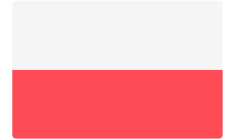




Poland



Stable / Unchanged —

Religion

Population

Area

- Christians : **95.7%**
- Agnostics : **3.9%**
- Others : **0.4%**

38.593.000

312.679 Km²

Legal framework on freedom of religion and actual application

Article 53 of the constitution guarantees freedom of religion and conscience in Poland. The article allows public displays of worship, as long as they do not threaten public order, state security or individual freedoms and the rights of others. The same applies to religious education in state schools. “Organs of public authority” may not compel an individual to disclose his or her personal beliefs. And no one may be compelled to participate, or to not participate, in religious activities. Article 48 accords the parents of a child the right to raise it according to their convictions.^[1]

The preamble of the constitution explicitly mentions God and the Christian heritage of the nation, while at the same time including those who do not believe in God but respect the universal values of truth, justice, good and beauty.^[2] Article 25 further specifies the relationship between the state and religious groups. It guarantees the legal equality of all Churches and religious organisations and the “autonomy and mutual independence “of Church and State, with the possibility of cooperation for the individual and the common good. The same article mentions in 25.4 and 25.5 that the state regulates its relations with the Roman Catholic Church (RCC) and other religious organisations through bilateral accords.^[3]

Article 196 of the Penal Code makes it an offence to publicly offend religious feelings.^[4]

Incidents

A controversial bill making it illegal to accuse “the Polish nation, or the Polish state, of being responsible or complicit in the Nazi crimes committed by the Third German Reich” was introduced in February 2018. The maximum sentence is a three-year jail term. The legislation was responding to concerns that the Polish authorities have been accused of formally collaborating with the Nazis in setting up concentration camps like Aushwitz, where millions of Jews died. Israel, the US

and France condemned the law, and an open letter from the Union of Jewish Communities in Poland claimed that since the bill was announced there has been a “growing wave of intolerance, xenophobia, and anti-Semitism” which has included threats to members of the Jewish community. The Polish Catholic Bishops’ Conference also condemned growing anti-Semitism in the country.^[5]

Michael Bilewicz, the director of the Centre for Research on Prejudice at the University of Warsaw, stated that the amount of anti-Semitic material on the internet increased vastly in the wake of the Holocaust Bill, peaking around January 2018. Since then it has subsided again.^[6] An article in the The Times of Israel featured a report about the ongoing Jewish revival in Poland. While it also described how internet hate speech had peaked, it added that Jews generally feel very secure, suffering relatively few attacks, especially when compared with the hundreds of assaults in Western countries such as France.^[7]

On 3rd November 2016, the night after All Soul’s Day, unknown perpetrators vandalised a graveyard in the city of E?k. Over 100 Christian graves were reported as destroyed or damaged. Police are still investigating the case. In August 2017 they detained a suspect, but he was released through lack of evidence.^[8]

On 8th February 2017 in the city of K?pino at least two men brutally assaulted a Catholic priest as he was returning from an evening Church service. The priest endured about six hours of physical torture. The perpetrators stole his money and car. The police later detained three suspects, two men and one woman. The case is currently under investigation^[9]

The Polish organisation Ordo Iuris is cataloguing cases where the religious feelings of Christians have been offended or hate crimes based on religious grounds have occurred. Their collection of data is then transmitted to the Organisation for Security and Co-operation in Europe (OSCE) for a report on hate crimes. This report is published by the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR). The 2016 report contained 19 cases of attacks against Christian property, three against Jewish property and five cases of anti-Muslim violence on clearly religious, as opposed to, racist grounds.^[10] The latest submission by Ordo Iuris for the next ODIHR report covering 2017 counts some 34 cases where vandalism or desecration has occurred or where Christians have had their religious feelings offended. It includes among other incidents the damaging of a figure of Jesus Christ in Gdansk in January, the desecration of the tomb of a priest in the city of Rawa Mazowiecka in February, the destruction of the facade of an Evangelical Chapel in Bia?a Piska in August, “birthday party” celebrations by three high school students which involved vandalising graves in Zbros?awice in September, the destruction of a plaque commemorating the victims of the 2010 Smolensk Catastrophe in Gdynia in October, a parody of the Lord’s Prayer on RMF FM Radio meant as criticism of the right-wing government, and the theft of a small figurine of Jesus from a Christmas nativity scene in Gdansk in December. Most of these cases are currently under Police investigation, seven have been resolved so far. For example in the case of the the Evangelical Chapel in Bia?a Piska, the perpetrators were fined 4000PLN and made to pay with court costs. The fine was used for repairs to the damaged facade.^[11]

There have been several instances of religious feelings being insulted by artists and activists. Often this is part of their protest against the current right-wing government.^[12] One example was an exhibition of paintings by Piotr Jakubczak, whose caricatures of right-wing politicians incorporated religious symbols, e.g. an image of MP Jaros?aw Kaczy?ski crucified and dressed only in boxer shorts.^[13] Probably the most notorious case was a theatre-play called Curse by the playwright Oliver Frli?. It depicted a sexual act during which a cross was profaned and a figure representing Pope John Paul II engaging in sexual acts. During an interview featured in the liberal newspaper Gazeta Wyborcza an employee of the Institute of Theatre described the play as “liberating” in the face of the “molestation” committed by the Catholic Church. Below the web version of the article several anonymous anti-Catholic comments were posted, which the paper did not remove.^[14] The musical Kinky Boots also caused controversy for featuring a drag queen making fun of Mary Magdalene.^[15]

As in other European countries, anti-Muslim sentiments increased in the wake of the refugee crisis. During a Far Right march on Polish Independence Day on 11th November 2017 some held up a large banner which depicted a Trojan horse labelled “Islam” with a hook-nosed terrorist inside.^[16]

Prospects for freedom of religion

Because of the low number of Muslim or Jewish immigrants in Poland, the numbers of violent incidents directed against people from these religious groups remains low, unlike in neighbouring Germany or Ukraine. Religious intolerance and hate speech on the internet, however, have increased over the last two years. Poland is increasingly divided politically and culturally, with a very complex pattern of conflicts which tend to associate political views with religiosity. The ruling right-wing government is pro-Christian, often anti-Muslim and nominally pro-Jewish. Yet the rift over the proposed Holocaust Bill has harmed relations with Jews. Fringe, far right groups, representing comparatively few people, are very visible in the mainstream media and very active on social media. They accuse the right-wing government of not being hard enough on Muslim refugees and of being pro-Jewish. Activists and artists drawn to the liberal opposition attack the staunchly pro-Catholic governing party by targeting the Catholic faith. Internet hate speech is present across all political spectrums.

With the ruling right-wing government being ideologically at odds with some other Western states and the liberal media, one has to be aware of potentially biased reports. Extreme cases are The Times of Israel falsely attributing to the president of Israel Reuven Rivlin a public utterance that Poland is complicit in the Holocaust^[17] and the US Congressman Ro Khanna accusing the Polish state of passing laws glorifying Nazi collaborators and denying the Holocaust^[18] Yet, while the actions and intentions of the government are open to interpretation, the rising tide of hate speech on the internet and public insults in the society are not. So far, abuses have been reported by the victims and investigated by the authorities, so we are still at the level of “intolerance”, and access to justice remains firmly in place.

Endnotes / Sources

[1] Constitution of Poland from 1997, https://www.constituteproject.org/constitution/Poland_2009?lang=en (accessed 30th April 2018).

[2] Ibid.

[3] Ibid.

[4] Poland Penal Code of 1997, [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/e1742de4fa6ee960412565d9002e3915/\\$FILE/Penal%20Code_ENG.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/e1742de4fa6ee960412565d9002e3915/$FILE/Penal%20Code_ENG.pdf) (accessed 30th April 2018).

[5] James Masters and Antonia Mortensen “Poland’s Jewish groups say Jews feel unsafe since new Holocaust law”, CNN, 20th February 2018 <https://edition.cnn.com/2018/02/20/europe/poland-holocaust-law-jewish-community-intl/index.html> (accessed 7th June 2018); “Poland’s Senate passes controversial Holocaust bill”, BBC News, 1st February 2018 <https://www.bbc.co.uk/news/world-europe-42898882> (accessed 7th June 2018).

[6] Ibid.

[7] Cnaan Liphshiz ‘In Krakow, Jews celebrate their community’s ‘revival’ amid rising xenophobia’, The Times of Israel, 28 April 2018, <https://www.timesofisrael.com/in-krakow-jews-celebrate-their-communitys-revival-amid-rising-xenophobia/> (accessed 2nd May 2018).

- [8] Adam Bia?ous 'Szokuj?ca profanacja na cmentarzu w E?ku! Ponad 100 nagrobk?w zniszczonych', PCh24.pl, 4 November 2016, <http://www.pch24.pl/szokujaca-profanacja-na-cmentarzu-w-elku-ponad-100-nagrobkow-zniszczonych,47134,i.html> (accessed 30th April 2018).
- [9] Joanna Kielas 'Zarzuty dla zatrzymanych ws. pobicia ksi?dza w K?pinie', Dziennik Ba?tycki, 16 February 2017, <http://www.dziennikba?tycki.pl/wiadomosci/wejherowo/a/zarzuty-dla-zatrzymanych-ws-pobicia-ksiedza-w-kapinie-zdjeciawideo,11799592/> (accessed 1st May 2018).
- [10] OSCE Hate Crime Reporting, <http://hatecrime.osce.org/poland> (accessed 29th April 2018).
- [11] Ordo Iuris Institute for Legal Culture, Submission of Data Collection to the Office for Democratic Institutions and Human Rights (ODIHR) 2017 Annual Report on Hate Crimes, April 2018, http://www.ordoiuris.pl/sites/default/files/inline-files/ODIHR_Hate_Crimes_Report_Submission_Ordo_Iuris_2017_final.pdf (accessed 1st May 2018).
- [12] Jim O'Quinn 'Poland Takes a Right Turn, but Theatremakers Aren't Taking It Lying Down', American Theatre, 27th April 2018, <https://www.americantheatre.org/2018/04/27/poland-takes-a-right-turn-but-theatremakers-arent-taking-it-lying-down/> (accessed 29th April 2018).
- [13] Ewa Furtak 'Prezes Kaczy?ski w slipach obra?a uczucia. W?jt: Wi?cej takich wystaw nie b?dzie', Gazeta Wyborcza, 9 May 2017, <http://wyborcza.pl/7,75398,21782312,prezes-kaczynski-w-slipach-obraza-uczucia-wojt-wiecej-takich.html> (accessed 30th April 2018).
- [14] Arkadiusz Gruszczy?ski "'Diagnoza Frljicia jest wstrz?saj?ca. Pokazuje skrajnie zinfantylizowane, brutalnie podporz?dkowane spo?ecze?stwo". Rozmowa o spektaklu "KI?twa"', Gazeta Wyborcza, 18th February 2018, <http://warszawa.wyborcza.pl/warszawa/7,54420,23030888,klatwa-zostala-rzucona.html> (accessed 1st May 2018).
- [15] 'Kpina ze ?w. Marii Magdaleny, gender i dziecko w szpilkach w teatrze wsp?finansowanym przez resort', PCh24.pl, 12th July 2017, <http://www.pch24.pl/kpina-ze-sw-marii-magdaleny-gender-i-dziecko-w-szpilekach-w-teatrze-wspolfinansowanym-przez-resort,53011,i.html> (accessed 30th April 2018).
- [16] Shafhik Mandhai 'How big an issue is Islamophobia in Poland?', aljazeera.com, 14th November 2017, <https://www.aljazeera.com/news/2017/11/big-issue-islamophobia-poland-171113064903344.html> (accessed 1 May 2018).
- [17] TOI Staff 'Poles helped in Nazi extermination, Rivlin tells Polish counterpart', The Times of Israel, 12th April 2018, <https://www.timesofisrael.com/poland-and-roles-helped-in-nazi-extermination-rivlin-tells-polish-counterpart/> (accessed 1st May 2018).
- [18] Vanessa Gera 'Poland criticizes US claim that Polish law glorifies Nazism', The Washington Post, 26th April 2018, https://www.washingtonpost.com/politics/congress/poland-rebuked-us-criticism-of-holocaust-law/2018/04/26/fd4141dc-4947-11e8-8082-105a446d19b8_story.html?noredirect=on&utm_term=.353982092296 (accessed 30th April 2018).