



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [International Religious Freedom](#) » [July-December, 2010 International Religious Freedom Report](#) » [Europe and Eurasia](#) » Poland

Poland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

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The government generally respected religious freedom in law and 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 Islam.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

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 157 other registered religious groups that do not have a statutorily defined relationship with the state. All registered religious groups 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.

Religious communities may register with the Ministry of the Interior; however, they are not required to do so and may function freely without registration. To register, the law requires a group to 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. Between June and December 2010, the following new religious groups registered: the Armenian Apostolic Church, the Mother See of Holy Etchmadzin in the Republic of Poland, and the Tibetan Union of Bon "Sa Trik Er Sang."

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 religious instruction books qualify for school use.

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. In November, the president signed legislation to make Epiphany a national holiday, beginning in 2011.

Restrictions on Religious Freedom

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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 5,900 had been resolved by December 2010. However, concerns remained with the slow pace of Jewish communal property restitution.

The Catholic Church submitted 3,063 claims by the 1992 filing deadline. As of December 6, 2010, 2,843 claims 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. Charges were brought against five additional persons in June. In September, in another investigation related to the work of the commission, Gliwice prosecutors brought corruption charges against Marek P., who for many years had represented various Catholic parishes, convents, and other Catholic Church institutions before the Commission. On November 17, a lawyer who represented the Church Commission was arrested by the Central Anti-Corruption Bureau. He is suspected of taking a bribe from Marek P. In November the government and the Catholic Church reached an agreement to transfer the commission's remaining claims to the court system in 2011.

The Jewish community submitted 5,504 claims by the 2002 filing deadline. As of December 9, 2010, 1,908 claims had been partially or entirely concluded. The Lutheran Church filed claims for 1,200 properties by the 1996 filing deadline. As of November 30, 2010, 929 cases had been partially or entirely concluded. As of November 24, 212 of the 472 claims filed by the Orthodox Church had been partially or entirely concluded. The deadline for filing claims was 2005. The property commission for all other denominations received a total of 168 claims. As of November 23, 2010, the commission had partially or entirely concluded 70 cases. The deadline for filing claims was 1998 for all denominations except the Baptist Church and Protestant Reform Church, which had until 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. This affected individuals of many religious groups seeking restitution or compensation for

property confiscated during and after World War II. In a public statement in July, the Prime Minister's Plenipotentiary for International Dialogue Wladyslaw Bartoszewski reiterated the government's intent to submit the legislation to parliament.

In July the government declared to foreign diplomats that it did not subscribe to the Terezin Declaration 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. The government explained that while it agreed with most of the guidelines, some were not compatible with the law. The 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 Poland 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.

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

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.

In December 2010, the European Court of Human Rights ruled that the religious freedom of a Buddhist prisoner had been violated by the Polish state penitentiary system. The prisoner subscribed to a strictly vegetarian diet based on his religious beliefs, and after his repeated requests for vegetarian meals were refused, the court ruled the prisoner be compensated 3,000 euros (\$4,020) by the state.

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

Improvements and Positive Developments in Respect for Religious Freedom

In August, the Cardinal and the Chief Rabbi of Poland each hosted receptions for a delegation of imams from the United States, who were working together to confront Holocaust denial along with the U.S. Special Envoy to Monitor and Combat Anti-Semitism, Hannah Rosenthal.

In a September letter to Poland's chief rabbi and the president of the Union of Jewish Communities on the occasion of Yom Kippur, President Komorowski observed that the country's Jewish heritage was a source of pride for Poles of all religious backgrounds. The letter went on to state, "Jewish contributions to Polish culture, art, science and development deserve appreciation and proper recognition."

On November 8, the deputy justice minister, the mayor of Radom, members of parliament, Poland's chief rabbi, the director of the Foundation for the Preservation of Jewish heritage in Poland, representatives of the Israeli and Polish prison service, and a U.S. Embassy official attended the unveiling of a monument on the grounds of Radom's recently restored Jewish cemetery. The cemetery was restored by inmates from a local prison on a voluntary day-release program, working under rabbinical supervision. Similar programs have been established at 55 prisons around Poland. Before beginning each project, prisoners attend classes on Jewish culture and traditions, and learn about Poland's Jewish heritage.

On November 25, Minister of Education Katarzyna Hall hosted the first meeting of a special advisory task force for teaching about the Holocaust in Polish schools. The task force, which consists of historians and experts on Holocaust

education, will advise academic experts and teachers on the preparation and use of educational materials, educational projects and publications related to Holocaust education.

On December 5, President Komorowski hosted a Hanukkah menorah lighting ceremony at his official residence in Warsaw. The ceremony was attended by the country's chief rabbi, the president of the Union of Jewish Communities, and the Israeli ambassador.

Section III. Status of Societal Actions Affecting Enjoyment of 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, and several other organizations were known to espouse anti-Semitic views, but there was no evidence directly linking these groups to incidents of violence.

Occasional cases of cemetery desecration, including both Jewish and Catholic sites, occurred during the reporting period, primarily by youthful individuals. In July, unknown persons defaced the tombstone of Irena Sendler with anti-Semitic slogans. Sendler was a Polish Catholic social worker who saved 2,500 Jewish children during WWII by smuggling them out of the Warsaw ghetto.

In August, unknown perpetrators cut down a wooden cross standing on the Hill of Three Crosses in the city of Przemyśl. In September, a second cross was cut down. As of the end of the reporting period, police had not identified the perpetrators. The crosses were erected between WWI and WWII.

In August, Krakow prosecutors discontinued the investigation into the March 13 vandalism of the Holocaust memorial in Krakow due to failure to identify the perpetrators.

On September 10-11, Pope John Paul II University in Krakow, along with the Konrad Adenauer and Robert Schuman Foundations, hosted an international conference on the role of the Catholic Church in the process of European integration. The conference was attended by President Bronislaw Komorowski and Luxembourg's Prime Minister Jean-Claude Juncker.

On October 12, the Supreme Court ruled that a case against three underage individuals accused of promoting fascism and race-based hatred should be reheard. On October 20, 2009, a Bialystok appeals court suspended sentences of 12 to 20 months imprisonment for the three individuals on the grounds that the sentence was too severe for minors. The individuals were convicted of drawing swastikas and writing anti-Semitic slogans on the walls of Bialystok's ghetto and Jewish cemetery in 2007.

On October 18-19, Nicolas Copernicus University in Torun and the "Danube" Institute for Dialogue hosted a conference on "Christian-Muslim Dialogue: History, Present Day, Threats and Challenges."

On October 20, the rector of Lublin's Marie Curie-Sklodowska University suspended Professor Barbara Jedynak for making anti-Semitic comments about a university instructor. On November 22, prosecutors declined to open an investigation on the grounds that Article 257 of the criminal code (publicly insulting another person on the basis of national, ethnic, racial or religious identity) did not apply because the instructor was not Jewish. The University's disciplinary body lifted the suspension on January 19, 2011 and reinstated Jedynak with full back pay.

On November 25, Krakow prosecutors filed an indictment act against a Swedish citizen, Anders Hoegstroem, for orchestrating the theft of the "Arbeit Macht Frei" sign that hangs above the main entrance to the Nazi death camp at Auschwitz. Prosecutors also filed indictments against two additional persons suspected of being involved in the theft. On December 30, the Krakow Court sentenced Hoegstroem to 2 years and 8 months imprisonment. The other two were found guilty of recruiting the three persons who actually stole the sign in 2009 and sentenced to two years and 6 months, and to two years and 4 months imprisonment.

On December 14, the Wroclaw District Court sentenced three persons 13 to 18 months of imprisonment for promoting neofascist ideas and inciting hatred on the basis of national, ethnic, racial, and religious differences on their Web sites, *RedWatch.info* and *BHPoland.org*. The Web sites published names and personal information of persons from minority groups, human rights NGOs, and local media, resulting in threats and harassment to at least **385 persons**.

On December 17, bricks with swastikas and a small explosive device were thrown through the window of the home of Thomas Pietrasiewicz, director of the Jewish-themed "NN Theater" in Lublin. The attack is an escalation from previous anti-Semitic incidents against the theater which have included threatening letters and a sign posted on the theater door depicting a Star of David hanging from a gallows.

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.

Section IV. U.S. Government Policy

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

The ambassador regularly met with representatives of major religious communities, including leaders of the Catholic Church and the Jewish community, to discuss religious freedom. The ambassador also participated in multiple events to promote interfaith dialogue, including a teacher-training seminar for Holocaust educators, ceremonies recognizing students who study and work to recover the country's Jewish heritage, and an event organized by the Jewish Foundation for the Righteous in honor of Poles who rescued Jews during the Holocaust. The ambassador addressed participants in study tours organized by the Anti-Defamation League, the Forum for Dialogue among Nations, the U.S. Holocaust Memorial Museum, and other organizations. The ambassador also met frequently with government officials and organizations representing Holocaust survivors to discuss private property and communal property restitution problems.

During a July visit to Krakow, U.S. Secretary of State Hillary Clinton met with Catholic Church officials and Jewish community leaders to discuss their efforts to strengthen and promote interfaith dialogue. Accompanied by Foreign Minister Radoslaw Sikorski and the Prime Minister's Plenipotentiary for International Dialogue Wladyslaw Bartoszewski, she also toured the newly-opened Oskar Schindler Factory Museum. Schindler is credited with saving 1,200 Jews during the Holocaust by employing them in his factories. In July and August, Special Envoy Rosenthal met with government officials, religious leaders, and civil society representatives in Krakow to discuss tolerance promotion and interfaith dialogue. In September, U.S. Special Envoy for Holocaust Issues Douglas Davidson discussed property restitution and tolerance promotion with government officials, Jewish community leaders, and NGO representatives in Warsaw.

In October, Deputy Secretary of State James Steinberg and the ambassador met with members of the Jewish community in Wroclaw, and toured the city's recently restored White Stork Synagogue.

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 embassy provided financial support to the production of a documentary film on a Holocaust survivor's struggle with Post Traumatic Stress Disorder (PTSD). The event brought together representatives of the Jewish community, youth groups, and the general public. The film reminded the audience of the horrors of war and brought a unique personal account of the Holocaust to the Polish public. Officials at the consulate general also attended commemorations at Auschwitz honoring Jews, Roma, ethnic Poles, and others killed there. They and embassy officials continued to monitor developments regarding historical sites related to the Holocaust, supported efforts at commemoration and youth education, and facilitated official visits to the Auschwitz museum.

In October, embassy officials organized a briefing on Polish-Jewish relations for ten U.S. teachers who came to Poland at the government's invitation for a program on Holocaust education organized by the Center for Education Development. The embassy also funded Holocaust educators' travel to the United States to attend a teacher-training seminar organized by the Museum of Jewish Heritage in New York City; prior to the training, teachers participated in a two-day program focused on Holocaust education. Additionally, the mission sends Polish teachers to the United States annually for a summer teacher training program on the Holocaust, cosponsored by the Association of Holocaust Organizations and the United States Holocaust Memorial Museum.

On December 10, the consulate general in Krakow, in cooperation with local partners, organized a "Multimedia Tolerance Tram." As part of the event, passengers traveling on the tram had the chance to view a special exhibition focused on promoting human rights and religious tolerance. The embassy awarded a 27,000 zloty (\$9,000) grant to support Humanity in Action's projects to promote religious tolerance and respect for human rights. The consulate general also regularly purchases materials focusing on tolerance for high school English teachers and publishes information about teaching tolerance on its website.

[Back to Top](#)