Warsaw, 3 June 2020

DNZPCZ.431.8.2020 / 4

With a reference to the request of the Special Rapporteur on freedom of religion or belief please find a list of good practices Poland has introduced or planning to do for the purpose of to the thematic report on *“Eliminating intolerance and discrimination based on religion or belief and the achievement of Sustainable Development Goal 16*”.

Background

Basis for all laws of the Republic of Poland is the inherent and inalienable dignity of the person. According to the Article 30 of the Constitution of the Republic of Poland from April the 2nd 1997 dignity of the person independent of the ethnicity or religion shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.

Poland, as multicultural, multi- ethnical and multi-confessional state abides in public life following rules confirmed in the Constitution and other acts of law. Guarantees for freedom of faith and religion in relationships between the State and churches and other religious organizations and are set in the Act on guarantees of freedom of faith and religion from May the 17th 1989 and defined as: separation between the State and churches and other religious organizations; freedom of churches and other religious organizations in fulfilling their religious roles; equality between churches and other religious organizations, independent of form of their regulation or legal position.

Making use of their freedom of thought and religion i.a. all citizens may in particular: create religious communities, participate in religious activities and rituals according to rules of their faith, to be or not to be members of churches and other religious organizations;

According to Article 32 paragraph 2 of the Constitution of the Republic of Poland no one shall be discriminated against in political, social or economic life for any reason whatsoever. Also according to article 6 of Act on guarantees of freedom of faith and religion from May the 17th 1989 no one shall be discriminated against or privileged on ground of religion or worldview. No citizen can be compelled to take part or not take part in religious rituals.

The relationship between the State and churches and other religious organizations are based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.

The Government of the Republic of Poland cooperates with churches and other religious organizations in keeping of peace, shaping public image of development of the country and preventing of social pathology. Toward achievement of this goals there can be created, by mutual consent, permanent forms of cooperation between the State and churches and other religious organizations.

Following the above mentioned principles Poland maintains permanent dialogue with representations of churches, religious and church organisations.

Good practices

1. **Examples of laws (constitutional and other legal provisions) and policies at the national and local levels, or public statements by political and religious leadership that impose a uniform understanding of national identity around one dominant religion**

The Constitution of the Republic of Poland does not impose a uniform understanding of national identity around one dominant religion. It is mentioned that Polish culture is rooted in the Christian values - “Both those who believe in God as the source of truth, justice, good and beauty” however it also states “…as well as those not sharing such faith but respecting those universal values as arising from other sources”.

Article 52 of the Constitution guarantees the freedom of conscience and religion to everyone, with the right to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.

1. **Examples of legislative, institutional and policy measures to address past injustices, including violence and discrimination, against religious or belief minorities and to provide redress and reparations (or examples of State failure to address such injustices).**
* Appointment of the Plenipotentiaries for the Protection of Human Rights, equal treatment and professional ethics (also known as a human rights advisers) in the National Police Headquarters and in each regional HQs.

Their tasks include: implementing standards of principled policing, especially concerning respect for human dignity and fundamental rights and freedoms; inspecting police units, including detention centres and behaviour of staff; handling of complaints concerning ill treatment and discrimination; disseminating the European Court of Human Rights judgments and recommendations of international institutions; carrying out research on policing and human rights issues and writing reports about findings and cooperating with NGO’s and public institutions. They offer consultation and advisory services, and organise training opportunities and conduct trainings within the police force on respecting human rights. They are also acting as the liaison officers between the representatives of minorities, NGOs and government bodies dealing with minorities and the Police. They monitor current actions of the Police, suggesting solutions which aim to maintain high standards of the protection of human rights.

* A plan to include the issue of protection of traditional European Christian values in the proposals for the National Action Program for Equal Treatment for 2021-2030.
* The Government Plenipotentiary for Equal Treatment monitors the situation on an ongoing basis as regards compliance with the principles of equal treatment and takes action to combat intolerance and incitement to violence on the grounds of religion or belief. In addition, the Plenipotentiary's office is involved in the preliminary ruling proceedings before the European Court of Justice in chosen cassespertaining to intolerance, negative stereotyping, stigmatization, discrimination, or incitement to violence and violence against, persons based on religion or belief.
* Training programmes & consultations
	+ The Ministry of Interrior and Administration coordinates the implementation of a country-wide ‘Training against hate crimes for law enforcement officers – TAHCLE’ (is designed and implemented by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe). A programme devoted to the issue of hate crimes conducting proper actions in carrying out investigations, adequate police responding titled.
	+ National Police Headquarters in cooperation with The Ministry organizes trainings on ‘Combating crimes committed for racist and xenophobic reasons’, addressed to police officers of criminal intelligence investigation services carrying out activities in cases related to hate crimes.
	+ Criminal Bureau of National Police Headquarters is responsible for arranging meetings concerning the issues of combating hate crimes for the coordinators of hate crimes functioning in all provincial (voivodship) police headquarters as well as with representatives of public institutions and social organizations dealing with the protection of human rights and counteracting crimes from hatred.
	+ Building literacy in police units in Poland by circulating manuals (“Human First. Antidiscriminatory Measures in Police. Practical Guide”, “To Protect And To Serve”) and general trainings (“Policing and Human Rights” for managers of police units in “ensuring respect for human rights in police management”).

Training on human rights protection is carried out systematically in all police units, with such activities being implemented as a priority in those units where human rights violations, misbehaviour or improper conduct of police officer(s) have occurred or are suspected.

* Building literacy and information campaigns

The Police Action Plan for 2018-2021 in the field of counteracting the propagation of fascism and other totalitarian regimes as well as hate crimes based on national, ethnic, racial, denominational or religious differences, following some exemplary initiatives have been introduced:

* + information campaigns on the threats and legal consequences of hate speech in public space, including stadiums. Positive social attitudes among young people are promoted to hold down aggressive, racist and xenophobic behavior;
	+ locally organized campaigns and preventive campaigns on the issues of hate speech, i.e. hateful content or inciting ethnic, racial or national hatred in the form of inscriptions/writings on the walls and facades of buildings;
	+ police officers dedicated to juvenile and social ills cases along with police prevention experts conduct preventive and educational meetings with children and youth, parents, teachers at schools, raising the issues of equality and tolerance;
	+ trainings and workshop meetings for various professional groups, including teachers, on tolerance towards other cultures, eg. Jewish; training workshops on counteracting crimes committed for racist and xenophobic reasons;
	+ establishment of cooperation with societies associating national and ethnic minorities, for example the Association of the Roma Community, Muslims, Jews and other national and religious minorities in Poland;
	+ social debates concerning the issue of shaping right attitudes towards foreigners, preventive actions in the area of tolerance, counteracting racism, changing stereotypes as well as respecting for human dignity;
	+ police organizational units operating in the area where citizens of other countries study and live, cooperate with the administration of dormitories in order to respond to any threats of hate crimes;
	+ ongoing monitoring and check-ups with representatives of minority groups regarding their safety at the place of residence, emergency telephones and police helpdesks, counselling services;
	+ radio broadcasting on topics covering the prevention of hate-motivated crimes, media messages/information.
1. **Remedies provided by States to victims of religious hate crimes.**
* Monitoring and reporting - the Ministry of the Interior and Administration, in cooperation with the General Police Headquarters, is monitoring crimes motivated by prejudice. The scope of such monitoring includes information on preparatory proceedings on cases related to hate crimes prosecuted (by the Police) across the country. The system is based on monthly reports on hate crime investigations prepared by local units and the General Police Headquarters, which are then sent to the Analysis and Migration Policy Department of the Ministry of the Interior and Administration and supplemented with the Department’s information on judgments made in specific cases.
* Appointment of the position of Coordinators for fighting hate crimes in the cyberspace in the General Police Headquarters and in Voivodeship Police Headquarters.
* Implementation of the “Plan on the education and information activities on the protection of human rights and freedom, implementation of the principles of equal treatment, as well as compliance with professional ethics in the police for 2019-2020” in the polish police to improve internal, as well as external educational and informational skills performed by the Police in the aspect of respecting human rights and freedoms, professional ethics and equal treatment.
* Implementation of The Police Action Plan for 2018-2021 in the field of counteracting the propagation of fascism and other totalitarian regimes as well as hate crimes based on national, ethnic, racial, denominational or religious differences, which is a part of the abovementioned “Plan (…) for 2019-2020”.
* Police officers, especially human rights units within the police, are in regular contact with representatives of religious minorities. One of the task, includes “Initiating cooperation and maintaining constant contact with the representatives of social minorities, non-governmental organizations and state institutions working for social minorities”. Community partners, with whom police units cooperate, such as non-governmental organisations (e.g. Jewish Community of Warsaw) or scientific and educational institutions, play a key role in the realisation of tasks related to antidiscrimination education.
1. **Specific measures to promote interfaith dialogue and religious pluralism in school curricula**
* Education activities to promote education to prevent antisemitism, racism and intolerance, create a space of dialogue between young Israelis and Poles

Establishment of “The Preserving the Memory: History and Culture of Two Nations programme” in 2003 under the auspices of the Polish and Israeli ministries of education,.

Until 2016, more than 20,000 students and 450 teachers from more than 450 schools participated in the programme. Each year, 150 one-day meetings take place in Poland. By the year 2016, 750 teachers from all over Poland took part in a two-week-long international seminar at Yad Vashem.

An important component supporting the implementation of the programme is the website www.polska– izrael.edu.pl gathering variety information on the initiative and Polish – Israeli relations.

1. **Examples of civil society organizations and other non-state actors protecting the right to freedom of religion or belief for religious minorities, in particular where State action has been inadequate**
* Helsinki Foundation for Human Rights - founded in 1989 by the members of the Helsinki Committee in Poland. Its mission is to promote the development of a culture based on the respect of freedom and human rights in Poland and abroad.
* Open Republic – association against anti-semitism and xenophopbia, established in 1999
* The Polish Society of Anti-Discrimination Law – established in 2006, non-governmental organization of lawyers, specializing in anti-discrimination, cooperating with a network of national and international organizations