

POLAND 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for 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. The president signed legislation preventing Warsaw public properties, including Jewish-owned properties initially lost during World War II (WW II), from being returned to their precommunist era owners and extinguishing claims after a six-month notice period. According to Jewish and other religious groups, property restitution to religious communities continued to proceed very slowly, with 73 cases resolved out of approximately 3,700 outstanding at the beginning of the year. A prosecutor dropped the investigation of a Catholic priest who referred to Jews as a “cancer” in a sermon commemorating the anniversary of a nationalist political association. The minister of education made comments apparently denying Polish responsibility for the mass killings of Jews at Jedwabne and Kielce during and after WW II, but later stated Poles had committed both attacks. The government announced plans to support a college founded by a Catholic priest who headed the radio station Radio Maryja, which the National Radio and Television Council had previously criticized for broadcasting anti-Semitic remarks.

Protests and demonstrations against immigration often involved anti-Muslim and anti-Semitic messages. The cover of a popular political weekly displayed the dark-skinned hands and arms of three men groping a blonde woman with the caption “Islamic rape of Europe.” In August soccer fans at a train station in Lodz held up a banner with anti-Semitic language and burned Jewish effigies. Vandals targeted Jewish and Catholic religious sites and private property.

The U.S. embassy met with government officials and with representatives of Jewish groups to discuss the state of private and communal property restitution and how to counter anti-Semitism. The Special Envoy for Holocaust Issues met with government officials to discuss property restitution issues and social welfare benefits for Holocaust survivors. The Special Envoy to Monitor and Combat Anti-Semitism met with officials to discuss Jewish community developments, anti-

Semitism, and anti-Muslim issues. 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 38.5 million (July 2016 estimate). The Polish government Statistical Yearbook, which accounts for “selected” religious groups, estimates 86 percent of the population is Roman Catholic. Groups together constituting less than 5 percent of the population include atheists and nonbelievers, Jehovah’s Witnesses, Lutherans, Greek Catholics, Pentecostals, and members of the Polish Orthodox Church. Jewish and Muslim groups estimate their numbers to be 20,000 and 25,000, respectively, although some Jewish groups estimate their number could be as high as 40,000. Approximately 10 percent of Muslims are ethnically Tatar.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of conscience and religion. It states freedom of religion includes the freedom to profess or to accept a religion by personal choice as well as to manifest that religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites, or teaching. It states freedom to express religion may be limited only by law when necessary to defend state security, public order, health, morals, or the rights of others. The constitution states “churches and other religious organizations shall have equal rights.” It stipulates the relationship between the state and churches and other religious organizations shall be based on the principle of respect for autonomy and mutual independence. 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. The constitution stipulates parents have the right to ensure their children receive a moral and religious upbringing and teaching in accordance with their convictions and their own religious and philosophical beliefs. It states religious organizations may teach their faith in

schools if doing so does not infringe on the religious freedom of others. 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 ideology are based on Nazism.

The criminal code outlaws public speech that offends religious sentiment. The law prescribes a fine, typically 5,000 zloty (\$1,195), or up to two years in prison for violations.

Specific legislation governs the relationship of 15 religious groups with the state, outlining the structure of their relationship with the state 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 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 164 registered religious groups and five aggregate religious organizations (the Polish Ecumenical Council, Polish Buddhist Union, Biblical Society, Evangelical Alliance, and the Council of Protestant Churches) 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 Roman Catholic Church uniquely participate at the highest levels in the Joint Government-Episcopate Committee, which meets regularly to discuss Church-state relations.

Religious groups that are not the subject of specific legislation may register with the Ministry of Interior and Administration (MIA), but registration is not obligatory. 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. If the ministry rejects the registration application, organizations may appeal to an administrative court. Unregistered groups function freely without registration. They may worship

freely, proselytize, publish or import religious literature, and bring in foreign missionaries, but have no legal recognition and are unable to undertake certain functions such as own property or hold bank accounts in their name. The 184 registered and statutorily recognized religious groups receive privileges not available to unregistered groups, such as selected tax benefits (they are exempt from import tariffs and property taxes and income tax on their educational, scientific, cultural, and legal activities and their official representatives are also exempt from income and property taxes) and the right to acquire property and teach religion in schools.

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 nationalized during or after WW II. The laws on communal property restitution do not address communal properties the government sold or turned over to new private owners after WW II.

On August 17, the president signed legislation preventing Warsaw public properties, including Jewish-owned properties initially lost during WW II, from being returned to precommunist era owners and extinguishing long-dormant claims after a six-month notice period if no claimant steps forward to pursue a restitution case. The Constitutional Court upheld the legislation and the law entered into force on September 17.

In accordance with the law, all public and private schools teach voluntary religion classes. Schools must provide instruction in any of the registered faiths if there are at least seven students requesting it. Each registered religious group determines the content of classes in its faith and provides the teachers, who receive salaries from the state. Students may also request to take an optional ethics class instead of a religion class.

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

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The MIA approved the registration of three religious groups during the year: the Christian Zoe Church, the Christian Jordan Community, and the Universal Church of People of God. The MIA rejected an application from the God Church for failing to meet registration requirements. In May a Warsaw administrative court rejected a complaint submitted by the Church of the Flying Spaghetti Monster after the MIA refused its registration application as a religious group on the grounds that the organization mocked religions. On July 13, the group appealed the Warsaw court's decision to the Supreme Administrative Court. At the end of the year, the case was still pending.

According to MIA statistics, the religious community property commissions resolved 73 communal property claims out of approximately 3,700 communal property claims pending at the beginning of the year. The commission handling Jewish communal property claims had partially or entirely resolved 2,715 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 944 of the 1,200 claims filed by its 1996 filing deadline. The commission handling Orthodox Church restitution had partially or entirely resolved 264 of 472 claims filed by 2005, and the property commission for all other denominations had partially or entirely resolved 84 out of 170 claims.

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 WW II. The Jewish community continued to complain that the pace of Jewish communal property restitution was slow.

The government stated the legislation enacted in August exempting the return of Warsaw public properties to their precommunist owners and extinguishing claims after a six-month notice period was intended to end abusive practices in the trading of former property owners' claims. Critics of the law, including lawyers and members of the Jewish community, argued it fell short of providing just compensation for former owners who lost property as a result of WW II and communist-era nationalization. The World Jewish Restitution Organization (WJRO) issued a statement that expressed disappointment with the Constitutional Court's ruling upholding the law and reiterated its long-standing appeal for the government to establish a national private property restitution program.

In April the government abolished an interministerial council created in 2013 to counteract racial discrimination, xenophobia, and related intolerance on the basis the council was “inefficient.” Ombudsman Adam Bodnar stated the decision was “shameful” adding, “the council is absolutely necessary amid the increasing number of racially motivated attacks and rising xenophobia.” The council was not specifically tasked with combating discrimination or intolerance towards religious minorities, but in many cases religion and ethnicity were often closely linked. In November the interior ministry liquidated a small human rights team responsible for monitoring racist and xenophobic incidents around the country. According to the interior ministry, the monitoring tasks were taken over by other ministry units.

In June Warsaw prosecutors suspended an investigation into a 2015 case of internet hate speech against Syrian refugees in which some internet users suggested refugees be placed in former Nazi concentration camps and exterminated. Prosecutors stated they could not identify the authors of the hate speech, but the Open Republic Association Against Anti-Semitism and Xenophobia, an NGO, said prosecutors could have made a greater effort to identify the offenders by, for example, eliciting the cooperation of Facebook.

In September the Bialystok district prosecutor’s office discontinued an investigation into Roman Catholic priest Jacek Miedlar for a sermon he gave in April during the 82nd anniversary celebration of the nationalist political association National Radical Camp (ONR). Miedlar referred to Jews as a “cancer which swept across Poland” during his sermon in the Bialystok cathedral, which preceded an ONR march with anti-immigrant slogans. The investigating prosecutor decided Miedlar’s sermon did not incite hatred as it did not stigmatize a particular nationality and “referred to historical content and the Bible, pointed to examples of negative behavior of the representatives of the Jewish community from the time of slavery in Egypt, and generally referring to modern times.” Catholic leaders apologized for allowing ONR use of the cathedral. The Church announced it had banned Miedlar from making public statements after the April sermon.

In a television interview in July Minister of Education Anna Zalewska appeared to deny Polish responsibility for the mass killings of Jews at Jedwabne and Kielce during and after WW II. Jewish organizations and others, including teachers, protested the minister’s remarks calling it “an attempt to tamper with history.” Some called for her dismissal. Government officials, such as Foreign Minister Witold Waszczykowski, described her remarks as unfortunate and misunderstood.

In a subsequent print media interview, Zalewska stated Poles had carried out both attacks.

In August the government submitted to parliament draft legislation stating, “Whoever publicly and contrary to the facts assigns the Republic of Poland or the Polish nation the liability or responsibility for the Nazi crimes committed by the Third Reich will face a fine or imprisonment of up to three years.” Government officials stated the legislation was designed to deter public use of phrases like “Polish death or concentration camps,” instead of “concentration camps in occupied Poland during World War II,” because such terms contradict historical truth and harm the country’s good name. At year’s end, the draft legislation was pending in parliament.

According to media reports, on January 29, the government announced plans to support financially a private college founded by Father Tadeusz Rydzyk, head of the Catholic radio station Radio Maryja. The National Radio and Television Council had previously criticized Radio Maryja for broadcasting anti-Semitic remarks. The government reportedly planned to provide 20 million zlotys (\$4.8 million) to Rydzyk’s College of Social and Media Culture in Torun, which offered degrees in journalism and other subjects. As of year’s end, media sources reported the government had not allocated the funds to the college despite multiple public statements of support.

In July the leader of the Modern party, Ryszard Petru, who is not Jewish, received a handwritten letter containing profanities and an anti-Semitic death threat signed by “Sniper.” Police did not investigate the threat, as Petru did not file a formal complaint.

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

On November 11, the country’s Independence Day, Ruling Law, and Justice party leader Jaroslaw Kaczynski stated European civilization was founded on Christian roots and the country needed to be strong in a strong Europe. He quoted his late brother, former President Lech Kaczynski, who once called Christian civilization “the most human-friendly of all that have emerged over history.”

On April 19, President Andrzej Duda honored the Jewish fighters of the WW II Warsaw Ghetto uprising, calling them “heroes who wanted to fight for their

freedom.” On July 4, President Duda and the country’s Chief Rabbi attended the 70th anniversary commemoration ceremonies of the Kielce Pogrom – the country’s deadliest outbreak of anti-Jewish violence after WWII – in which approximately 42 people were killed and 40 injured, most of them Jews. The president stated at the ceremony there was no place for anti-Semitism in the country.

In March President Duda visited the government-funded Polin Museum of the History of Polish Jews and stated every young citizen, tourist, Warsaw citizen, and foreigner should visit it. He said the exhibition presented a “republic of friends,” and that the Polish and Jewish nations had lived together for the last 900 years.

The government continued to fund exchanges with Polish participants and U.S. and Israeli Jews to foster dialogue on restitution, the Holocaust, and interfaith issues.

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

Section III. Status of Societal Respect for Religious Freedom

According to the Hate Crime Report of the Organization for Security and Cooperation in Europe, in 2015, the latest year for which data were available, the Ministry of Interior recorded 50 anti-Semitic hate crimes and incidents compared to 39 in 2014, 42 anti-Muslim hate crimes, and 12 anti-Christian hate crimes compared to 14 in 2014. In 2015, the government recorded 44 incidents of vandalism against Jewish sites, 27 against Muslim sites, and 12 against Christian and other religious sites. The national prosecutor’s office reported that in the first six months of 2016, it investigated 102 hate crimes targeting Jewish persons, compared to 142 cases during the same period in 2015, 250 hate crimes against Muslims (69 in the same period in 2015), and 23 against Christians (22 in the same period in 2015).

On June 26, approximately 20 people attempted to disrupt a religious procession of Greek Catholic and Orthodox Church members marching from a local cathedral to a military cemetery to commemorate Ukrainian soldiers who fought for the country in 1918-1920. On June 27, police charged 20 people with violating the right to public religious practice, punishable by up to two years’ imprisonment. On December 16, the Przemysl local prosecutor’s office indicted 19 persons for malicious disruption of the public performance of a religious act by Greek Catholic Church members. The accused could face a maximum sentence of three years’ imprisonment.

On April 2, approximately a dozen women disrupted a Catholic Mass during the reading of a bishops' letter calling for a total ban on abortion.

A Pew Research Center survey released in July found 66 percent of the population had negative views about Muslims, up from 56 percent the previous year. The poll found 24 percent of respondents held negative views of Jews.

On August 19, 50 Lodz Widzew sports club soccer fans held a banner over a bridge at a train station in Lodz that read, "19.08., today the Jews got a name. Let them burn," followed by an obscenity. The fans then burned three Jewish effigies hanging from the bridge. Authorities were investigating but, by year's end, had taken no action against any of the fans involved.

Between January and April there were at least five anti-immigrant marches, which involved anti-Muslim slogans and banners as well as anti-Semitic messaging, organized by various groups, including the ONR and the National Movement, a bloc of several members of parliament. The marches occurred in several towns, including Bialystok, Gora Kalwaria, Biala Podlaska, Warsaw, and Lodz. The number of participants ranged between several dozen and several hundred, and up to 1,000 in Warsaw. Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

On September 28, the Wroclaw local court began the trial of the man who burned an effigy of an Orthodox Jew during a November 2015 anti-immigrant march in Wroclaw. He was charged with inciting public hatred on religious grounds. On November 21 the court sentenced the man to 10 months' imprisonment despite the prosecutor's request for 10 months of community service. At the end of December, the sentence was under appeal.

In June the Wroclaw prosecutor's office indicted ONR Lower Silesia branch chief Justyna Helcyk for inciting hatred against Muslims and racial minorities during her speech at the ONR's September 2015 "In Defense of Christian Europe" demonstration in Wroclaw. Prosecutors argued Helcyk's speech encouraged religious and racially motivated hatred against Muslims and racial minorities.

On February 17, Radio Maryja commentator Stanislaw Michalkiewicz stated, "the Jewish lobby wants to steal 65 billion dollars from Poland" during a broadcast. The National Radio and Television Broadcasting Council sent a letter on July 7 to the head of the Catholic Redemptorist Order in Warsaw, which owned Radio

Maryja, criticizing Radio Maryja for broadcasting anti-Semitic remarks, and requested the radio station stop promoting anti-Semitic and discriminatory content. Michalkiewicz continued to broadcast anti-Semitic remarks. On October 20, for example, he stated, “today the mischievous Jews understood what it is about and they transformed themselves into liberals.”

In February the magazine *wSieci* published an issue with a cover displaying the hands and arms of three dark-skinned men groping a blonde woman wrapped in a European Union flag. The caption read “Islamic rape of Europe.” The cover article cited a series of sexual assaults on hundreds of women in Cologne, Germany on New Year’s Eve, 2015. Critics condemned the cover on social media and a number of international newspapers, such as *The Washington Post* and the UK’s *The Guardian*, called it “deeply provocative” and “highly inflammatory.” The NGO Carnegie Europe said the cover was “symptomatic of the radicalization of the Polish public debate during the months of the refugee crisis.”

Groups such as All-Polish Youth, National Rebirth of Poland, Red Watch, and Blood and Honor continued to espouse anti-Semitic views, but authorities were not able to link any of them to specific incidents of violence or vandalism. On April 16, ONR reportedly marched through Bialystok city center shouting, “Zionists will be hanging from the trees instead of leaves.” On September 28, the Bialystok prosecutor’s office announced it had discontinued its investigation into the incident, stating video recordings did not confirm the chants were shouted during the demonstration.

In March *The New York Times* reported some native Muslim Tatars said they felt threatened by anti-Muslim sentiment toward immigrants and when politicians painted Islam as a threat to the country. According to the report, the Tatars said they also felt threatened by the increasing foreign Muslim population. It cited Dzemil Gembicki, caretaker of the Tatar mosque in Kruszyniany, who said, “We are afraid that the huge group of Muslims from other places may cause us to lose the traditions of Polish Tatars.” Tomasz Miskiewicz, the Mufti of Poland and a Lipka Tatar, said, “Poland is not ready for immigrants.”

The Polish Council of Christians and Jews continued regularly to organize conferences and ceremonies to encourage tolerance and understanding, as did a bilateral commission established by the Catholic and Orthodox Churches. In March the town of Gniezno hosted the 10th Gniezno convention bringing together approximately 500 international and national religious leaders, politicians,

academics, and representatives of various Christian, Jewish, and Muslim communities.

On January 17, the Catholic Church celebrated the 19th annual Day of Judaism, which featured numerous events throughout the country, including meetings, lectures at schools, film screenings, and exhibitions. The main celebrations started with a prayer by Christians and Jews at the symbolic grave of Rabbi Zvi Hirsch Kalisher in the Torun Jewish Cemetery, over which Bishop Andrzej Suski from Torun Bishopric and Bishop Mieczyslaw Cislo, the Chairman of the Polish Episcopate Committee for Dialogue with Judaism, and the country's Chief Rabbi, Michael Schudrich, presided.

The Polish Ecumenical Council, which included seven of the largest Christian denominations outside of the Roman Catholic Church, hosted conferences and interfaith dialogue. In December the council organized an international ecumenical conference centered on the “task of churches” in refugee reconciliation in Europe, which included religious leaders from Ukraine, Belarus, Germany, and Poland. On September 21, President of the Polish Ecumenical Council Bishop Jerzy Sameid signed an appeal for “peace in the world, peace independent of views, origin, or religion,” together with representatives from Buddhist, Muslim, and Jewish religious groups, as well as other Christian groups outside of the council.

On January 26, the Catholic Church celebrated the 16th annual Day of Islam to promote peace among religious groups. The event titled “Christian and Muslims United against Violence on Religious Grounds” included lectures, readings from the Bible and the Quran, and prayers. The Chair of the Polish Episcopate Committee for Dialogue with Non-Christian Religions Bishop Romuald Kaminski, Warsaw-Praga Archbishop Henryk Hoser, and the Muslim Religious Union President Mufti Tomasz Misiewicz all attended the event.

In January Holocaust survivors, politicians, and religious leaders gathered to mark International Holocaust Remembrance Day and to commemorate the 71st anniversary of the liberation of the Auschwitz-Birkenau extermination camp.

On April 12, Jewish student organization Hillel International announced the opening of its first branch in the country in Warsaw. On June 7, Jewish advocacy organization American Jewish Committee announced it would open a new Central European headquarters in Warsaw.

There were incidents of vandalism targeting property associated with Catholic and Jewish institutions. In February unknown perpetrators destroyed more than 10 tombstones at a Jewish cemetery in Gdansk. In April a regional prosecutor obtained an indictment against two individuals who destroyed 24 tombstones at a Jewish cemetery in the town of Bielsko-Biala in November 2015.

In February three teenagers damaged several sculptures at a Roman Catholic church in Zabrze and attempted to set a fire inside the building. In June the Lipsko local court sentenced an 18-year-old man to one year's imprisonment (suspended for three years) for vandalizing a Roman Catholic church in Ilza in June 2015.

In February, Grodzisk Mazowiecki municipal authorities took steps to protect a historic Jewish cemetery by signing a land lease agreement with the property owners, Futura G.M., preventing the company from developing a residential complex on the land. Local authorities stated they intend to restore and protect the cemetery to "guarantee respect for those buried there."

A public library in Katowice held a one-day "Human Library" project in December where a diverse group of volunteers, including an imam, told their stories to individuals who could "borrow" them like books in order to encourage religious tolerance, among other topics. The imam told a media source that he "hopes that the people who [he] met changed some of their negative opinions about Islam and other cultures."

Section IV. U.S. Government Policy

The U.S. Ambassador, embassy and Krakow consulate general officers, and visiting U.S. Department of State representatives met with government officials from the foreign affairs, treasury, and interior and administration ministries; the presidential chancellery; parliament; and the city of Warsaw to discuss the state of private and communal property restitution to religious groups and members of religious minorities. In March and October the Special Envoy for Holocaust Issues met with government officials in Warsaw to discuss Jewish community property and private property restitution issues and social welfare benefits for Holocaust survivors. The embassy and the consulate general continued regularly to monitor religious freedom and interfaith relations.

The Ambassador and embassy and consulate general staff met with members of the local Jewish community, and Muslim and Christian leaders, and local NGOs to

discuss private and communal property restitution, and measures to combat anti-Semitism and anti-Muslim sentiment.

In September the Special Envoy to Monitor and Combat Anti-Semitism and representatives from the Department of State's Office of International Religious Freedom met with the Jewish community in Warsaw, the presidential chancellery, and civil society leaders to discuss Jewish community developments, as well as anti-Semitism and anti-Muslim issues.

The embassy continued to employ exchange programs, meetings with students, and grants to promote religious freedom and tolerance. The embassy signed a cooperative agreement with the Polin Museum of the History of Polish Jews to administer jointly a Holocaust teacher-training program, sending five Polish teachers annually to the United States for training sponsored by the Association of Holocaust Organizations. The embassy also partnered with the Polin Museum of the History of Polish Jews on an exhibit featuring pieces by a U.S. artist, inspired by wooden synagogues in the country. The embassy provided financial and organizational support to Jewish cultural festivals in Warsaw, Krakow, and Bialystok and to a Jewish film festival in Warsaw. The consulate general in Krakow provided financial support to international programs at the Auschwitz Jewish Center for Genocide and Religious Persecution Prevention and the Galicja Museum in Krakow. The consulate provided assistance in coordinating educational programs for staff of the Auschwitz-Birkenau State Museum.