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## **Report of Xenophobia, radical nationalism and expressions of hatred in 2018-20: Poland**

### **Legislation.**

#### **Discriminatory legislation affecting minorities.**

The most important legal act regarding national and ethnic minorities is the Act of 6 January 2005 on national and ethnic minorities and the regional language. In the given period, no amendment of any kind has been introduced to the Act. It must be heard in mind, however, that this situation – namely lack of legislative intervention - is source of major concern for certain Polish Silesians whose language is not listed as a “regional language”<sup>1</sup>.

According to the Act (Article 19), a regional language within the meaning of the Act, in accordance with the European Charter for Regional or Minority Languages, shall be considered to be a language which is a regional language: 1) is traditionally used on the territory of a country by its citizens, who are smaller than the rest of its population; 2) is different from the official language of the country; this does not include either the dialects of the official language of the country or the languages of migrants. The Act explicitly stipulates that the regional language within the meaning of the Act is the Kashubian language only. This has significant consequences with regard to, among the others, exercise of the right to learn a regional language or in a regional language: Polish public authorities shall take appropriate measures to support activities aimed at preserving and developing the regional language (Article 20). As the Silesian language is not a regional language, the requirement for state authorities to exercise the right to learn a regional language does not apply.

The legislation itself does not contain any evident discriminatory content.

In this respect, an activity of the Polish Ombudsman (*pol. Rzecznik Praw Obywatelskich, RPO*) should be noted. Namely, in February 2020 a report<sup>2</sup> regarding RPO’s activity in the field of protecting national and ethnic minorities (2018-2019) was published.

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<sup>1</sup> This issue became one of the topics discussed during the presidential election campaign in 2020; one of the candidates, Mr. Władysław Kosiniak – Kamysz, declared that he would introduce Silesian as a regional language to the aforementioned Act: <https://dziennikzachodni.pl/wladyslaw-kosiniakkamysz-zapowiada-ze-podpisze-ustawe-wprowadzajaca-slaski-jezyk-regionalny/ar/c1-15032250> [accessed: 30.11.2020]

<sup>2</sup> „Informacja o działaniach podejmowanych przez Rzecznika Praw Obywatelskich na rzecz ochrony praw mniejszości narodowych i etnicznych w latach 2018-2019”, Warsaw, February 2020, <https://www.rpo.gov.pl/sites/default/files/Informacja%20o%20dzia%C5%82aniach%20RPO%20na%20rzecz%20ochro>

The RPO stressed that multiculturalism, and hence presence of minorities, is „a value of a democratic state and enjoys legal protection.” According to RPO, protection of minorities is a more complex question than mere non-discrimination. It should also be understood as state’s obligation in terms of development of minorities language and culture. Such a concept has its roots both in an international law, and art. 35 of Polish Constitution. Moreover, protection of minorities means also „combating prejudice and negative stereotypes and fighting hate-motivated crimes on national, ethnic, and religious grounds.”<sup>3</sup>

According to statistics provided by the RPO, in 2018 and 2019 around 40 cases regarding violation of national and ethnic minorities’ rights. Moreover, 190 cases of hate speech and violate hate-crimes were registered (the letter number includes both ethnic minorities and foreigners). Although RPO does not provide detailed information in terms of nationality or ethnicity, most of the cases regard the Roma.<sup>4</sup>

Eventually, the Resolution CM/ResCMN(2020)12 on the implementation of the Framework Convention for the Protection of National Minorities by Poland should be mentioned. The Resolution was adopted by the Committee of Ministers on October 21, 2020 at the 1386th meeting of the Ministers’ Deputies.

The Resolution states that: „The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee’s fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention: Recommendations for immediate action:

1. adopt, implement, monitor and regularly evaluate, with the participation of Roma, a Roma Integration Programme for 2020 onwards, incorporating measures targeting the majority population to combat anti-Gypsyism, developing consultation mechanisms at local level, and granting multi-annual financial support to projects where necessary; in the framework of this programme, expand the Roma school assistants programme and take measures to increase participation of Roma children especially in preschool and in secondary education; furthermore, ensure that all funds allocated to improving housing conditions of Roma are actually spent for that purpose;
2. strengthen the protection and promotion of cultures and identities of persons belonging to national minorities, effectively addressing the needs of numerically smaller ones, including through the provision of adequate funding for associations of national minorities and making it more sustainable in the long term;
3. take resolute measures to promote intercultural dialogue and mutual understanding between the majority and the different minority groups, as well as religious communities, in Poland; condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media and promote actively a sense of belonging to a shared country, based on the acceptance of the complexity of Poland’s history; increase efforts to combat hate speech and effectively identify, register and investigate cases of alleged hate crime, and prosecute and sanction those responsible;

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[ny%20praw%20mniejszo%C5%9Bci%20narodowych%20i%20etnicznych%20w%20latach%202018-2019.pdf](#) [accessed: 4.12 2020]

<sup>3</sup> „Informacja o działaniach podejmowanych przez Rzecznika Praw Obywatelskich...”, p. 5

<sup>4</sup> „Informacja o działaniach podejmowanych przez Rzecznika Praw Obywatelskich...”, p. 6

4. take measures to enhance the quality of minority language teaching through taking more responsibility for the production of new teaching materials, ensuring that funds transferred to local authorities for minority language teaching are earmarked for that purpose, and securing the availability of qualified teachers, in particular in the Kashubian language.

Further recommendations:

5. take a pragmatic and constructive approach in the dialogue with groups having expressed an interest in the protection afforded by the Framework Convention, including the Silesians, and consider the application of the Framework Convention on an article-by-article basis;

6. step up efforts to raise awareness of the legislative standards and remedies available for victims of discrimination, in particular among groups most frequently exposed to discrimination such as Roma; provide adequate political and financial support to the Office of the Commissioner for Human Rights to enable it to effectively pursue its independence and fulfil its mandate in protecting persons belonging to national minorities;

7. ensure, if necessary, by taking legislative measures, the effective participation of national minorities in regional public radio and television programme councils; continuously monitor the impact of media legislation on the rights afforded to national minorities and ensure that all national minority languages and cultures that exist in society are visibly and audibly present in both regional and national broadcasting;

8. increase efforts to collect disaggregated data on the socio-economic participation of the Roma minority in Poland, especially on housing and employment, and on that basis ensure the effective participation of Roma in economic and social life by designing and implementing comprehensive and adaptable policy measures;

9. enter into a dialogue with representatives of national minorities on a reform of the working mechanism of the Joint Commission of the Government and National and Ethnic Minorities, to strengthen its mandate and revisit the appointment procedure with a view to better reflecting diversity within minorities;

10. ensure that the rights of persons belonging to national minorities are duly taken into account when planning and implementing administrative territorial reforms.”<sup>5</sup>

### **Additional information:**

The 2020 coronavirus pandemic seem to have affected immigrants and minorities. The impact of SARS-Cov-2 pandemic on those groups are currently being examined by prof. Michał Bliwicz and prof. Justyna Olko from the University of Warsaw. The diagnosis seems to be the following: „While nearly everyone is exposed to these negative emotional effects of the pandemic, ethnic minorities and immigrants seem to be the most vulnerable. These groups are being affected disproportionately more severely. In addition, the

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<sup>5</sup> The Resolution CM/ResCMN(2020)12 on the implementation of the Framework Convention for the Protection of National Minorities by Poland adopted by the Committee of Ministers on October 21, 2020 at the 1386th meeting of the Ministers’ Deputies, [https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680a0112c](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a0112c) [accessed: 9.12.2020]

COVID-19 crisis is aggravating discrimination against minorities, which are now viewed by majority groups as threats to their health and stability.”<sup>6</sup>

### **Migration legislation.**

As a preliminary remark, it should be noted that quite a number of Polish legal acts concerning immigration and immigrants (laws: generally binding acts adopted by the national Parliament; and regulations: executive acts to the laws, issued mainly at the government level) are partly an implementation of the European Union and international law.

An example of implementation of the EU law (e.g. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States) is the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of citizens of the European Union Member States and their family members.

On the other hand, the regulations contained in the Polish law on the refugee status in the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland are partially based on the Convention Relating to the Status of Refugees drawn up in Geneva on 28 July 1951.

For the sake of clarity, it should also be stressed that when analysing Polish legal acts on immigration, it is always necessary to distinguish between the legal situation of an EU citizen, persons coming from outside the EU and e.g. persons with refugee status, as the legal regime in which the persons are located is different and the catalogue of rights and obligations to which the persons are subject also varies. The most important Polish legal acts regulating immigration will be listed below, together with their brief characteristics.

First of all, the Act of 12 December 2013 on foreigners<sup>7</sup> should be indicated, which regulates the rules and conditions of foreigners' entry into, transit through, stay in and exit from the territory of the Republic of Poland, the procedure and authorities competent in these matters.<sup>8</sup> However, its provisions do not apply to members of diplomatic missions and consular posts of foreign countries and other persons equated with them on the basis of acts, agreements or generally established international customs, provided that they are reciprocal and have documents confirming the performance of their functions entitling them to enter and stay on the territory of the Republic of Poland (with exceptions provided for in this Act), as well as to nationals of the Member States of the European Union, the Member States of the European Free Trade Association

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<sup>6</sup> „How COVID-19 pandemic is affecting immigrants and ethnic minorities”, September 17, 2020, <https://www.fnp.org.pl/en/jak-pandemia-covid-19-wplywa-na-imigrantow-i-mniejszosci-etniczne/> [accessed: 2.12.2020]

<sup>7</sup> Act on foreigners, Polish Journal of Laws (Dz. U.) 2013.1650 of 2013.12.30, as amended [hereinafter: Act on foreigners]; this Act implements a number of EU legal acts including the Directive of 28 May 2001 on mutual recognition of decisions on the expulsion of third country nationals (OJ L 149 of 02.06.2001, p. 34), the Directive of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985. (OJ L 187, 10.07.2001, p. 45), Directive of 22 September 2003 on the right to family reunification (OJ L 251, 03.10.2003, p. 12, as amended)

<sup>8</sup> Act on foreigners..., Article 1

(EFTA) - Parties to the Agreement on the European Economic Area or the Swiss Confederation and members of their families who join them or reside with them.<sup>9</sup> According to this Act, a foreigner is anyone who does not hold Polish citizenship.<sup>10</sup>

Secondly, the legal act to which reference should be made is the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (hereinafter: Act on granting protection to foreigners).<sup>11</sup> This Act sets out the principles, conditions and procedures for granting protection to foreigners on the territory of the Republic of Poland and the authorities competent in these matters.<sup>12</sup> According to the Act, a foreigner is granted protection on the territory of the Republic of Poland by the granting the refugee status, granting subsidiary protection, granting asylum, granting temporary protection.<sup>13</sup> What is important, each foreigner's application for protection is examined as an application for granting the refugee status, unless the foreigner explicitly applies for asylum or the request for protection results from a court ruling on inadmissibility of foreigner's surrender or from the decision of the Minister of Justice on the refusal to surrender the foreigner.<sup>14</sup>

Another act which relates to immigration issues is the Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of nationals of the Member States of the European Union and their family members<sup>15</sup>, which lays down the rules and conditions for entry into, residence in and exit from the territory of the Republic of Poland of nationals of the Member States of the European Union, nationals of the Member States of the European Free Trade Association (EFTA) - Parties to the Agreement on the European Economic Area, nationals of the Swiss Confederation, family members of the nationals referred to above who join or stay with them and the procedure and authorities competent in these matters.<sup>16</sup>

From the point of view of this study and indication of the implementation of the provisions of the Polish law regulating immigration, it is necessary to briefly present the Office for Foreigners (*Urząd do Spraw Cudzoziemców*) (governmental administration office), headed by the Chief, who performs a number of tasks resulting from the aforementioned Act on Foreigners. The catalogue of these tasks includes, among other things: issuing decisions and decisions in the first instance and considering appeals against decisions and complaints against decisions issued in the first instance by other authorities in matters regulated by all three acts listed in this chapter; activities related to the functioning of the Schengen Information System, providing the authorities of other European Union Member States with a number of data on foreigners (details are regulated by the Act on foreigners).<sup>17</sup> The head of the aforementioned Office is the central body of

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<sup>9</sup> Act on foreigners..., Article 2

<sup>10</sup> Act on foreigners..., Article 3.2

<sup>11</sup> Act on granting protection to foreigners within the territory of the Republic of Poland, Polish Journal of Laws 2012.680, i.e. as of 2012.06.19, as amended

<sup>12</sup> Act on granting the protection..., Article 1

<sup>13</sup> Act on granting the protection..., Article 3.1

<sup>14</sup> Act on granting the protection..., Article 3.2

<sup>15</sup> Act of 14 July 2006 on the entry into, residence in and exit from the territory of the Republic of Poland of nationals of the Member States of the European Union and their family members, Polish Journal of Laws 2014.1525 i.e. as of 2014.11.06 as amended.

<sup>16</sup> Act on the entry..., Article 1

<sup>17</sup> Act on foreigners..., Article 22

government administration (as Polish administrative law name it), competent, *inter alia*, in matters concerning the entry of foreigners into the territory of the Republic of Poland, transit through this territory, stay in and departure from it, granting the refugee status, granting a permit to stay for humanitarian reasons or a permit for tolerated stay, granting asylum to foreigners<sup>18</sup>. The body examining appeals against the decision of the Chief of the Office for Foreigners is the Refugee Board in matters concerning granting the refugee status.<sup>19</sup>

No significant changes have been observed in a monitored period. Note: special provisions aimed at combating COVID-19 have not been analysed.

## 0.2. Refugees legislation

The basic source of law of general application in Poland concerning refugees is the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland<sup>20</sup>. This act implements in its regulation the following EU directives: Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 07.08.2001) and Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31, 03.02.2003)<sup>21</sup>. It should also be noted that Poland is a party to the Convention relating to the Status of Refugees drawn up in Geneva on 28 July 1951.<sup>22</sup> Moreover, Poland, as a member of the European Union, is obliged to observe the provisions of European law on refugees<sup>23</sup>.

The Act stipulates that a foreigner is given protection on the territory of the Republic of Poland by granting: the refugee status, subsidiary protection asylum, temporary protection<sup>24</sup>. A foreigner is granted refugee status if, due to a well-founded fear of being persecuted in his country of origin for reasons of race, religion, nationality, political opinion or membership of a particular social group, he is unable or unwilling to avail himself of the protection of that country. What is more, a foreigner shall be granted subsidiary protection if his return to his country of origin could expose him to a real risk of suffering serious harm through the imposition of the death penalty or execution, torture, inhuman or degrading treatment or punishment, serious and individual threat to life or health arising from the widespread use of violence against civilians in situations of international or internal armed conflict, and he is unable or unwilling to avail himself of country-of-origin protection because of that risk<sup>25</sup>.

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<sup>18</sup> Act on foreigners..., Article 16

<sup>19</sup> Rada ds. uchodźców, <https://www.gov.pl/web/rada-ds-uchodzcow> [accessed: 10.08.2020]

<sup>20</sup> Dz.U.2019.1666 t.j. z dnia 2019.09.02

<sup>21</sup> Ibid.

<sup>22</sup> Dz.U.1991.119.515 z dnia 1991.12.20

<sup>23</sup> Article 78 of the Treaty on the Functioning of the European Union lays down the conditions relating to the Common European Asylum System comprising

<sup>24</sup> Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Article 3

<sup>25</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/uchodzcy-2/uchodzcy/prawa-i-obowiazki/prawa/> [accessed 30.11.2020]

According to the Polish Office for Foreigners, in 2018, there was another drop in the number of foreigners applying for international protection in Poland. Applications in this case were submitted by 4.1 thousand people - about 1 thousand less than in 2017. The conditions for granting international protection were met by 406 foreigners in total. Negative decisions were received by 2.1 thousand people and 1.9 thousand proceedings were discontinued. In 2018, the largest number of applications for international protection in Poland were submitted by citizens of Russia - 2.7 thousand people, Ukraine - 466 people and Tajikistan - 144 people. Nearly 1.4 thousand foreigners submitted applications once again. Among the persons applying for refugee status, almost half were minors and women - these are the highest rates in Europe<sup>26</sup>. Also, according to the Office for Foreigners, in the first half of 2020, 1.3 thousand foreigners applied for the refugee status in Poland, including almost 650 for the first time. The conditions for granting international protection were met by 169 persons. Negative decisions were issued against 1 thousand people and 730 proceedings were discontinued. According to the data of the Office for Foreigners, the number of refugee applications in the first half of 2020 was 29% lower than in the same period of 2019. The main countries of origin of foreigners applying for international protection were: Russia - 819 persons, Ukraine - 144, Tajikistan - 58, Georgia - 34 and Turkey - 34<sup>27</sup>.

In the given period (2018 – 2020) there were introduced changes within the Polish law due to the epidemiological situation caused by Covid-19. These changes in the law have provided for, among others, special solutions for foreigners in Poland. These regulations allowed people who wanted to fulfil their current purpose of stay or cannot leave Poland due to the spread of the SARS-CoV-2 virus to stay legally in the country<sup>28</sup>. The amended regulations extended by law of the validity of residence cards. Thus, the so called “special law” [changes within the law due to Covid-19] contained a special provision providing for the extension by force of the right to the period of validity of residence cards, the end of which would be during a state of emergency an epidemic or state of epidemics. The provision of Article 15z2(1) of the Special Act applies to all cards residence, which are issued to third-country nationals under the provisions of Polish law, i.e. foreigners possessing refugee status or subsidiary protection<sup>29</sup>.

The aforementioned law extended the deadlines for leaving the territory of the Republic of Poland resulting from Article 299(6) of the Act on Foreigners. Article 299(6) of the Act on Foreigners establishes an obligation for foreigners to leave the Republic of Poland within a specified period of time, thus avoiding exposure to commit them to return. At the same time, this provision makes a distinction between deadlines for fulfilling this obligation. Thus, a 30-day deadline is laid down for foreigners who have become final a specific decision closing their path to legalisation or to whom such a decision has been issued served as final

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<sup>26</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/statystyki/raporty-okresowe/raport-roczny-ochrona-miedzynarodowa/2018-2/> [accessed: 30.11.2020]

<sup>27</sup> K. Sobczak, „Mniej uchodźców trafia w tym roku do Polski”, July 29, 2020, <https://www.prawo.pl/samorzad/mniej-uchodzcow-trafia-w-tym-roku-do-polski,502013.html> [accessed: 30.11.2020]

<sup>28</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/epidemia-koronawirusa-specjalne-rozwiazania-dla-cudzoziemcow/> [accessed: 30.11.2020]

<sup>29</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/epidemia-koronawirusa-specjalne-rozwiazania-dla-cudzoziemcow/> p. 15 [accessed: 30.11.2020]

(decision of a higher authority). It concerns a decision by which a refugee has been denied refugee status and has been deprived of refugee status<sup>30</sup>.

Also, apart from changes mentioned above, there should be stressed that the execution of the existing laws still causes challenges for foreigners seeking a refugee status. For instance, there was presented in a major Polish newspaper *Gazeta Wyborcza*, in December 2020, a history of a family who fled from Russia and it was stressed that in Poland, proceedings for granting international protection should last up to six months. However, the actual average waiting time for a decision is 14.5 months<sup>31</sup>.

### **0.3. Legislation aimed at combating hate crimes**

No changes in legislation aimed at combating hate crimes have been implemented in 2018-2020.

It should be noted, however, that the Committee on the Elimination of Racial Discrimination expressed its concern: „(a) That “colour” and “descent” as grounds for inciting hatred are missing from this definition; (b) By the prevalence of racist hate speech against minority groups, in particular Muslims, Roma, Ukrainians, people of African and Asian descent, Jews and migrants, refugees and asylum-seekers, which fuels hatred and intolerance and incites violence towards such groups; (c) That leading public figures, including politicians and media officials, are frequently the source of such offensive statements or fail in their responsibility to strongly denounce hate speech; (d) That the Penal Code still does not contain a provision expressly establishing racist motives of a crime as an aggravating circumstance.”<sup>32</sup> Thus, it recommended as follows: „(a) Ensure that the definition of hate speech enshrined in the Criminal Code is fully in line with article 4 of the Convention and that it includes all grounds of discrimination recognized in article 1 of the Convention and recommendation No. R 97 (20) of the Council of Ministers of the Council of Europe; (b) Take all necessary measures to firmly combat racist hate speech and incitement to violence, including on the Internet, and publicly condemn and distance itself from racist hate speech by public figures, including politicians and media officials; (c) Intensify its public campaigns to combat hate speech, incitement to hatred and hate crimes, to address prejudices and negative sentiments towards national and ethnic minorities, migrants, refugees and asylum-seekers, and to promote tolerance and understanding towards these groups; (d) Send strong messages to journalists and broadcasters that they have a responsibility to avoid the use of hate speech and stereotypes in describing minority communities, take action against websites promoting racial hatred and, particularly in the context of election campaigns, closely scrutinize broadcasters with respect to content that incites hatred or strengthens xenophobic attitudes; (e) Amend article 53 (2) of its

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<sup>30</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/epidemia-koronawirusa-specjalne-rozwiazania-dla-cudzoziemcow/>, p. 19 - 20 [accessed: 30.11.2020]

<sup>31</sup> A. Dobiegała, „Vadim i Olga uciekli z Rosji przed represjami. W Polsce nie mają środków do życia”, [wyborcza.pl](https://wyborcza.pl), December 9, 2020, <https://trojmiasto.wyborcza.pl/trojmiasto/7,35612,26582071,uciekli-z-rosji-przed-przesladowaniami-w-polsce-nie-maja-srodkow.html> [accessed: 10.12.2020]

<sup>32</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 4

Criminal Code, specifically making racist motive of a crime an aggravating circumstance and allowing for enhanced punishment to combat the occurrence of such acts.”<sup>33</sup>

### **Law enforcement practices affecting minorities**

One of the most significant example of practices affecting minorities are resolutions adopted by several Polish municipal or regional local councils calling their territories „LGBT-free zones”. In total, more than 100 municipal authorities adopted such resolutions, mostly in South – East of Poland<sup>34</sup>. The European Parliament, in its resolution strongly condemned their adoption (463 votes in favour, 107 against and 105 abstentions)<sup>35</sup>. Although the resolutions adopted in Poland are of non-binding (declaratory only) nature, the European Parliament urged Polish authorities to condemn these acts and to revoke all resolutions attacking LGBTI rights. In addition, MEPs called on the Commission to monitor how all EU funding is used, to remind stakeholders of their commitment to non-discrimination and that such funds must not be used for discriminatory purposes<sup>36</sup>.

Moreover, the Polish Ombudsman declared all the resolutions to counteract „LGBT ideology” contrary to the principle of legalism and human rights. In the Ombudsman's view, these acts are contrary to the constitutional principle of legalism, according to which public authorities act on the basis and within the limits of the law; they constitute a sovereign disposition for the executive bodies of the municipality and other subordinate bodies, to which the municipal council was not entitled to formulate; discriminate against non-heteronormative and transgender persons, excluding them from the local community; restrict the rights and freedoms of the commune residents - their right to private and family life, freedom of expression, the right to education, the right to teach, and the right to raise children according to their own convictions - in an illegal manner, as these rights and freedoms can only be restricted by law<sup>37</sup>.

As for the situation of migrants, the aforementioned observations provided by the Committee on the Elimination of Racial Discrimination should be mentioned: „The Committee takes note of the measures taken to facilitate access to free public education and educational support services to foreign children, including refugee and asylum-seeking children. The Committee remains, nevertheless, concerned about: (a)

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<sup>33</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 4

<sup>34</sup> D. Uhlig, B. Chyż, „Gminy „wolne od LGBT”. Zobacz, gdzie są w Polsce”, July 15, 2020, <https://biqdata.wyborcza.pl/biqdata/7,159116,26130986,gminy-wolne-od-lgbt-zobacz-gdzie-sa-w-polsce-mapy.html> [accessed: 3.12.2020]

<sup>35</sup> „Parliament strongly condemns “LGBTI-free zones” in Poland”, December 18, 2019, <https://www.europarl.europa.eu/news/en/press-room/20191212IPR68923/parliament-strongly-condemns-lgbti-free-zones-in-poland>

<sup>36</sup> „Parliament strongly condemns “LGBTI-free zones” in Poland”, December 18, 2019, <https://www.europarl.europa.eu/news/en/press-room/20191212IPR68923/parliament-strongly-condemns-lgbti-free-zones-in-poland>

<sup>37</sup> <https://www.rpo.gov.pl/pl/content/rpo-skarzy-do-sadow-uchwaly-samorzadow-o-przeciwdzialaniu-ideologii-lgbt>

The continuing practice of detaining children with their parents and unaccompanied or separated children in guarded prison-like centres for foreigners, which subjects children to a traumatic experience and prevents those children from having access to full-time education; (b) Reports that asylum seekers have been denied entry to the State party's territory or denied access to asylum procedures by border guards; (c) The inadequacy of individualised programmes for integration of refugees and beneficiaries of subsidiary protection; (d) The multiple and intersecting forms of discrimination that undocumented migrant women face in accessing maternal health-care; (e) Reports of the persistence of hate speech and hate crimes against migrants, refugees and asylum seekers.”<sup>38</sup> Consequently, CERD recommended as follows: „(a) Refrain from detaining migrant and asylum seeking children and families with children and implement non-custodial alternatives, as provided for in the Act on foreigners; CERD/C/POL/CO/22-24 7 (b) Ensure that asylum-seekers are properly registered by border guards and promptly referred to asylum authorities and granted access to a lawyer if they so request; (c) Increase the duration and amount of the financial support provided to refugees and beneficiaries of subsidiary protection in order to facilitate their full integration into society; (d) Remove all financial barriers, as well as any legal, administrative, language or cultural barriers that impede undocumented migrant women's access to affordable maternal health care throughout pregnancy, including by prohibiting health care facilities and medical professionals from eliciting from patients information about their immigration status; (e) Prevent hate speech and hate crimes against migrants, refugees and asylum-seekers, including through educational campaigns on tolerance and the elimination of prejudices and social stereotypes, as well as the proper registration, investigation, prosecution and conviction of perpetrators of hate speech and hate crimes.”<sup>39</sup>

### **Anti-discrimination practices.**

The ruling of the Voivodship Administrative Court in Gliwice of 14 July 2020 is worth noticing. The Court declared the invalidity of the anti-LGBT resolution of the Istebna Municipality Council regarding the anti-LGBT. Firstly, this judgment is important because it is the first judgment in cases from the Ombudsman's complaints against discriminatory resolutions of selected local governments on counteracting the so-called 'LGBT ideology' <sup>40</sup>. Secondly, it should be mentioned that before the issue of this judgment, other administrative courts rejected the Ombudsman's complaints against anti-LGBT resolutions, considering that they are not contestable. More importantly though, the courts have not commented on the content of these resolutions. On the contrary, only formal reasons have decided to reject the complaint - the contested act was not subject to judicial administrative control<sup>41</sup>.

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<sup>38</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 6

<sup>39</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, pp. 6-7

<sup>40</sup> K. Kubicka-Żach, „WSA stwierdził nieważność uchwały anty-LGBT w Istebnej - to precedens”, July 14, 2020, <https://sip.lex.pl/#/external-news/1795663799?keyword=uchwa%C5%82y%20lgbt&cm=SREST> [accessed: 2.12.2020]

<sup>41</sup> K. Kubicka-Żach, „WSA stwierdził nieważność uchwały anty-LGBT w Istebnej - to precedens”, July 14, 2020, <https://sip.lex.pl/#/external-news/1795663799?keyword=uchwa%C5%82y%20lgbt&cm=SREST> [accessed: 2.12.2020]

## Fighting hate crimes.

The activity of terrorist and radical groups is marginal.

As for the measures, first and foremost Poland has legal measures against the spread of extremist views, i.e.:

**Art. 13 of the Constitution of the Republic of Poland** that states: „Political parties and other organisations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited”,<sup>42</sup>

**Art. 256, art. 257, art. 119 of the Criminal Code** (see: point 6 of the Report),<sup>43</sup>

Other criminal provisions, i.e.<sup>44</sup>:

**Art. 240§1 of the Criminal Code:** „Whoever, having reliable information about a punishable preparation, attempt or the commission of a (...) a crime of a terrorist character, fails to report it promptly to a law enforcement authority responsible for prosecuting crimes, is subject to the penalty of deprivation of liberty for up to 3 years.”

**Art. 225a of the Criminal Code:** „§1. Whoever disseminates or publicly displays contents that may facilitate the commission of a crime of a terrorist character, with the intent that such crime is committed, is subject to the penalty of deprivation of liberty for between 3 months and 5 years.

§2. Whoever, with the purpose of committing a crime of a terrorist character, engages in a training that may make the commission of such crime possible, is subject to the same penalty.”

**Art. 258 of the Criminal Code:** „§1. Whoever participates in an organised criminal group or association having as its purpose the commission of crimes or fiscal crimes, is subject to the penalty of deprivation of liberty for between 3 months and 5 years.

§2. If the group or association referred to in § 1 has armed character or has as its purpose the commission of a crime of a terrorist character, the perpetrator is subject to the penalty of deprivation of liberty for between 6 months and 8 years.

§3. Whoever sets up or leads the group or association referred to in § 1, including the one of armed character, is subject to the penalty of deprivation of liberty for between one year and 10 years.

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<sup>42</sup> Translation: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm> [accessed: 6.12.2020]

<sup>43</sup> According to European Union Agency for Fundamental Rights (FRA), „Hate crimes are recorded on a general crime form. There are no guidelines on hate crime recording or identification. During the interview with the victim, police officers establish whether the perpetrator was acting with bias motivation. (...) No information about structured and systematic cooperation between law enforcement agencies and civil society organisations related specifically to recording and collecting data on hate crime was available at the time this report was published.”

„Hate crime recording and data collection practice across the EU”, European Union Agency for Fundamental Rights, Luxembourg 2018, p. 74-75, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-hate-crime-recording\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf) [accessed: 2.12.2020]

<sup>44</sup> Translation of all the provisions of the Criminal Code: Włodzimierz Wróbel (ed.), Adam Wojtaszczyk, Witold Zontek (LEX)

§4. Whoever sets up or leads a group or association having as its purpose the commission of a crime of a terrorist character, is subject to the penalty of deprivation of liberty for no less than 3 years.”

**An Act of March 1, 2018 on the prevention of money laundering and terrorist financing;**

**An Act of June 10, 2016 on counter-terrorism;**

**International law.**

Moreover, the Internal Security Agency (*pol. Agencja Bezpieczeństwa Wewnętrznego, ABW*) should be mentioned. One of the main tasks of this government institution, set up to ensure internal safety of Polish State and its Constitutional order (art. 1 of the Act of May 24, 2002 on ISA and FI), is to prevention of and fight against terrorism.

Likewise, the Foreign Intelligence (*pol. Agencja Wywiadu, AW*), an agency ensure external safety of the Republic of Poland (art. 2 of the Act of May 24, 2002 on ISA and FI), is responsible i.e. for identification of international terrorism, extremism, and international groups of organised crime.

It should be noted, that at the EU Council meeting on 4 November 2020, the EU Ministers (Poland was represented by a Deputy State Secretary from the Ministry of Finance) discussed conclusions on anti-money laundering and terrorism financing, which aim to provide the Commission with guidance in advance of its legislative proposals in 2021 on a single rule book, EU-level supervision and a coordination and support mechanism for member states' financial intelligence units. In the official statement, the Council stated that during the discussion, ministers expressed broad support for the draft Council conclusions as prepared by Coreper and at expert level<sup>45</sup>. Ms Magdalena Bartosiewicz, an expert in penal law and compliance and a lawyer from of the Polish top law firms commented in a leading Polish newspaper Rzeczpospolita that to date, the EU has been using directives in this area which require subsequent implementation into national legal systems. This leads, in certain situations, not only to incomplete implementation of all the guidelines, but, what is worse, also to the phenomenon of gold-plating, which is the excessive transposition of an EU directive into national law, leading to the national legislator introducing additional or stricter regulations than required by the directive itself<sup>46</sup>.

### **Criminal proceedings and convictions.**

According to hate-crime data collected by the Department of Control, Complaints and Petitions of the Ministry of the Interior, the General Police Headquarters, the Internal Security Agency, the Preparatory Proceedings Office of the General Prosecutor's Office, the Ministry of Justice, the Institute of National

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<sup>45</sup> European Council, Council of the European Union, November 4, 2020, <https://www.consilium.europa.eu/en/meetings/ecofin/2020/11/04/> [accessed: 3.12.2020]

<sup>46</sup> M. Bartosiewicz, "Walka z praniem pieniędzy i finansowaniem terroryzmu - zmiany coraz bliżej", Rzeczpospolita, November 19, 2020 <https://www.rp.pl/Prawo-karne/311199916-Walka-z-praniem-pieniedzy-i-finansowaniem-terroryzmu---zmiany-coraz-blizej.html> [accessed: 3.12.2020]

Remembrance, and reported by the Republic of Poland to OSCE Office for Democratic Institutions and Human Rights, the hate-crime figures (including hate speech) are as follows:<sup>47</sup>

**2019:** 972 cases of hate crimes recorded by the Police; 432 prosecuted; 597 sentenced;

**2018:** 1117 cases of hate crimes recorded by the Police; 397 prosecuted; 315 sentenced;

**2017:** 886 cases of hate crimes recorded by the Police; 320 prosecuted; 260 sentenced;

**2016:** 874 cases of hate crimes recorded by the Police; 281 prosecuted; 236 sentenced;

**2015:** 263 cases of hate crimes recorded by the Police; 229 prosecuted; 195 sentenced.

As for the hate crimes reported by Police, in **2019** the numbers are as follows:<sup>48</sup>

**517 cases of racism and xenophobia** (57 cases of physical assault; 10 - incitement to violence; 2 - robbery; 15 - damage to property; 4 - desecration of graves; 1 - attacks against places of worship; 28 - threats or threatening behaviour; 400 - unspecified);

**136 cases of anti-Semitism** (4 cases of physical assault; 3 - incitement to violence; 2 - damage to property; 4 - attacks against places of worship; 2 - threats or threatening behaviour; 121 - unspecified);

**70 cases of bias against members of other religions or beliefs** (8 cases of physical assault; 1 - robbery; 1 - damage to property; 9 - attacks against places of worship; 4 - threats or threatening behaviour; 47 - unspecified)

**47 cases of bias against Roma and Sinti** (4 cases of physical assault; 1 - incitement to violence; 2 - damage to property; 13 - threats or threatening behaviour; 27 - unspecified);

**37 cases of bias against Muslims** (9 cases of physical assault; 5 - incitement to violence; 2 - threats or threatening behaviour; 21 - unspecified);

**16 cases of bias against other groups - sexual orientation or gender identity** (2 cases of physical assault; 12 - incitement to violence; 1 - threats or threatening behaviour; 1 - unspecified).

According to OSCE ODIHR, as for national developments „In 2019, two workshops on combating crimes motivated by racism and xenophobia were organised for police officers, with the aim of improving their investigative skills.”<sup>49</sup>

Accordingly, here have been 187 incidents reported by other sources (in particular: „Never Again” Association, Open Dialog Foundation, Holy See, OIDAC, OSCE Office for Democratic Institution and Human Rights, Ordo Iuris Institute, Jehovah's Witnesses) among which there had been: 55 additional cases of racism and xenophobia; 52 - anti-Semitism; 47 - bias against other groups (sexual orientation and gender

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<sup>47</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland> [accessed: 4.12.2020]

<sup>48</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland> [accessed: 4.12.2020]

Note: authors of above summary explicitly state that „The numbers presented here refer to police investigations that were initiated as hate crimes. Incidents of hate speech, which fall outside of the OSCE's definition of hate crime, were not included.”

<sup>49</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland> [accessed: 4.12.2020]

identity); 35 - bias against Christians; 3 - bias against Roma and Sinti; 3 - bias against Muslims; 9 - bias against other groups (sex); 1 - bias against other people with disabilities.<sup>50</sup>

As for the hate crimes reported by Police, in **2018** the numbers are as follows:<sup>51</sup>

**197 cases of anti-Semitism** (2 cases of damage to property; 1 - desecration of graves; 2 - attacks against places of worship; 9 - threats or threatening behaviour; 183 - unspecified);

**174 cases of racism and xenophobia** (48 cases of physical assault; 4 - robbery; 2 - damage to property; 14 - threats or threatening behaviour; 106 - unspecified);

**62 cases of bias against Muslims** (1 case of physical assault; 1 - incitement to violence; 5 - threats or threatening behaviour; 55 - unspecified);

**43 cases of bias against Roma and Sinti** (9 cases of physical assault; 11 - threats or threatening behaviour; 23 - unspecified);

**20 cases of bias against members of other religions or beliefs** (2 cases of physical assault; 1 - threats or threatening behaviour; 17 - unspecified)

**7 cases of bias against other groups - sexual orientation or gender identity** (1 case of physical assault; 3 - incitement to violence; 3 - unspecified).

Accordingly, here have been 106 incidents reported by other sources (in particular: „Never Again”, UNHCR, „Campaign Against Homophobia”, Open Dialog Foundation, „Ordo Iuris”, OSCE Office for Democratic Institution and Human Rights) among which there had been: 47 additional cases of racism and xenophobia; 39 - bias against Christians; 13 - bias against other groups (sexual orientation and gender identity); 5 - bias against Muslims; 4 - anti-Semitism; 2 - bias against Roma and Sinti; 1 - bias against other groups (sex).<sup>52</sup>

However, according to Polish Ombudsman (RPO) and Office for Democratic Institutions and Human Rights, an actual scale of hate crimes in Poland affecting Ukrainians and immigrants from sub-Saharan Africa and Muslim countries is much greater than the official statistics. RPO and OSCE estimate that only 5% of all hate crimes is reported to the Police. Moreover, the scale of hate-motivated crimes increase.<sup>53</sup> RPO's and OSCE/ODIHR survey report was published in December 2018. The fieldwork was carried out between February 5 and June 6, 2018. A group of 273 Ukrainians (Kraków), 194 Muslims and 176 sub-Saharan

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<sup>50</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland> [accessed: 4.12.2020]

<sup>51</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland?year=2018> [accessed: 4.12.2020]

Note: authors of above summary explicitly state that „The numbers presented here refer to police investigations initiated as hate crimes. The numbers also include incidents of hate speech, which are considered crimes under Polish penal law.”

<sup>52</sup> OSCE ODIHR Hate Crime Reporting: Poland, <https://hatecrime.osce.org/poland?year=2018> [accessed: 4.12.2020]

<sup>53</sup> „Jedynie 5% przestępstw motywowanych nienawiścią jest zgłaszanych na policję - badania RPO i ODIHR/OBWE”, July 2, 2018, <https://www.rpo.gov.pl/pl/content/jedynie-5-przestepstw-motywowanych-nienawiscia-jest-zglaszanych-na-policje-badania-rpo-i-odihrobwe> [accessed: 3.12.2020]

Africans (Warsaw) was „asked about events of criminal nature that they had experienced in **2016 and 2017** in Poland, and to point to any offences that bore the characteristics of a hate crime. (...) Among all the communities surveyed, sub-Saharan Africans were the most affected by hate crimes (43 per cent). Of the Ukrainians surveyed, 18.5 per cent said they had fallen victim to hate crimes, while 8 per cent Muslims reported being affected by such crimes. Across all groups, insult was the most common type of occurrence, and was mentioned by 17 per cent of Ukrainian respondents, 7 per cent of Muslim respondents and 38 per cent of respondents from sub-Saharan Africa. Physical aggression seems to affect sub-Saharan Africans the most, with 17 per cent reporting that they had experienced physical attacks.”<sup>54</sup>

It is also worth mentioning, that in August 2019 Committee on the Elimination of Racial Discrimination (CERD) presented its concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland.

CERD pointed out a number of positive aspects:

„The Committee welcomes the State party’s ratification of or accession to the following international human rights instruments: (a) The Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, on 20 February 2015; (b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to the abolition of the death penalty, on 25 April 2014” and „The Committee welcomes the following legislative, institutional and policy measures taken by the State party: (a) The adoption of amendments to the Act on granting protection to foreigners within the territory of the Republic of Poland and some other Acts, in 2014 and 2015; (b) The adoption of the new National Action Plan against Trafficking in Human Beings (2019-2021); (c) The creation of the Inter-ministerial Team for preventing the promotion of fascism and other totalitarian systems and crimes of incitement to hatred based on national, ethnic, racial or religious differences or for reason of lack of any religious denomination, in 2018; (d) The establishment of the Office of the National Police Headquarters for Combating Cybercrime and the appointment of coordinators for combating hate crimes in the cyberspace, in 2016; (e) The adoption of the National Broadcasting Regulatory Strategy (2014-2016).”<sup>55</sup>

Simultaneously, CERD indicated its concerns and recommendations. As for anti-discriminatory legislation CERD stated: „The Committee is concerned: (a) That the Equal Treatment Act of 2010 does not explicitly prohibit discrimination on grounds of “national origin”, “colour” and “descent” and is therefore not fully in line with article 1 of the Convention; (b) About the lack of full and consistent implementation of existing legal provisions prohibiting racial discrimination; (c) The lack of detailed examples of the specific invocation of those legal provisions in courts and other relevant complaint mechanisms (arts. 1 and 2).” Consequently, CERD recommended that Poland „(a) Amend the Equal Treatment Act to introduce “national

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<sup>54</sup> „Survey on the nature and scale of unreported hate crimes against members of selected communities in Poland. Survey report”, Warsaw, December 2018, <https://www.osce.org/files/f/documents/4/8/412445.pdf>, p. 4 [accessed: 3.12.2020]

<sup>55</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 1

origin”, “colour” and “descent” as grounds of discrimination, in order to bring them in line with article 1 (1) of the Convention; (b) Ensure the full and effective implementation of existing legal provisions prohibiting racial discrimination and facilitate effective access to justice for all victims of racial discrimination; (c) Strengthen the training of judicial officials on the provisions of the Convention and provide detailed examples of cases of racial discrimination decided by judicial and other relevant complaint mechanisms.”<sup>56</sup>

### **The adequacy of measures to combat radical manifestations.**

The adequate measures to combat radicalism at a democratic state’s disposal seem to be twofold:

Purely legal means (i.e. state legislation, law enforcement);

Soft instruments in state authorities domain (i.e. public media, education, government’s rhetoric).

As for the legal measures, the legislation seems to be appropriate to combat radical manifestations in society, at least in terms of combating hatred based on national, ethnic, or religious grounds. These measures are definitely not sufficient when it comes to protection of other groups at risk of discrimination, in particular sexual minorities, disabled people, or elderly people.

Law enforcement: see point 2.3.4.

As for the soft instruments, public media depend entirely on Polish government. Thus, the message varies according to political needs. It seems that their role in combating radical manifestations in society is marginal, or even harmful. Government’s rhetoric and political tactic - supported by so-called public media - is based on the idea of deepening social fragmentation and creating new enemies. In 2015, 2016, 2017 those enemies were first and foremost refugees. Currently, the LGBT. The latter was attacked by Polish President, governmental, and some Catholic Church authorities. It should also be noted that, according to Polish authorities, the EU, Germans, the West turned out to be the last „enemy” of Polish nation and state.

### **Measures to support migrants, national and religious minorities by the State.**

#### **National and ethnic minorities**

According to art. 35 of the Constitution of the Republic of Poland of April 2, 1997: „1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. 2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.”<sup>57</sup>

The detailed arrangements for protecting national and ethnic minorities are laid down in the Act of 6 January 2005 on Ethnic and National Minorities and on the Regional Language. This law identifies:

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<sup>56</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 2

<sup>57</sup> Source of translation: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm> [accessed: 2.12.2020]

9 national minorities: Byelorussian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish;

4 ethnic minorities: Karaim, Lemko, Romany, and Tatar;

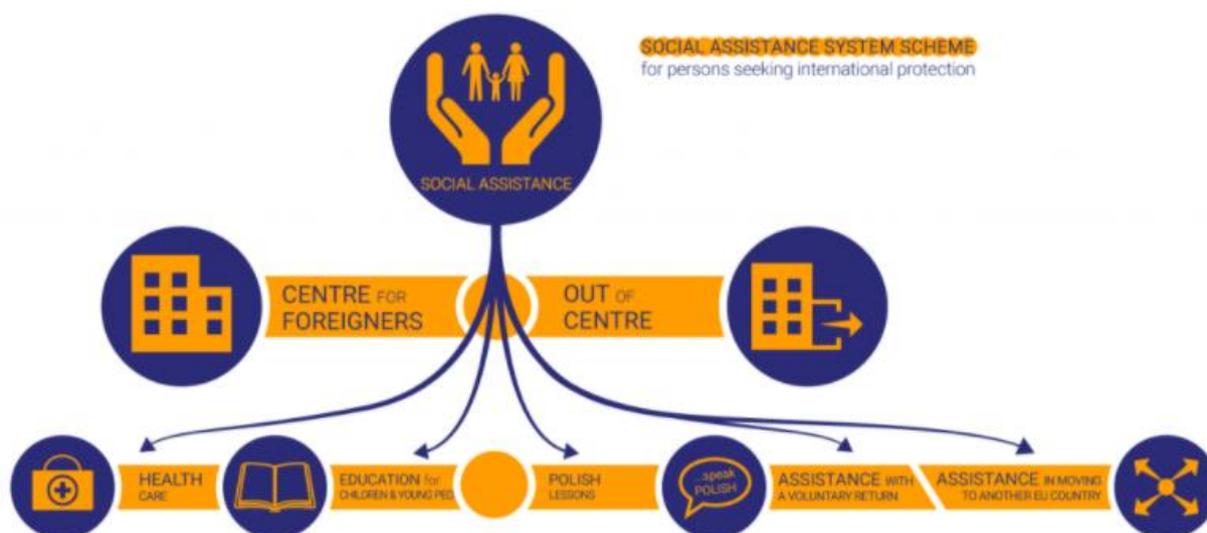
1 regional language: Kashubian.<sup>58</sup>

In Polish Parliament there is a permanent National and Ethnic Minorities Commission.<sup>59</sup> Over the last 15 years there is also Joint Commission of Government and National and Ethnic Minorities.<sup>60</sup>

## Supporting migrants - selected examples

### *Social assistance*

According to the Office for Foreigners, it is possible for persons seeking international protection to gain social assistance.<sup>61</sup>



Picture above: Office for Foreigners, „Types of assistance”, <https://udsc.gov.pl/en/uchodzczy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/> [accessed: 1.12.2020]

Thus, assistance can be obtained both in and out of the Centre for Foreigners. In the first case, foreigners can receive: „accommodation; food; reimbursement of costs of transport in specific cases, i.e. cases connected with refugee status proceedings, medical examination and vaccination or other justified cases; constant financial aid for the purchase of personal hygiene products in the amount of PLN 20 a month and so-called pocket money in the amount of PLN 50 a month; provision of non-recurring financial aid for the purchase of

<sup>58</sup> Art. 2.2, art. 2.3, and art. 19.2 of the Act of 6 January 2005 on Ethnic and National Minorities and on the Regional Language

<sup>59</sup> <https://sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=KOMISJAST&NrKadencji=9&KodKom=MNE> [accessed: 2.12.2020]

<sup>60</sup> „Mniejszości narodowe i etniczne”, <https://www.gov.pl/web/mniejszosci-narodowe-i-etniczne/posiedzenie-komisji-mniejszosci-narodowych-i-etnicznych-sejmu-rp-ws-komisji-wspolnej-rzadu-i-mniejszosci-narodowych-i-etnicznych> [accessed: 2.12.2020]

<sup>61</sup> Office for Foreigners, „Types of assistance”, <https://udsc.gov.pl/en/uchodzczy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/> [accessed: 1.12.2020]

clothes and shoes in the amount of PLN 140; provision of cash equivalent to food for children aged 6 and below and schooled children in the amount of PLN 9 a day”, whereas in the second case foreigners are obliged to receive „benefit in cash covering the cost of stay on the territory of Poland.”<sup>62</sup>

Regardless of above-mentioned forms of assistance, „all foreigners have the right to: access to public schools and necessary didactic materials (books and school materials); free Polish lessons, access to classrooms in each facility; health care coordinated by the Petra Medica Sp. z o. o. in Warsaw, pursuant to an agreement concluded with the Office for Foreigners, which covers: medical points in the centre – where doctor and nurses provide medical assistance; specialised treatment; psychological care – psychologists can be accessed in centres for foreigners, also by people who receive benefits outside the facility; dental care – Foreigners may obtain dental treatment in dentist’s offices with which the Office for Foreigners has signed agreements on the provision of the above mentioned services; assistance with a voluntary return.”<sup>63</sup>

### **Free legal information and free legal assistance**

It should be mentioned, that foreigners were granted access to free legal assistance provided by professional lawyers: legal counsels and advocates (*for historical reasons, in Poland there are two separate corporations of advocates; currently their competences are almost identical; it is only a matter of time until they unite*). Non-governmental organisations are also involved in this type of assistance.

Namely, „a person who has applied for international protection (for the applicant) and for the foreigner against whom proceedings are pending on depriving him/her a refugee status or subsidiary protection shall be entitled to free legal information in the first instance. Free legal information consists of informing the foreigner of the existing legal provisions relating to the granting of international protection, withdrawing refugee status or subsidiary protection and provisions governing proceedings before public administration bodies regarding cases within their jurisdiction, taking into account the specific situation of those persons.”<sup>64</sup>

Consequently, „a foreigner and applicant towards whom a decision depriving him/her of refugee status or subsidiary protection was issued, and who acts without a lawyer is entitled to free legal assistance. A foreigner towards whom decision depriving him/her refugee status or subsidiary protection was issued is not entitled to free legal assistance, if his/her income is greater than 100 % of income criteria laid down in Art. 8 of the Act of 12 March 2004 on social assistance. (...) A foreigner who was entitled prior to obtaining free legal aid shall submit a written statement containing a declaration that regarding granting international protection, or depriving him/her of refugee status or subsidiary protection, he/she has not appointed a lawyer or a legal adviser. Free legal assistance includes: preparation of an appeal against the decision on: refusal to grant refugee status or subsidiary protection; discontinuation of the proceedings on granting international protection; transfer of the applicant to the Member State responsible for examining an application for

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<sup>62</sup> Office for Foreigners, „Types of assistance” „<https://udsc.gov.pl/en/uchodzczy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/>” [accessed: 1.12.2020]

<sup>63</sup> Office for Foreigners, „Types of assistance” „<https://udsc.gov.pl/en/uchodzczy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/>” [accessed: 1.12.2020]

<sup>64</sup> Office for Foreigners, „Types of assistance” „<https://udsc.gov.pl/en/uchodzczy-2/pomoc-socjalna/system-pomocy-socjalnej/rodzaje-przyznawanej-pomocy/>” [accessed: 1.12.2020]

international protection and discontinuation of the proceedings; recognition an application for international protection as inadmissible; refusal to take into account the applicant’s statement about its intention to continue applying for international protection, withdrawal of the refugee status or subsidiary protection; legal representation in the appeal proceedings on: granting of international protection; the transfer of the applicant to the Member State responsible for examining an application for international protection; withdrawal of refugee status or subsidiary protection.”

**The attitude of society towards immigrants, foreigners, various ethnic and religious groups:**

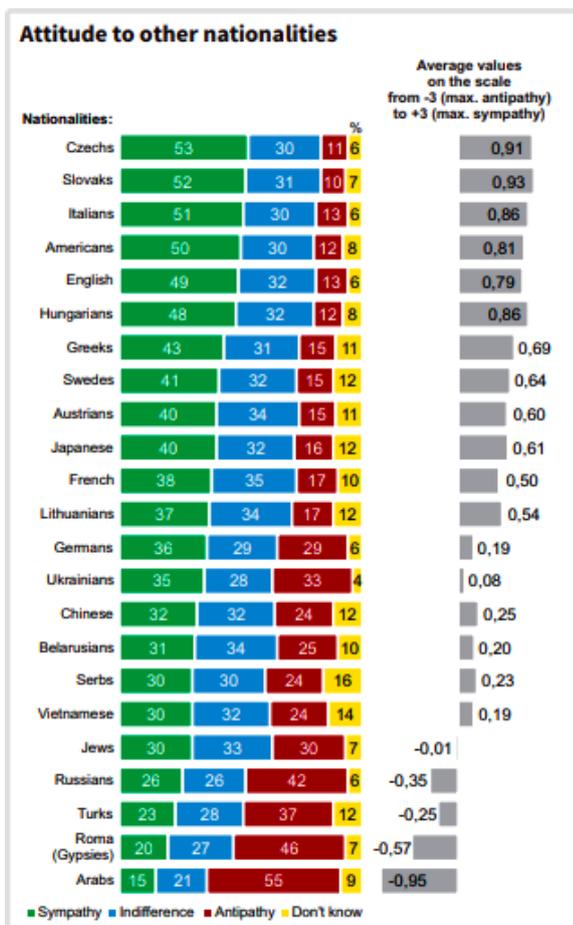
Since 1993, the Polish Public Opinion Center (Centrum Badań Opinii Społecznej, CBOS) has monitored attitude of Poles to other nations. Moreover, it has researched people’s attitude toward islam and muslims, catholic church, as well as economic migrants in Poland.

CBOS has also monitored social’s attitude to economic migrants, refugees.

Polling results covering the period 2018-2020 will be described briefly below.

**Sociological polls**

**2020**



*Picture above: Attitude to other nations. Source: CBOS 2020.*<sup>65</sup>

According to public opinion poll carried out by CBOS in March 2020, Czechs, Slovaks, and Italians were considered the more liked nations. Meanwhile, Arabs, the Roma, Turks, and Russians were the less liked nations and, simultaneously, respondents declared negative attitude towards these nations more frequently.<sup>66</sup>

The analysis of social and demographic structure of the respondents led CBOS to the following conclusions<sup>67</sup>:

Profile of the respondents declaring sympathy for other nations more frequently:

The better educated;

Living in cities (in particular with over 500,000 inhabitants);

In better financial situation (with incomes above 600 euros);

Women;

Not participating in religious practices;

Left-wing respondents.

Profile of the respondents declaring antipathy to other nations:

People over 55 years; with lower education; non satisfied with their financial situation;

Men;

Participating in religious practices (at least once a month);

Right-wing respondents.

Authors of the aforementioned survey noticed that: *„Over the past year, we haven't recorded significant changes. It is worth emphasising, however, that compared to 2019, the attitude of Poles towards Roma, Arabs and Ukrainians has improved significantly. This is primarily due to the large drop in dislike to these nationals.”*<sup>68</sup>

Moreover, they observed an important improvement: *„Looking at the current results from the perspective of nearly three decades, we can note a tendency to unify opinions about different nationalities. The attitude of Poles towards the peoples they once disliked has improved over time, and the feelings about the best-liked have cooled somewhat. The improvement concerns, among others, attitudes of Poles too neighbours.*

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<sup>65</sup> „Attitude to other nations”, CBOS 3/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/03\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/03_2020.pdf) [accessed: 10.12.2020]

**Note: all CBOS sources must be credited when any part of the publication is reproduced; therefore, I share the graph for the purposes of this report exclusively and it should not be reproduced in general report.**

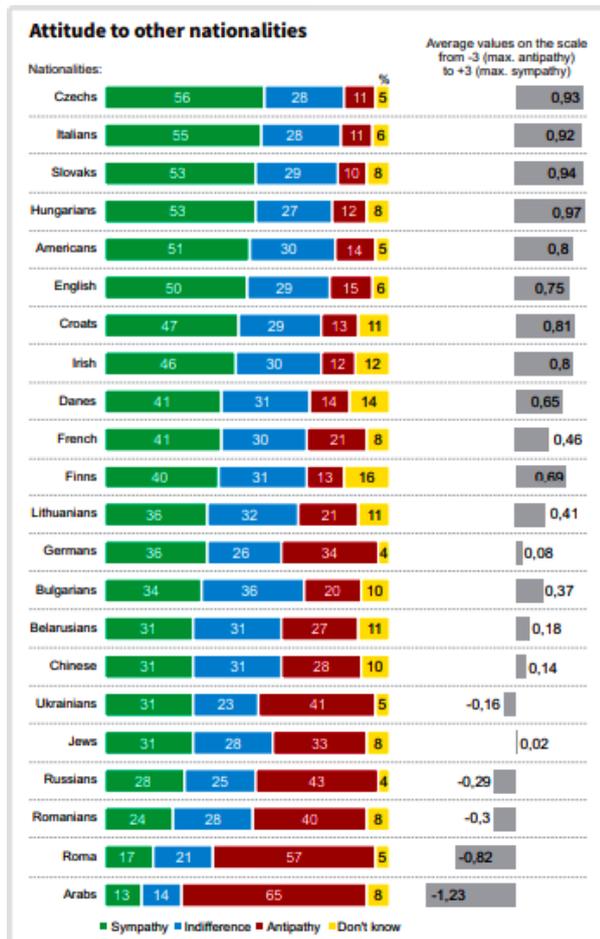
<sup>66</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF) [accessed: 8.12.2020]

<sup>67</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF), p. 10 [accessed: 8.12.2020]

<sup>68</sup> „Attitude to other nations”, CBOS 3/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/03\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/03_2020.pdf) [accessed: 5.12.2020]

Considering the average, the attitude towards Ukrainians, as well as Lithuanians and Germans, has improved the most since 1993.”<sup>69</sup>

## 2019



Picture: Attitude to other nationalities. Source: CBOS 2019.<sup>70</sup>

According to public opinion poll carried out by CBOS in February 2019, Czechs, Italians, and Slovaks were considered the more liked nations. Meanwhile, Arabs, the Roma, and Romanians were the less liked nations and, simultaneously, respondents declared negative attitude towards these nations more frequently.<sup>71</sup>

Authors of the aforementioned public opinion poll concluded that: „This year there has been an improvement in the attitude towards almost all nationalities included in the survey. Taking into account the average

<sup>69</sup> „Attitude to other nations”, CBOS 3/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/03\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/03_2020.pdf) [accessed: 5.12.2020]

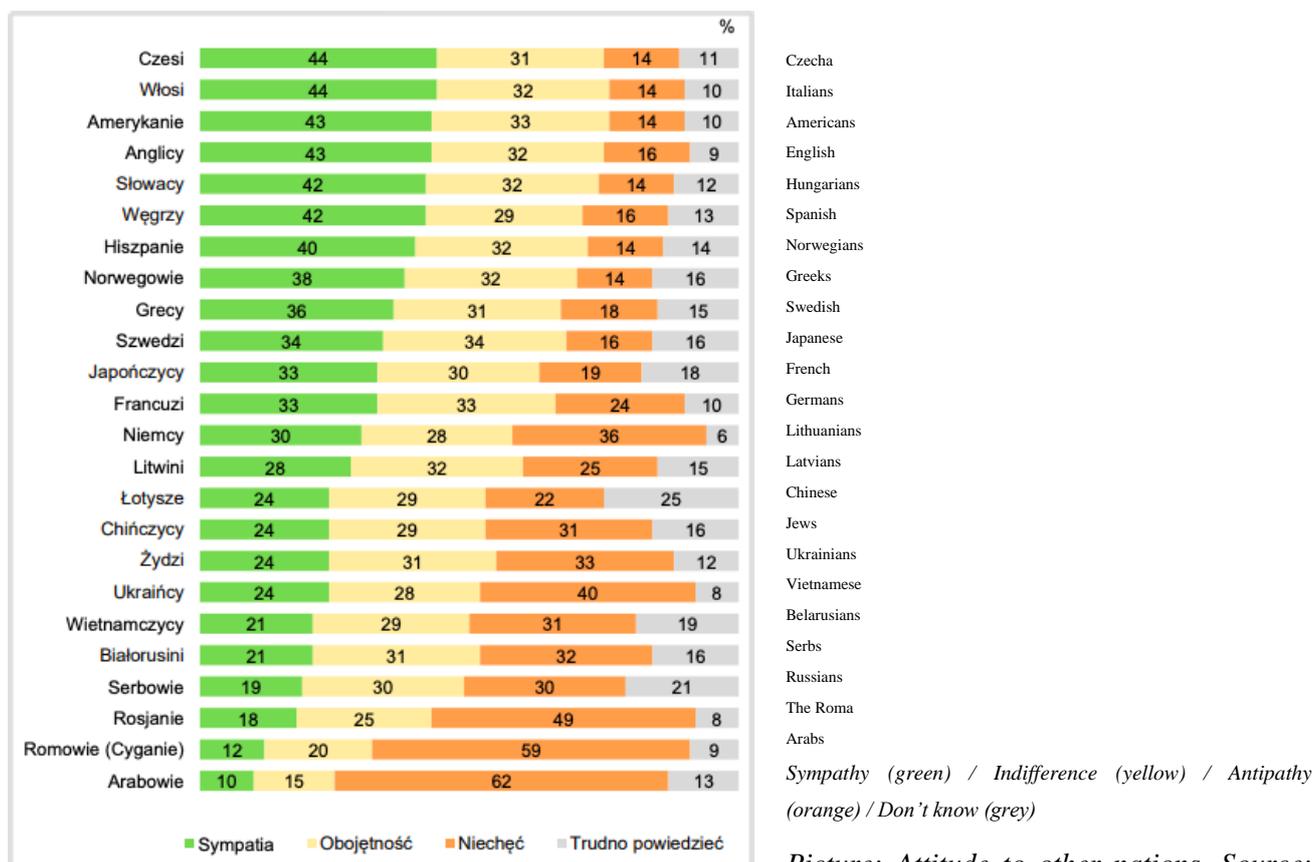
<sup>70</sup> „Attitude to other nationalities”, CBOS 2/2019, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2019/02\\_2019.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2019/02_2019.pdf) [accessed: 10.12.2020]

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<sup>71</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF) [accessed: 8.12.2020]

grade, the greatest improvement was noted in attitude concerns Russians (the average value average increased by 0.40), Belarusians (plus 0.38), Hungarians (plus 0.38) and Slovaks (plus 0.33).”<sup>72</sup>

## 2018



CBOS 2018.<sup>73</sup>

According to public opinion poll carried out by CBOS in March 2018, Czechs, Italians, and Americans were considered the more liked nations. Meanwhile, Arabs, the Roma, and Russians were the less liked nations and, simultaneously, respondents declared negative attitude towards these nations more frequently.<sup>74</sup>

<sup>72</sup> „Attitude to other nationalities”, CBOS 2/2019, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2019/02\\_2019.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2019/02_2019.pdf) [accessed: 8.12.2020]

<sup>73</sup> „Stosunek do innych narodów”, CBOS 37/2018, March 2018, p. 2, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_037\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_037_18.PDF) [accessed: 8.12.2020]

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<sup>74</sup> „Stosunek do innych narodów”, CBOS 37/2018, March 2018, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_037\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_037_18.PDF) [accessed: 8.12.2020]

Authors of the aforementioned public opinion poll noticed that, compared with 2017, in 2018 attitudes towards almost all nations has worsened. The most distinctive difference considered Germans, Belarusians, and French, whereas the smallest decrease regarded Arabs, Greeks, and English.<sup>75</sup>

As for the demographic and social factors, the CBOS's conclusions were as follows:<sup>76</sup>

Profile of the respondents declaring sympathy for other nations more frequently:

The better educated;

Living in bigger towns;

In better financial situation;

Aged 18-24;

Not participating in religious practices;

Left-wing respondents.

It should also be noted that 23% of the respondents did not feel friendly to any nation; 25% felt friendly to at most 3 nations; 25% felt friendly to 4-11 nations; 27% of the respondent felt friendly to at least half of the nations taken into account in the survey.<sup>77</sup>

**Changes between 1993-2020 - CBOS 31/2020 (selected examples):**<sup>78</sup>

**Changes in positive attitudes:**

	'93	'94	'95	'96	'97	'98	'99	'01	'02	'03	'04	'05	'06	'07	'08	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20
<b>Americans</b>	62	58	63	59	64	61	54	50	58	56	45	46	49	44	47	45	43	51	43	41	44	46	54	43	51	50
<b>Belarusians</b>	19	17	18	21	22	19	18	26	26	22	21	18	23	27	34	34	31	33	30	29	28	25	37	21	31	31
<b>Czechs</b>	38	30	43	44	45	41	44	47	50	50	49	46	52	53	53	53	51	58	51	50	50	50	59	44	56	53
<b>Slovaks</b>	33	32	44	38	39	36	34	42	42	43	41	36	44	48	51	51	49	57	48	47	48	48	57	42	53	52
<b>Lithuanians</b>	24	22	35	36	36	29	30	36	38	36	38	32	36	38	41	42	36	40	32	34	34	31	42	28	36	37
	23	26	35	43	38	32	31	32	38	36	33	34	33	30	38	39	38	43	38	39	43	37	46	30	36	36
	-	6	10	12	10	10	13	17	15	16	15	13	14	14	21	23	22	24	20	20	18	11	21	12	17	20

<sup>75</sup> „Stosunek do innych narodów”, CBOS 37/2018, March 2018, p. 8, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_037\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_037_18.PDF) [accessed: 8.12.2020]

<sup>76</sup> „Stosunek do innych narodów”, CBOS 37/2018, March 2018, p. 8, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_037\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_037_18.PDF) [accessed: 8.12.2020]

<sup>77</sup> „Stosunek do innych narodów”, CBOS 37/2018, March 2018, p. 8, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_037\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_037_18.PDF) [accessed: 8.12.2020]

<sup>78</sup> Note: The above tables, regarding changes in positive and negative attitudes to other nations (1993-2020) present selected data collected and presented by the CBOS: „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, pp. 3-4, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF) [accessed: 5.12.2020]

**The author of the report used relevant parts of the original graphs for the purpose of this work exclusively.**

<b>Germans</b>	51	47	45	41	41	48	49	47	46	47	45	50	45	40	32	27	31	29	34	33	32	37	26	33	33	30
<b>The Roma</b>	17	16	17	21	20	19	17	23	24	22	18	16	22	24	30	34	32	34	31	25	22	20	31	18	28	26
<b>Russians</b>	12	9	14	16	15	13	16	19	22	19	29	23	24	25	34	34	32	32	31	34	36	27	36	24	31	35
<b>Ukrainians</b>	-	-	-	-	-	-	-	-	16	13	11	8	9	12	21	24	23	23	-	-	-	8	16	10	13	15
<b>Arabs</b>	15	17	25	26	28	19	19	19	23	21	18	20	20	23	34	31	31	33	28	29	28	23	37	24	31	30
<b>Jews</b>																										

**Changes in negative attitudes:**

9	13	10	9	6	10	12	14	12	17	20	24	16	21	18	16	19	16	21	21	17	17	13	14	14	12
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**Americans**

47	49	53	50	46	48	50	40	36	44	37	51	39	34	26	23	26	26	31	31	29	32	23	32	27	25
28	32	25	22	19	22	18	15	15	18	14	22	14	15	12	9	12	11	13	17	14	13	10	14	11	11

**Belarusians**

**Czechs**

27	27	22	21	22	26	21	15	17	20	16	26	18	15	13	11	11	10	13	15	12	13	10	14	10	10
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

**Slovaks**

43	43	33	31	30	34	29	24	24	26	21	31	24	22	17	15	19	23	25	27	22	27	20	25	21	17
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

**Lithuanians**

53	45	38	31	30	39	39	36	31	38	34	38	33	39	32	28	27	24	28	30	22	26	22	36	34	29
-	75	73	70	71	69	64	56	60	61	56	65	58	59	51	47	49	50	52	55	58	67	50	59	57	46

**Germans**

**The Roma**

56	59	59	57	53	55	57	47	43	49	53	61	47	46	41	31	34	33	39	42	50	50	38	49	43	42
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**Russians**

'93	'94	'95	'96	'97	'98	'99	'01	'02	'03	'04	'05	'06	'07	'08	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

**Ukrainians**

-	-	-	-	-	-	-	-	54	60	59	70	66	55	49	43	42	46	-	-	-	67	59	62	65	55
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**Arabs**

**Jews**

**Additional information - motivation of public attitudes towards above-mentioned groups:**

CBOS notes that attitude to other nations is typically due to a combination of factors such as: national stereotypes, historical reasons, respondents' own experience, current political and social events.

Interestingly, their analysis show that Poles tend to like nations with higher standard of living.<sup>79</sup> CBOS observes further, as it was mentioned above, that education, residence, political opinion, age, or religious practices are a factor influencing people's attitudes toward other nations.

- *An example of historical reasons: Katyń massacre in 1940 and Polish-Russian relations.*  
*In 2020, the Katyń massacre is considered as burden on contemporary Polish-Russian relations to 76% of the respondents; only 16% of the respondents perceive those terrible events as irrelevant nowadays.*<sup>80</sup>
- *An example of the relation between current political and social events and the attitude to other nations and denominations: the attitude of Poles to Muslims.*

It should be stressed that, irrespective of sociodemographic factors, public and political discourse have a significant impact on the attitude of Poles to other nations, denominations, and „others” in general. In this context, an alarming trend has been observed since 2016, which developed out of migration crisis and the problem of relocation system in the European Union. It coincided with parliamentary and presidential elections in Poland. Thus, for the first time a problem of migration and, in particular, refugees became one of the main themes of election campaign. The ongoing public debate seem to have played an important role in a significant political shift that Poland eventually experienced. Although this issue goes beyond the temporal scope of this Report, it seems to provide a better understanding of current motivations of public attitudes towards non-Poles or non-Christians.

#### **Additional information:**

I shall mention briefly that there are two major political parties in Poland: The Law and Justice (*pol. Prawo i Sprawiedliwość, PiS*) and „The Civic Platform” (*pol. Platforma Obywatelska, PO*)

Since 2007, PO and has governed, forming the government with the small Polskie Stronnictwo Ludowe (PSL, „Polish Peasant's Party). The PO was broadly perceived as liberal, modern, and seeking for clear separation of church and state. Nonetheless, the PO was in fact quite a conservative party, focused on improving economic situation. In 2015 it lost both general and presidential elections.

On May 24, 2015 Mr. Andrzej Duda - PiS' candidate for a president - won the elections just by a very narrow margin.<sup>81</sup> He took office on August 6. Subsequently, in October PiS won the general elections, and obtained a majority in the parliament.<sup>82</sup>

The situation repeated in 2019 and 2020, as PiS and it's candidate for a president, Mr. Andrzej Duda, won both parliamentary and presidential elections, again just a very narrow margin.

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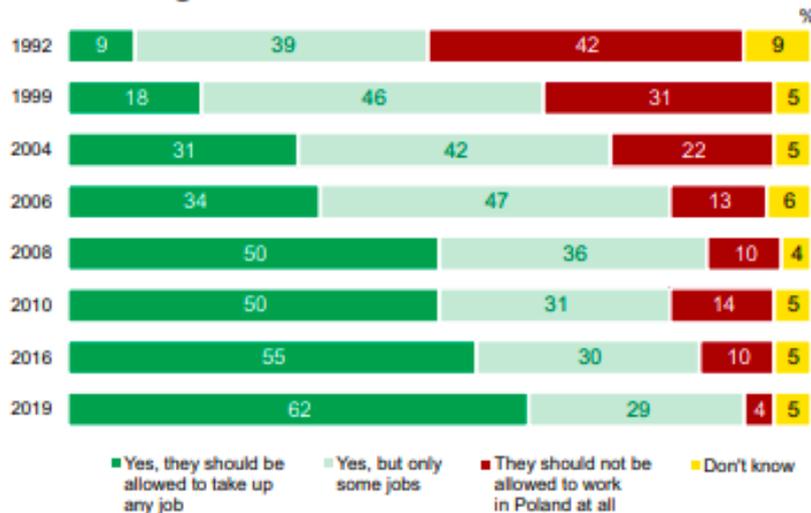
<sup>79</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, p. 8, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF), [accessed: 8.12.2020]

<sup>80</sup> „Katyń massacre and evaluation of Polish-Russian relations”, CBOS 4/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/04\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/04_2020.pdf) [accessed: 7.12.2020]

<sup>81</sup> Andrzej Duda received 51.55% of the votes whereas Bronisław Komorowski received 48.45%, with a turnout of 55.34%, [http://prezydent2015.pkw.gov.pl/pliki/1432571989\\_obwieszczenie.pdf](http://prezydent2015.pkw.gov.pl/pliki/1432571989_obwieszczenie.pdf) [accessed: 10.08.2016]

<sup>82</sup> PiS received 37.58% of the votes; PO – 24.09%; Kukiz'15 – 8.81%; Nowoczesna – 7.60%; PSL – 5.13%, with a turnout of 50.92%, [https://parlament2015.pkw.gov.pl/349\\_Wyniki\\_Sejm.html](https://parlament2015.pkw.gov.pl/349_Wyniki_Sejm.html) [accessed: 5.08.2020]

### Should foreigners be allowed to work in Poland?



More information regarding immigrants: see point 3.2 of the Report.

Thus, the PiS, together with some minor political parties, has governed since the autumn of 2015. „The Allied Right”, as the coalition dominated by PiS it is often called, is regarded as conservative, illiberal, populist party. It is a member of the eurosceptic European Conservatives and Reformists Party.<sup>83</sup>

### Attitude to immigrants and refugees, 2018-2020

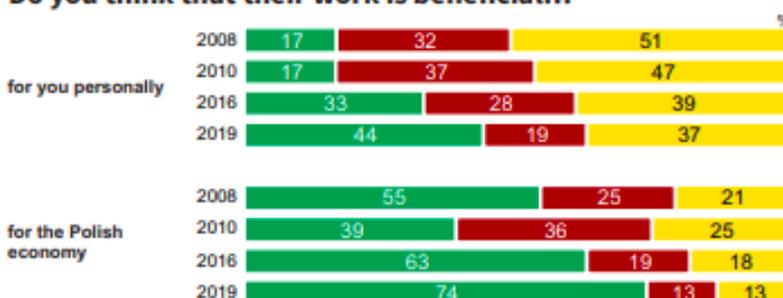
The vast majority of persons coming to Poland are economic migrants. Nearly 73% of aliens arriving in Poland in 2018 declare their intention to join the labour market. Other applicants mentioned family reasons (12%) and opportunities to move onto university studies (10%).<sup>84</sup>

### 2020

Since 1990’, an attitude of Poles to economic migrants has improved significantly. This trend can be seen in two graphs below, presented by CBOS. They clearly indicate that the vast majority of Poles accept presence of foreigners on a labour market and that they find it beneficial for themselves, as well as country’s economy, employees in general, and for employers:

Source of the graph above: CBOS 2020.<sup>85</sup>

### In Poland, non-EU citizens from countries such as Ukraine, Belarus, Moldova, as well as Nepal and India take up work. Do you think that their work is beneficial...



Wigura, J. Kuisz, *Kultura Liberalna Agents of Discontent?*, Springer, 2015; [https://ruleoflaw.pl/the-current-dismantling-of-the-legalization-of-immigration-in-poland-2018-r/01\\_2020.pdf](https://ruleoflaw.pl/the-current-dismantling-of-the-legalization-of-immigration-in-poland-2018-r/01_2020.pdf) [accessed: 1.12.2020]

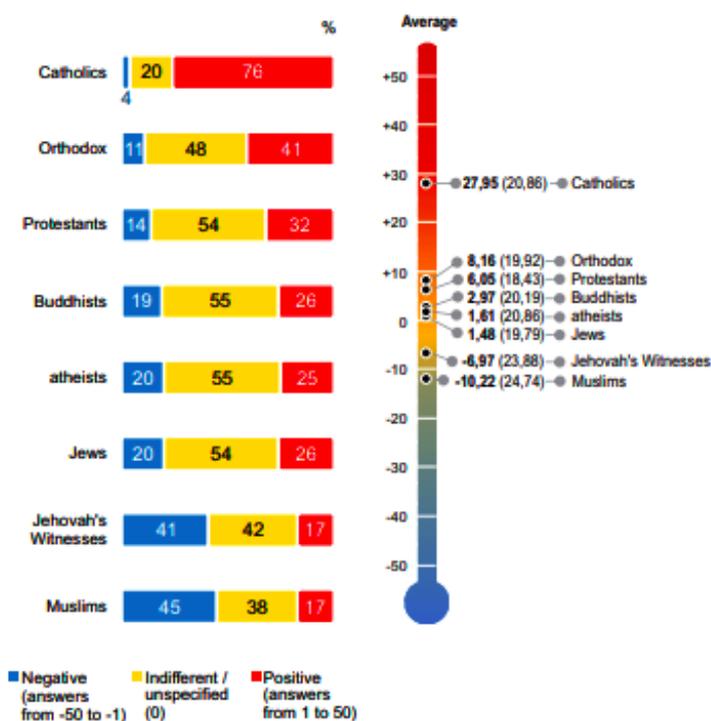
Source of the above: CBOS 2020.<sup>86</sup>

## 2019

It should be stressed that the vast majority of Poles have never had direct contact with Muslims. Only 14% of CBOS' respondents declare personal knowledge of person of this religion. Thus, the media seems to be the sole source of information for most of the respondents. A graph below shows that an attitude of Poles to Muslims is negative, compared to other denominations (except from the Jehovah's Witnesses).<sup>87</sup>

What is more, according to CBOS, „Compared to the results obtained four years ago, the attitude towards the followers of almost all religions has deteriorated (...). The percentage declaring warm feelings for Muslims compared to 2015 decreased by 6 percentage points (from 23 to 17%), while ambiguous or indifferent attitudes increased by 5 points (from 33 to 38%).”<sup>88</sup>

### What is your attitude towards:



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Source of a picture above: „Attitudes towards Islam and Muslims”, CBOS 12/2019.<sup>89</sup>

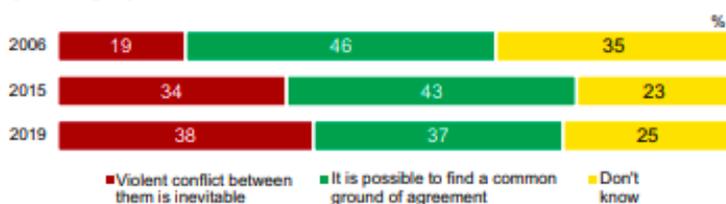
It is also worth mentioning that there is a strong relation between an image of Muslims and Islam and popular knowledge about Islamic fundamentalism and terrorist attacks. In this context, another two graphs should be presented:

### Do you agree with the following statements?



Source of the picture above: CBOS 12/2019.<sup>90</sup>

### Thinking about the relationship between Islamic and Western culture, which opinion is closer to your own view?



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Source of the picture above: CBOS 12/2019.<sup>91</sup>

## 2018

An attitude of Poles toward welcoming refugees is negative. This problem, however, has been overshadowed by other issues in recent years.

The last CBOS' survey regarding this question directly was conducted in July 2018.<sup>92</sup> Some general conclusions arising out of this research below:

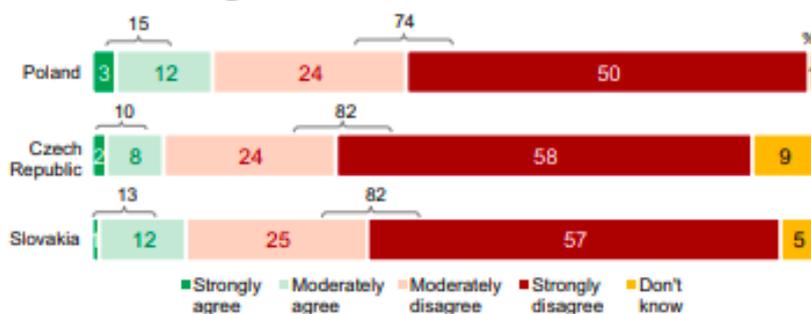
In October 2017 a level of respondents contesting the idea of welcoming refugees was pushed to historical highs; in June 2018 the results of public opinion poll were more positive;

As for Ukrainian refugees, the level of acceptance is much higher in a society and has not changed significantly since 2016;

The majority of Poles contest a mechanism of relocation of refugees from the Middle East and Africa:

- In October 2017 75% of the respondents were against receiving refugees; 20% accepted it;
- In June 2018 72% of the respondents were against receiving refugees; 22% accepted it.

### Do you agree that Poland/ Czech Republic/ Slovakia should accept refugees from Muslim countries, if refusal to do so would risk losing EU funds?



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...for an CBOS source must be created when any part of the publication is reproduced; therefore, I share the graphs for the purposes of this report exclusively and it should not be reproduced in general report.

<sup>92</sup> „Stosunek Polaków i Czechów do przyjmowania uchodźców”, Komunikat z badań nr 87/2018, July 2018, [https://www.cbos.pl/SPISKOM.POL/2018/K\\_087\\_18.PDF](https://www.cbos.pl/SPISKOM.POL/2018/K_087_18.PDF) [accessed: 3.12.2020]

*Source of the picture above: CBOS 12/2017.*<sup>93</sup>

## **How the general attitude of the Society towards immigrants, foreigners, various ethnic and religious groups has changed?**

As regards immigrants, it must be noted that until terrorist attack in Paris in November 2015 Poles were sympathetic about the idea of helping refugees, especially if it was a temporary aid.<sup>94</sup> What is more, before 2015, the question of immigration to Poland has not been debated whatsoever.

The 2017 report done by M. Bieńkowski and A. Świdorska (Centre for Research on Prejudice, *pol. Centrum Badań nad Uprzedzeniami*), covering the year 2016, has shown that the level of acceptance of immigrants' and refugees' presence in Poland had dropped. An attitude of Poles towards migrants turned out to be rather negative in 2016 compared to 2015 when it was rather positive. According to the report respondents who presented negative attitude towards immigrants and refugees had some common features, i.e.: being right-wing and conservative, accepting open market, right-wing authoritarianism, believing that their own situation has worsen and that fighting for a right position in hierarchy is an important element of life.<sup>95</sup>

Notably, the Law and Justice Party (*pol. Prawo i Sprawiedliwość, PiS*) used the issue of refugees in the election campaign in 2015. Its rhetoric was based mostly on peoples' fear and prejudices. The European Commission has just launched infringement proceedings against Poland (Czech Republic and Hungary) "for non-compliance with their obligations under the 2015 Council Decisions on relocation." According to the European Commission, "Poland has not relocated anyone and not pledged since December 2015." The attitude of PiS, the ruling party since autumn 2015, as well as the national media, definitely had impact on society's attitude towards Muslims and Arabs.

The question of migrants and refugees came up again during the local elections held in October and November 2018. However, this was a secondary matter.

According to P. Sadowski and K. Szczawińska: „*At the peak of the so-called migrant crisis, the European Commission presented legislative proposals regarding the relocation of asylum-seekers residing in Greece*

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<sup>93</sup> „Attitude to receiving refugees”, CBOS 12/2017, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2017/12\\_2017.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2017/12_2017.pdf) [accessed: 3.12.2020]

**Note: all CBOS sources must be credited when any part of the publication is reproduced; therefore, I share the graphs for the purposes of this report exclusively and it should not be reproduced in general report.**

<sup>94</sup> „Stosunek do przyjmowania uchodźców”. Komunikat z badań nr 163/2017, CBOS Centrum Badań Opinii Społecznej, December 2017, [https://www.cbos.pl/SPISKOM.POL/2017/K\\_163\\_17.PDF](https://www.cbos.pl/SPISKOM.POL/2017/K_163_17.PDF) [accessed: 5.12.2020]

<sup>95</sup> B. Bartosik, „Raport Centrum Badań nad Uprzedzeniami nt. stosunku Polaków do uchodźców”, [wiesz.com.pl](http://wiesz.com.pl), August 11, 2017, <http://wiesz.com.pl/2017/08/11/polacy-pozytywnie-nastawieni-do-przemocy-wobec-imigrantow/> [accessed: 2.06.2018]

and Italy to other Member States (European Commission, 2015, May 27, 2015, September 9). It was the first and the last time that a genuine debate on immigration was taking place in Poland.”<sup>96</sup>

Likewise, the Helsinki Foundation for Human Rights noticed that a question of migrants and refugees appeared for the first time during election campaign in 2015. A public debate on this problem was stormy; many anti-Islamic and anti-immigration voices could be heard. The debate was accompanied by numerous demonstrations, both supporting and opposing accommodation of refugees in Poland.<sup>97</sup>

In May 2015, PO's government announced that Poland would help 60 Christian families from Syria.<sup>98</sup> In September 2015, during the 25th Economic Forum in Krynica-Zdrój, Ms Ewa Kopacz, Polish PM at that time, said that Poland cannot afford economic migrants. However, she emphasised that taking the refugees is our obligation and a test of decency.<sup>99</sup> During a meeting with NGO's dealing with a question of migrants in September 2015 Ms Ewa Kopacz said: “Thank you for not regarding migrants “quota” or “threat”. For you they are simply real people who need help.”<sup>100</sup> Thus, Ewa Kopacz's government rhetoric was moderate and reassuring. Although various obvious questions regarding i.e. public security appeared, government tried to calm down public opinion.

Compared to PO's government, a possible change in rhetoric regarding refugees could be noticed during political campaign in autumn 2015. Although PiS focused on social and ideological questions, it used the issue of refugees in the election campaign, too. The party's rhetoric was based mostly on people's fears and prejudices.

In September 2015 Ms Beata Szydło, then PiS's candidate for the PM, said that a decision to agree on accommodating migrants in Poland was a scandal; it was made contrary to security grounds and public opinion. She also warned that it was not only about 7,000 people but many more, since they will be able to bring their families to Poland.<sup>101</sup>

In September 2018, during the summit of EU Heads of State and Government in Salzburg, a new Polish PM M. Morawiecki maintained PiS government's view that Poland would keep refusing to welcome migrants within the relocation mechanism. As A. Adamczyk noticed: „*Like other states in the Visegrad group, it*

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<sup>96</sup> See: P. Sadowski, K. Szczawińska, „Poland's Response to the EU Migration Policy” [in:] „The Migrant Crisis: European Perspectives and National Discourses”, LIT Verlag Münster, 2017, pp. 218-219

<sup>97</sup> „Migranci, uchodźcy i ksenofobia w kampanii wyborczej 2018 - raport z monitoringu”, authors: A. Demczuk, K. Głąb, M. Kusy, W. Stupnicki, A. Sygnowska, J. Szymańska, A. Tymińska, E. Widawska, A. Woźniak-Biriukowa, J. Zasacka, supervised by A. Mikulska-Jolles, Helsinki Foundation for Human Rights, Warsaw 2018, p. 3

<sup>98</sup> PM's Ewa Kopacz Speech [in:]

[http://www.pap.pl/palio/html.run?\\_Instance=cms\\_www.pap.pl&\\_PageID=1&s=infopakiet&dz=kraj&idNewsComp=211164&filename=&idnews=214475&data=&status=biezace&\\_Checksum=-1389541782](http://www.pap.pl/palio/html.run?_Instance=cms_www.pap.pl&_PageID=1&s=infopakiet&dz=kraj&idNewsComp=211164&filename=&idnews=214475&data=&status=biezace&_Checksum=-1389541782) [accessed: 1.08.2015]

<sup>99</sup> Kopacz: przyjmujemy uchodźców, bo to nasz obowiązek, test na przyzwoitość, tvn.24, 10 września 2015, <http://www.tvn24.pl/wiadomosci-z-kraju,3/kopacz-przyjecie-uchodzcow-jest-naszym-obowiazkiem,576031.html> [accessed: 29.07.2016]

<sup>100</sup> <https://www.premier.gov.pl/wydarzenia/aktualnosci/premier-ewa-kopacz-uchodzcy-ktorzy-przybeda-do-polski-to-nie-kwoty-a.html> [accessed: 29.07.2016]

<sup>101</sup> Beata Szydło o decyzji ws. uchodźców: skandal. Polski rząd oszukał kraje Grupy Wyszehradzkiej, IAR, PAP 23.09.2015, <https://www.polskieradio.pl/5/3/Artykul/1509436,Beata-Szydlo-o-decyzji-ws-uchodzcow-skandal-Polski-rzad-oszuka-kraje-Grupy-Wyszehradzkiej> [accessed: 8.08.2020]

*continued to oppose forced relocation, preferring voluntary decisions by individual states. An additional argument to refuse to admit foreigners under relocation was the lack of a guarantee of the appropriate level of security in relation to these people.*"<sup>102</sup>

According to A. Adamczyk: *„The PiS government has remained consistent and not changed its opinion on the relocation and resettlement of people who require international protection to Poland. Moreover, from the beginning the government has maintained the attitude that people in need should receive aid at the site of conflict or in neighboring states. The inconsistency in the migration policy has primarily been related to the fact that, contrary to the opinions that Poland is closed for foreigners, the number of immigrants arriving in Poland has actually increased. (...) despite the anti-immigrant government rhetoric, the number of foreigners in Poland has increased. Their number has grown even though the issue of immigrant influx has been associated with that of terrorist threat and reduced security level. Additionally, the statements of the ruling party’s politicians have implied concerns with Poland accepting Muslim immigrants, while government representatives have signed employment agreements with countries where Islam is the dominant religion. The lack of coherence in Polish migration policy has resulted from the absence of a government document that would define such a policy. This has also translated into pursuing an ad hoc policy and the failure to develop a migration doctrine. This situation is dangerous as it makes Polish migration policy unpredictable.”*

The influence of such activities on public opinion towards migrants was undeniable and the level of anti-immigration sentiments has increased. The potential reasons for such negative attitudes seem to be as follows: the refugee crisis and a growing number of terrorist attacks in Europe; the current Polish government’s highly negative rhetoric concerning migrants from the Middle East and Africa; Right-wing and public service media anti-immigration and anti-Islamic propaganda presenting Muslims as terrorists and criminals.

In May 2016, in response to refugee relocation mechanism, contested by governments of several countries, including Poland, the Sejm - the lower chamber of Polish Parliament - adopted a Resolution on “Defending the sovereignty of the Republic of Poland and the rights of its citizens”, which stated, among other things, that: *“in the institutions of the European Union [...] attempts are made to impose on Poland a decision on the immigrants who have come to Europe. The announced decisions to solve this problem have no basis in European law, they violate the sovereignty of our country, European values and the subsidiarity principle of the European Union. They also pose a threat to the social order in Poland, the security of its citizens and the civilisation heritage and national identity. The Sejm of the Republic of Poland calls on the government to oppose any action against the sovereignty of the state and states that it is the government's duty to defend the national interest and constitutional order in the Republic of Poland.”*<sup>103</sup>

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<sup>102</sup> A. Adamczyk, „Wishful thinking. The attitude of Polish government towards immigration after 2015” [in:] „Przegląd Politologiczny”, Nr 4 (2019), pp. 122-123

<sup>103</sup> Resolution of the Sejm of the Republic of Poland of 24 May 2016, on defending the sovereignty of the Republic of Poland and the rights of its citizens; Monitor Polski, Warsaw, 24 May 2016, number 466; <http://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP2016000466/O/M20160466.pdf> [accessed: 14.08.2020]

In October 2016, another resolution was adopted, over and above any political debate.<sup>104</sup> It concerned Proposal for a Regulation of the European and of the Council Parliament establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.<sup>105</sup> The resolution states that the Proposal is not be in line with the subsidiarity principle.

Both resolutions were not legally binding, however they clearly indicate the nature of Polish authorities to a problem of accommodating refugees.

In December 2017 Mr Mateusz Morawiecki as appointed as a new PM.

At that time, Ms Beata Kempa was nominated minister responsible for humanitarian aid. She held that position from January 2018 to June 2019. The need for establishing a new post was explained as a reaction to „increasing humanitarian needs and migration pressure in the world”.<sup>106</sup>

According to activity report, Ms B. Kempa has undertaken i.e. the following actions: cooperation with NGO's; establishing cooperation with agencies engaged in humanitarian aid; international cooperation. The report also mentioned coordination activities, i.e.: setting up a group of experts; organising a meeting with missionaries; organising an Innovative Humanitarian Aid Forum; presenting achievements before Government; celebrating Holy Mass with the intention of peace in Syria; organising a „Polish humanitarian aid” exhibition.<sup>107</sup>

It should be noted that Ms B. Kempa focused on problems of Christians in the world.

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The results of voting were as follows:

222 MP's belonging to PiS voted in favour of the resolution; 11 had not taken part in the voting;  
29 MP's belonging to KUKIZ'15 voted in favour of the resolution; 7 had not taken part in the voting;  
134 MP's belonging to PO had not taken part in the voting; 4 voted against;  
29 MP's belonging to Nowoczesna had not taken part in the voting;  
6 other MP's had voted in favour of the resolution; 1 had not taken part in the voting

Głosowanie nr 95 na 19. posiedzeniu Sejmu, 20.05.2016,

<https://www.sejm.gov.pl/Sejm8.nsf/agent.xsp?symbol=glosowania&nradencji=8&nroposiedzenia=19&nrglosowania=95> [accessed: 14.08.2020]

<sup>104</sup> Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 21 października 2016 r. w sprawie uznania projektu rozporządzenia Parlamentu Europejskiego i Rady w sprawie ustanowienia kryteriów i mechanizmów ustalania państwa członkowskiego odpowiedzialnego za rozpatrzenie wniosku o udzielenie ochrony międzynarodowej złożonego w jednym z państw członkowskich przez obywatela państwa trzeciego lub bezpaństwowca za niezgodny z zasadą pomocniczości, <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20160001017>; Głosowanie nr 62 na 28. posiedzeniu Sejmu, 21.10.2016,

<http://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=glosowania&nradencji=8&nroposiedzenia=28&nrglosowania=62> [accessed: 14.08.2020]

<sup>105</sup> „Proposal for a Regulation of the European and of the Council Parliament establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person”, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52016PC0270> [accessed: 14.08.2020]

<sup>106</sup> „Beta Kempa. Minister - Członek Rady Ministrów. Podsumowanie działalności w zakresie polskiej pomocy humanitarnej grudzień 2017r. - maj 2018 r.”, [http://orka2.sejm.gov.pl/INT8.nsf/klucz/ATTBCSHE7/\\$FILE/i30497-o1.pdf](http://orka2.sejm.gov.pl/INT8.nsf/klucz/ATTBCSHE7/$FILE/i30497-o1.pdf), p. 4 [accessed: 5.10.2020]

<sup>107</sup> „Beta Kempa. Minister - Członek Rady Ministrów. Podsumowanie działalności w zakresie polskiej pomocy humanitarnej grudzień 2017 r. - maj 2018 r.”, [http://orka2.sejm.gov.pl/INT8.nsf/klucz/ATTBCSHE7/\\$FILE/i30497-o1.pdf](http://orka2.sejm.gov.pl/INT8.nsf/klucz/ATTBCSHE7/$FILE/i30497-o1.pdf), p. 4 [accessed: 5.10.2020], pp. 5-15

The Supreme Audit Office has indicated that: „Although a Minister responsible for humanitarian aid was nominated in January 2018, until May 2019 no proposals for humanitarian aid policy were put forward. Humanitarian aid was granted within the scope proposed by NGO’s.”<sup>108</sup>

According to European Commission, no people have been relocated to Poland since the launch of the scheme to December 2016. In June 2017 the European Commission concluded: „In total, more than 20,000 people have been relocated so far. While most of the Member States are now contributing fairly and proportionally to the implementation of the scheme, Hungary, Poland and the Czech Republic in breach of their legal obligations are neither pledging nor relocating from Greece and Italy.” Likewise in 2018: „Hungary and Poland remain the only Member States that have not relocated a single person and Poland has not made any pledge since 16 December 2015”.<sup>109</sup>

In 2020, the Court of Justice of the European Union has ruled, however, in Joined Cases C-715/17, C-718/17 and C-719/17 Commission v Poland, Hungary and the Czech Republic that, by refusing to comply with the temporary relocation mechanism for applicants for international protection, Poland, Hungary and the Czech Republic have failed to fulfil their obligations under EU law. Those States cannot, in order to evade the implementation of that mechanism, rely either on their obligations relating to the maintenance of law and order and the safeguarding of internal security or on the malfunctioning of the relocation mechanism which they allege. The Court points out that, inter alia, Poland was not entitled to derogate from the application of the relocation decision on the basis of Article 72 TFEU, according to which the provisions of the Treaty relating to the area of freedom, security and justice, to which asylum policy in particular belongs, “shall be without prejudice to the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security”, since that provision is a derogating provision from the general rules of European Union law and must be interpreted strictly. Consequently, the provision of that article does not confer on the Member States the power to derogate from the provisions of European Union law by simply invoking the interests relating to the maintenance of law and order and the safeguarding of internal security, but requires them to prove the necessity of the derogation provided for in that provision in order to fulfil their obligations in that regard.<sup>110</sup>

### **Negative social manifestations towards immigrants, foreigners, various ethnic and religious groups.**

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<sup>108</sup> T. Dziuba, „Wystąpienie pokontrolne, zmienione zgodnie z treścią uchwały nr 14/2020 Kolegium NIK z dnia 16 kwietnia 2020 r. P/19/005 Realizacja zadań administracji publicznej w zakresie udzielania pomocy humanitarnej poza granicami Polski”, Warsaw 2020

<sup>109</sup> Report from the Commission to the European Parliament, the European Council and the Council. 14th report on relocation and resettlement, July 26, 2018, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170613\\_thirteenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170613_thirteenth_report_on_relocation_and_resettlement_en.pdf) [accessed: 5.11.2020]

<sup>110</sup> CJEU press release of 2 April 2020: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-04/cp200040pl.pdf> [accessed: 14.08.2020]

In May 2020, the „Never Again” Association (*pol. Stowarzyszenie „Nigdy Więcej”*) published a report: „The Virus of Hate. Brown Book of the Epidemic”.<sup>111</sup> Their publication „documents acts of racism, xenophobia and discrimination which have occurred in the context of the coronavirus in Poland in recent weeks and months. The authors of the report recorded cases of assaults on members of minorities who are unjustly blamed for spreading the virus, as well as numerous examples of hate speech and conspiracy theories about the pandemic spread by the far right. The descriptions collected on over 30 pages.”<sup>112</sup>

In August 2016 Polish parliament received a draft bill of a new so-called “Holocaust Law.” The explanatory memorandum to government’s draft criminal bill said that: “For many years expressions such as *Polish death camps* or *Polish concentration camps* have been used publicly within and across national borders. Frequently, the same people, press, TV or radio stations are using such terms. There are also some publishers who falsify historical facts intentionally. Undoubtedly, such false statements harm the reputation of the Republic of Poland and Polish Nation. (...) Therefore, an efficient legal instruments should be provided in order to enable consistent historical policy of Polish authorities that could counter falsification of Polish history and could protect reputation of the Republic of Poland and Polish Nation.”

Thus, above others, article 55a of the Act on the Institute of National Remembrance was enacted in January 2018 and entered into force in March. It stated that: „that anyone who publicly and contrary to the facts holds liability or joint liability of Polish Nation or the Polish state for the Nazi crimes committed by the German Third Reich (...) or other crimes against peace, humanity or war crimes or grossly reduces responsibility of real perpetrators of these crimes, shall be subject to fine or the penalty of imprisonment up to 3 years. The sentence shall be made public.” Thus, It made attributing to the Polish Nation or to the Polish State responsibility or co responsibility for the Nazi crimes committed by the German Third Reich a criminal offence.

The new law provoked controversies both in Poland and abroad, especially in Israel and the USA. I.e. the United States Holocaust Memorial Museum expressed concerns that: “The law would chill a free and open dialogue addressing Poland’s history during the Holocaust, including in Polish schools and universities as well as in the media.”<sup>113</sup> And the Polish Centre for Holocaust Research considered “the adopted law a tool intended to facilitate the ideological manipulation and imposition of the history policy of the Polish state. The new legislation would constitute an unprecedented (and unknown in a democratic system) intrusion into the debate about the Polish history.”<sup>114</sup> Polish authorities argue that article 55a will be an effective tool for

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<sup>111</sup> The „Never Again” has monitored cases of racism and other forms of discrimination since mid 1990’. The „Brown Book” - as the authors state themselves - contains „the most extensive register of racist incidents and other xenophobic crimes committed in Poland” (<https://www.nigdywiecej.org/en/>, accessed: 8.12.2020)

<sup>112</sup> „The virus of hate: Report of the „Never Again” Association”, Bulletin 3, July 2020, [https://www.nigdywiecej.org//docstation/com docstation/20/the virus of hate report of the never again association. awakening\\_no. 3\\_07.2.pdf](https://www.nigdywiecej.org//docstation/com docstation/20/the virus of hate report of the never again association. awakening_no. 3_07.2.pdf) [accessed: 7.12.2020]

<sup>113</sup> USHMM Deeply Concerned over Legislation to Criminalize References to Poles’s Complicity in Nazi Crimes <https://www.ushmm.org/information/press/press-releases/museum-statement-on-holocaust-legislation-in-poland> [accessed: January 29, 2018]

<sup>114</sup> <https://www.holocaustresearch.pl/index.php?mod=news&show=349&lang=en>

fighting against the unjustified phrase: “Polish Death Camps”. It is true, indeed, that this expression has been used relatively frequently i.e. in the international press.

Eventually, due to diplomatic crisis, this provision was repealed on June 27<sup>th</sup>, 2018.

This situation has led to an increase in the number of anti-Semitic statements, especially in the Internet. It seems that it also had a short-term impact of an attitude of Poles to Jews (see: information above<sup>115</sup>).

Indeed, as R. Pankowski stated: „The surge of hostility to Jews and the Jewish State in the Polish media and politics in early 2018 took many observers by surprise. For some, it was shocking to witness a virtual tidal wave of antisemitism in the mainstream discourse of one of the largest member states of the European Union—on territory which, during the German occupation, was the epicentre of the Holocaust. It was also a great shock because for many years, bilateral relations between Poland and Israel had been especially cordial and fruitful.”<sup>116</sup>

More information: see point 4 of the Report.

### **Activities of radical groups. Right-wing radical groups and parties:**

#### **The presence of neo-Nazi and nationalist groups, movements, political parties.**

The presence of neo-Nazi organisations is marginal.

The most, both, significant and one-off incident has been publicised by TVN Channel. The so-called „Hitler’s birthday” was organised by „Pride and Modernity” Association (pol. Stowarzyszenie „Duma i

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<sup>115</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, pp. 3-4, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF) [accessed: 5.12.2020] 2018:

- positive attitude to Jews: 24% of the respondents (37% in 2016; 31% in 2019);
- negative attitude to Jews: 33% of the respondents (26% in 2016; 33% in 2019).

As B. Cohen commented: „Most of the Jews who were in Poland at the end of World War II have since left. In 1968, a Communist Party campaign organized under the slogan, “No to Anti-Semitism: Yes to Anti-Zionism!” resulted in nearly 20,000 Jews, many of them Holocaust survivors, being purged from their homes, jobs, and positions in public life. (...) There remains in Poland a vibrant, vocal community of 8,000 Jews; they enjoy synagogues, schools, and cultural festivals. Poland’s neo-fascist parties have taken to calling them a “fifth column,” in an unmistakable echo of the last time the country was in the throes of an anti-Semitic campaign. The enveloping anti-Semitic atmosphere of 1968 has returned.” (B. Cohen, „The Dark Return of Polish Anti-Semitism. New legislation seeks to replace established history with dangerous myths”, February 16, 2018, [https://www.nigdywiecej.org//docstation/com\\_docstation/20/b.\\_cohen\\_the\\_dark\\_return\\_of\\_polish\\_anti\\_semitism.commentarymagazine.com\\_16.0.pdf](https://www.nigdywiecej.org//docstation/com_docstation/20/b._cohen_the_dark_return_of_polish_anti_semitism.commentarymagazine.com_16.0.pdf) [accessed: 5.12.2020])

Likewise V. Gera observed that: „A diplomatic dispute between Poland and Israel over pending legislation that would outlaw blaming Poland for the crimes of the Holocaust has led to an outburst of anti-Semitic comments in Poland, including some in the government-controlled media.” (V. Gera, „Israeli criticism sparks anti-Jewish remarks in Polish media”, January 30, 2018, [https://www.nigdywiecej.org//docstation/com\\_docstation/20/v.\\_gera\\_israeli\\_criticism\\_sparks\\_anti\\_jewish\\_remarks\\_in\\_polish\\_media.\\_apnews..pdf](https://www.nigdywiecej.org//docstation/com_docstation/20/v._gera_israeli_criticism_sparks_anti_jewish_remarks_in_polish_media._apnews..pdf) [accessed: 5.12.2020])

<sup>116</sup> R. Pankowski, „The Resurgence of Antisemitic Discourse in Poland”, Israel Journal of Foreign Affairs, 2018, [https://www.nigdywiecej.org//docstation/com\\_docstation/20/r.\\_pankowski\\_the\\_resurgence\\_of\\_antisemitic\\_discourse\\_in\\_poland.\\_is\\_1557696865.pdf](https://www.nigdywiecej.org//docstation/com_docstation/20/r._pankowski_the_resurgence_of_antisemitic_discourse_in_poland._is_1557696865.pdf) [accessed: 5.12.2020]

Nowoczesność) in May 2017. As a result, the Association was dissolved by District Court in Gliwice in August 2019.<sup>117</sup>



Source: TVN, <https://superwizjer.tvn.pl/aktualnosci,984,n/urodziny-hitlera-stowarzyszenie-rozwiazane,296795.html> [accessed: 7.12.2020]

As for the nationals groups, the Committee on the Elimination of Racial Discrimination in its 2019 concluding observations noted that: „The Committee notes the prohibition in article 13 of the Constitution of “political parties and other organizations [...] whose programmes or activities sanction racial or national hatred”. The Committee is, however, concerned that the participation in such organizations is not yet prohibited by law. The Committee is alarmed by the continuing existence and open operation of organizations that promote racial hatred in the State party, particularly those that openly espouse affinity with the ideology and publicly display the symbols of Nazism, fascism or totalitarianism (art. 4).”<sup>118</sup>

Consequently, CERD recommended the State party to: „(a) Ensure effective enforcement of the laws declaring illegal parties or organizations which promote or incite racial discrimination, such as the National Movement, the National-Radical Camp, All-Polish Youth, Falanga, Szturmowcy, Nizlot, the National and Social Congress, Autonomic Nationalists, Pride and Modernity Association, and the local chapter of Blood and Honour; CERD/C/POL/CO/22-24 5 (b) Amend the Penal Code to make participation in such organizations a punishable offence, in line with article 4 (b) of the Convention and general recommendation No. 35.”<sup>119</sup>

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<sup>117</sup> „Stowarzyszenie „Duma i Nowoczesność” rozwiązane”, Superwizjer TVN, August 7, 2019, <https://superwizjer.tvn.pl/aktualnosci,984,n/urodziny-hitlera-stowarzyszenie-rozwiazane,296795.html> [accessed: 7.12.2020]

On formal grounds, the proceedings are not finished yet („Urządzili w lesie "urodziny Hitlera". Sąd zawiesił sprawę rozwiązania stowarzyszenia, bo może być nielegalne”, TVN24 Katowice, February 2, 2020, <https://tvn24.pl/katowice/gliwice-sad-zawiesil-sprawe-rozwiazania-stowarzyszenia-duma-i-nowoczesnosc-bo-moze-byc-nielegalne-3803372> [accessed: 7.12.2020])

<sup>118</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, p. 4

<sup>119</sup> CERD Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Poland, August 29, 2019, pp. 4-5

Indeed, most of the organisations mentioned above, except from the Pride and Modernity Association, still act legally in Poland. It should be noted, however, that although they are present in a public sphere, they do not have direct impact on governing in Poland.

### **The main nationalist movements - brief description:**

#### **The March of Independence Association (*pol. Stowarzyszenie Marsz Niepodległości*)**

President of the Association: Mr. Robert Bąkiewicz

Main organiser of the March of Independence on November 11 in Warsaw (Polish Independence Day)

Objectives: „The March of Independence Association is a grassroots organization whose main goal is to shape the social pillars of Poland’s independence and sovereignty. We will achieve this goal by: showing the paramount importance of the Catholic faith in social life; disseminating knowledge about the history of Poland; maintaining and disseminating national, civic and cultural traditions; building a sense of national community; initiating and supporting cultural and patriotic events; organization of conferences and trainings; conducting publishing and information activities.”<sup>120</sup>

#### **The National Movement (*pol. Ruch Narodowy, RN*)**

President of the National Movement: Mr. Robert Winnicki

Political party since 2015

Since 2019 a part of Konfederacja (*more information below*)

Candidate for the President of the Republic of Poland in 2020 elections: Mr Krzysztof Bosak (4th best result during the first round of presidential elections: 1,317.350 votes = **6,78%**)<sup>121</sup>

Proponents of the „Polexit”<sup>122</sup>

Aims of the RN (§2 of the Statute): Acting in Polish national interest understood according to the tradition of Polish national movement and social teaching of Catholic church; implementation of principles and values expressed in the Ideological Declaration of the National Movement; work on the National Movement Program and implement its aims; continuation and development of heritage of past generations of Polish leaders, above all those linked with national movement; organising and form action of leaders and circles that could play an active role in the discussion on meaning and identity of Polish nation and state; taking part in political competition and public debate; representing Polish national circles in its relations with public institutions and circles and institutions from abroad<sup>123</sup>

According to the Ideological Declaration of the National Movement, the main goal of the RN is to defend and strengthen Polish national identity, based on Christianity. Modernity and cosmopolitanism should be

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<sup>120</sup> Stowarzyszenie Marsz Niepodległości, <https://marszniepodleglosci.pl/en/cel/#> [accessed: 30.11.2020]

<sup>121</sup> Wybory Prezydenta Rzeczypospolitej, PKW, June 28, 2020, <https://prezydent20200628.pkw.gov.pl/prezydent20200628/pl/wyniki/1/pl> [accessed: 30.11.2020]

<sup>122</sup> „Polexit. Bezpieczne wyjście awaryjne”, May 1, 2019, [https://ruchnarodowy.net/wp-content/uploads/PolExit-Bezpieczne-wyj%C5%9Bcie-awaryjne-ver1\\_2.pdf](https://ruchnarodowy.net/wp-content/uploads/PolExit-Bezpieczne-wyj%C5%9Bcie-awaryjne-ver1_2.pdf) [accessed: 30.11.2020]

<sup>123</sup> „Statut Ruchu Narodowego”, <https://ruchnarodowy.net/wp-content/uploads/Statut-RN-v.-15.06.2018.pdf> [accessed: 30.11.2020]

fought. The RN also declares to defend family understood as a marriage between woman and man. The RN wants to guarantee patriotic education and cease liberal-leftist propaganda. The state, its culture and economy should be sovereign. As for freedom of speech, the RN seeks to combat political correctness that promotes degeneration.<sup>124</sup>

### **Confederation Liberty and Independence (*pol. Konfederacja Wolności i Niepodległość, Konfederacja*)**

Right-wing, euro-sceptical political party

6,81% of votes during 2019 parliamentary elections (11 MP's)<sup>125</sup>

### **The All-Polish Youth (*pol. Młodzież Wszechpolska*)**

President of the All-Polish Youth: Mr. Ziemowit Przebitkowski

The All-Polish Youth is an association gathering people “who love their fatherland and who are devoted to Catholic Church.” It was reactivated in 1989. The MW aim is to bring up its members inspired by national, patriotic and catholic values. For the MW members being Pole is a pillar of identity.<sup>126</sup>

### **The National Radical Camp (*pol. Obóz Narodowo-Radykalny, ONR*)**

National –Radical Camp is a movement that declares lack of interest in politics. Instead it proposes “national activism”. Thus, the ONR co-organises the March of Independence in November. It also opposes “leftist propaganda” and carries out charity activity. They refer to National-Radical Camp founded and outlawed in the interwar period.<sup>127</sup>

In the Ideological Declaration the ONR states that: Redemption is human’s ultimate goal and the Catholic church is the pillar of being Polish; Nation is the highest earthly value; biological racism should be condemned, but ethnic homogeneity should be preserved; Family is pillar of the nation; Polish state is a product of Poles’ collective will; State system guarantees justice and national solidarity; it should be based on authority, sovereignty, hierarchy, self-government, solidarity; the role of political parties should be limited, since they are harmful; the ONR “rejects every form of totalitarianism, including liberal democracy”; Education should be influenced by national spirit; Armed forces should be influenced by national spirit; National-radical economy should consider interests of the whole nation; Culture is a pillar of national identity and should be protected; Former Kresy Wchodnie (eng. Eastern Borderlands) remain an important centre of Polishness and their annexation by the Soviet Union is a communist crime; we should not abandon these lands; Foreign policy should reflect Polish national interest; a block of Central-Eastern countries should be formed; NATO and the EU do not guarantee safety; Federation of Central and East European countries is a future of Latin civilisation.<sup>128</sup>

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<sup>124</sup> Ruch Narodowy, „Deklaracja ideowa i postulaty”, <https://ruchnarodowy.net/deklaracja/> [accessed: 30.11.2020]

<sup>125</sup> Wyniki wyborów 2019 do Sejmu RP, PKW, <https://sejmsenat2019.pkw.gov.pl/sejmsenat2019/pl/wyniki/sejm/pl> [accessed: 30.11.2020]

<sup>126</sup> Młodzież Wszechpolska. Kim jesteśmy? <https://mw.org.pl/about/> [accessed: 30.11.2020]

<sup>127</sup> Czy jest ONR? <https://www.onr.com.pl/czym-jest-onr/> [accessed: 30.11.2020]

<sup>128</sup> ONR, „Nowa Deklaracja Ideowa Obozu Narodowo-Radykalnego”, <https://www.onr.com.pl/deklaracja-ideowa/> [accessed: 30.11.2020]

## **The National Rebirth of Poland (*pol. Narodowe Odrodzenie Polski, NOP*)**

Radical political party established in 1981;

Their “Third Position – 10 Point Declaration” contains ideas as follows: The primacy of spirit “ –(...) worldwide National Revolution can only be achieved by the moulding of a New Man, a militant who practises what he preaches. Such a New Man must embody our ideal in such a way that he acts in himself as the highest form of propaganda for the Third Position in the community in which he lives and works (...)”;

The moral order “ –Since the degeneracy of the modern world is founded upon immorality and amorality, it stands to reason that a regenerate world can only be built upon Moral Order and Christian standards of living. (...)”;

Opposition to materialism “ –(...) The forms which have done the most damage in our time may be enumerated as: Freemasonry, Liberalism, Nihilism, Capitalism, Socialism, Marxism, Imperialism, Anarchism, Modernism and the New Age. Each of these creeds – materialist at base – is philosophically wrong and discredited in practice. Thus, the Third Position condemns them all unreservedly, and affirms that opposition to all forms of Materialism is central to the ideology of the Third Position.”;

Zionism and the Palestinian people “ –Zionism as an organized political movement is little more than a century old, and yet in that time it has built a power structure of colossal proportions that straddles the globe. This structure includes not only the illegal Israeli regime, set up on the stolen land of Palestine, but also the power bases that Zionists have constructed in the spheres of Politics, Economics and the Media, especially in the USA and Europe. Needless to say, this power structure exists to serve and extend the interests of International Jewry, and this can only be done at the expense of the indigenous populations who have lost control of their countries to this discriminatory creed. (...)”;

The ideal of popular rule “ –It is a core belief of the Third Position that harmony and peace within nations and between nations can only be truly attempted if each nation seeks to create an essential unity that transcends sectional or vested interests. (...) The programme of political decentralization we call Popular Rule. In its essence, it is a system of self-government by the people which starts at the level of the lowest socially viable unit, and extends through a series of organically linked structures to the national level. (...) However, the people themselves must act within the Moral Order if their wishes are to be valid; that is to say, the people do not make the „truth” by voting, rather their political actions must conform to Objective Truth.”;

Racial and cultural diversity “ –That the human species is comprised of a patchwork of differing races and cultures is a matter of common sense, and yet there are, incredibly, those who would destroy this richness and diversity in humanity in order to replace it with a rootless mass, lacking identity and history. In such a nightmare world the very words Race, Nation and Culture would cease to have any meaning at all. In other words, this forced multi-racism is seeking to destroy the living soil within which all peoples have their roots, their identity, their being. (...) The Third Position supports the concept of Racial Separatism whereby different peoples and cultures co-operate in an atmosphere of respect and understanding to their mutual benefit, preserving one another from the abyss of multi-racism. (...) In the struggle to preserve human diversity, resettlement of races to their countries of origin will play a major role, and will directly aid the struggle to build a more peaceful world.”;

Preservation of the environment “ –(...) balance between Ruralism and Urbanism is held to be central to the worldview of the Third Position (...)”;

The menace of bankerdom “ –(...) The Third Position believes that International

Finance is one of the greatest evils of the modern world, and thus is intrinsically hostile to the programme of the Third Position. (...); A third position of ownership “-(...) Distributism (...) This form of ownership occurs in an economy which is decentralized to the smallest, viable unit and thus results in a plethora of producer and service co-operatives, small businesses, craft workshops, Guild structures, artisanal associations, small holdings, family firms and family farms. It is a mode of ownership which promotes individual initiative and creativity, and yet does so only within the framework of the Common Good. It is the natural conjunction of Individual Freedom with Social Justice.”; National revolution worldwide.<sup>129</sup>

### **The influence of neo-Nazis and radical nationalists changed over the period on civil society, on local and central legislative / executive authorities;**

#### **Radical right in Polish politics: Konfederacja**

Konfederacja defines itself as: „The only anti-establishment choice”, „a great alliance of freedom, national, patriotic and conservative movements”<sup>130</sup>

Present in Polish Parliament

Growing political power

#### **The March of Independence, November 11 (annual event)**

In 2018, Prof. Rafał Pankowski from „Never Again” Association quite correctly assessed the March as follows: „The annual march on the occasion of Polish National Independence Day (11 November) provides a spectacular illustration of the rapid rise of the far right’s social base as well as its extremist ideological background rooted in the radical nationalist traditions of the 1930s. The march is co-organised by two extreme-right youth groups, the National-Radical Camp (Obóz Narodowo-Radykalny, ONR) and the All-Polish Youth (Młodzież Wszechpolska, MW), both of which take their names and ideological inspirations from radical nationalist organisations active before World War II. The pre-war versions of the ONR and MW were known for their violent anti-Semitism and attacks on leftist opponents. They were clearly inspired by key features of the then fascist movements active in other European countries and – although they never seized power in Poland on the state level – they gained some significant support among the young generation, especially in the wake of the economic crisis of the early and mid-1930s. It is not accidental that contemporary organisations, active in the 21st century, have adopted the pre-war ideologies and symbols.”<sup>131</sup> Initially, since 2015 the March has been supported by the new Polish authorities: President Andrzej Duda and the ruling party - Prawo i Sprawiedliwość.

Currently, the March is supported by the authorities in less evident way.

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<sup>129</sup> NOP, „Third Position – 10 Point Declaration”, <https://www.nop.org.pl/2011/01/01/third-position-10-point-declaration/> [30.11.2020]

<sup>130</sup> Konfederacja, <https://konfederacja.net/> [accessed: 1.12.2020]

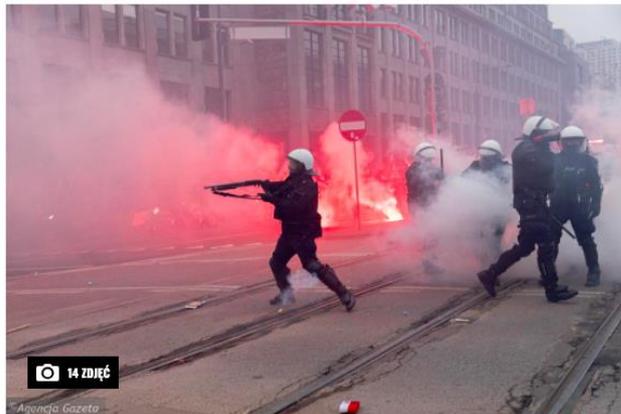
<sup>131</sup> R. Pankowski, „The Internationalisation of Nationalism and the Mainstreaming of Hate – The Rise of the Far Right in Poland”, transform! europe, March 1, 2018, [https://www.nigdywiecej.org//docstation/com\\_docstation/20/r.\\_pankowski\\_the\\_internationalisation\\_of\\_nationalism\\_and\\_the\\_mainstreaming\\_of.pdf](https://www.nigdywiecej.org//docstation/com_docstation/20/r._pankowski_the_internationalisation_of_nationalism_and_the_mainstreaming_of.pdf) [accessed: 2.12.2020]

**2020** - motto: „Our civilisation, our rules” (pol. „*Nasza cywilizacja, nasze zasady*”)

It should be noted that due to COVID-19 the 2020 March was to take a form of a cavalcade. Eventually, it turned into a very aggressive assembly and has become one of the most dangerous mass events for years.<sup>132</sup> The Police was attacked. The organisers blamed Antifa for an alleged provocation act.<sup>133</sup> It should be noted that neither President of Poland, nor members of Government or ruling party took part in a 2020 March. Moreover, the Minister of Health stated that, due to coronavirus pandemic, non-participating in this event can be regarded a truly patriotic act.<sup>134</sup>



© Agencja Gazeta  
Starcia uczestników Marszu Niepodległości z policją w rejonie ronda de Gaulle'a, 11 listopada 2020 r. Fot. Jędrzej Nowicki / Agencja Gazeta



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Marsz Niepodległości 2020 (Fot. Jędrzej Nowicki / Agencja Gazeta)

Pictures above: J. Nowicki, Agencja Gazeta, <https://warszawa.wyborcza.pl/warszawa/7,54420,26502784,rzecznik-policji-nasza-taktyka-byla-adekwatna-nie-pamietam.html> [accessed: 2.12.2020]

**2019** - motto: „Look after the whole nation” (pol. „*Miej w opiece naród cały*” - from a religious song)



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Marsz Niepodległości 2019 w Warszawie Fot. Dawid Żuchowicz / Agencja Gazeta

Picture above: D. Żuchowicz, Agencja Gazeta, <https://warszawa.wyborcza.pl/warszawa/7,54420,25400065,marsz-niepodleglosci-2019-narodowcy-szli-poszli-bez-wladzy.html?disableRedirects=true> [accessed: 30.11.2020]

In 2019, government officials did not take part in the March of Independence.

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<sup>132</sup> M. Wojczuk, wyborcza.pl, November 11, 2020

<https://warszawa.wyborcza.pl/warszawa/7,54420,26502784,rzecznik-policji-nasza-taktyka-byla-adekwatna-nie-pamietam.html> [accessed: 2.12.2020]

<sup>133</sup> S. Kluzinski, „Marsz Niepodległości 2020”, oko.press, November 11, 2020, <https://oko.press/marsz-niepodleglosci-2020-kibole/> [accessed: 2.12.2020]

<sup>134</sup> M. Bąk, bezprawni, November 6, 2020, <https://bezprawni.pl/marsz-niepodleglosci-2020/> [accessed: 2.12.2020]

2018 - motto: „God - Honour - Fatherland” (pol. „ Bóg, Honor, Ojczyzna”)

It should be noted that on November 11, 2018 Poland celebrated the 100th anniversary of regaining independence.

Initially, Polish President announced he would take part in a 2018 March. Then he decided to organise another event himself.

Christian Davies from „The Guardian” commented the March on Twitter as follows: „Polish troops will literally be marching side-by-side with the far-right in Poland's capital. I am speechless.”<sup>135</sup>

An EU flag was burned. The March was attended i.e. by Italian neo-facists.<sup>136</sup>



ONR podczas wspólnego Biało-czerwonego marszu pod honorowym patronatem prezydenta RP Andrzeja Dudy, Warszawa, 11 listopada 2018 Fot. Agata Grzybowska / Agencja Gazeta

Picture above: A. Grzybowska, Agencja Gazeta, <https://wiadomosci.gazeta.pl/wiadomosci/56,114883,24158362,krajobraz-po-marszu-niepodleglosci-plonaca-flaga-ue-race.html> [accessed: 2.12.2020]



Picture above: Ch. Daves, <https://wiadomosci.gazeta.pl/wiadomosci/56,114883,24158362,krajobraz-po-marszu-niepodleglosci-plonaca-flaga-ue-race.html> [accessed: 2.12.2020]

### **Activities of radical groups. Islamists:**

#### Introduction: religious denominations in Poland

<sup>135</sup> gazeta.pl <https://wiadomosci.gazeta.pl/wiadomosci/56,114883,24158362,krajobraz-po-marszu-niepodleglosci-plonaca-flaga-ue-race.html> [accessed: 2.12.2020]

<sup>136</sup> gazeta.pl <https://wiadomosci.gazeta.pl/wiadomosci/56,114883,24158362,krajobraz-po-marszu-niepodleglosci-plonaca-flaga-ue-race.html> [accessed: 2.12.2020]

According to Central Statistical Office (*pol. Główny Urząd Statystyczny, GUS*), in 2018 there has been 186 legally recognised churches and religious associations in Poland.<sup>137</sup> Out of this number, 10 represented catholic religious groups; 3 - orthodox; 93 - protestant; 4 - jewish; 5 - muslim.<sup>138</sup>

In 2018, the total population of Poland was around 38,411.000.<sup>139</sup> The number of members of main churches and religious associations were as follows:

Catholic Church: 32.966,700;

Orthodox Church: 509,100;

Protestant Churches / Protestant Tradition: 147,900;

Islam: 41,600;

Judaism: 2,300;

Buddhism: 14,700;

Hinduism: 3,800;

Paganism and Neopaganism: 3,500.<sup>140</sup>

Thus, the overwhelming majority of Poles (86%) are Roman-Catholic; and Muslims represent 0.1% of the population.

### **The main ideological trends and groups.**

According to M. Buchowski, the Polish Muslims can be divided into six subgroups: „(1) *Polish Tatars who settled in Polish territories as early as the 13th-14th centuries, and which are recognised as an ethnic minority by Polish Law. (...) (2) ,Old immigrants’, a group consisting of the descendants of several small waves of settlers between the 18th century and World War II; these people are also largely integrated into mainstream society. (3) Graduates of Polish universities during the communist period and their offspring, mostly from Arab countries and Palestine. (4) Refugees and asylum seekers escaping from wars in the former Yugoslavia in the 1990s and the prolonged conflicts in Afghanistan, Chechnya, and Syria. (5). Small investors, such as Turkish or North African entrepreneurs, often restaurant or bistro owners. Lastly, (6) a tiny group of local converts to Islam, largely ignored in analyses of Polish Muslims (...)*”<sup>141</sup>

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<sup>137</sup> „Religious denominations in Poland 2015-2018”, ed.: A. Bieńkuńska, P. Ciecieląg, A. Góralczyk, G. Gudaszewski, T. Piasecki, W. Sadłoń, supervised by P. Ciecieląg, Główny Urząd Statystyczny - Statistics Poland, Warsaw 2019, p. 24, <https://stat.gov.pl/obszary-tematyczne/inne-opracowania/wyznania-religijne/wyznania-religijne-w-polsce-20152018,5,2.html> [accessed: 5.12.2020]

<sup>138</sup> „Religious denominations in Poland 2015-2018”, p. 26

<sup>139</sup> „Population. Size and structure and vital statistics in Poland by territorial division in 2020”, ed. M. Cierniak-Piotrowska, A. Dąbrowska, K. Stelmach, Główny Urząd Statystyczny-Statistics Poland, Warsaw 2020, p. 12, <https://stat.gov.pl/obszary-tematyczne/ludnosc/ludnosc/ludnosc-stan-i-struktura-ludnosc-i-ruch-naturalny-w-przekroju-terytorialnym-stan-w-dniu-30-06-2020,6,28.html> [accessed: 5.12.2020]

<sup>140</sup> „Religious denominations in Poland 2015-2018”, p. 29

<sup>141</sup> M. Buchowski, „Distant vs. Familiar Significant Others: Attitude towards Absent Muslim Refugees and Extent Labor Migrants in Poland”, *Asian Journal of Peacebuilding* Vol. 8 No. 1 (2020): 73-91, p. 77

It should also be noted that there are 5 official islamic religious associations in Poland:

The Muslim Religious Union in the Republic of Poland (*pol. Muzułmański Związek Religijny w RP*);

The Ahl-ul-Bayt Islamic Assembly (*pol. Islamskie Zgromadzenie Ahl-ul-Bayt*);

The Muslim League in the Republic of Poland (*pol. Liga Muzułmańska w RP*);

The Muslim Unity Association (*pol. Stowarzyszenie Jedności Muzułmańskiej*);

The Muslim Association "Ahmadiyya" (*pol. Stowarzyszenie Muzułmańskie „Ahmadiyya”*).<sup>142</sup>

The Muslim Religious Union in the Republic of Poland (*pol. Muzułmański Związek Religijny w RP*) was established in 1925 and registered in 1936. Its legal status is regulated by the act of 21 April 1936 on the Relationship between the State and the Muslim Religious Union. In 2018, there were 525 members, 11 imams, 5 mosques and prayer houses.<sup>143</sup>

The Association of Islamic Unity (*pol. Stowarzyszenie Jedności Muzułmańskiej*) was established in 1937 and registered in 1989. It brings together the Shi'ites. It has its scientific unit, the Muslim Institute. In 2011, it had less than 100 members.<sup>144</sup>

The Ahl-ul-Bayt Islamic Assembly (*pol. Islamskie Zgromadzenie Ahl-ul-Bayt*) was established in 1979 and was legally recognised in 1990. In 2018, there were 6025 members. It brings together the Shi'ites. The vast majority of its members are immigrants, refugees, entrepreneurs, students, and diplomats from i.e. Iran, Iraq, Syria, Turkey, Egypt, Tunisia, Morocco, Liban, Saudi Arabia, Yemen, and Pakistan.<sup>145</sup>

The Ahmadiyya Moslem Association (*pol. Stowarzyszenie Muzułmańskie Ahmadiyya*) was established and registered in 1990. In 2011, it had less than 100 members.<sup>146</sup>

The Muslim League in the Republic of Poland (*pol. Liga Muzułmańska w RP*) was established in 2001 and registered in 2004. In 2011, it had 732 members.<sup>147</sup>

### **Forms of radical Islam.**

Radical Islam is not observed in Poland.

However, according to D. Szlechter and P. Potejko, who researched religious extremism Islam believers living in Poland: „Islam followers, who stay and live on the territory of the Republic of Poland, often declare authoritarian vision of social world, feel alienated because of their cultural background and are generally dissatisfied with their own lives. Most of them are Chechen refugees. These people constitute the group of potentially highest risk of religious extremism. Strong inclination to extremist opinions is also noticed among

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<sup>142</sup> „Religious denominations in Poland 2015-2018”, pp. 63-69

<sup>143</sup> „Religious denominations in Poland 2015-2018”, pp. 251-252

<sup>144</sup> „Religious denominations in Poland 2015-2018”, p. 259

<sup>145</sup> „Religious denominations in Poland 2015-2018”, pp. 255-256

<sup>146</sup> „Religious denominations in Poland 2015-2018”, pp. 260-261

<sup>147</sup> „Religious denominations in Poland 2015-2018”, p. 258

Muslim students, which is particularly disquieting due to their high status of education gained in one of the EU countries.”<sup>148</sup>

D. Szechter and P. Potejko also observed that: „*Polish Muslims (mainly Polish Tartars) may present nearly the same level of religious extremism threat as Poles who declare to be other than Islam denomination. In all groups of Islam followers in Poland (including Chechen refugees) the acceptance of political violence is insignificant. However, we should bear in mind that it does not concern the religious extremism layer, which increase may pose a problem in the future (e.g. among refugees from Chechnya). The factor (predictor) that might trigger religious violence among the group of Islam followers is the feeling of collective harm. In case of the RP it may stem from subjective belief that this religion has rather poor conditions for development. The attempts to solve the problem by facilitating religious practices for Islam followers in Poland could reduce the threat of religious extremism, however, we should keep in mind that in countries such as Great Britain or Holland, where conditions for the development of Islam were unusually good, radicalization could not be avoided and a series of terrorist attacks took place. Apart from dissatisfaction with one’s own life and poor human relationships, the approval of religious extremism is also fostered by anti-democratic attitudes (authoritarianism).*”<sup>149</sup>

It should be mentioned that according to the UK authorities, „*attacks in Poland can’t be ruled out.*”<sup>150</sup>

Indeed, the level of terrorist activity in Poland is low. Radical groups from the Islamic environment are not responsible for any terrorist attack in Poland.

## **Hate crime**

Hate crime (crimes motivated by hate or prejudice, bias-motivated crimes) are defined as „criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by bias. Bias motivations can be broadly defined as preconceived negative opinions, stereotypical assumptions, intolerance or hatred directed to a particular group that shares a common characteristic, such as race, ethnicity, language, religion, nationality, sexual orientation, gender or any other fundamental characteristic. People with disabilities may also be victims of hate crimes.”<sup>151</sup> As for the forms in which hate crimes can be committed, they can „include threats, property damage, assault, murder or any other criminal offence committed with a bias motivation.”<sup>152</sup> What is important, „Hate crimes

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<sup>148</sup> D. Szechter, P. Potejko, „Religious Extremism among Islam Believers Living in Poland – the Results and Conclusions of the Research” [in:] „Radicalism and Terrorism in the 21st Century. Implications for Security”, p. 214, <https://www.peterlang.com/view/9783631706381/xhtml/chapter10.xhtml> [accessed: 2.12.2020]

<sup>149</sup> D. Szechter, P. Potejko, „Religious Extremism among Islam Believers Living in Poland – the Results and Conclusions of the Research” [in:] „Radicalism and Terrorism in the 21st Century. Implications for Security”, pp. 214-215, <https://www.peterlang.com/view/9783631706381/xhtml/chapter10.xhtml> [accessed: 2.12.2020]

<sup>150</sup> „Foreign travel advice. Poland”, <https://www.gov.uk/foreign-travel-advice/poland/terrorism> [accessed: 5.12.2020]

<sup>151</sup> „What is hate crime”, <https://hatecrime.osce.org/what-hate-crime> [accessed: 3.12.2020]

<sup>152</sup> „National compilation paper. Surveying the nature and scale of unreported hate crimes against members of selected communities”, Warsaw, January 30, 2019, <https://www.osce.org/files/f/documents/6/9/413924.pdf>, p. 4 [accessed: 3.12.2020]

do not only affect individuals from specific groups. People associated with a group that shares a protected characteristic or people perceived to be members of such groups, as well as the property associated with these groups, can also be targets of hate crimes and can include human rights defenders, community centres or places of worship.”<sup>153</sup>

Viewed in this light, the three main provisions should be referred here:

**Art. 256. of the Criminal Code of June 6, 1997:**<sup>154</sup>

„§1. Whoever publicly propagates a fascist or other totalitarian political system or exhorts to hatred based on national, ethnic, racial, political or religious affiliation or lack of religious affiliation, is subject to a fine, the penalty of limitation of liberty or the penalty of deprivation of liberty for up to 2 years.

§2. Whoever, with the purpose of dissemination, produces, records or imports, acquires, stores, possesses, displays, transports or transfers a printing, a recording or any other item that contains the contents referred to in § 1 or that is a carrier of fascist, communist or other totalitarian symbolism, is subject to the same penalty.

§3 .The perpetrator of the prohibited act referred to in §2 does not commit the crime if he has committed this act as part of his artistic, educational, collector's or scientific activities.

§4. While sentencing for the crime provided for in §2, the court imposes the forfeiture of the items referred to in §2, even if they are not the property of the perpetrator.”

**Art. 257. of the Criminal Code of June 6, 1997:**<sup>155</sup>

„Whoever publicly insults a group of people or an individual person because of their national, ethnic, racial, political or religious affiliation or lack of religious affiliation, or violates the personal inviolability of another person due to such reasons, is subject to the penalty of deprivation of liberty for up to 3 years.”

**Art. 119 of the Criminal Code of June 6, 1997:**<sup>156</sup>

„§1. Whoever uses force or an unlawful threat towards a group of people or an individual person because of their national, ethnic, racial, political or religious affiliation or lack of religious affiliation, is subject to the penalty of deprivation of liberty for between 3 months and 5 years.”

Thus, hate crimes in Poland will be examined in the light of art. 256, art. 257, and art. 119 of the Criminal Code of June 6, 1997.

**Additional information:**

As for **hate speech**, provisions listed below might be considered:

**Art. 256 of the Criminal Code of June 6, 1997;**

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<sup>153</sup> <sup>153</sup> „National compilation paper. Surveying the nature and scale of unreported hate crimes against members of selected communities”, Warsaw, January 30, 2019, pp. 4-5 <https://www.osce.org/files/f/documents/6/9/413924.pdf> [accessed: 3.12.2020]

<sup>154</sup> Transl.: Włodzimierz Wróbel (ed.), Adam Wojtaszczyk, Witold Zontek (LEX)

<sup>155</sup> Transl.: Włodzimierz Wróbel (ed.), Adam Wojtaszczyk, Witold Zontek (LEX)

<sup>156</sup> Transl.: Włodzimierz Wróbel (ed.), Adam Wojtaszczyk, Witold Zontek (LEX)

**Art. 126a of the Criminal Code of June 6, 1997<sup>157</sup>:**

Whoever publicly exhorts to commit the act provided for in arts. 118, 118a, 119§1, arts. 120-125 or publicly extols the commission of the act provided for in those provisions, is subject to the penalty of deprivation of liberty for between 3 months and 5 years.

- **Art. 118§1.** Whoever, with the purpose to exterminate a part of or a whole national, ethnic, racial, political, religious group or a group representing a particular ideology, commits a homicide or inflicts a grievous bodily harm upon a person belonging to such group, is subject to the penalty of deprivation of liberty for no less than 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§2. Whoever, with the purpose referred to in § 1, inflicts upon the persons belonging to such a group living conditions threatening its biological extermination, imposes measures intended to prevent births within such a group or forcibly transfers children of persons belonging to such a group, is subject to the penalty of deprivation of liberty for no less than 5 years or the penalty of deprivation of liberty for 25 years.

- **Art. 119§1:** Whoever uses force or an unlawful threat towards a group of people or an individual person because of their national, ethnic, racial, political or religious affiliation or lack of religious affiliation, is subject to the penalty of deprivation of liberty for between 3 months and 5 years.

**Vandalism in cemeteries, attacks on religious buildings.**

The occasional cases of vandalism in the Soviet soldiers and Jewish cemeteries could be observed in 2018-2020. Some examples below:

In March 2018, three tombstones were broken at soldiers of the Red Army cemetery in Nowy Tomyśl.<sup>158</sup>

In August 2018, some 24 stars on a mass grave of the Red Army soldiers was damaged in Gdańsk.<sup>159</sup>

In January 2020, a monument devoted to the Red Army soldiers was devastated in Gniezno (see: picture below).<sup>160</sup>



<sup>157</sup> Transl.: Włodzimierz Wróbel (ed.), Adam Wojtaszczyk, Witold Zontek (LEX)

<sup>158</sup> „Dewastacja cmentarza żołnierzy radzieckich koło Nowego Tomysła. Uszkodzono kilka płyt nagrobnych”, Polsat News, March 31, 2018, <https://www.polsatnews.pl/wiadomosc/2018-03-31/dewastacja-na-cmentarzu-zolnierzy-radzieckich-kolo-nowego-tomysla-uszkodzono-kilka-plyt-nagrobnych/> [accessed: 4.12.2020]

<sup>159</sup> D. Karaś, „Wandale zniszczyli gwiazdy na cmentarzu żołnierzy radzieckich w Gdańsku”, <https://trojmiasto.wyborcza.pl/trojmiasto/7,35612,23783529,wadale-zniszczyli-gwiazdy-na-cmentarzu-zolnierzy-radzieckich.html> [accessed: 4.12.2020]

<sup>160</sup> R. Wichniewicz, „Zdewastowano kwaterę Armii Czerwonej”, January 27, 2020, <https://www.gniezno24.com/aktualnosci/item/19611-zdewastowano-kwatere-armii-czerwonej> [accessed: 4.12.2020]

In June 2020, Jewish cemetery wall was damaged in Tarnów (see: picture below). It should be noted, that such incidents have occurred a number of times within the past couple of months.<sup>161</sup>

Likewise, in July 2019 an anti-Semitic inscription appeared on another wall of Jewish cemetery in Tarnów (see: picture below). It should be noted that this incident happened shortly after cemetery's renovation.<sup>162</sup>



Antysemitki napis na murze kirkutu w Tarnowie. (Marcin Pulit)

### Cases of violence on racial, ethnic, religious grounds, attacks on human rights defenders and anti-fascists.

Selected examples below of violent hate crimes below:

#### 2020

Wrocław, march 2020: a Polish citizen of Chinese descent was beaten by an aggressor.<sup>163</sup>

#### 2019

Warszawa, March 2019: an Ukrainian man was beaten by a group of teenagers.<sup>164</sup>

Wrocław, March 2019: an Ukrainian man was beaten by an aggressor.<sup>165</sup>

Aleksandrów Łódzki, June 2019: a man from India was beaten by an aggressor.<sup>166</sup>

<sup>161</sup> „Wandale znowu zdewastowali mur tarnowskiego Cmentarza Żydowskiego”, Radio Kraków, June 11, 2020, <https://www.radiokrakow.pl/wiadomosci/tarnow/wandale-znowu-zdewastowali-mur-tarnowskiego-cmentarza-zydowskiego/?fbclid=IwAR2HXn635Dpiv9dhhJNXd2etEjLH4c5to4edhgBMyNifvYEJTrM1YUMivPc/> [accessed: 4.12.2020]

<sup>162</sup> A. Pitoń, „Antysemitki napis na murze żydowskiego cmentarza w Tarnowie. "Płaczę ze wstydu””, [wyborcza.pl](https://krakow.wyborcza.pl/krakow/7,44425,25015169,antysemitki-napis-na-murze-zydowskiego-cmentarza-w-tarnowie.html), July 21, 2020, <https://krakow.wyborcza.pl/krakow/7,44425,25015169,antysemitki-napis-na-murze-zydowskiego-cmentarza-w-tarnowie.html> [accessed: 4.12.2020]

<sup>163</sup> „Wirus nienawiści: „Brunatna księga” czasu epidemii”, Nigdy Więcej, Warsaw, May 2020, p. 5, [https://www.nigdywiecej.org//docstation/com\\_docstation/172/wirus\\_nienawisci\\_brunatna\\_ksiega\\_czasu\\_epidemii.pdf](https://www.nigdywiecej.org//docstation/com_docstation/172/wirus_nienawisci_brunatna_ksiega_czasu_epidemii.pdf) [accessed: 1.12.2020]

<sup>164</sup> „Wybór zdarzeń rasistowskich, ksenofobicznych i homofobicznych (za rok 2019) udokumentowanych w monitoringu Brunatna Księga Stowarzyszenia „NIGDY WIĘCEJ””, p. 9, [https://www.nigdywiecej.org//docstation/com\\_docstation/172/brunatna\\_ksiega\\_2019\\_stowarzyszenia\\_nigdy\\_wiecej.pdf](https://www.nigdywiecej.org//docstation/com_docstation/172/brunatna_ksiega_2019_stowarzyszenia_nigdy_wiecej.pdf) [accessed: 1.12.2020]

<sup>165</sup> „Wybór zdarzeń rasistowskich, ksenofobicznych i homofobicznych (za rok 2019) udokumentowanych w monitoringu Brunatna Księga Stowarzyszenia „NIGDY WIĘCEJ””, p. 14, [https://www.nigdywiecej.org//docstation/com\\_docstation/172/brunatna\\_ksiega\\_2019\\_stowarzyszenia\\_nigdy\\_wiecej.pdf](https://www.nigdywiecej.org//docstation/com_docstation/172/brunatna_ksiega_2019_stowarzyszenia_nigdy_wiecej.pdf) [accessed: 1.12.2020]

Łódź, September 2019: a man from Bangladesh was beaten by 4 aggressors.<sup>167</sup>

## 2018

Łódź, January 2018: a man from Saudi Arabia was beaten by an aggressor.<sup>168</sup>

Warszawa, May 2018: a man from Egipt was attacked by aggressors.<sup>169</sup>

Katowice, December 2018: 3 students of Arab descent were attacked by a group of aggressors.<sup>170</sup>

### **Hate-motivated murders.**

On January 13, 2019, a liberal mayor of Gdańsk associated with PO, Mr. Paweł Adamowicz, was stabbed by an assassin. The attack was filmed and seen by thousands of people. Mr Adamowicz died the next day. The incident happened during the 27th Final of the Great Orchestra of Christmas Charity - the biggest annual charity event in Poland.

Just after the attack, the assassin declared: „Hallo, hallo! My name is Stefan W. Being innocent, I was sent to prison! Being innocent, I was sent to prison! The Civic Platform had tortured me!”<sup>171</sup>

This tragical event was therefore considered a hate-motivated murder.

The selected examples below may shed light on social and political tensions that might led to that crime.

A. Easto recalls: *„Some of that shock comes from the fact the attack was filmed. The footage shows a man running on stage and stabbing Adamowicz as he attended a concert for Poland's largest annual charity event, which raises money for hospital equipment to treat children. The assailant paces back and forth, arms aloft like a victorious boxer, still holding the 15cm (six-inch) knife. He grabs a microphone and tells the crowd he blames the mayor's former party, Civic Platform, for sending him to prison. Political violence is*

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<sup>166</sup> „Wybór zdarzeń rasistowskich, ksenofobicznych i homofobicznych (za rok 2019) udokumentowanych w monitoringu Brunatna Księga Stowarzyszenia „NIGDY WIĘCEJ””, p. 36, [https://www.nigdywiecej.org/docstation/com\\_docstation/172/brunatna\\_ksiega\\_2019\\_stowarzyszenia\\_nigdy\\_wiecej.pdf](https://www.nigdywiecej.org/docstation/com_docstation/172/brunatna_ksiega_2019_stowarzyszenia_nigdy_wiecej.pdf) [accessed: 1.12.2020]

<sup>167</sup> „Wybór zdarzeń rasistowskich, ksenofobicznych i homofobicznych (za rok 2019) udokumentowanych w monitoringu Brunatna Księga Stowarzyszenia „NIGDY WIĘCEJ””, p. 49, [https://www.nigdywiecej.org/docstation/com\\_docstation/172/brunatna\\_ksiega\\_2019\\_stowarzyszenia\\_nigdy\\_wiecej.pdf](https://www.nigdywiecej.org/docstation/com_docstation/172/brunatna_ksiega_2019_stowarzyszenia_nigdy_wiecej.pdf) [accessed: 1.12.2020]

<sup>168</sup> „Wybór zdarzeń islamofobicznych (za lata 2017-2018) udokumentowanych w monitoringu „Brunatna Księga” Stowarzyszenia „NIGDY WIĘCEJ””, p. 4, [https://www.nigdywiecej.org/docstation/com\\_docstation/172/brunatna\\_ksiega\\_stowarzyszenia\\_nigdy\\_wiecej\\_islam\\_ofobia.pdf](https://www.nigdywiecej.org/docstation/com_docstation/172/brunatna_ksiega_stowarzyszenia_nigdy_wiecej_islam_ofobia.pdf) [accessed: 1.12.2020]

<sup>169</sup> „Wybór zdarzeń islamofobicznych (za lata 2017-2018) udokumentowanych w monitoringu „Brunatna Księga” Stowarzyszenia „NIGDY WIĘCEJ””, p. 5, [https://www.nigdywiecej.org/docstation/com\\_docstation/172/brunatna\\_ksiega\\_stowarzyszenia\\_nigdy\\_wiecej\\_islam\\_ofobia.pdf](https://www.nigdywiecej.org/docstation/com_docstation/172/brunatna_ksiega_stowarzyszenia_nigdy_wiecej_islam_ofobia.pdf) [accessed: 1.12.2020]

<sup>170</sup> „Wybór zdarzeń islamofobicznych (za lata 2017-2018) udokumentowanych w monitoringu „Brunatna Księga” Stowarzyszenia „NIGDY WIĘCEJ””, p. 8, [https://www.nigdywiecej.org/docstation/com\\_docstation/172/brunatna\\_ksiega\\_stowarzyszenia\\_nigdy\\_wiecej\\_islam\\_ofobia.pdf](https://www.nigdywiecej.org/docstation/com_docstation/172/brunatna_ksiega_stowarzyszenia_nigdy_wiecej_islam_ofobia.pdf) [accessed: 1.12.2020]

<sup>171</sup> „Atak na prezydenta Adamowicza. Rekonstrukcja wydarzeń”, TVN24, <https://tvn24.pl/polska/atak-na-prezydenta-adamowicza-rekonstrukcja-wydarzen-ra900208-2023023> [accessed: 8.12.2020]

rare in Poland. This is the first time a serving high-ranking official has been murdered since the end of communism in 1989.”<sup>172</sup>

According to P. Buras, „What happened to Paweł Adamowicz isn't just a Polish problem – wherever toxic public debate is indulged, violent acts may be committed. (...) Political discourse in Poland has for years been shaped by the battle between the opposing rightwing Law and Justice party and the liberal Civic Platform. This includes conspiracy theories about the 2010 Smolensk plane crash as well as the dismantling of rule of law by the current government. (...) Just three days before the murder in Gdańsk, an antisemitic satire was broadcast on prime-time TV. In it, the charity organisation whose event Adamowicz was planning to speak at – and where he would be stabbed – was cast as something dubious, run by opaque forces. This well-known charity event raises money to help sick children but it's long been under attack from rightwing media and those in the ruling party, making the ridiculous claim that it promotes low or decadent morality. Adamowicz himself had been the target of numerous verbal attacks, including when government officials suggested he was serving German, not Polish, interests. In 2017 a nationalist youth organisation published a fake “public death certificate” of Adamowicz and other city mayors who had welcomed refugees. The public prosecutor's office controlled directly by the minister of justice chose not to react – as in many other cases of hate speech.”<sup>173</sup>

Likewise J. Cienski noted that: „The mayor had been subjected to barrages of abuse from pro-government media and other right-wingers. The nationalist All-Polish Youth even issued a “political death certificate” for Adamowicz two years ago. The charity event Adamowicz was taking part in on Sunday is an even more prominent target of pro-government attacks. Founded by rocker Jerzy Owsiak in 1993, the Great Orchestra of Christmas Charity (WOŚP) has become the country's largest non-government charity. Every January, Polish streets are filled with children collecting money as part of an annual fundraising drive, and millions of Poles sport the foundation's red heart stickers on their clothes to show they've donated. The money goes to buy hospital equipment that the underfunded medical system is unable to afford. But Owsiak's success, coupled with his unapologetic liberalism, has made him a target for right-wingers, government backers, PiS members of parliament, and some Catholic clergy. The church's rival fundraising drive was less high-profile than Owsiak's effort. The anger was so deep that one priest even announced that he would not pray for Adamowicz after he was attacked. In the wake of Adamowicz's death, Owsiak announced he is quitting the charity, placing the blame on people who have threatened his foundation for years — with little reaction from the police. (...) Poland's people have increasingly isolated themselves into hostile camps. Urban liberals and right-wing backers of the government get their news from different sources, socialize

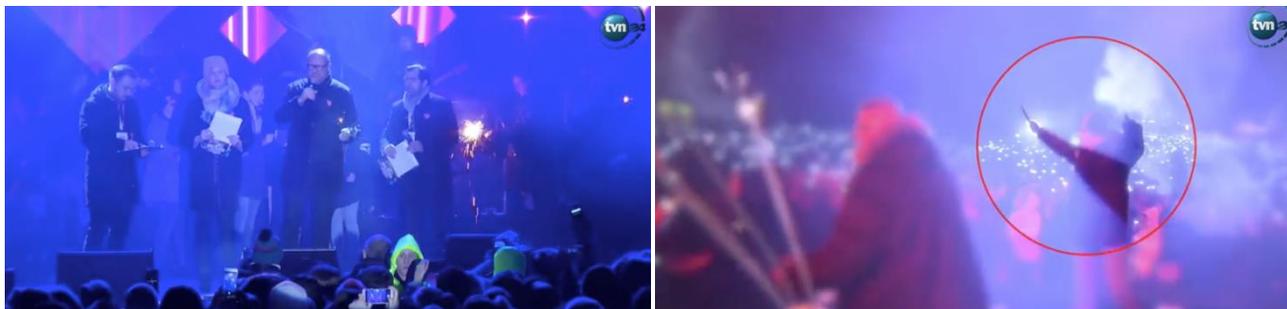
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<sup>172</sup> A. Easton, „Paweł Adamowicz: Murder on stage stuns a divided Poland”, BBC News, January 16, 2019, <https://www.bbc.com/news/world-europe-46878325> [accessed: 8.12.2020]

<sup>173</sup> P. Buras, „The killing of Gdańsk's mayor is the tragic result of hate speech”, The Guardian, 17.01.2019, <https://www.theguardian.com/commentisfree/2019/jan/17/gdansk-mayor-pawel-adamowicz-killing-poland> [accessed: 3.12.2020]

*increasingly rarely, and have deeply divergent views of their country's place in Europe and the world. Social media has become a war zone — with anyone straying from the party line subjected to attack.*<sup>174</sup>

Mr Adamowicz's wife, Ms Magdalena Adamowicz, „has blamed his death on alleged “hate speech” against him broadcast on government television.”<sup>175</sup>



Pictures: January 13, 2020, just before an attack (left) and the assassin (right).

Source: TVN24, <https://tvn24.pl/polska/atak-na-prezydenta-adamowicza-rekonstrukcja-wydarzen-ra900208-2023023> [accessed: 8.12.2020]

## Conclusions for the period

### National and ethnic minorities:

- In the given period, no amendment of any kind has been introduced to the Act. It must be heard in mind, however, that this situation – namely lack of legislative intervention - is source of major concern for certain Polish Silesians whose language is not listed as a “regional language”;<sup>176</sup>
- According to statistics provided by the Polish Ombudsman, in 2018 and 2019 around 40 cases regarding violation of national and ethnic minorities' rights. Moreover, 190 cases of hate speech and violate hate-crimes were registered (the letter number includes both ethnic minorities and foreigners). Although RPO does not provide detailed information in terms of nationality or ethnicity, most of the cases regard the Roma;<sup>177</sup>

Recommendations from the he Resolution CM/ResCMN(2020)12 on the implementation of the Framework Convention for the Protection of National Minorities by Poland, i.e.: „strengthen the protection and promotion of cultures and identities of persons belonging to national minorities”, „take resolute measures to

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<sup>174</sup> J. Cienski, „Murder of Gdańsk mayor highlights Poland's polarization”, [politico.eu](https://www.politico.eu), January 14, 2019, <https://www.politico.eu/article/gdansk-mayor-pawel-adamowicz-killing-highlights-poland-deep-divisions/> [accessed: 8.12.2020]

<sup>175</sup> T. Barnes, „Polish mayor's widow blames his murder on state TV's 'hate speech 'against him”, The Independent, January 23, 2019, <https://www.independent.co.uk/news/world/europe/poland-mayor-murder-wife-state-tv-hate-speech-stage-killed-pawel-adamowicz-magdalena-a8742906.html> [accessed: 8.12.2020]

<sup>176</sup> This issue became one of the topics discussed during the presidential election campaign in 2020; one of the candidates, Mr. Władysław Kosiniak – Kamysz, declared that he would introduce Silesian as a regional language to the aforementioned Act: <https://dziennikzachodni.pl/wladyslaw-kosiniakkamysz-zapowiada-ze-podpisze-ustawe-wprowadzajaca-slaski-jezyk-regionalny/ar/c1-15032250> [accessed” 30.11.2020]

<sup>177</sup> „Informacja o działaniach podejmowanych przez Rzecznika Praw Obywatelskich...”, p. 6

promote intercultural dialogue and mutual understanding between the majority and the different minority groups, as well as religious communities, in Poland; condemn at the highest political level all manifestations of intolerance and ethnically motivated hostility in political discourse and in the media and promote actively a sense of belonging to a shared country, based on the acceptance of the complexity of Poland's history.”

#### **Migration legislation:**

Quite a number of Polish legal acts concerning immigration and immigrants are partly an implementation of the European Union and international law;

No significant changes have been observed in a monitored period. Note: special provisions aimed at combating COVID-19 have not been analysed.

#### **Refugee legislation:**

- In the given period (2018 – 2020) there were introduced changes within the Polish law due to the epidemiological situation caused by Covid-19. These changes in the law have provided for, among others, special solutions for foreigners in Poland. These regulations allowed people who wanted to fulfil their current purpose of stay or cannot leave Poland due to the spread of the SARS-CoV-2 virus to stay legally in the country<sup>178</sup>.

#### **Legislation aimed at combating hate crimes:**

- No changes in legislation aimed at combating hate crimes have been implemented in 2018-2020;
- It should be noted, however, that the Committee on the Elimination of Racial Discrimination expressed its concern i.e. „ That leading public figures, including politicians and media officials, are frequently the source of such offensive statements or fail in their responsibility to strongly denounce hate speech”;

#### **Discriminatory practices:**

- Main victims: LGBT (a question generally outside the scope of the Report)

#### **Hate crimes:**

- The number of cases recorded, prosecuted, and sentenced is relatively stable;
- Main grounds of hate crimes: racism, xenophobia, anti-Semitism
- The Polish Ombudsman indicates that an actual scale of hate crimes in Poland affecting Ukrainians and immigrants from sub-Saharan Africa and Muslim countries is much greater than the official statistics.

#### **Supporting migrants:**

- Social assistance;
- Access to free legal information and free legal access,

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<sup>178</sup> Urząd ds. Cudzoziemców, <https://udsc.gov.pl/epidemia-koronawirusa-specjalne-rozwiazania-dla-cudzoziemcow/> [accessed: 30.11.2020]

### **The attitude of society towards immigrants, foreigners, various ethnic and religious groups:**

The analysis of social and demographic structure of the respondents leded CBOS to the following conclusions<sup>179</sup>:

#### Profile of the respondents declaring sympathy for other nations more frequently:

The better educated;

Living in cities (in particular with over 500,000 inhabitants);

In better financial situation (with incomes above 600 euros);

Women;

Not participating in religious practices;

Left-wing respondents.

#### Profile of the respondents declaring antipathy to other nations:

People over 55 years; with lower education; non satisfied with their financial situation;

Men;

Participating in religious practices (at least once a month);

Right-wing respondents.

Authors of the aforementioned survey noticed that: *„Over the past year, we haven't recorded significant changes. It is worth emphasising, however, that compared to 2019, the attitude of Poles towards Roma, Arabs and Ukrainians has improved significantly. This is primarily due to the large drop in dislike to these nationals.”*<sup>180</sup>

Moreover, they observed an important improvement: *„Looking at the current results from the perspective of nearly three decades, we can note a tendency to unify opinions about different nationalities. The attitude of Poles towards the peoples they once disliked has improved over time, and the feelings about the best-liked have cooled somewhat. The improvement concerns, among others, attitudes of Poles too neighbours. Considering the average, the attitude towards Ukrainians, as well as Lithuanians and Germans, has improved the most since 1993.”*<sup>181</sup>

CBOS notes that attitude to other nations is typically due to a combination of factors such as: national stereotypes, historical reasons, respondents' own experience, current political and social events. Interestingly, their analysis show that Poles tend to like nations with higher standard of living.<sup>182</sup> CBOS

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<sup>179</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF), p. 10 [accessed: 8.12.2020]

<sup>180</sup> „Attitude to other nations”, CBOS 3/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/03\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/03_2020.pdf) [accessed: 5.12.2020]

<sup>181</sup> „Attitude to other nations”, CBOS 3/2020, [https://www.cbos.pl/PL/publikacje/public\\_opinion/2020/03\\_2020.pdf](https://www.cbos.pl/PL/publikacje/public_opinion/2020/03_2020.pdf) [accessed: 5.12.2020]

<sup>182</sup> „Stosunek do innych narodów”, CBOS, Komunikat z badań nr 31/2020, March 2020, p. 8, [https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF), [accessed: 8.12.2020]

observes further, as it was mentioned above, that education, residence, political opinion, age, or religious practices are a factor influencing people's attitudes toward other nations.

### **Attitude to immigrants and refugees, 2018-2020**

Since 1990', an attitude of Poles to economic migrants has improved significantly. This trend can be seen in two graphs below, presented by CBOS. They clearly indicate that the vast majority of Poles accept presence of foreigners on a labour market and that they find it beneficial for themselves, as well as country's economy, employees in general, and for employers;

It must be noted that until terrorist attack in Paris in November 2015 Poles were sympathetic about the idea of helping refugees, especially if it was a temporary aid.<sup>183</sup> What is more, before 2015, the question of immigration to Poland has not been debated whatsoever;

Attitude of Poles to Muslims is negative, compared to other denominations;

An attitude of Poles toward welcoming refugees is negative. This problem, however, has been overshadowed by other issues in recent years;

In 2020, the Court of Justice of the European Union has ruled, however, in Joined Cases C-715/17, C-718/17 and C-719/17 Commission v Poland, Hungary and the Czech Republic that, by refusing to comply with the temporary relocation mechanism for applicants for international protection, Poland, Hungary and the Czech Republic have failed to fulfil their obligations under EU law.

### **Radicals:**

The presence of neo-Nazi organisations is marginal;

There is a number of nationalist parties and movements; in 2019 Konfederacja got 6,81% of votes during 2019 parliamentary elections (11 MP's); Konfederacja's social and political power is growing.

### **Islamists:**

Not applicable.

### **Hate-motivated murders:**

- Mr. Paweł Adamowicz, a mayor of Gdańsk, was murdered in January 2019.

### **Additional information:**

- As refugee crisis has been temporarily averted, it has not been a major case in 2018-2020;
- In Poland, there are deep social and political divides, fuelled by politicians, above all - the ruling coalition and the President of the Republic of Poland;
- National symbols and festivals have been taken over by the right and right-wing radicals;

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<sup>183</sup> „Stosunek do przyjmowania uchodźców”. Komunikat z badań nr 163/2017, CBOS Centrum Badań Opinii Społecznej, December 2017, [https://www.cbos.pl/SPISKOM.POL/2017/K\\_163\\_17.PDF](https://www.cbos.pl/SPISKOM.POL/2017/K_163_17.PDF) [accessed: 5.12.2020]

- The new anti-COVID19 legislation should be monitored, as it limits fundamental rights; in particular, its influence on post-COVID19 Poland should be analysed carefully in the future;
- The ruling coalition and other Polish authorities aim to transform Poland to an authoritarian-style, radically Catholic and conservative state; it already has impact on minority rights;
- The vision presented by the state authorities, supported by the public media, is as follows: Christian Poland should fight against liberal, secular, degenerate West, in particular European Union, that promotes „LGBT ideology”, „gender ideology”, abortion, and euthanasia;
- Simultaneously, at the end of 2020 mass protests against severe abortion broke out; it was due to a decision of a so-called Tribunal Court in Poland that, in fact, forbade abortion in Poland in October 2020; these events led to mass protests against the new legal situation, as well as the authorities, and - a fact that should be stressed - Catholic Church.

### **Recommendations:**

#### **General recommendations for joining international agreements and conventions and adjusting the legal framework**

According to the European Commission in Poland, Poland is a State Party to major international agreements and conventions. At the same time, attention should be paid at its functioning with the European Union and proper implementation of relevant EU laws combating any forms of discrimination, racism, as well as xenophobia. Article 10 of the Treaty on the Functioning of the European Union states that in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. This provision imposes not only a so-called negative obligation, that is to say, the need for the European Union to avoid or refrain from any action which might discriminate or lead to discrimination on the grounds listed in the Treaty. This provision should also be interpreted in terms of a positive obligation, that is to say, active action to combat the inequalities that have already occurred, as well as preventive measures to minimise the risk of these inequalities occurring or persisting in the future<sup>184</sup>. There should be mentioned relevant secondary legislation of the EU, among the others, the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin should be regarded as a clear and powerful signal of the EU's desire to strengthen the standard of protection against discrimination, which has been identified as a breach of rights of man, democracy and freedom. With regard to its scope, the provisions of the directive are still at the heart of the debate in the doctrine of European law. The directive defines direct and indirect

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<sup>184</sup> „Unijny zakaz dyskryminacji a prawo polskie. Analiza funkcjonowania przepisów antydyskryminacyjnych w praktyce polskich sądów”, Komisja Europejska - Przedstawicielstwo w Polsce, Warszawa 2018, [https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa\\_raport\\_www\\_fin.pdf](https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa_raport_www_fin.pdf), p. 12

discrimination and harassment, and prohibits behaviour consisting of on forcing anyone to engage in discriminatory behaviour<sup>185</sup>.

In the process of adapting national legislation to the requirements of the EU standard of protection against unjustified unequal treatment, the Polish legislator has repeatedly made attempts which have resulted in fundamental changes - both at the level of legislation and in the sphere of institutional protection against discrimination. Nevertheless, from the perspective of the last decade of legislative activity in this area, it should be stated that there are still deficits in the process of implementing the EU laws. These deficits may lead to a reduction in the standard of equality which has been developed and is already universally binding in EU law, and thus to contravene the obligations of Poland to fully implement EU law<sup>186</sup>. Moreover, as it has been highlighted by Mr Marek Prawda, Head of European Commission Representation in Poland, The European Union is based on common values - respect for dignity, equality and human rights, including the rights of persons belonging to minorities. It has adopted many directives to combat discrimination against its citizens on the grounds of disability, sexual orientation or origin, but responsibility for implementing the rules lies with the Member States<sup>187</sup>. In order to implement European Union directives imposing an obligation on Member States to adopt measures to protect against discrimination, i.a. the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment was adopted in Poland<sup>188</sup>. There can be observed, however, critical opinions towards the Act, particularly because of its limited scope, in which it protects citizens - mainly concerning employment, and to a lesser extent access to services, health care or education.<sup>189</sup>

### **General recommendations for executive authorities in the field of law enforcement, public safety and human rights observance.**

Poland should extend the scope of hate speech and hate crimes to hate based on age, disability, sexual orientation, and gender identity;

The public authorities and public media must refrain from using hate speech for any reasons;

The executive authorities should monitor radical organisations and react to any forms of discriminatory speech or actions.

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<sup>185</sup> „Unijny zakaz dyskryminacji a prawo polskie. Analiza funkcjonowania przepisów antydyskryminacyjnych w praktyce polskich sądów”, Komisja Europejska - Przedstawicielstwo w Polsce, Warszawa 2018, [https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa\\_raport\\_www\\_fin.pdf](https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa_raport_www_fin.pdf), pp. 15 - 16 [accessed: 2.12.2020]

<sup>186</sup> „Unijny zakaz dyskryminacji a prawo polskie. Analiza funkcjonowania przepisów antydyskryminacyjnych w praktyce polskich sądów”, Komisja Europejska - Przedstawicielstwo w Polsce, Warszawa 2018, [https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa\\_raport\\_www\\_fin.pdf](https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa_raport_www_fin.pdf), p. 50 [accessed: 2.12.2020]

<sup>187</sup> „Przepisy antydyskryminacyjne w Polsce”, [https://ec.europa.eu/poland/news/181213\\_antydyskryminacja\\_pl](https://ec.europa.eu/poland/news/181213_antydyskryminacja_pl) [accessed: 2.12.2020]

<sup>188</sup> „Unijny zakaz dyskryminacji a prawo polskie. Analiza funkcjonowania przepisów antydyskryminacyjnych w praktyce polskich sądów”, Komisja Europejska - Przedstawicielstwo w Polsce, Warszawa 2018, [https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa\\_raport\\_www\\_fin.pdf](https://ec.europa.eu/poland/sites/default/files/docs/news/ptpa_raport_www_fin.pdf); Dz.U.2020.2156 as of 2020.12.03 [accessed: 3.12.2020]

<sup>189</sup> A. Mazurczak, „Jak (nie) działa polskie prawo antydyskryminacyjne?”, [https://ec.europa.eu/poland/sites/default/files/docs/news/prezentacja\\_raportu.pdf](https://ec.europa.eu/poland/sites/default/files/docs/news/prezentacja_raportu.pdf); [https://ec.europa.eu/poland/news/181213\\_antydyskryminacja\\_pl](https://ec.europa.eu/poland/news/181213_antydyskryminacja_pl) [accessed: 3.12.2020]