

Churches and Religious Communities in Poland with Particular Focus on the Situation of Muslim Communities

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ABSTRACT *This article examines complex relations between the state and churches as well as religious communities as defined in the Constitution of Poland (1997), in the Concordat with the Holy See (1993), in the statute on the guarantees of freedom of conscience and religion (1989) and in the separate statutes on relations between the State and a given denomination. This article also looks at the legal situation of the Muslim Community in Poland mainly comprised of the Tartars, who settled in Poland centuries ago (between 14th and 17th century) who have a separate statute dating back to 1936, and the new Muslim immigration who have formed their associations under the general statute dated 1989.*

Constitutional Law

Basic Principles

The relations between the State and Churches and other religious communities in Poland are laid down in the Constitution of the Republic of 1997, in the Concordat of 1993 between Poland and the Holy See of the Roman Catholic Church,¹ in the statute on freedom of conscience and religion of 1989,² and in detailed statutes and regulations of various dates. There have been only a very limited number of respective court judgments, and the existing ones, like those in other European continental states, are binding exclusively in a given case and *inter partes*.³ A brief look at the relevant portions of these documents, statutes, and judgments should provide a clear foundation for the ensuing discussion.

Among the sources of law concerning religious matters, Article 25 of the Constitution is of fundamental significance. As it refers to churches and religious communities, and not to individuals, it can be defined as a provision on collec-

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tive religious freedom, while Article 53 refers to individual religious freedom. Article 25 reads as follows:⁴

1. Churches and other religious organizations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. 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, as well as on the principle of cooperation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.
5. The relations between the Republic of Poland and other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

It is worth noting that the current Constitution of 1997, unlike Poland's previous constitutions, does not include in its preamble any direct reference to God. The first modern Polish constitution, that of 3 May 1791, stated explicitly: "The national predominant religion is and will be the Holy Catholic faith with all its rights; change of the predominant religion to any other is prohibited under the penalty of apostasy; but as the same Holy Faith commands us to love our brothers, therefore we take all people, of whatever belief, under government protection, and guarantee peace in faith in Polish lands, according to the statutes".⁵ The so-called "March Constitution", adopted soon after World War I, had a preamble starting with an *Invocatio Dei*: "In the name of the Almighty God". This invocation was acknowledged to be acceptable for all Christian denominations, as well as Jews and Muslims. In the course of drafting the Constitution of 1997, debate over the content of the preamble arose during several meetings of the constitutional committee.⁶ Finally, the first non-communist Prime Minister, Tadeusz Mazowiecki, proposed a statement which was quite long, but which satisfied all the participants. It read, "We, the Polish Nation – all citizens of the Republic, Both those who believe in God as the source of truth, justice, good and beauty, As well as those not sharing such faith but respecting those universal values as arising from other sources..."

Formally, the Concordat of 1993, concluded between Poland and the Holy See, refers exclusively to the Roman Catholic Church. However, it is definite-

ly an important source of ecclesiastical law more broadly defined. Although the government of then Prime Minister Ms. Hanna Suchocka signed the Concordat in 1993, it took five years for this treaty to be ratified by the Sejm. To cut a long story short, the Sejm, dominated from 1993-1997 by the left party

(namely ex- or post-communists), refused to ratify the Concordat by raising a number of more or less relevant allegations. One of the concerns of the deputies had to do with the provision stating that a marriage concluded in front of a clergy member would take effect in civil law, provided that the priest conducting the marriage ceremony would inform the state office of civil registration of the ceremony within 5 working days⁷. The deputies expressed doubts as to whether the priests would be reliable enough to proceed accurately according to the statutory deadlines and requirements. Under the provision that ensued, the privilege of officiating legally binding marriage ceremonies, initially granted exclusively to the Catholic Church, was extended to those churches and religious communities whose relations with the State are based on a separate statute. As a result of an amendment to the family code by the statute of 24 July 1998, marriages that have been solemnized according to the confessional provisions of the following churches and religious communities are recognized in civil law: the Catholic Church, the Orthodox Church, the Lutheran Church, the Reformed Church, the Methodist Church, the Baptist Christians, the Seventh Day Adventists, the Polish Catholic Church, the Union of the Jewish Confessional Communities, the OldCatholic Mariavites and the Pentecostal Church. The Muslim Religious Association, together with the Catholic Church of the Mariavites, the Eastern OldRites Church and the Karaim/Karaites Religious Union are not among the institutions granted this privilege. That is due to the fact that they declared no interest in the popularly termed “concordat” marriage.

It should be underlined that the first Article of the Concordat initially met with heavy criticism: the wording describing both Church and State as “independent and autonomous” was regarded by many left-wing commentators as imbalanced. However, nowadays it seems to be generally accepted.

The Terminology

The statute on freedom of conscience and religion states clearly in Article 10 § 1, that “*Poland is a lay state, neutral in terms of religion and conviction*”. The term “lay”, *Świecki* in Polish, is generally regarded as a neutral term; in the statute used as a justification for denying state subsidies for churches and religious communities, there is neither definition nor description of this word. Words

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with meanings similar to laicism or secularism are also present in the Polish language, but they are attributed to certain legal processes or solutions, like the French *laïcité* (*laickość*), or to special periods of time; *sekularyzacja*, for example, refers to the process in the 1940s and 1950s, when communist authorities were closing down schools and confiscating church assets. Apart from some radical left wing parties, which are scarcely represented in Parliament, there are presently no cohesive voices challenging the status quo. (After the 2011 elections there was an anticlerical party, *Ruch Palikota*, but many deputies have since abandoned this party and joined others.) Apparently both interested parties: pro-clerical and anti-clerical alike, are aware that any change to the present equilibrium could damage their position in the long-term. Such an outcome was foreseeable in one of the rare discussions concerning a change to the statute on abortion: After the parliamentary elections of 2005, some right wing politicians suggested a change of law with an eye towards a complete prohibition of abortion. The Church avoided publicly supporting their efforts, knowing that in the next legislative period another change would be inevitable.

As regards terminology: Polish legislation generally uses the term *Kościół i inne związki wyznaniowe*, which is correctly translated as “Churches and other faith communities.” In foreign publications they are usually called “Churches and religious communities.” The field of law governing questions of church–state relations is called *prawo wyznaniowe* (confessional law).⁸ In the Constitution and in the statutes dealing with religious issues, the terms *wolność religii* (freedom of religion) or *wolność wyznania* (freedom of confession, freedom of beliefs) are used as synonyms. The general opinion holds that in practice no significance should be attributed to this difference.

There is no official state church in Poland, a fact implicit in Article 25 of the Constitution, which uses the plural form of the word “church,” referring to “Churches and other religious organizations”, and which underlines their equal rights (see above). The last constitution to include a provision on the predominant religion was adopted in 1921. Subsequent constitutions, in 1935, 1952 and 1992, did not include such a reference. Nonetheless, even nowadays the Catholic Church is frequently regarded as the Polish national church, although this status is not laid down in any legal text. Rather, the national character of the Catholic Church arises from statistics, presented in a more detailed form below. Out of some 33 million Poles baptized in the Catholic Church, some 40% still regularly participate in services on Sundays, which gives a rough number of 15 million regularly practicing. The second largest church is the Orthodox Church with 0.5 million baptized. The Catholic Church is therefore *de facto*, but not *de jure*, the national church.

The current Polish Constitution, adopted on 2 April 1997, mentions explicitly only one Church, namely the Catholic Church. This is due to the fact that only



A woman holds up a cross during demonstrations against a play (Golgotha Picnic) which criticizes Jesus of Nazareth and his message.

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JANEK SKARZYNSKI

this Church, through the Holy See, is a subject of international law. This formula cannot be regarded as a discrimination against other churches.

Education – Constitutional Principles

Religious education in Poland plays an important role; despite being an optional subject, an overwhelming majority of children attend these lessons. The number of attendees generally decreases with the age of the pupils, markedly so after they obtain the sacrament of confirmation (*bierzmowanie*) in last class of post-grammar school, at age 16.

The Constitution includes a provision on religious education: according to Article 53 paragraph 3, “parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Art. 48 para 1. shall apply as appropriate.” Article 48 paragraph 1 states, “parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of a child as well as his freedom of conscience and belief and also his convictions.” Those two provisions seem to be similar in meaning and even redundant to some extent, which is one of the consequences of the fact that, with 243 Articles and numerous paragraphs within Articles, the Polish constitution is one of the longest in Europe.

The Concordat between Poland and the Holy See states clearly that the Catholic Church may, according to both Canonical Law and Polish law, establish schools, which are subject to Polish law, in particular in terms of issuing certificates (Article 14). Such schools are obliged to adhere to the minimum re-

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quirements of Polish school curriculum, as set by the Ministry. The same rules apply to other Churches and religious communities, which have separate statutes on relations with the State. Their schools are supervised by their respective ecclesiastical authorities.¹⁰

State Religious Administration

Sad experiences which took place in the People's Republic of Poland (1944-1989), when the communist government persecuted the Church in many direct and indirect ways resulted after the political change of 1989, in a tacit consensus that the state administration should be as limited as possible in

its activities concerning religious bodies. Currently, the responsible member of the government is the Minister for Administration and Digitization. The Minister's main tasks consist of taking decisions relating to the registration of churches and religious communities, as foreseen by the statute on freedom of conscience and religion instituted in 1989. Moreover, this office is responsible for the restitution of the assets of churches and religious communities seized during the communist regime.¹¹ Within the Ministry, the Department of Religious Institutions and National and Ethnic Minorities supervises the "Church Fund", which was set into law for the purpose of restitution in 1950, but which only began functioning properly in 1999.¹² Until 1999, there was no budget line devoted to the purposes of the Fund. Currently, the Department assures technical assistance for the Commission responsible for restitution of property belonging to churches and religious communities, and for the Common Commission of the Government and Bishops' Conference, and the Common Commissions of the Government and other Churches and religious communities.

According to the statute on freedom of conscience and religion, the Minister of Administration and Digitization is responsible for matters relating to churches and religious communities. There is no special, separate office or agency established for dealing with these issues. Poland is divided into 16 *voivodships* ("provinces" administered by a *voivod*), a *voivod* being a local government representative appointed by the Prime Minister, who acts as the local interlocutor for religious bodies. Within the framework of the *voivod's* administration, there is usually a very small unit, sometimes consisting just of one official, which is responsible for religious questions. The competences of the *voivod* are very limited in regard to religious matters, and can be generally described as twofold. The *voivod* is to be informed if there is a change to the territorial division of the religious administration, such as the establishment of a new parish or comparable unit of a different religious body. If such a change affects the

territories of more than one *voivod*, the Minister should be informed (statute of 1989). The second important task of the *voivod* is to represent the government in any negotiations relating to the restitution of religious assets that were confiscated after 1945.

The Funding of Churches and Religious Communities

Sources of Income

The State generally does not finance the activities of churches or religious communities. According to the statute on freedom of religion and conscience, Poland is a lay state, neutral in relation to religion and conviction (Article 10 § 1). As a result, neither the State nor its units or entities finance churches or other religious communities. Exceptions to this rule may be based exclusively on statutes, or in legal acts issued on the basis of a statute (Article 10 § 2).¹³

Indeed, generally speaking, there is no direct financing of churches or religious communities from the State budget. However, in the spring of 2005, for the first time, the government introduced a provision which permits citizens to donate 1% of their personal income tax obligation to an organization that serves the public interest.¹⁴ Churches and religious communities are not on the list of these organizations as such, but a number of foundations or other organizations derived from churches and religious communities are eligible to receive these donations.¹⁵ If the taxpayer does not elect to donate the 1%, the money goes automatically to the state; hence there is no option “of saving the money.” A minor change that significantly streamlined the life of Poland’s taxpayers is the fact that while in first years the taxpayers had to transfer this 1% and connect the applicable transfer confirmation to their tax declaration; this operation is now done by the tax authorities.

Despite the option of donating 1% of the taxes, introduced in 2004, the main sources of finance for Churches and religious communities remain very traditional. These include regular collections solicited during services on Sundays; *de facto* fees paid by the interested on the occasion of events like marriages, baptisms, etc. In the case of the Catholic Church, a peculiar, additional form of financing is the so-called *kołęda*, an ancient ritual of gathering. In this context, *koleda* refers to a tradition which takes place in January, when priests visit all the inhabitants of the parish who wish to receive them in their houses. These visits provide an opportunity to talk, and for the priests and parish members to learn about each other, but of course it depends very much on the interest of both of the interlocutors. Usually, during these visits, the priests receive some money in envelopes. Some authors surmise that *kołęda* constitutes some 25% of the annual income of clergy members. The *kołęda* is known in all parts of Poland, equally in towns and villages.

Churches in Poland have never been major landowners. Before the partition of Poland in 1795, it was prohibited for noble persons to donate their real estate to Churches in their wills, and only noble persons could be landowners. Before World War II, Churches owned altogether some 400,000 hectares. Due to the change of borders following the war, only some 150-180,000 of these hect-

ares remained within the territory of Poland; after 1989 a long process of restitution of ecclesiastical assets began.

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Religious authorities appoint teachers, chaplains, and similar personnel. Their salaries are paid by the religious authorities, except for the salaries of chaplains in the army and teachers working in public schools; these are paid by the State, and the same rules that concern other teachers and similar person-

nel apply to them. For many years, all of these issues have been subject of many parliamentary questions, mainly coming from socialist/post-communist deputies, which the government patiently answers, quoting all necessary figures.¹⁶

Another important element of church financing involves the discussion and negotiations concerning the abolishment of the Church Fund. More details on this topic will be given in the final section of this paper.

Taxes Paid by the Clergy

It is important to mention that the clergy of all churches and religious communities are obliged to pay taxes quarterly. The basis for this decision is laid down in the simplified form of taxation set by the statute of 1998.¹⁷ The due amount is a flat rate communicated by the Minister of Finance, usually in November, in advance for the next year. The communication consists of two tables; one for an incumbent (the main priest in the parish) and the second for a vicar (his deputy). The first table depends on the size of the parish, and the second both on the size of the parish and the size of the town in which the parish is located. The amount is progressive, starting (for the year 2014) with ca. 100 euros for an incumbent and ca. 30 for his deputy, and ends with ca. 375 euros and 120 euros respectively.¹⁸ However, these rates refer mainly to the Catholic Church; the clergy of less common churches and religious communities may apply for reductions, on the grounds that the believers of their denomination constitute less than a half of the total number of inhabitants in their given area (Article 46 para. 2 of the above-mentioned statute of 1998). In such a case, a written statement from the priest or comparable authority is sufficient to apply for the

reduction. Based on the regulation of 1991, which has the same wording, the Chief Administrative Court confirmed this option in a judgment issued on August 31, 1999 (ONSA 2000, No. 3, item 119).¹⁹

To sum up, in terms of financial relations between church and state, Poland is a rather strange case, where Churches are not officially financed by the State, but the clergy of churches and religious communities are obliged to pay (some limited) taxes quarterly. A priest may resign from this form of taxation and become subject to the general rules of taxation, although this is not common.

Except for some special regulations, addressed in separate statutes, the general rules of tax law apply to the assets and incomes of churches and religious communities. However, there are numbers of different exemptions, which lead some left-wing politicians and commentators to the conclusion that, in fact, churches do not pay any taxes at all. There are two important kinds of tax exemptions: first of all, income that churches and religious communities derive from their economic activities is not subject to taxation, as long as the money is spent on the designated statutory aims, these being religious, educational, charitable, cultural, scientific, religious investments, and activities necessary for the preservation and restoration of buildings related to religious activities. The State is quite generous in this regard: churches and religious communities may spend the money gained from their economic activities on the above-mentioned aims in the fiscal year in which the money is acquired, or in the following year. In practice, this means that any such taxes are due in the following year. As it is entirely possible to imagine, thanks to the very broad formula of this provision, very rarely do churches and religious communities pay any taxes. A second important exemption is the fact that the ecclesiastical real estate is not subject to taxation. Another factor involves duty-free status. Before Poland's accession to the EU, churches and religious institutions were allowed to receive goods and equipment needed for printing duty-free; this is no longer possible currently, as it runs contrary to EU customs legislation. Nevertheless, according to EU law, objects for religious use are in many cases exempted from the duty tariffs or are subject to specific regulation.²⁰ Moreover, according to the statute on Personal Income Tax,²¹ a natural person may donate money to churches and religious communities and deduct the donated amount from their tax-base.

The statute of 1933 on public collections, which is still in force, provides special regulations for churches and religious communities.²² It stresses, among other things, that religious purposes should be regarded as worth supporting. Collections undertaken for religious aims, either organized inside church premises or "in places and during times regarded as customary according to local tradition," do not require the permission of the local authorities (or even of the

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Minister of Interior, if a collection is organized in the entire country). This provision significantly facilitates the management and retention of religious finances within the religious community.

The Chief Administrative Courts decided in 2002 that Churches are exempted from taxes, but not from fees. This means that they are obliged to pay, for example, a fee stemming from an increase in the value of church real estate (judgment 20.12.2002, NSA I 342/01). However, organizations of public interest (and among them numerous religious organizations established by Churches and religious communities) are exempted from taxes on real estate, CIT, court fees and the fees that typically apply to entering a contract.²³

The Role of Churches and Religious Communities in Politics

During the times of the so-called 1st Republic, until the partition of the Kingdom of Poland in 1795, the Church played a significant role in political life. Bishops had *ex officio* seats in the Upper House of the Senate, and the Archbishop of Gniezno, who was Primate of Poland, was appointed to act as an *interrex* between the death of a king and the election of next one. During the times of partition (1795-1918), the successive Archbishops of Gniezno informally continued to fulfill this mission.²⁴

The last time in the history of Poland that a church official held a state position was in 1916. After the creation of the “Kingdom of Poland” by Germany and Austrian-Hungary, a regency council was appointed by both Emperors. One of the three members of the council was the Archbishop of Warsaw, Cardinal Kakowski. The role of the regency council ended in November 1918, when Polish statesman Józef Piłsudski was liberated from a German prison and the council handed its powers over to him. Since then, Church officials have not held any politically significant position and the influence of the Church has remained informal.

After 1989, many bishops tried to influence the political views of their parishioners, but after the Parliamentary elections of 1993, and in particular after the constitutional referendum of 1997, when the constitution was adopted against the will of Church, the Church officially ceased giving any instructions. However, during the debate on Poland's accession to the European Union, Pope John Paul II addressed this issue, underlining the importance of European integration and showing the logic of this historic process.²⁵ While some right wing politicians tried to interpret the words of the Pope in the opposite way, they remained in a definite minority. During the accession debate, the Polish

Bishops' Conference issued its own statement, which was generally positive towards the integration, but did not explicitly support Poland's accession and which also expressed some doubts and concerns. The Lutheran Church issued a statement in favour of the integration; other churches did not take any position on this issue.

Currently, the Church and right-wing politicians alike focus on debates concerning in-vitro fertilization and the possibility of state funding for this procedure, and on the legalization of same sex partnerships. (It should be noted that the constitution of Poland says clearly in Art. 18 that marriage is a union between a man and a woman).

There are no legal obstacles preventing priests who would like to run for political posts from doing so; generally, they simply refrain from these kinds of activities. As of the 2011 elections, there are two ex-priests present in the lower chamber of the Parliament: ex-Catholic priest Roman Kotliński, who is a member of the anticlerical party *Ruch Palikota* (as of 2015, *Twój Ruch*), and John Godson, ex-priest of the Divine Church in Christ, and the first Polish member of Parliament of African origin.

Education

General Remarks²⁶

State schools in Poland constitute an overwhelming majority. Private schools, common in towns and cities but not in villages, are generally found in higher percentages among secondary schools than among primary schools. This results from the fact that in private schools pupils are obliged to pay a tuition fee, which is set by the body running the school.

Religious education in state schools was suspended soon after World War II. Interestingly, during the communist regime, religious secondary schools for girls were allowed, while all other religious schools, in particular secondary schools for boys, were forbidden. During this time, Churches and religious communities organized religious education on their own, usually in the afternoons, in their own premises, these being parish houses or so-called *domy katechetyczne* (houses of religious education). Generally, neither churches nor believers encountered major hindrances in this endeavor, except for the fact that the authorities were extremely reluctant to issue permits for the construction of new parish houses or the enlargement of existing houses.

It is worth mentioning that after the political change of 1989, religion was reintroduced into schools beginning in September 1990. This change was initiated via a written memo from of the Minister of Education– in other words, mere-

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ly an internal document, and not a general source of law. This fact was broadly discussed in Poland, with some people opposing such a comeback of religion – not because they were against religion in schools, but

because they did not approve of the way it was reintroduced.

Currently, religious education in schools is conducted according to the rules set by the Regulation of the Minister of National Education of 14 April 1992, which addresses the conditions and means of organizing religious education in public schools and kindergartens.²⁷ This act constitutes a basis for two important agreements, the first concluded between the Minister and the Polish [Catholic] Bishops' Conference (6 September 2000), and the second between the Minister and the Polish Ecumenical Council, a grouping of major Protestant, Orthodox and non-Roman-Catholic Churches (24 April 2013). Before presenting the details of these agreements, a few remarks on the general framework provided by the regulation will be made.

Religious education takes place in primary schools and lower secondary schools, (the latter called *gimnazjum*, with pupils of the age between 13 and 16), according to the will of the parents or of their legal tutor. In upper secondary school (*liceum*, with pupils of the age between 16 and 19) the will may be expressed by parents or pupils, or exclusively by pupils of 18 years of age. As the regulation formulates in Paragraph 1, “*The wish to attend religious education may be expressed in the simplest way, and it does not have to be repeated at the beginning of each year; however it may be revoked.*” The same paragraph 1 of the regulation underlines that a student's participation or non-participation in religious education may not constitute a reason for discrimination by anyone or in any way. It is worth mentioning that the note filed into a student's records upon completion of his or her course in religious education is given on the school certificate as “religious education/ethics” note. In order to prevent any form of discrimination, it is forbidden to either cross out or underline “religious education” or “ethics”, which make it impossible to derive from the certificate which course of study the pupil attended. According to the same logic, there is also no information regarding which confession classes the pupil attended.

According to the regulation, both kindergartens and schools are obliged to organize religious education classes if there are at least 7 pupils of a respective denomination. If this number is not attained within one age group, a school may organize religious education for pupils of mixed ages. If the number of pupils wishing to attend classes is still below 7, a school in co-operation with other schools may organize a special course in one of the schools; in such a case, the

required number of pupils is 3. Moreover, the regulation allows for access to school rooms for confessions, free of charge, in schools which do not organize their religious education within the normal framework. However, these classes should take place in time that does not conflict with any other school activity.

Religious instruction, in the sense of providing children with general knowledge about religions, is not taught in Polish schools. Pupils who attend religious classes learn about one particular religion. Classes of ethics are not religious instruction in this sense. In this respect, the case *Grzelak* (appl. 7710/02) should be noted: parents of the pupil objected to the fact that their child could not attend classes in ethics, which were simply not offered by the school. The case reached the European Court of Human Rights: in the judgment on 15 June 2010, the ECtHR confirmed that Poland had violated the Convention by not offering an ethics class as an option.

Religious Schools and Their Funding

Religious schools constitute part of the non-public sector of education; the general rules²⁸ of this sector apply to them, which means, among other things, that a natural person or legal entity which intends to establish a school must provide the respective self-government authority (this being the *gmina* or municipality in the case of primary schools, or the *powiat* or county administration for secondary education) with all necessary data. The application must contain an excerpt from the register of legal persons, or the identifying documents of the natural person or persons wishing to establish the school; the proposed statute of the school; a list of teachers-to-be and their qualifications; the proposed location with respect to access to public services such as the fire department and hygienic service, etc. Granting or refusing permission to these applications must be issued as an administrative decision. Permission is granted if the statute of the school complies with the provisions of the statutes on education in Poland, the premises meet the requirements for educational facilities, the teachers have proper qualifications, and the prospective school would complement the existing network of schools in the area. Permission may be refused or withdrawn if the person establishing the school was crossed out of the register, if the school ceased to exist for longer than 2 weeks (except for school holidays, as in a respective statute), or if the educational aims were crossed out from the statute of the school.

According to the Main Statistic Office,²⁹ 93 (sic!) out of 13,442 primary schools are run by religious organizations, as are a mere 141 out of 7,412 lower secondary schools, and 90 out of 2,312 upper secondary schools. The respective number of students and general percentage is as follows: 0,6%, 1,6%, 1,7%. Statistics on the number of teachers are not available. The percentage of students attending schools run by religious organizations increases in respect to institutions of higher education, such as universities. In regard to non-Catholic institutions,

The historic mosque and a nearby Tatar Cemetery in Kruszyniany (Poland) were devastated by unknown people in June 2014.

AFP PHOTO /
ARTUR RESZKO



the Lutheran Church in Poland, which, with 50,000 believers is well organized, can be considered a representative example. It runs three kindergartens, two primary schools, one bilingual PolishGerman primary school, five secondary schools, and one bible school.

There are a few exceptions in the field of higher education: The Catholic University of Lublin, the Papal Academy of Theology in Krakow, the Papal Faculties of Theology in Wrocław and Warsaw, and the Higher School of Philosophy and Pedagogics Ignatianum in Kraków are financed directly from the State budget. The same is true for the Christian Academy of Theology in Warsaw, which educates non-Roman-Catholic theologians (Orthodox, Lutherans, etc.). All of these exceptions are based on different statutes.³⁰

Non-Catholic Schools

Religious schools, being a part of the non-public sector, receive grants from the State for every pupil, calculated as half of the means spent on an average pupil in a public school; the rest must be paid by parents as a tuition fee. All religious schools, which are almost exclusively Christian and predominantly Catholic, are funded on this basis. One Jewish school, accessible for pupils of all denominations, operates in Wrocław.

The curriculum for religious education is laid down by the respective ecclesiastical authorities, which inform the Ministry for Education about the content of the programs. Such authorities also determine the handbooks used by pupils.

Teachers are appointed by the religious bodies. As the regulation underlines, a teacher of religion may be employed only on the basis of an appointing letter, addressed to the headmaster of the given school or kindergarten, and signed by a responsible ecclesiastical authority. In the case of the Catholic Church, this authority is the local bishop; in case of other denominations, the signatory is a comparable authority figure. The withdrawal of such an appointing letter means that the teacher loses the capability to teach religion. However, if this happens during a school year and a religious authority wants to appoint another teacher, it shall cover their salary.

Teachers of religion are employed in accordance with the Teacher's Charter,³¹ which is a legal act designating special rules of labor law for teachers. As mentioned above, there are two agreements, that between the Minister for Education and the Bishops' Conference and that between the Minister for Education and the Polish Ecumenical Council, which contain details relating to the professional and pedagogical preparation of teachers. In the case of upper secondary schools or *licea*, the following persons are eligible to conduct classes: priests and lay persons who have completed their studies in theology, students of the 5th and 6th year of seminaries, and persons holding academic degree who did not graduate in theology, but who either completed post-graduate theological courses or graduated from a "theological college" approved by the Bishops' Conference.

Teachers of religion, like other teachers in Poland, are members of the "pedagogical council" (an assembly of all teachers of a given school), but they may not be tutors (teachers responsible for a given group of pupils, usually for the entire period of their education at school). Apart from that restriction, teachers of religion have the same rights and duties as other teachers; moreover, they may organize additional meetings for parents and pupils, provided that they inform the headmaster in due time.

Pupils who attend religious education classes may receive a leave from school lasting up to three days in order to attend *rekolekcje* (a time of reflection and preparation for Easter, which usually takes 3 consecutive days, with service and sermons every day), if their denomination includes this practice as a preparation for Church holidays. If there are religion classes of more than one denomination organized in one school, the respective ecclesiastical authorities are requested to cooperate in order to carry out the *rekolekcje* at the same time. According to the regulation of 11.03.1999,³² employees and pupils may ask for a leave from their duties on a day which, according to their belief, is a religious holiday. They have to submit such a request at least 7 days before the holiday. Employees should be informed no later than 3 days before the holiday as to how they must compensate for their absence at work, and pupils must be instructed as to how to keep up with the program carried out on the day

of their absence. The regulation stresses that those provisions do not apply to situations in which an employee demands a free weekday, such as Fridays, on regular basis. Nevertheless, employees may ask their employer to arrange an individual schedule of work. There is no respective provision for pupils.

It seems worth noting that the two resolutions of the Chief Council for Higher Education, *Rada Główna Szkolnictwa Wyższego*, a body established by the statute of 1992 as responsible for the quality of higher education, set the framework or minimum program for studies in “theology” and “Canon law.” These resolutions constitute a rare case of direct involvement by a state body in a program of religious education.

Minorities

“Minorities” in the Constitution and in Polish Law

Since 1.04.2001, Poland has been a party of the Framework Convention for the Protection of National Minorities. A new statute dating from 6.01.2005, and entitled “National and ethnic minorities and the regional language,” is entirely devoted to the question of minorities.³³ It defines the term “national minority,” and sets the requirements which must be fulfilled in order to obtain such a status. In order to be considered a “national minority,” persons of non-Polish heritage in terms of language, culture and tradition, have to have been present in Polish territory for over 100 years, and must identify themselves with a nation organized in another State. The following national minorities are listed in the statute: Belarusian, Czech, German, Lithuanian, Armenian, Russian, Slovak, Ukrainian and Jewish. The statute also defines “ethnic minority,” which, like a national minority, must have been present on Polish soil for 100 years or more, but is not obligated to identify itself with another existing state. To this group belong the following: Karaims/Karaites, Ruthenians/Lemkis (in Polish called *Lemkowie*, persons originating from Southern Ukraine), Roma and Tatars. According to the statute, nobody can be forced to publicly declare his or her origin, language or religion; this kind of obligation may be imposed only by a statute; moreover, nobody can be forced to prove that he or she belongs to a given minority; public authorities should ensure the principle of non-discrimination and protection for people belonging to minorities, and should foster intercultural dialogue. The responsible authority for overseeing this statute is the *voivod* (a local representative of the government), who may establish a plenipotentiary for the minorities. On the website of the Ministry of Administration and Digitization there is a list of such plenipotentiaries with their email addresses and phone numbers, so that interested persons may contact them.³⁴ The right to use the language of a minority as an auxiliary language in official communications is restricted to *voivodhsips* in which more than 20% of the inhabitants speak the minority language.

There are schools oriented to the needs of minorities, at the level of primary education, lower and upper secondary schools. However, the Tatars do not run their own schools.

The Minister responsible for churches and religious communities, currently the Minister of Administration and Digitization, may grant financial aid to the activities of minorities, in particular for printing books or magazines; the production of TV or radio-programs; the protection of sites; for education, specifically the promotion of knowledge on minorities; for libraries and documentation of artistic and cultural life of minorities; and for investments which safeguard the identity of minorities, etc.³⁵ These grants may be awarded without public procurement, and there is no precise regulation of these grants, or of the minimum-maximum amount of such grants, laid down in the statute.



There are schools oriented to the needs of minorities, at the level of primary education, lower and upper secondary schools

Minority Religions Officially Recognized in Poland

There is no legal definition of a religious minority in Poland, but taking into account the fact that Catholics constitute an overwhelming majority of the population, all other denominations are regarded as *de facto* minorities. In legal terms, there are three groups of religious communities:

- Those functioning on the basis of a separate statute on relations with the State, adopted by the Parliament (there are 14 such Churches and religious communities);
- Those registered according to the statute on the freedom of conscience and religion of 1989;
- Non-registered religious communities, whose importance and activities are very limited.

The first group encompasses major and traditional denominations.³⁶ To this group belong the following churches and religious communities, listed in chronological order (with the date of the relevant statute in brackets): the Eastern Old Rites Church (Ordinance of the President of the Republic, 22 March 1928), the Muslim Religious Association (21 April 1936), the Karaim Religious Community (21 April 1936), the Catholic Church (17 May 1989), the Polish Autocephalous Orthodox Church (4 July 1991), the Augsburg-Confession Church in the Republic of Poland, usually referred to as the Lutheran Church, (13 May 1994), the Protestant Reformed Church (13 May 1994), the Protestant Methodist Church (30 June 1995), the Baptist Christians Church (30 June 1995), the Seventh Day Adventists Church (30 June 1995) the Polish Catholic

There are no binding requirements or strict rules which could help to determine which of the religious communities deserves a separate statute. It is merely a political decision of the Parliament

Church (30 June 1995), the Union of Jewish Confessional Communities (20 February 1997), the Catholic Church of the Mariavites (20 February 1997), the Old Catholic Church of the Mariavites (20 February 1997), and the Pentecostal Church (20 February 1997). Those whose statutes were adopted on the same day share many important similarities.³⁷

It is important to stress that there are no binding requirements or strict rules which could help to determine which of the religious communities deserves a separate statute. It is merely a political decision of the Parliament. Nevertheless one should bear in mind that there are rules for the registration of religious communities. Given these caveats, it seems appropriate to apply the classical technique of interpretation called “a fortiori,” which leads to the conclusion that a community desiring to have a separate status should definitely fulfill the criteria necessary for registration. Therefore, if hypothetically, for unknown and unexpected reasons, Parliament decided to issue a statute on relations with a destructive sect of whatever origin, the Constitutional Court could cite an infringement of the Constitution, e.g. the protection of public order, etc. However, a political will – or lack thereof – has been so far the decisive factor for issuing statutes.

To the second group belong some 160 churches and religious communities, which fulfill the formal criteria laid down in the statute of 1989. As the criteria are quite liberal, almost all submitted applications have so far been accepted, except for some applications that were incomplete or inadequate as to form. Only in a few cases has the Minister of Administration and Digitization refused to register a denomination, basing his decision on one of the two criteria, namely: lacking features of religion, or the public-order-clause (among those rejected were Raelians and the Church of the Flying Spaghetti Monster, known as Pastafarians). The non-registered religious communities have only general rights, such as freedom of gathering.

Islam in Poland

Islam as an Officially Recognized Religion – Legal Aspects

The Muslim Religious Association (MRA) belongs to the first group of churches and communities having relations with the State laid down in a separate statute. It has enjoyed its current legal position since 1936. One source of the

law governing its status is the regulation of the President of the Republic, issued according to the Constitution of 1935, when the President had the competency to issue regulations having the force of a statute.

Since the President's regulation was issued during the time of the 2nd Republic (1918-1939), it does not contain some of the provisions which exist in other, more recent statutes, such as tax exemption or the return of the ecclesiastical property which was confiscated after World War II by the communist regime. It is worth noting that the regulation of 1936 has remained untouched: as a consequence, the statutory seat of the Polish Mufti is still in Vilnius, Lithuania (sic!). Also according to the same regulation, on Fridays all Muslim clergy are obliged to pray for the wellbeing of the Republic and its President. Taking into account that the above-mentioned regulation is outdated, the Muslim Religious Association issued a new, internal regulation in 2004.

The internal regulation of the Muslim Religious Association was adopted on 20 March 2004 by the Extraordinary All-Polish Congress of the MRA. It was sent for acknowledgement to the then Minister of Interior and Administration, and it constitutes, together with the above-mentioned statute of 1936, the legal framework for the activity of the MRA. Actually, according to the regulation of 1936, the internal statute of MRA should be adopted by the Council of the Ministers of the Republic as a regulation. However, keeping in mind that at present neither the Council of Ministers nor state authorities in general have broad competencies in relation to internal matters of religious bodies (referring exclusively to the question of their registration in Poland), the MRA deemed it sufficient simply to inform them about the content of the statute, at the time of its ratification within the MRA. According to paragraph 1.7, the MRA has its own administrative structure and independent self-government, which is independent from the state and from foreign authorities. It should be noted that the authorities of the MRA shall use Polish as the language of communication with the Polish authorities or institutions. The Mufti is expected to speak and write Polish, but his stamp includes a title both in Polish and Arabic. The Mufti should be Polish, but in exceptional situations the Ministry may agree to deviate from this principle.

Although the statute pertaining to its relation with the Polish state was adopted in 1936, the Muslim Religious Association in Poland itself was founded in 1926. In 2006, between June 3-5 it celebrated its 80th anniversary; the jubilee was organized under the auspices of the Speaker of the Lower House (*Marszałek Sejmu*), Mr. Marek Jurek. During the festivities, the President of the Republic awarded 4 persons, including the Mufti and two imams, with state orders for their contribution to culture and ecumenism in Poland. This official celebration of the MRA was held first in Warsaw and subsequently in Białystok, in the Voivodship office. The participants listened to lectures, at-

Following the attack on US soil of 11 September 2001, there were only a handful of minor, unfriendly incidents towards Muslim communities in Poland

tended debates, visited local cemeteries and prayed together. The meeting was attended by numerous delegations from various Muslim states.

It should be noted that the MRA, although it is the only association mentioned in the state regulation of 1936, is not the only Muslim association in Poland. The MRA represents Tatars, who have lived in Poland for centuries, while other associations represent Muslims who are mainly Shi'ite in orientation. Among the latter, the following are registered as religious associations, just to name a few: the Association of Muslim Unity (*Stowarzyszenie Jedności*

Muzułmańskiej, established in 1937 and registered in 1990), the Ahmadiyya Muslim Association (*Stowarzyszenie Muzułmańskie Ahmadiyya*, registered in 1990) and the most recent among them, the Muslim League (*Liga Muzułmańska*, registered in 2004). Some others are simply registered as associations, for example, the Association of Polish Muslims (*Związek Muzułmanów Polskich*, registered in 1999). Interestingly, the Association of Muslim Brothers (*Stowarzyszenie Braci Muzułmańskich*), registered in 1990, is no longer in the ministerial register.

According to official sources (GUS - The Main Statistic Office), the number of Muslims in Poland is estimated to number 5,000 persons. However, Muslim sources indicate as many as 30,000 persons, taking into account both Polish citizens and foreign residents.

Muslims in Poland – History, Contemporary Situation and Challenges

Interestingly, a first report on Polish lands was written in the 10th century by Ibrahim Ibn Jakub, a traveller and a salesman describing Europe for the Spanish caliph. He depicted Poland under the reign of its first Christian ruler, Mieszko I. This story is quite well known in Poland and is clear proof of centuries of contact between Poles and Muslims. Nowadays, the Muslim community in Poland consists generally of two groups: descendants of the Tatars, whose ancestors settled in Polish lands in the 14th century, and those who arrived in recent years (mainly from 1970s and 80s onward). One has to keep in mind that the Tatars were allies of the Polish king Władysław Jagiełło during his famous war against the German Order, and their units played a crucial role during the battle of 1410. During the 17th century, when the Polish state was engaged in numerous wars with almost all of its neighbors, the state budget was unable to provide remuneration to its hired units; therefore King Jan III Sobieski, the same who defended Austria in 1683 during the battle of Vienna, decided to give land to the Polish Muslims as a compensation for their services. Parts of these lands, such as Kruszyniany and Bohoniki, remain within the current borders

of Poland, while some are now in neighboring countries. The second group of Muslims arrived in Poland after World War II, in large numbers beginning in the 1980s. These latter were mainly students who decided to stay in the country after completing their university education, due to many reasons, such as marrying Polish women, and/or establishing their own businesses.

Following the attack on US soil of 11 September 2001, there were only a handful of minor, unfriendly incidents towards Muslim communities in Poland: e.g. in September 2001 a group of youngsters threw stones at the mosque in Gdańsk and demolished windows. As an immediate reaction, then President of the Republic Mr A. Kwaśniewski met with the Muslim hierarchy and expressed his solidarity. As relations involving and affecting Muslims have become more prominent in the public arena in recent years, some Muslims living in Poland have occasionally been invited to the TV stations to express their point of view on situations in various regions of the world.

Polish society, which has been known for centuries for its hospitality and tolerance, nowadays faces a new challenge: that of immigration, mainly from countries like Vietnam and the former Soviet Union. There is no doubt that the number of immigrants, and the countries they come from, will continue to increase. Despite this trend, the sight of a Muslim woman in a scarf is still rare, even in Poland's big cities. It is difficult to estimate how Muslims are treated in the Polish society, because the overwhelming majority of the population hardly ever meets them. As few comments by Muslims are widely accessible, one source of information is "Planetislam," the Muslim Community in Poland's English-language website, which highlights some aspects of everyday life.³⁸

In November 2006, the President of the Imams' Council of the Muslim Religious Association concluded an agreement with Poland's Chief Veterinary Officer; it relates to the conditions of slaughter and production in the *Halal*-system. According to this agreement, *halal* slaughter is allowed only after permission is given by the President of the Imams' Council, and only in places which are on the Chief Veterinary Officer's list. Any other activities involving production and slaughter are illegal, and the veterinary inspectors should inform the Imams' Council of any breach of the agreement. This agreement entered into force on 1 December 2006.³⁹ In the summer of 2013, ritual slaughter became a hot and widely discussed topic, as the Polish parliament adopted an amendment to statute on the protection of animals, specifically prohibiting ritual slaughter. The Association of Jewish Religious Communities brought this statute to the Constitutional Court (case K52/13), which, in a judgment on 10 December 2014, decided that this statute is not compatible with the Polish constitution (Art. 53) read together with the European Convention on Human Rights (Article 9). Significant portions of the judgment were translated into English and are available on the website of the Constitutional Court.⁴⁰

Concerning the standard of life in Poland, generally Muslims live on the same social level as the rest of society, with a good number of them being doctors or entrepreneurs.

Statistics Concerning Churches and Religious Communities, Number of Parishes, Number of Clergy and Number of Believers⁴¹

Church or Religious Communities	Number of parishes or respective entities	Number of clergy	Number of members
Catholic Church/Latin Rite	10,204	30,820	33,037,017
Orthodox Church	236	444	504,400
Catholic Church/Byzant. Ukrain. Rite	135	80	55,000
Jehovah's Witnesses	1,379		125,226
Augsburg Confession (Lutheran) Church	134	191	61,654
Old Catholic Church of the Mariavites	36	23	23,262
Polish Catholic Church	80	82	21,432
Pentecostal Church	230	364	23,012
Seventh Day Adventist Church	150	67	9,658
New Apostolic Church	52	89	5,266
Church of Baptists	87	203	5100
Islamic Assembly Ahl-ul-Bayt	1	1	5000

The Catholic Church of the Byzantine-Ukrainian Rite (known in Poland as Greco-Catholics) and the Lutheran Church have suffered significant losses within the last ten years. As this list includes only Churches and communities having more than 5,000 members/followers, in comparison to data from 2004, four of them had to disappear: the Catholic Church of the Armenian Rite, the International Society for Krishna Consciousness, the Christian Church of the Preachers of the Gospel, and the Islamic Religious Community. The latter is replaced on this list by the Islamic Assembly of Ahl-ul-Bayt, which has formally only 61 members, but claims to represent 5,000 Shiites living in Poland.

It should be noted that these figures are based on estimations and data provided by the denominations themselves, as information regarding a person's religious affiliation is not solicited in any official document or proceeding, not even in the census. Moreover, the number of believers represents the numbers of baptized/members, which is not the same as the number of people regularly attending religious ceremonies.

The most recent national census, carried out in 2011, included a question on religious affiliation only in the so-called "extended questionnaire," which was addressed to a random 20% of the population. It was possible to choose one's affiliation from a ready-made list of existing popular Churches and religious

communities, or to write in the name of another church or religious community.

Churches and religious communities generally seem to be satisfied with the current conditions in Poland

Concerning Muslims, there are only a few mosques and prayer centers in Poland, located in Białystok, Gdańsk and Warsaw. The tiny villages of Kruszyniany and in Bohoniki, each with a total population of less than 200, boast preserved ancient mosque buildings that still serve as places of worship for the small number of Muslims settled there. In other cities, the Muslims, both locals and students from abroad, gather for prayers in private premises. The official website of the Muslim Religious Association lists the addresses of 11 Muslim communities (Białystok, Bohoniki, Bydgoszcz, Gdańsk, Katowice, Kruszyniany, Lublin, Poznań, Suchowola, Wrocław and Warszawa) and the names of the respective imams or leaders of the centers.⁴²

Varia

Public Funds for Religious Establishments and Their Activities

As stated before, based on the statute on freedom of religion and conscience of 1989, the State generally does not finance the activities of churches or religious communities. However, clergy working as teachers in schools do receive remuneration from the State, just like any other teacher. In order to diminish the negative impression that arose due to reintroduction of religion in 1990 via an instruction of the Ministry, the Church declared that its priests would not accept any salaries. However this turned out to be against state labor law, which provides that an employee must not refrain from receiving his or her salary. Therefore, both those members of the clergy who are chaplains in the army and those who are teachers are paid by the State; however it is becoming more and more common for lay people to teach religion in schools. It should be noted that the social security of priests is paid from the "Church Fund."

All registered churches and religious communities, as well their entities having legal personality, may submit an application for financing investments from the Church Fund. The Catholic Church receives some 87% of the means distributed by the Fund, which is understandable in view of the statistics shown above. The future of the Church Fund is briefly discussed below, under point 9.

Labor Law

People working in religious establishments conclude normal labor contracts with their employers. This means that they fully benefit from the rights guaranteed by labor law and in statutes on social security benefits. There are some special requirements for teachers in terms of their qualifications. The gener-

al working conditions do not apply to volunteers, as they do not enjoy social benefits. The chaplains working in hospitals are paid by the hospitals. As mentioned before, the Church Fund pays the social insurance of priests of all denominations, which is regarded as a form of compensation for the confiscations of properties in 1940s and 1950s.

As the group of civil servants in Poland is very narrowly defined according to statute, no member of the clergy holds such a position.

Poland and the Accession to the EU (2004)

Polish ecclesiastical law seems to have been untouched by Poland's accession to the EU. This is guaranteed for all Member States by the Declaration No. 11 to the Amsterdam Treaty, which states: "The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. The European Union equally respects the status of philosophical and non-confessional organizations." This declaration has been (at least so far) a reality, confirmed by Article 17 of the Treaty on the Functioning of the EU. Moreover, the Directive of 2000/78 respects the important labor-law related wishes of churches and religious communities which is a good sign for the future.⁴³

The debate on Polish accession to the EU was very lively. Groups opposed to accession underlined Poland's religious heritage and tried to use quotations from Pope John Paul II to support their anti-EU position. As stated above in point 11, the Church itself took an official position quite late, and its position was not crystal clear. The clergy's major points of concern involved issues like pornography, drugs, abortion, expected decrease of church attendance and other social issues.⁴⁴ There were no discussions relating to changes in legislation, as the constitution, the concordat and various statutes provide a stable legal framework for the Church that was not expected to be affected by Poland's inclusion in the EU.⁴⁵ To date, the only change affecting religious matters relates to the duty-free import of machines and materials used for printing, which, in accordance with EU customs legislation is no longer allowed.

Final Outlook

Churches and religious communities generally seem to be satisfied with the current conditions in Poland. With that said, one of the questions of major concern is the future of the Church Fund.⁴⁶ After 1990, churches received compensation for the majority of the real estate they had lost after 1945 (compensation both in the form of the return of the same real estate or its equivalent); at that point the *raison d'être* of the Church Fund ceased to exist. The government and (Catholic) Bishops agreed that the wider use of a given percentage of the

due tax could solve the problem: instead of receiving a fixed amount from the State budget, as is now the case with the Church Fund, churches and religious communities would get 0.5% from the taxpayers. This proposal faces serious opposition, mainly from small churches and religious communities that argue that this measure would impose an undue hardship on their members, who are often elderly people in smaller towns. The draft statute thus includes a provision on the minimum income of the churches and religious communities that this 0.5% should bring; should this minimum not be reached, the State would be obliged to pay the difference to the churches and religious communities. However, negotiations between the Church and the Polish government remain at a standstill; 2015, being the year of parliamentary elections, does not seem to be the year when decisions will be taken. Interestingly, the Bishops are much more open to discussing this topic than many right-wing politicians: the latter claim that the abolition of the Church Fund is yet another attack on the (Catholic) Church.

Another matter of debate involves the Churches' request regarding the way in which new statutes on relations with the State should be adopted. The new statutes should be based on agreements with Churches and religious communities, and not derive from the unilateral will of the Parliament, as has been the case so far. This is not a question of challenging the status quo in order to demand new rights, but a desire for a formal adjustment to the provision of Article 25 of the Constitution. 18 years after the constitution was adopted, none of these agreements has been adopted as a new statute, although the Orthodox Church as the first signed on 6 April 2011 an agreement which is meant to constitute a basis for such a new statute.⁴⁷

Endnotes

1. Polish Official Journal – Dziennik Ustaw, hereinafter as Dz. U. 1998, No. 51, item 318.
2. Consolidated version: Dz. U. 2005, No. 261, item 1965 with amendments.
3. The limited jurisprudence of Polish courts in religious matters is reported in the *European Journal for Church-State Research*, Leuven, beginning with vol. 2001.
4. Translation: Chancellery of the Sejm, Warszawa 1999.
5. J. Boć, *Konstytucje Rzeczypospolitej*, Wrocław 1998.
6. The committee consisted of 46 deputies of the Lower House – Sejm and 10 members of the Upper House: Senate.
7. J. Krukowski, *Polskie prawo wyznaniowe*, Warszawa 2000, p. 258.
8. All the handbooks in Poland bear such titles.
9. Translation by the Chancellery of Sejm, Warszawa 1999.
10. More about inspections in schools below.
11. More about the restitution of ecclesiastical buildings and assets in English (despite the Italian title): M. Rynkowski, "La questione dell'espropriazione e della restituzione delle proprietà delle Chiese nell'Europa centro-orientale," in *Quaderni di diritto e politica ecclesiastica*, 2/2010, p. 341. See also D. Walencik,

Rewindykacja nieruchomości Kościoła katolickiego w postępowaniu przed komisją majątkową, Lublin 2009.

12. P. Sobczyk, K. Warchałowski (ed.), *Finansowanie Kościołów i innych związków wyznaniowych*, Warszawa 2013.

13. T. Stanisławski, *Finansowanie instytucji wyznaniowych ze środków publicznych w Polsce*, Lublin 2011.

14. Statute of 24 April 2003, consolidated version Dz.U. 2014, 1116, 1138, 1146

15. Website of the Lutheran Church clearly lists all such Lutheran organisations: <http://www.luteranie.pl/pl/index.php?D=887>, accessed on May 07, 2015.

16. Zawisław M., *Relacje Państwo-Kościół w świetle interpelacji posłów na Sejm VI kadencji*, Lublin 2014.

17. Statute from 20 November 1998, Dz. U. 1998, No. 144, item 930.

18. Communication of the Minister of Finance of 28.11.2013, Monitor Polski 2013, item 956.

19. A. Mezglewski, H. Misztal, P. Stanisławski, *Prawo wyznaniowe*, Warszawa 2006, p. 261.

20. Ch. Schmidt-König, G. Robbers (ed.), *Religion related norms in the European Union Law*, Trier, 2001, with regular update on the website: <http://www.uni-trier.de/index.php?id=7526&L=2>, Accessed May 07, 2015.

21. Consolidated version: Dz. U. 2012, 361 and following amendments.

22. Dz. U. 1933, No. 22, item 162, with changes.

23. Statute on organizations of public interest, from 24 April 2003, Dz. U. 2003, No. 96, item 873.

24. More about historic developments: M. Rynkowski, "Church and State in Poland," in G. Robbers (ed.) *Church and State in the EU*, Baden-Baden, 2005.

25. Jan Paweł II: *Europa drogą Kościoła*, Wrocław 2004 (A collection of speeches of John Paul II relating to the European Integration).

26. Extensively: J. Krukowski, "Religion in Public Education – Poland," in G. Robbers (ed.), *Religion in Public Education*, Trier 2011, p. 383, and online <http://ubt.opus.hbz-nrw.de/volltexte/2011/722/>

27. Polish Official Journal Dz. U. 1992, No. 36, item 155, with changes.

28. Regulation of the Minister of National Education and Sport from 4 March 2004, Dz. U. 2004 No. 46 item 438.

29. Mały Rocznik Statystyczny (Small statistical yearbook) GUS 2014, pp. 242-243.

30. Respectively: Statute from 14 June 1991, Dz.U.1991 No. 61 item 259; Statute from 26 June 1997, Dz.U.1997 No. 103 item 650 and statutes of 5 April 2006: Dz. U. 2006 No. 94, items 648, 649 and 650. See M. Duda, "Zasady finansowania uczelni państwowych z budżetu państwa," in *Studia z prawa wyznaniowego*, Lublin 2012 (vol. 15), p. 29.

31. Statute from 26 January 1982, consolidated version in Dz. U. 2014, it. 191 and amendments.

32. Dz. U. 1999, No. 26, item 235.

33. Dz. U. 2005, No. 17, item 141.

34. <http://mnjejszosci.narodowe.mac.gov.pl/mne/mnjejszosci/podmioty-odpowiedzialn/pelnomocnicy-wojewodow/6488,Osoby-odpowiedzialne-za-sprawy-mnjejszosci-narodowych-i-etnicznych-w-województwa.html>, Accessed on May 7, 2015.

35. Dz. U. 2005, No. 17, item 141, Article 18.

36. "Traditional" in this sense refers to those denominations whose presence in Poland has been long-term, and not to newcomers to Poland from traditional religions originating in the Far East.

37. W. Uruszczak, Z. Zarzycki, *Prawo wyznaniowe*, Kraków 2003 (collection of statutes relating to ecclesiastical law). Some of them are subject of separate commentaries, e.g. the one on Jewish Religious Communities: A. Czohara, T.J. Zieliński, *Ustawa o stosunku Państwa do Gmin Wyznaniowych Żydowskich w Polsce*, Warszawa 2012.

38. <http://www.planetaislam.com/poland/report.html>, accessed on May 07, 2015.
39. For the text of this agreement, see: www.mzr.pl, accessed on November 26, 2006.
40. <http://trybunal.gov.pl/en/news/press-releases/after-the-hearing/art/7278-uboj-rytualny/>
41. Data of *Główny Urząd Statystyczny* (Main Statistical Office), Warszawa 2014, pages 134, 135. Data for the year 2013.
42. <http://www.mzr.pl/pl/info.php?id=16>, accessed on May 07, 2015.
43. About the implementation of this directive in Poland, see M. Rynkowski, "Poland," in M. Hill QC (ed.), *Religion and discrimination law in the European Union*, Trier 2012, p. 261; <http://ubt.opus.hbz-nrw.de/volltexte/2012/742/>
44. B. Fedyszak-Radziejowska, *Zmiany społeczne i przystąpienie Polski do Unii Europejskiej jako zadanie i wyzwanie dla Kościoła katolickiego – opinie duchowieństwa parafialnego*, w: P. Mazurkiewicz (ed.), *Kościół katolicki w przededniu wejścia Polski do Unii Europejskiej*, Warszawa 2003, p. 84.
45. For more about the impact of Poland's accession to the EU, see M. Rynkowski: "Der Beitritt Polens zur EU- seine Bedeutung für die Kirchen und Religionsgemeinschaften in Polen," in G. Schuh (ed.), *Die Transformation nationaler Politik*, Berlin 2005.
46. P. Borecki, "Dylematy likwidacji Funduszu Kościelnego i komisji regulacyjnych," in *Przegląd Prawa Wyznaniowego*, Lublin 2012 (vol. 4), p. 125; P. Kaleta, "Problemy prawne likwidacji Funduszu Kościelnego," in *Studia op. cit.*, Lublin 2012 (vol. 15), p. 255.
47. P. Borecki, "Uwagi w sprawie umowy z dnia 6 kwietnia 2011 r. między Radą Ministrów a Polskim Autokefalicznym Kościołem Prawosławnym," *Przegląd op. cit.*, Lublin 2012 (vol. 4), p. 229.

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