman Catholic Church celebrated the Day of Islam to promote peace among religious believers.

Section IV. U.S. Government Policy

The U.S. ambassador and officials from the embassy and the consulate general in Krakow met with government officials and with representatives of Jewish, Lutheran, and Orthodox groups to discuss the state of private and communal property restitution. The embassy and the consulate general also regularly monitored religious freedom and interfaith relations.

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In two separate visits, the U.S. special envoy for Holocaust issues discussed tolerance promotion with government officials, Jewish community leaders, and NGO representatives in Warsaw and Krakow. In addition, the U.S. special envoy to monitor and combat anti-Semitism met with Jewish community leaders in Krakow, Katowice, and Bytom, gave interviews to local media, and met NGOs including the Forum for Dialogue Among Nations, the Judaica Foundation, the Galician Jewish Museum, and the Auschwitz-Birkenau Foundation.

The ambassador regularly met with representatives of major religious groups, including Catholic, Polish Orthodox, and Jewish leaders. The ambassador and staff of the embassy and consulate general participated in events to promote interfaith dialogue, especially among young people, and supported a wide range of activities to promote Holocaust education, tolerance, and respect.

The embassy used exchange programs, meetings with students, and grants to promote religious freedom and tolerance. The embassy distributed materials on tolerance to high schools, sent teachers to the United States for a summer teacher training program on the Holocaust, and provided a grant to the Forum for Dialogue Among Nations to promote Holocaust education in high schools.