

POLAND 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion and states religion is a personal choice, and all churches and religious organizations have equal rights. Relations with the Roman Catholic Church are determined by an agreement with the Holy See that grants privileges not accorded to other religious groups. Relations with other churches and religious organizations are determined by statutes adopted as a result of agreements between their representatives and the government. The criminal code prohibits public speech that is offensive to religious sentiment, but courts often overturned convictions. Prosecutors pursued some cases of anti-Semitic speech, but were often unable to identify perpetrators. According to Jewish and other religious groups, property restitution to religious communities continued to proceed very slowly. The government did not enforce the ban on kosher or halal slaughter during the year, and on December 10, the Constitutional Tribunal ruled the ban on religious slaughter was unconstitutional, effective immediately.

A Warsaw University survey documented the persistence of anti-Semitic attitudes among the population. Vandals targeted Muslim, Jewish, and Catholic religious sites and private property. Interfaith organizations worked to promote tolerance and religious freedom in response to incidents of vandalism.

The U.S. Ambassador and embassy officers discussed the religious slaughter issue with government officials as well as with Jewish and Muslim community leaders. The embassy also met with government officials and with representatives of Jewish groups to discuss the state of private and communal property restitution. The Department of State's Special Envoy to Monitor and Combat Anti-Semitism met with religious and civil society leaders to discuss the ban on religious slaughter, hate crimes, and improving the Polish-Jewish dialogue. The embassy and the Consulate General in Krakow sponsored events that promoted interfaith dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 38.3 million (July 2014 estimate). The Polish government Statistical Yearbook estimates 86 percent of the population is Roman Catholic. Groups together constituting less than 5 percent of the population include atheists and non-believers, Jehovah's Witnesses, Lutherans,

POLAND

Greek Catholics, Pentecostals, and members of the Polish Orthodox Church. The Statistical Yearbook states that in 2013, the latest year for which data is available, there were 2,397 registered members of Jewish groups and 1,251 registered members of Muslim groups. Official data includes only those organizations that voluntarily submit information and does not include those who have not formally joined a religious group. Jewish and Muslim groups estimate their numbers to be 20,000 and 25,000, respectively.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of faith and religion. It states freedom of religion includes the freedom to profess or to accept a religion by personal choice as well as to practice that religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites, or teaching. The constitution states “churches and other religious organizations shall have equal rights.” It says the relationship between the state and churches and other religious organizations shall be based on the “principle of respect for their autonomy and the mutual independence of each in its own sphere.” The constitution specifies that relations with the Catholic Church shall be determined by an international treaty concluded with the Holy See, and by statute. Relations with other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Per the constitution, freedom of religion also includes the right to own places of worship and to provide religious services. Parents have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions and their own religious and philosophical beliefs. The constitution acknowledges the right of national and ethnic minorities to establish institutions designed to protect religious identity. The constitution prohibits parties and other organizations whose programs are based on Nazism.

The criminal code outlaws public speech that offends religious sentiment. The law prescribes a fine, typically 5,000 zloty (\$1,423), or up to two years in prison for violations.

POLAND

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 Autocephalic 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 11 of these groups do not require further registration at a civil registry office; however, the Mariavite Church, Muslim Religious Union, Karaim Religious Union, and Old Eastern Orthodox Church do not have that right. An additional 160 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 the law, the government and the Catholic Church uniquely participate at the highest levels in the Joint Government-Episcopate Committee, 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 175 registered religious groups receive privileges not available to unregistered groups, such as acquiring property, teaching religion in schools, and selected tax benefits.

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.

POLAND

From January 2013 through December 10, the religious slaughter of animals for kosher and halal meat was illegal, following a 2012 ruling of the Constitutional Court that voided an agriculture ministry exemption from the 1997 Animal Rights Protection Act for religious slaughter. On December 10, the Constitutional Tribunal ruled the ban was unconstitutional and reinstated the legality of ritual slaughter effective immediately.

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.

In accordance with the law on education and the concordat with the Holy See, all schools teach religion, although it is not a compulsory course. 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 optional ethics class instead of a religion class. On March 25, the minister of education signed a regulation requiring schools to organize an ethics class if a student requests it. The revised regulation entered into force September 1. All religious education instructors, about half of whom are Catholic clergy or nuns, receive salaries from the state for teaching religion in public schools.

Government Practices

Court decisions reinstated the registration of one Jewish religious community and upheld the legitimacy of security measures that infringed on religious dress. Prosecutors pursued some cases of anti-Semitic speech, while discontinuing investigations into others. Nongovernmental organizations (NGOs) said law enforcement officials continued to improve their performance in investigating anti-Semitic incidents, but often failed to identify the perpetrators. There were complaints, especially by the Jewish community, that the government was proceeding slowly in communal property restitution cases.

In October a panel of the Polish Supreme Administrative Court affirmed the right of the Union of Progressive Jewish Communities in Poland (Beit Polska) to exist by instructing the lower court to reverse a decision that would have led to the deregistration of all Progressive communities. The suit had been brought by another Jewish organization.

POLAND

Some government practices continued to reflect customs 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 September 17, the Supreme Court rejected the final appeal of a Sikh who had said his religious freedom was violated when a border guard asked him to remove his turban during an airport security check. The Supreme Court stated security inspections at the airport always involved the infringement of rights, and everyone, regardless of religion, had to accept such an infringement.

By the end of September, the property commissions had resolved approximately 6,600 of just over 10,500 communal property claims. Approximately 100 claims were resolved during the year. The commission handling Jewish communal property claims had partially or entirely resolved 2,482 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 resolved 982 of the 1,200 claims filed by its 1996 filing deadline. The commission handling Orthodox Church restitution had partially or entirely resolved 256 of 472 claims filed by 2005, and the property commission for all other denominations had partially or entirely resolved 76 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. Previously resolved were 2,847 claims by the Catholic Church.

Critics said the laws on communal property restitution did not address the issue of communal properties to which private third parties had title, and the government left 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. The Jewish community continued to complain that the pace of Jewish communal property restitution was slow.

On October 4, prior to the Constitutional Court decision in December overturning the prohibition on religious slaughter, animal rights activists had appealed the local Sokolka prosecutor's decision to discontinue an investigation into ritual slaughter performed by Chief Mufti of Poland Tomasz Miskiewicz in October 2013 to mark the start of Eid al-Adha. The prosecutor had discontinued the investigation on the grounds the religious slaughter had caused "minimal social harm" and constituted an integral part of a Muslim religious holiday. The prosecutor had also

POLAND

discontinued an investigation into the disruption by animal rights activists of the October 2013 ceremony, stating the behavior of the animal activists did not constitute a prohibited act.

NGOs said 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 espoused anti-Semitic views, but authorities were not able to link any of them to specific incidents of violence or vandalism.

On January 3, the prosecutor's office in Kielce obtained an indictment of a man on charges of publicly offending a person on the grounds of his Jewish identity, and promoting a fascist regime. In an incident six months earlier, the perpetrator had described a local businessman as a "Jewish scoundrel" on the internet.

On January 9, the prosecutor's office in Bialystok-South decided not to initiate an investigation into an anti-Semitic public statement made by one of the participants of the November 2013 Independence March in Warsaw, who had referred to police officers as "Jewish whores." The prosecutor stated it was not a legally prohibited act.

On February 11, the Gdansk appellate court upheld the June 2013 verdict of the Gdansk local court declaring that heavy metal singer Adam Darski was not guilty of offending religious feelings when he destroyed a Bible and called the Catholic Church a "criminal sect" during a 2007 concert. The appellate court stated Darski did not offend the religious feelings of persons who had filed the suit against him, as he did not intend for individuals who did not attend the concert to watch its recording, and those who had brought the suit against him had only watched a recording of the performance.

On September 10, the Warsaw district court accepted for consideration a complaint by then-Foreign Minister Sikorski about the prosecutor's decision to discontinue investigating anti-Semitic comments posted on the internet in 2011 about the minister and his family. Earlier, in June, the district prosecutor's office had discontinued the investigation for the third time.

On October 2, the Poznan prosecutor's office discontinued its investigation into an incident at a September 2013 soccer match in Poznan. During the game, a group

POLAND

of fans of the Lech Poznan club had shouted anti-Semitic slogans at the RTS Widzew Lodz soccer team and its fans. The prosecutor's office decided the slogans referred to the Holocaust and should be considered incitement to hatred on the grounds of national differences. Prosecutors failed to identify the individuals who shouted these slogans, however, and discontinued the investigation.

On January 24, police arrested six persons accused of hanging anti-Semitic posters in Lublin. Four persons were placed in pretrial detention for two weeks. Five were charged with operating a criminal group promoting fascism and inciting hatred, while the sixth person was charged as an accomplice to the crime. One of the six arrested was an employee of the Majdanek Museum, a former German concentration camp, who was immediately suspended from work.

On June 6, the disciplinary court at the prosecutor general's office decided not to punish a Bialystok local prosecutor who refused to open an investigation into swastikas painted on electrical transformers in 2013. The local prosecutor had said that the swastika was a symbol of happiness and prosperity in Asia; his refusal to prosecute had led to a public outcry. The case was reopened after the outcry, but closed again without identification of the perpetrator.

On June 16, the Gdansk local court issued a verdict against a 19-year-old perpetrator who had spray-painted several swastikas on the door of the Gdansk synagogue. The investigation also revealed the individual was responsible for stealing five bicycles and counterfeiting a signature. The court sentenced the perpetrator to two years' imprisonment suspended for five years, payment of 6,400 zloty (\$1,822) for the renovation of damaged historical sites, and return of the stolen bicycles to their legitimate owners. It also ordered the individual to apologize to the Jewish community for painting swastikas on the synagogue. The Museum of the History of Polish Jews opened in October. The government and the city of Warsaw continued to fund the museum's operating budget.

In February the deputy speaker of the parliament hosted the opening ceremony of an anti-discrimination exhibit, "Let's Kick Racism out of the Stadiums," which showcased the multi-cultural history of Polish soccer, including the contributions of Jewish players, and illustrated the persistent problem of anti-Semitism, among other discriminatory practices.

The government is a member of the International Holocaust Remembrance Alliance.

POLAND

Section III. Status of Societal Respect for Religious Freedom

In January the Center for Research on Prejudice at Warsaw University presented to the parliament the results of a 2013 national survey which found that 63 percent of respondents believed in the negative stereotype of a “Jewish conspiracy” to control international banking and the media. This number compared to 65 percent in 2009. Ninety percent of respondents had never met a Jew. The study also found that 23 percent of respondents, an 8 percent increase, believed in other stereotypes, including blaming Jews for the murder of Christ and the use of Christian blood in Jewish rituals.

In January the leader of Poznan’s Jewish community said Catholic clergymen had committed “blood libel” (historically, a false allegation that Jews murdered Christians to use their blood for ritual purposes) because they had placed a sign explaining the presence of a 17th-century fresco depicting an anti-Semitic scene of Jews desecrating communion bread in Poznan’s Sacred Blood of Christ Cathedral far from where the fresco itself was displayed, on another floor of the cathedral entirely.

In January the nationalist organization Polish Defense League began organizing patrols in nightclubs in Warsaw, Poznan, and Wroclaw to monitor the behavior of Muslims toward Polish women.

There were incidents of vandalism targeting property associated with Catholic, Muslim, and Jewish institutions.

On October 11, unknown perpetrators vandalized a historical 18th-century painting entitled “The Mother of God” in a Catholic church in Skoczow. The vandals put a large hole in the middle of the painting.

On June 29, the first night of Ramadan, unknown perpetrators painted offensive drawings on the town mosque and on thirty headstones in the Tatar Muslim cemetery in the village of Kruszyniany in Podlasie. On July 6, Catholics, Orthodox, Protestants, Jews, and atheists gathered there to express support for the Tatar community. Several companies paid to remove the offensive drawings from the mosque and cemetery. Financial support offered by the governor of the province for the repair and protection of the damaged mosque and cemetery had not been delivered by the end of December.

POLAND

In January Tomasz Pietrasiewicz, founder of a cultural center in Lublin, who has been subjected to anti-Semitic attacks since 2010, found a Star of David painted on his apartment. A star was also painted on the door of one of his employees.

The Polish Council of Christians and Jews regularly organized conferences and ceremonies to encourage tolerance and understanding, as did a bilateral commission established by the Catholic and Orthodox Churches. The Polish Ecumenical Council, which included most Christian groups outside the Roman Catholic Church, also promoted ecumenical dialogue and religious tolerance.

On January 17, the Catholic Church celebrated its annual Day of Judaism, which featured numerous events throughout the country, including meetings, lectures at schools, film screenings, and exhibitions. The main celebrations took place in Sandomierz Cathedral, where a controversial 18th century painting depicting an alleged ritual slaughter of a Christian child by Jews was unveiled, along with a special plaque stating such events never took place and providing additional context for the artwork. In Krakow, to celebrate the Day of Judaism, a Catholic bishop held a meeting with a rabbi on the question, “Moses: Is He Bringing Us Together or Dividing Us?”

On January 26, the Catholic Church celebrated the Day of Islam to promote peace among religious believers. The event included lectures, readings of the Bible and the Quran, and prayers.

In January Holocaust survivors, politicians, and religious leaders gathered to mark International Holocaust Remembrance Day.

Section IV. U.S. Government Policy

The Ambassador and officials from the U.S. embassy and the Krakow consulate general discussed the religious slaughter issue with government officials. They also met with government officials to discuss the state of private and communal property restitution.

In an October visit, the Department of State’s Special Envoy to Monitor and Combat Anti-Semitism met with Jewish community leaders and civil society organizations to discuss the prohibition on religious slaughter, NGO efforts to improve Polish-Jewish dialogue, and the tracking of hate crimes.

POLAND

The Ambassador and officials from the embassy and consulate general also met with Jewish and Muslim leaders and representatives of Jewish groups to discuss religious slaughter and property restitution issues. The embassy and the consulate general continued to regularly monitor religious freedom and interfaith relations.

A U.S. Presidential delegation attended the grand opening of the Museum of the History of Polish Jews on October 28.

The Ambassador met regularly 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 provided financial support to the Auschwitz Jewish Center for police training seminars, which explored how understanding the Holocaust could help combat hate crimes. The embassy supported the visit of teachers to the United States for a summer teacher training program on Holocaust education, and provided financial support to Jewish cultural festivals in Warsaw, Krakow, and Bialystok.