

POLAND

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were scattered 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 criticized anti-Semitic acts. There were occasional reports of vandalism of religious sites, including Jewish and Roman Catholic cemeteries, a Muslim mosque, and Jewish synagogues and monuments.

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

Almost 89 percent of the population is Roman Catholic. Groups that constitute less than 5 percent of the population include Polish Orthodox, Jehovah's Witnesses, Lutherans, Greek Catholics, Pentecostals, and others. In addition, according to the 2011 Annual Statistical Yearbook of Poland, there are 3,023 registered members of Jewish associations and 6,121 registered members of Muslim associations. These figures do not account for persons who adhere to a particular religion 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, asylum seekers organize their own mosques, where they practice Islam.

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, while rarely applied, prescribes a fine of typically 5,000 zloty (\$1,667) or imprisonment for up to two years.

Citizens have the right to sue the government for constitutional violations of religious freedom, and legal protections cover discrimination or persecution on the basis of religion or belief.

Specific legislation governs the relationship of 15 religious groups with the state, outlining the internal structure of the groups, their activities, and procedures for communal property restitution. Marriages performed by officials from one of these 15 groups do not require further registration at a civil registry office, while marriages performed by other religious groups do. There are 158 other registered religious groups that do not have a statutorily defined relationship with the state. The law provides equal protection to all registered religious groups. In accordance with the 1998 concordat between the country and 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 communities may register with the Ministry of the Interior, but registration is not obligatory. Unregistered communities may function freely without registration. To register the law requires a group to submit an application with the names of and information about at least 100 citizen members; details about the activities of the group in the country; background about the doctrine and practices of the religion; a charter and physical address for the group; identifying information about group leaders; a description of the role of the clergy, if applicable; and information on funding sources and methods of new member recruitment. Groups must have this application notarized, but the registration itself appears to be a formality. Registered religious groups receive certain privileges unavailable to unregistered groups, such as duty-free import of office equipment and reduced taxes. During the year, one new religious group registered: the Dzogzien Kunzang Cziuling Buddhist Association in the Republic of Poland.

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. Students may request to take an ethics class or a personalized religion class if they do not wish to take the standard course. Regulations, however, only require schools to offer such classes if at least seven students have requested them. According to the Helsinki Foundation for Human Rights, students in smaller schools, particularly in rural areas, therefore 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. Religious education instructors, about half of whom are Catholic clergy or nuns, 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.

In the 1990s the country enacted laws providing for the restitution to religious communities of property owned prior to World War II that was subsequently nationalized. Those laws established five commissions to oversee religious property claims--one each for the Catholic Church, the Jewish community, the Lutheran Church, and the Orthodox Church, and one for other denominations.

In July 2010, 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 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 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. The government generally respected religious freedom in practice.

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

By December the property commissions had resolved some 6,780 out of approximately 10,000 communal property claims. The pace of Jewish communal property restitution slowed during the year.

On March 1, the government and the Catholic Church agreed to disband the Catholic restitution commission, transferring its remaining claims to the court system. At the time of its dissolution, the commission had either partially or entirely concluded claims affecting 3,142 properties, while 216 claims were unresolved. On December 30, prosecutors in Gliwice indicted eight members of the former Catholic restitution commission on charges of financial and other irregularities.

The Jewish community submitted 5,504 claims by its 2002 filing deadline. According to the most recent data, the commission had partially or entirely concluded 2,232 claims. The Lutheran Church had filed claims for 1,200 properties by its 1996 filing deadline. According to the most recent data, the commission had partially or entirely concluded 959 cases. According to the most recent data, the Orthodox Church restitution commission had partially or entirely concluded 240 of 472 claims filed in 2005. According to the most recent data, the property commission for all other denominations had partially or entirely concluded 71 out of 170 claims. The deadline for filing claims was 1998 for all denominations except the Baptist Church and the Protestant Reform Church, which could file claims through 2006.

The laws on communal property restitution do not address communal properties that the government had sold or turned over to new private owners after the war. These omissions prevented resolution of many controversial and complicated cases. There is no comprehensive law setting up an administrative process to return or compensate for private real property confiscated during World War II or the Communist era. In early March, the government stopped work on such legislation, citing budgetary considerations. In the absence of such a law,

claimants must seek private property restitution by opening civil cases in local courts, a difficult process that was rarely successful.

During the year, the government pursued one case involving an offense against religious sentiment. On October 4, the Gdynia prosecutor appealed the August 18 acquittal of heavy metal singer Adam Darski, who was indicted for destroying a Bible and calling the Roman Catholic Church a “criminal sect” during a 2007 concert.

The government and the city of Warsaw continued to fund and support the construction of the Museum of the History of Polish Jews, scheduled to open in 2013.

On April 12, President Bronislaw Komorowski publicly called for a law on restitution to be passed and expressed his readiness to sign such a bill. He stated that lack of such a law was a “disgrace” for the country.

In February Prosecutor General Andrzej Seremet wrote a letter to all prosecutors calling for greater scrutiny of potential hate crimes cases. He pointed out that almost 80 percent of potentially anti-Semitic or xenophobic incidents were dismissed by prosecutors because of a lack of evidence.

Improvements and Positive Developments in Respect for Religious Freedom

During the year, the nongovernmental organization (NGO) Never Again led a campaign, in cooperation with the government and the Union of European Football Associations, to fight racism and anti-Semitism in soccer in advance of the 2012 European soccer championships hosted by Poland and Ukraine. Never Again organized training on the value of tolerance in sports for schoolteachers, local government officials, and stadium employees. On September 4-6, Never Again brought its message, “Let’s Kick Racism out of Stadiums,” to over 700,000 participants at Polish Woodstock, Europe’s biggest noncommercial open-air music festival. It also organized a soccer match with the Ethno-league Stars, a multi-cultural team of Polish residents originally from foreign countries, including Nigeria, Togo, India, Italy, and France.

In November Warsaw hosted the Conference of European Rabbis, which drew 200 rabbis, making it the largest gathering of Jewish religious leaders in Poland since World War II. The meeting took place amid growing concern about shechita

(ritual slaughter) bans in Europe. President Komorowski, who met with the rabbis, said that he supported European Jews' right to shechita.

On September 4, the mayor of Bialystok and other government officials organized a silent "March of Unity" to protest a recent series of anti-Semitic and xenophobic incidents in the region, such as the vandalism at Jedwabne.

On July 11, former prime minister Tadeusz Mazowiecki read a letter of apology from President Komorowski at the 70th anniversary of the killing of Jews by Poles at Jedwabne, saying that such an act was against the country's centuries-old ideals. Komorowski also criticized the desecration of the Jedwabne memorial by vandals on September 2.

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.

During the year, there were a number of incidents of vandalism targeted at property associated with Jewish, Muslim, and Christian groups. Most of these incidents were targeted at Jewish groups. The NGO Never Again also documented a persistent trend of anti-Semitic chants and paraphernalia among soccer fans throughout the country during the year, both during matches and in public gatherings. Anti-Semitic actions included soccer fans displaying a large "Jihad Legia" (League of Jihad) banner during a match against the Israeli HaPoel Tel Aviv team.

NGOs, media, and academic experts believed that the incidents were likely linked to a rise in the numbers and activities of extreme nationalist groups. Some law enforcement agencies, however, reported that statistics did not show a rise in the total number of hate crimes and said that they lacked proof that organized groups were behind these incidents. The government, while generally quick to criticize these incidents on the national--and sometimes local--level, was generally unable to find 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 there was no evidence directly linking these groups to incidents of violence or vandalism.

Throughout the year there were several incidents of desecrations of cemeteries and synagogues. For example, on the night of October 15, unknown perpetrators desecrated a Catholic cemetery, turning over tombstones and uprooting crosses, in the town of Peczniew.

On August 31, unknown perpetrators defaced with Nazi swastikas and SS signs the monument in the town of Jedwabne commemorating the mass killing of Jews burned alive by their Polish neighbors during World War II. The vandals wrote on the monument: “I don’t apologize for Jedwabne!” and “They were easy to burn.”

On August 20, unknown perpetrators attempted to set fire to the Muslim prayer house in the city of Bialystok.

During the year, there were isolated incidents of what appeared to be religiously motivated violence or violent threats. For example, on December 11, an unknown perpetrator violently attacked a Catholic priest in the town of Suwalki. After beating the priest on the head, the perpetrator took the priest’s prayer book, but left his money.

In November unknown perpetrators placed a fake bomb in the window of the house of Tomasz Pietrasiewicz, the director of the Jewish-themed “NN Theater” in Lublin. The attack followed previous anti-Semitic attacks against the theater, including threatening letters and a sign posted on the theater door depicting a Star of David hanging from a gallows. On December 17, 2010, an unknown perpetrator threw bricks with swastikas and a small explosive device through the window of Pietrasiewicz’s home.

Interfaith groups worked to encourage tolerance and understanding among the various religious groups in the country. 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 includes most Christian groups other than the Roman Catholic Church, promoted ecumenical dialogue and religious tolerance. On January 26, the Roman Catholic Church celebrated the Day of Islam to promote peace among religious believers. On January 15-16, 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.

Section IV. U.S. Government Policy

The U.S. government, including Washington-based officials, the embassy in Warsaw, and the consulate general in Krakow, regularly monitored religious freedom and interfaith relations in the country. As warranted, embassy and consulate officials, including the ambassador, raised concerns with government officials.

In May President Obama laid a wreath at the Warsaw Ghetto Uprising Monument, met with representatives of the Jewish community, and visited the construction site of the Museum of the History of Polish Jews, scheduled to open in 2013.

The ambassador regularly met with representatives of major religions in Warsaw and around Poland, including leaders of the Catholic, Polish Orthodox, Jewish, and ecumenical communities. The ambassador and officers in the embassy and consulate general participated in multiple events to promote interfaith dialogue, especially among young Poles, and supported a wide range of activities to promote Holocaust education, tolerance, and respect. The ambassador also met regularly with government officials and U.S. and international organizations to address private and communal property restitution problems.

U.S. Special Envoy for Holocaust Issues Douglas Davidson visited the country four times in 2011 to discuss property restitution and tolerance promotion with government officials, Jewish community leaders, and NGO representatives in Warsaw and Krakow.

The embassy used its public diplomacy tools, including the International Visitor Leadership Program, meetings with students, and grants programs to promote religious freedom and tolerance for religious diversity. Among other activities, the embassy supported Jewish film and culture festivals, distributed materials on tolerance for 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.