

POLAND 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom, and the government generally respected and promoted religious freedom. A court decision voiding an administrative exemption to the 2002 Animal Rights Protection Act had the effect of prohibiting kosher and halal slaughter beginning in January. In August the Jewish community filed a motion with the Constitutional Court to review the legality of this prohibition, but the court had not yet issued a decision at year's end.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Most of the abuses involved hate speech or vandalism of religious sites. Police and prosecutors investigated incidents, including cases of anti-Semitism by soccer fans and extreme-right groups, but they often were unable to identify the perpetrators. The government and prominent societal leaders took steps to promote tolerance and religious freedom in response to incidents of vandalism targeting Muslim, Catholic, and Jewish institutions.

Visiting senior-level U.S. government officials and U.S. embassy and consulate general officials met with religious leaders, civil society organizations, and government officials to discuss issues of religious freedom. They also encouraged the government to resolve unsettled restitution issues from the Holocaust and the Communist era. The embassy and consulate sponsored outreach events, exchange programs, and grants that promoted interfaith dialogue, religious freedom, and tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 38.3 million (July 2013 estimate). 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. The government's Statistical Yearbook states that in 2012, the latest year for which data is available, there were 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 generally protect religious freedom. The constitution provides for separation of religion and state.

The criminal code outlaws public speech that offends religious sentiment. The law prescribes a fine, typically 5,000 zloty (\$1,659), or up to two years in prison for violations. The Council for Combating Racial Discrimination, Xenophobia, and Intolerance in the Ministry for Administration and Digitalization monitors and prevents hate speech, social aggression, and discrimination.

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 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.

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Since January 1, the religious slaughter of animals for kosher and halal meat has been illegal following a November 2012 ruling of the Constitutional Court that voided an agriculture ministry exemption from the 1997 Animal Rights Protection Act for religious slaughter. The court's decision pointed out the need to resolve the contradiction between the domestic law and EU regulations, but confined its ruling to the "illegality" of the exemption. The maximum penalty for conducting slaughter without prior stunning of an animal is now two years' imprisonment.

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.

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, only 4.5 percent of schools offer ethics classes. When an ethics 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 all 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 laws on communal property restitution do not address communal properties the government sold or turned over to new private owners after World War II.

The government is a member of the International Holocaust Remembrance Alliance, formerly the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

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Government Practices

There were complaints from Muslim and Jewish communities that the law requiring the stunning of animals before slaughter in effect prohibited halal and kosher slaughter and, in principle, infringed upon constitutional and statutory provisions on religious liberty. There were instances where local prosecutors failed to pursue cases involving anti-Semitic acts.

Despite the Constitutional Court's stipulation that domestic legislation was needed to regulate the issue of religious slaughter, the government's efforts to enact a law to do so were unsuccessful. In the meantime, prosecutors did not enforce the prohibition on halal and kosher slaughter. On August 15, President Komorowski met with the chief rabbi and chief mufti of Poland to discuss the concerns of the two groups over the prohibition on religious slaughter. Jewish and Muslim leaders also met repeatedly with the minister of administration and digitalization, whose ministry is responsible for issues affecting religious, national, and ethnic minorities.

On August 30, the Union of Jewish Communities filed a motion with the Constitutional Court to verify the conformity of the animal rights legislation with the provisions in the Polish constitution and the European Convention on Human Rights and Fundamental Freedoms that guarantee freedom of religion. The Muslim community's legal counsel and some other legal experts maintained religious slaughter was legal based on their interpretation of a 2009 European Union regulation on protection of animals, which allows for religious slaughter. On November 4, during his official visit to Israel, President Komorowski expressed hope the Constitutional Court's verdict would resolve the issue in such a way that no one in the country felt limited in exercising his or her religious rights.

On October 18, three animal rights groups filed complaints at a prosecutor's office stating Chief Mufti Tomasz Miskiewicz had broken the law when he performed halal slaughter to mark the start of Eid al-Adha October 15. In public statements, Miskiewicz admitted to carrying out the religious slaughter, which he said "took place in accordance with the Islamic faith, the constitution, the state law regarding the Muslim Religious Association, and the law on national and ethnic minorities." On November 18, the Sokolka district prosecutor announced he would not open an investigation due to the lack of an offense. The prosecutor's office referred to the November 2012 Constitutional Court verdict, indicating in the absence of a domestic law, international regulations applied, which meant the 2009 EU

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regulation on protection of animals that allowed religious slaughter. The prosecutor's office also noted the constitutional guarantee of freedom of religion and freedom to religious practices. On December 2, animal rights activists appealed the prosecutor's decision. At year's end the Sokolka local court had not ruled on the appeal.

In November the Constitutional Court agreed to review an appeal of the prohibition on religious slaughter. As of December 31, the court had not issued a decision.

Some government practices continued to reflect the dominant role of the Catholic Church. 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 Warsaw appeals court reviewed the appeal of a group of Sejm deputies from the Your Movement (Twoj Ruch) party, who demanded removal of the crucifix from the Sejm plenary hall. On December 9, the Warsaw appeals court ruled the crucifix could remain in the plenary hall.

By the end of November, the property commissions had resolved approximately 6,500 of just over 10,500 communal property claims. Because the government had transferred a number of communal properties to private owners following World War II, it did not resolve many controversial and complicated cases. The Jewish community continued to report a slow 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 2,397 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 976 cases of the 1,200 claims filed by its 1996 filing deadline. The commission handling Orthodox Church restitution had partially or entirely concluded 250 of 472 claims filed by 2005, and the property commission for all other denominations had partially or entirely concluded 74 out of 170 claims. The deadline for filing

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claims was 1998 for all other denominations except the Baptist Church and the Protestant Reformed Church, which could file claims through 2006.

On June 3, the Gdansk local court decided that heavy metal singer Adam Darski was not guilty of offending religious feelings when he destroyed a Bible and called the Roman Catholic Church a “criminal sect” during a 2007 concert. The court argued that Darski had “acted with the possible intention of offending religious feelings, but only with respect to persons who were present in the audience.” Since those who filed the suit did not attend the concert, the court maintained they could not claim to have suffered offense from Darski’s actions.

On August 18, the Constitutional Court agreed to hear an appeal filed by pop star Dorota Rabczewska, who had been fined 5,000 zloty (\$1,659) in 2012 for offending the religious feelings of two individuals by stating in a 2011 interview the Bible had been written by someone “drunk on wine and smoking some herbs.”

On July 1, the Bialystok district prosecutor initiated a procedure to dismiss the head of the Bialystok-North local prosecutor’s office. After reviewing almost 30 cases involving xenophobia or racism that occurred in Bialystok between May 20 and June 26, the district prosecutor determined the local prosecutor’s office made mistakes in eight of the cases by discontinuing them or refusing to initiate an investigation. The local prosecutor’s decision not to open an investigation of swastikas painted on electrical transformers met with a strongly negative public reaction. On August 19, the head of the Bialystok-North prosecutor’s office submitted his resignation, which the Prosecutor General accepted September 3.

On November 28, the Warsaw Prosecutor’s office discontinued an investigation into the defamation of Foreign Minister Radoslaw Sikorski due to alleged anti-Semitic comments about his family posted on the internet in 2011. Linguistic experts analyzed 2,500 comments on internet portals, identifying 50 that were considered offensive on the basis of “national or ethnic identity.” Since prosecutors were only able to identify one person from the dozens of potential commentators interviewed, the Prosecutor’s Office determined prosecution was not warranted. In January a Warsaw court ordered the Warsaw district prosecutor’s office to reopen a criminal investigation after the prosecutor’s office had discontinued it in July 2012.

On April 17, Lodz local prosecutors discontinued an investigation into an event organized by LKS Lodz soccer fans in February. One of the attractions at the event had been called “three throws at a Jew,” in which people threw ninja blades

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at a cardboard figure dressed in the uniform of a player from the rival RTS Widzew Lodz soccer team. Prosecutors decided the activity had not broken any laws. The municipality of Lodz publicly announced, however, it would never again rent a public space for “this type of event” due to “the anti-Semitic and offensive behavior” of the soccer fans. The LKS Lodz soccer club issued a statement criticizing the fans’ behavior and maintaining the club had nothing to do with the event.

On October 2, the Poznan local prosecutor’s office initiated an investigation into an alleged anti-Semitic incident that took place during a professional soccer match September 29. A group of Lech Poznan soccer fans shouted anti-Semitic slogans against the RTS Widzew Lodz soccer team and its fans, including “Auschwitz is your home, off with Jews, RTS [Widzew] to the gas [chambers].” On December 30, the prosecutor’s office discontinued the investigation, asserting that, although the slogans could be construed as negative if addressed to persons of Jewish origin, they were shouted during a “sports event” and not “a public assembly or other forum of presentation of opinions on social issues.” The prosecutor’s spokesperson stated that since the slogans were addressed exclusively to the opponent’s players and fans and not against Jews, they did not manifest hatred against a national or religious group.

On October 14, the Warsaw local court sentenced 17 soccer fans for shouting anti-Semitic slogans during a 2011 soccer match between two Polish clubs. The verdict ordered the fans to perform community service, make financial contributions to the Union of Jewish Communities, and watch a movie about an anti-Semitic soccer fan who discovers his Jewish roots.

Efforts during the year to highlight Jewish identity and history in the country included the opening of a Museum of the History of Polish Jews in April and the naming of a walkway in Warsaw for Irena Sendler, who was credited with saving 2,500 Jewish children during the Holocaust. The government and the city of Warsaw continued to provide funds for the operating budget of the Museum of the History of Polish Jews.

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.

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There were incidents of vandalism targeting property associated with religious groups. Vandals targeted Muslim, Catholic, and Jewish 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.

Animal rights activists attempted to disrupt the October 15 ceremony when the chief mufti conducted halal slaughter in Bohoniki, the seat of the indigenous Tatar Muslim community, on the first day of Eid Al-Adha.

On October 16, unknown perpetrators set fire to the door of the Gdansk mosque, causing approximately 48,000 zloty (\$15, 925) in damages. Prosecutors opened an investigation but had not made any arrests by year's end. Gdansk Imam Hani Hraish speculated the arson attack was retaliation for the chief mufti's decision to perform the halal slaughter in Bohoniki. Mayor of Gdansk Pawel Adamowicz appealed to the people of Gdansk to help fund repairs at the mosque, calling for "solidarity with our Muslim brothers and sisters."

On July 21, a young man threw a firecracker into the hall of a Greek Catholic church in Trzebiatow. Approximately 100 persons were inside the church at the time. Police arrested the perpetrator and classified the incident as an attack with the malicious intent to interrupt religious practices. The Union of Ukrainians in Poland, however, declared the attack was based on national grounds because it occurred one day after the 70th anniversary of a massacre of Poles by Ukrainian nationalists.

On February 20, a Star of David on a gallows and the inscription "Kalisz without Jews" were discovered spray-painted on a Jewish cemetery in Kalisz, in western Poland.

On September 12, unknown perpetrators hung posters with pictures of Tomasz Pietrasiewicz, director of the Jewish-themed NN Theater, and the Star of David around Lublin bus stops with the slogan: "Burn! Hang! Sterilize!" The incident followed attacks against Pietrasiewicz and the theater in previous years, including a violent attack on his home. Other anti-Semitic posters targeted the mayor of Wroclaw, the local editor-in-chief of the daily *Gazeta Wyborcza*, and a Jewish academic. Lublin law enforcement officials continued their investigation, but they had not filed charges by year's end.

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On November 4, unknown perpetrators spray painted several swastikas on the door of the Gdansk synagogue. On November 21, police arrested an 18-year-old man and charged him with promoting fascist symbols and damaging an historic building. The charges carry a maximum term of five years' imprisonment.

NGOs reported law enforcement officials continued to improve their performance in investigating anti-Semitic incidents, but often failed to identify 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.

Interfaith groups continued to encourage 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.

In August Jewish and Muslim leaders in Krakow joined forces to protest the ban on kosher and halal religious slaughter. In September the Polish Catholic Bishops' Conference declared its support for Muslims and Jews to continue their practice of religious slaughter as an expression of religious faith.

In January Holocaust survivors, politicians, and religious leaders gathered to mark International Holocaust Remembrance Day. On October 27, the first-ever modern Jewish Community Center was inaugurated in Warsaw.

Members of Project Poland, an organization working to promote tolerance and combat racism, xenophobia, and anti-Semitism, used the internet and social media to help find and remove offensive graffiti, including anti-Semitic, anti-Muslim, and other hateful messages. Volunteers responded to social media postings and gathered to help remove the graffiti on buildings around Warsaw.

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Section IV. U.S. Government Policy

The Ambassador and officials from the embassy and the Krakow consulate general discussed the religious slaughter issue with Jewish and Muslim leaders as well as government officials. They also met with government officials and with representatives of Jewish groups to discuss the state of private and communal property restitution. The embassy and the consulate general continued to regularly monitor religious freedom and interfaith relations.

On April 19, the Ambassador led an official U.S. government delegation, which included the U.S. Special Envoy for Holocaust Issues and a survivor of the Warsaw ghetto, that attended the 70th anniversary of the Warsaw ghetto uprising. On May 24, the special envoy met with government officials and representatives of the Auschwitz-Birkenau Foundation and attended a ceremony at the Museum of the History of Polish Jews. In May the U.S. Special Envoy to Monitor and Combat Anti-Semitism and an official from the Department of State Bureau of Democracy, Human Rights, and Labor joined a group of international imams and Islamic scholars from nine different countries on a visit to historic Holocaust sites. In a September visit, the U.S. Special Envoy to Monitor and Combat Anti-Semitism also held meetings with the Polish ombudsman for citizen rights, Jewish community leaders, and civil society organizations to discuss the prohibition on religious slaughter, NGO efforts to improve Polish-Jewish dialogue, and tracking hate crimes.

The Ambassador continued to meet with representatives of major religious groups, including Catholic, Muslim, 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 continued to use 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 financial support that enabled U.S. artists to perform at Jewish cultural festivals in Warsaw and Bialystok.