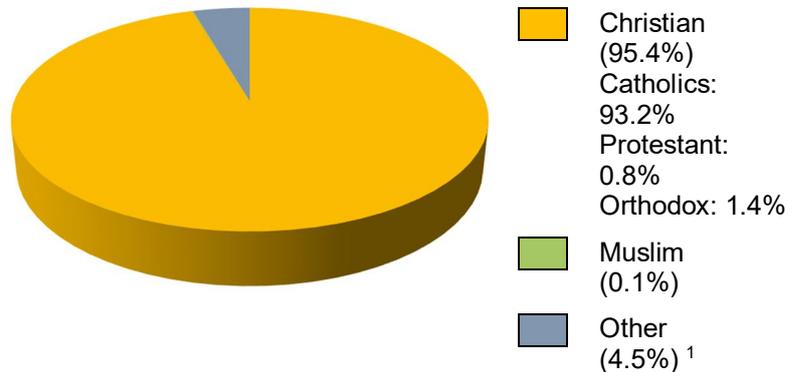


POLAND



Area: 312,000 km ²	Population: 38.3 million	Political system: Democracy	Major Language(s): Polish
---	------------------------------------	---------------------------------------	-------------------------------------

Legal framework on Freedom of Religion and actual application

Freedom of faith and religion is provided for by the constitution. This 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 worshiping, praying, participating in ceremonies, performing rites, or teaching. According to the constitution, “churches and other religious organisations shall have equal rights” and 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.” It further specifies that relations with the Catholic Church are to be determined by an international treaty concluded with the Holy See, and by statute. As for the relations with other churches and religious organisations, they are determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers. Religious groups may register with the Ministry of Administration and Digitalisation, but registration is not obligatory. It is possible for unregistered groups to function freely without registration. Some 175 registered religious groups receive privileges not available to unregistered groups, such as acquiring property, teaching religion in schools, and selected tax benefits.

In accordance with the law on education and the concordat with the Holy See, all schools teach religion, although the course is not compulsory. Religious Education classes are designed for specific religions. By law a school must provide a class for an individual religion if at least seven students in the school are interested in attending it. Each religious group has the right to determine the content of the teachings in its classes. Students can also request to take an optional ethics class instead of a religion class.

The criminal code outlaws public speech that offends religious sentiment. 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. A fine, typically around 5,000 zloty, or up to two years in prison, are prescribed by the law for violations.

From January 2013 through to December 2014, 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 10th December in 2014, it was ruled by the Constitutional Tribunal that the ban was unconstitutional and

the legality of ritual slaughter was reinstated with immediate effect.

On 4th October, prior to the Constitutional Court decision in December overturning the prohibition on religious slaughter, animal rights activists had appealed the local 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 in the city of Sokolka. The investigation was discontinued on the grounds that the religious slaughter had caused "minimal social harm" and constituted an integral part of a Muslim religious holiday.

Incidents

On 29th June 2014, the first night of Ramadan, offensive drawings were painted by unknown perpetrators on the town mosque and on thirty headstones in the Tatar Muslim cemetery in the village of Kruszyniany in Podlasie. On 6th July, Catholics, Orthodox, Protestants, Jews, and atheists gathered in the village to express support for the Tatar community. Several companies paid to remove the offensive drawings from the mosque and cemetery.

Court decisions reinstated the registration of one Jewish religious community and upheld the legitimacy of security measures that infringed on religious dress. Some cases of anti-Semitic speech were being pursued by the prosecutors, while investigations into others were discontinued. According to nongovernmental organisations (NGOs), the performance of law enforcement officials in investigating anti-Semitic incidents continued to improve, but prosecutors often failed to identify the perpetrators.

On 11th October 2014 a historic 18th century painting entitled "The Mother of God" in a Catholic church in Skoczow was vandalised. The delinquents made a large hole in the middle of the painting². In November 2015 unknown perpetrators broke into a Catholic church in the village Mileczyce, desecrating the tabernacle³.

Conservative and rightwing media have complained that during the administration of the liberal PO government, the law was often too lenient in cases of public defamation and hate speech towards religious figures. As an example they cite the case of the popular singer Kora, who insulted Polish bishops as "piles of fat with old, muddled brains". The prosecutor refused an investigation in this case, stating no harm had been done⁴. Another example was the refusal of the prosecution to investigate several death threats on the internet towards Redemptorist father Tadeusz Rydzyk⁵. A survey among priests, conducted by the Statistics Institute of the Catholic Church by the end of 2014, showed that as much as 12 percent of the surveyed had been targets of verbal and (rarely) physical aggression during the years 2012-14. According to the survey, such attacks increased after media publications aimed against the clergy and the Church. Most aggression against priests occurs on the internet⁶. Andrzej Wróbel, a member of the constitutional court, declared that criticism of religion is only acceptable if it is free of insulting or degrading content. The court said that the prosecution of such offenses is necessary in order to make the public debate run in a civilized manner⁷.

In a joint statement both Catholics and Muslims condemned the use of hate speech and religious discrimination. On the part of the Muslims, the predominantly Christian character of the Polish nation was recognised, while the Tatar minority received praise for their valuable contributions to Polish culture⁸. During a far right anti-immigration demonstration on 18th November 2015, an effigy of a Jew was burned. There is an ongoing problem with antisemitism in extremist nationalist circles. The incident was severely condemned by the conservative government and in a joint statement by rightwing intellectuals⁹.

The civil initiative "Świecka Szkoła" (secular school) proposed a law in parliament, demanding a cessation of publicly funded religious education in state schools. The project is supported by the Nowoczesna (Modern) party, while the ruling PiS (Law and Justice) party criticises it as unconstitutional¹⁰. The latter declared that according to the constitution, the state is required to provide an education in accordance with the values of the parents. Furthermore this education

needs to be free of charge. As a consequence to the initiative, it parents may be charged for the costs of religious education¹¹.

In July 2014 two deputies of the conservative Law and Justice party made a charge against a performance of the anti-religious theatre play "Golgota Picnic". It was supposed to be staged at a festival in Poznan but was called off due to public outrage and numerous protests. In some cities the play was read publicly or shown as a live film recording. According to the deputies this was part of a deliberate attempt to insult Christians. They asked the minister of culture why such offensive art was funded by public means. Furthermore they criticised Police measures against the protesters as too harsh¹². At the same time, the leftist-liberal party Twój Ruch (Your Movement) made a proposal of removing article 196, which protects religious freedom, from the code of law. According to the party, the article is being used to censor artistic expression. The predecessor of the grouping had tried to remove the article in 2012, without success¹³.

Mateusz Klinowski, the leftist-liberal mayor of Wadowice, the hometown of Pope John Paul II, was heavily criticised for an insulting post on the internet. During Christmas, he published a sarcastic commentary below a picture of the Holy family: "Today we celebrate the birthday of a Jewish heretic, a child of `Arabs`, a terrorist and sectarian from Palestine, whom some of us would like to pronounce king of Poland" (poking fun at a religious initiative which calls for the symbolic crowning of Christ as the sovereign of Poland). He later stated that he did not mean to insult anyone¹⁴.

Despite numerous protests, Facebook did not close down an insulting account. The account was named (in translation) "Pope John Paul II raped little children". As an answer to the requests to take it down, users only received an answer that the account was not violating the policy of Facebook¹⁵. After a week of complaints the page's owner changed the name.

In August 2015 a street exhibition in Warsaw, financed by the city governed by the liberal PO party, sported a plaque accusing Polish Christians of attacking the Jewish Ghetto during the German occupation, which according to the plaque was defended by the Germans guards¹⁶.

Tomasz Lis, chief editor of the Newsweek magazine in Poland, was accused by Paweł Śpiewak, professor of the University of Warsaw, of antisemitic innuendo. By highlighting the Jewish roots of the wife of the current president Andrzej Duda, Lis seemed to be trying to discredit him as a presidential candidate. While the claim that someone is Jewish is in itself not antisemitic, the way in which this was insinuated, appealing to antisemitic feelings in the population, drew criticism. Lis is one of the most prominent supporters of the former ruling party and now liberal opposition¹⁷. Prof. Śpiewak, himself of Jewish origin, was attacked by another leftist-liberal with an antisemitic remark. Janusz Palikot, the leader of the anti-religious party Twój Ruch, reacted to a tweet by Tomasz Lis, in which the latter sarcastically assured Śpiewak that he might sleep peacefully, since he did choose to side with the ruling PiS party. Lis furthermore insulted him as being a coward afraid for his position. Below the tweet Palikot remarked that Śpiewak is just as afraid as every Jew¹⁸.

Prospects for Freedom of Religion

While no religion is openly persecuted or discriminated against in Poland, there exists some societal animosity towards religion and especially the influential Catholic clergy. This seems to be fueled by media publications and statements of politicians. Following attempts by the EU to superimpose refugee quotas on Poland, there developed a strong anti-Muslim sentiment in the population, which became especially vicious on the internet.¹⁹

It may be too early to evaluate the changes for religious freedom brought about by the coming to power of the conservative PiS party after the parliamentary elections in October 2015. PiS is seen as the more church-friendly of the two major political forces. It champions pro-life causes as well as a strong pro-family policy and is in favour of religious education in state schools²⁰. President Duda, coming from the PiS camp, continues the philosemitic course of the late president Kaczyński, advertising for the recently opened Museum of Jewish History in Poland and the soon-to-be opened Museum of Polish Righteous Among the Nations²¹. At the same time, however, PiS is

strongly opposed to accepting Muslim refugees and is playing upon the above mentioned anti-Muslim sentiments. The liberal PO party, being now in opposition, tries to mend relations with the Catholic Church with the hope of restoring its very damaged reputation and winning back some conservative voters.²² The political left, including many anticlerical politicians who were successful during the last elections, was completely voted out of parliament.

¹ http://www.thearda.com/internationalData/countries/Country_180_2.asp; cf.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238420#wrapper>

² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238420#wrapper>

³ <http://wpolityce.pl/kosciol/273672-wlamali-sie-do-kosciola-i-wyrwali-tabernakulum-kolejna-profanacja-najswietszego-sakramentu>

⁴ <http://wpolityce.pl/gwiazdy/236570-kora-nie-odpowie-za-zniewazenie-biskupow-prokuratura-odmowila-wszczecia-postepowania>

⁵ <http://www.pch24.pl/zakaz-mowy-nienawisci-chroni-wybranych--wedle-prokuratury-wolno-nawolywac-do-zabicia-orydzyka,37907,i.html>

⁶ <http://wpolityce.pl/kosciol/279704-nagonka-liberalno-lewicowych-mediow-na-kosciol-przyniosla-efekty-az-12-proc-ksiezy-padlo-ofiara-agresji>

⁷ <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/10/19/blasphemy-laws-upheld-in-malaysia-and-poland/>

⁸ <http://www.thenews.pl/1/9/Artykul/238196,Polands-Catholic-Muslim-council-condemns-hate-speech>

⁹ <http://wpolityce.pl/polityka/273202-list-do-patriotow-ten-kto-pali-kukly-albo-niszczy-mury-antysemickimi-napisami-nie-moze-byc-uwazany-za-patriote>

¹⁰ <http://www.polskieradio.pl/7/473/Artykul/1575684,Spor-o-lekcje-religii-Projekt-ustawy-w-Sejmie>

¹¹ <http://www.polskieradio.pl/5/3/Artykul/1575351,Stanowisko-rzadu-wobec-projektu-w-sprawie-zaprzestania-finansowania-lekcji-religii>

¹² <http://polska.newsweek.pl/golgota-picnic-naruszenie-uczuc-religijnych-newsweek-pl,artykuly,342708,1.html>

¹³ <http://www.tvn24.pl/wiadomosci-z-kraju,3/obraza-uczuc-religijnych-do-likwidacji-twoj-ruch-sklada-wniosek,449072.html>

¹⁴ <http://www.gazetakrakowska.pl/artykul/9271723,wadowice-prokuratura-bada-czy-klinowski-obrazil-uczucia-religijne,id,t.html>

¹⁵ <http://wiadomosci.wp.pl/kat,1027191,title,Skandaliczny-profil-na-Facebooku-Nie-narusza-standardow-spoleczności,wid,17903902,wiadomosc.html?ticaid=116798>

¹⁶ <http://wpolityce.pl/historia/263239-antypolska-wystawa-finansowana-przez-ratusz-hanny-gronkiewicz-waltz-zdjecia>

¹⁷ <http://forumzydowpolskich.natemat.pl/141365,tomasz-lis-kontra-pawel-spiewak>

¹⁸ <http://www.kresy.pl/wydarzenia,polityka?zobacz/lis-zarzuca-lizusostwo-i-tchorzostwo-prof-spiewakowi-palikot-strach-jak-u-kazdego-zyda>

¹⁹ <http://wiadomosci.wp.pl/kat,1342,title,Zdjecia-komor-gazowych-w-kontekscie-uchodzcow-Szydlo-to-podle,wid,17833885,wiadomosc.html?ticaid=116b5b>

²⁰ <http://wyborcza.pl/1,75478,19019493,pis-da-kosciolowi-egzamin-z-religii-na-maturze.html>

²¹ <http://televizjarepublika.pl/prezydent-w-muzeum-historii-zydow-polskich-quotto-miejsce-ktore-pokazuje-kim-byli-nasi-przodkowiequot,30295.html>

²² <http://www.tvn24.pl/wiadomosci-z-kraju,3/czarno-na-bialym-plan-schetyny-na-powrot-do-wladzy,609903.html>