

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

POLAND

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues relevant to Article 18 of the International Covenant on Civil and Political Rights, the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, and other matters related to freedom of religion or belief.

The U.S. State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review begins with a presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A Human Rights Council troika drafts an outcome Working Group Report and later, follow-up recommendations after a second inter-active dialogue with the Council and NGO Stakeholders. There are links below to the UN Working Group Report and Other Reports in the archived audio/visual UN web cast of the Member State presentation and first inter-active dialogue.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

The country has an area of 120,725 square miles and a population of 39 million.

More than 96 percent of citizens are Roman Catholic. According to the 2006 Annual Statistical Yearbook of Poland, which uses figures from the 2004 census, the following figures represent the formal membership of the listed religious groups, but not the actual number of persons in those religious communities. For example, the actual number of Jews was estimated at between 30,000 and 40,000, while the formal membership of the Union of Jewish Communities totaled only 2,500. The number of Jews is slowly rising, due primarily to the increase of individuals acknowledging their previously hidden or unknown Jewish heritage.

The yearbook estimated that in 2004, less than 2 percent of the population was constituted by Orthodox Church members, Jehovah's Witnesses, Lutherans (Augsburg Confession), Greek Catholics, Old Catholic Mariavits, Pentecostals, members of the Polish Catholic Church, Seventh-day Adventists, members of the New Apostolic Church, Baptists, Methodists, Lutherans (Reformed), and members of the Church of Christ. There were very small communities of the Union of Jewish Communities, Catholic Mariavits, the Church of Jesus Christ of Latter-day Saints (Mormons), Hare Krishnas, and Muslims.

Legal/Policy Framework:

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors. The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or up to a 3-year prison term.

There are 15 religious groups whose relationship with the state is governed by specific legislation that outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are 146 other registered religious groups that do not have a statutorily defined relationship with the state. All registered religious groups, including the original 15, enjoy equal protection under the law, and there were no reports of serious conflicts among churches or religious groups.

Religious communities may register with the Ministry of the Interior; however, they are not required to do so and may function freely without registration. The 1989 Law on Guaranteeing Freedom of Conscience and Belief requires that in order to register, a group submit the names of at least 100 members as well as other information. Information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. All registered religious groups receive the same privileges, such as duty-free importation of office equipment and reduced taxes.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Government policy and practice contributed to the generally free practice of religion. In 2001 the Government established a department within the Ministry of Interior to monitor the activities of "new religious groups" and "cults." In April 2002, the Government closed the department; however, an employee of the Interior Ministry's Public Order Department continued to monitor religious groups.

Although the Constitution provides for the separation of religion and state, crucifixes hang in both the upper and lower houses of Parliament, as well as in many other public buildings, including public schools.

In September 2006, the Salvation Army won its appeal to register as a religious group. The Ministry of Interior had denied the application for technical reasons in April 2006.

Public radio and television stations broadcast Catholic Mass with licensure from the National Radio and Television Broadcasting Council.

There were no reports of religious prisoners or detainees in the country.

Abuses of Religious Freedom

European Parliament representative Maciej Giertych's pamphlet published in February 2007 criticizing the Jewish community (see Anti-Semitism section) declared that much of public life in the Islamic world was "despotic" and that few Muslims knew the Qur'an.

Societal Abuses/Discrimination:

There were reports of societal abuses or discrimination based on religious belief or practice.

There were sporadic attacks and discrimination against Jewish properties and persons (see anti-Semitism section).

Some individuals publicly expressed concern about the growth of groups perceived to be "sects" and the influence of nonmainstream religious groups, especially during the summer travel season when young persons travel to camps and other gatherings. Newspapers and magazines published articles during the reporting period concerning the arrival of Scientologists in the country. In April 2007 the newspaper Dziennik published a series of articles which criticized the Church of Scientology as a "dangerous sect."

Interfaith groups worked to bring together the various religious groups in the country. The Polish Council of Christians and Jews met regularly to discuss issues of mutual interest, and the Catholic and Orthodox churches had an active bilateral commission. The Polish Ecumenical Council, a group that includes most religious groups other than the Roman Catholic Church, was also active. Approximately 250 Greek Catholic churches were taken over by Roman Catholic dioceses after World War II, and Greek Catholics were working to have those properties returned. This was an internal issue between the Greek and Roman Catholic dioceses, mediated by the Pope, which did not involve the Government.

* Source: US State Department 2007 International Religious Freedom Report; Poland

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90193.htm>

Links to State Department sites are welcomed. Unless a copyright is indicated, information on the State Department's main website is in the public domain and may be copied and distributed without permission. Citation of the U.S. State Department as source of the information is appreciated.

G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group for the Universal Periodic Review Poland. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PL/A_HRC_8_30_Poland_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all Poland Reports. Download Real Player (free) for access to the Web Cast: Scroll down the Web Cast to find the Poland Reports. Click to open the audio/visual and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080414>

Some Reports are not translated into all United Nations official languages. These reports may only be opened by going to the OHCHR Archives above:

POLAND

Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Monday 14 April 2008 - 2.30 p.m. - 5.30 p.m.

National report ¹: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Compilation of UN information ²: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information ³: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

The Tandem Project Objectives on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a platform for genuine dialogue on core principles and values within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.¹

International Human Rights Standards on Freedom of Religion or Belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. The identification of achievements, best practices, challenges and constraints on the standards should be part of the follow-up to the Poland Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Postscript Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal

Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Freedom of Religion or Belief is a platform for genuine dialogue on core principles and values within and among nations, all religions and other beliefs.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.