

DROIT POLONAIS CONTEMPORAIN
POLISH CONTEMPORARY LAW
1990 n° 1 (85)
PL ISSN 0070 - 7325

The LAW
of MAY 17, 1989
On Guarantees of Freedom of Conscience and Belief
(J.L. of 1989 No. 29, Item 155)

The Sejm of the Polish People's Republic :

- complying with the provisions of the Constitution of the Polish People's Republic concerning the freedom of conscience and belief,
 - referring to the worthy of lasting respect and continuation tradition of tolerance of religious freedom as well as the confirming it cooperation of Poles of different beliefs and convictions in the development and prosperity of their homeland,
 - acknowledging the historic contribution of churches and other religious associations to the development of national culture as well as the propagation and strengthening the fundamental moral values,
 - directed by the principles contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Final Act of the Conference of Security and Cooperation in Europe and the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief,
 - strengthening the conditions for active and equal participation of citizens in public and social life regardless of their approach to religion,
- proclaims, what follows :

SECTION I

Freedom of Conscience and Belief
Art. 1

1. The Polish People's Republic ensures freedom of conscience and belief to every citizen.
2. Freedom of conscience and belief comprises the freedom of choosing a religion or convictions and expressing them individually and collectively, private and in public.
3. Citizens, believers of all denominations and non-believers have equal rights in the state, political, economic, social and cultural life.

Art. 2

Enjoying freedom of conscience and belief citizens can, in particular :

- 1) create churches and other religious unions and belong or not belong to them,
- 2) in accordance with the principles of their religion participate in religious functions and services, fulfil religious duties and observe religious holidays,
- 3) profess their religion or convictions,
- 4) bring up children according to their convictions in the matters of religion,
- 5) keep silent in the matters of their religion or convictions,
- 6) maintain contacts with coreligionists, therein participate in the activities of the religious organizations of international range,
- 7) make use of information sources on the subject of religion,
- 8) produce and purchase objects necessary for cult purposes and religious practices as well as make use of them,
- 9) produce, purchase and possess articles necessary for observing religious rules,
- 10) choose clerical or monastic order,
- 11) unite in lay organizations in order to realize objectives resulting from the professed religion or convictions in the matters of religion.

Art. 3

1. Manifesting individually or collectively one's religion or convictions may be subject to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or fundamental rights and freedoms of others.
2. Enjoying freedom of conscience and belief can not lead to avoidance of performing public duties imposed by the laws.
3. On account of religious convictions or professed moral principles citizens can apply to be sent to the supplementary service, according to the rules and procedure defined in the law on the common obligation to defend the Polish People's Republic. Exercising this right requires a declaration on religious convictions or professed moral principles to be presented.

Art. 4

1. The right defined in Art. 2, Item 2 and the right to possess and make use of objects necessary to practice a cult or religious observance can also be vested in persons :
 - 1) performing military service or basic service in civil defense,
 - 2) staying in the health service and social care institutions as well as in children and young people staying in summer camps organized in Poland by the state institutions,
 - 3) staying in penal institutions, reformatories, educational institutions and prisons for detention in custody pending inquiry, social adaptation centres and shelters for juveniles.
2. The way of executing rights defined in Item 1 is regulated by separate laws and provisions issued on their basis.

Art. 5

Citizens have the right to freely subsidize churches and other religious unions as well as charitable and tutelary institutions.

Art. 6

1. No-one can be discriminated or privileged because of religion or convictions in the matters of religion.
2. Citizens must not be forced to abstain from religious functions and services, neither to participate in them.

Art. 7

1. Foreigners staying on the territory of the Polish People's Republic enjoy freedom of conscience and belief on the equal level with the Polish citizens.
2. Provision of Item 1 shall be applied accordingly to stateless persons.

SECTION II**The Relation of the State to Churches and Other Religious Unions****CHAPTER 1****General Provisions****Art. 8**

Churches and other religious unions in Poland carry on their activities within the framework of the constitutional system of the Polish People's Republic ; their legal situation and this pertaining to their property is regulated by separate laws.

Art. 9

1. In the Polish People's Republic the relation of the state to all churches and other religious unions is based on observance of freedom of conscience and belief.
2. Freedom of conscience and belief in relations between the state and churches and other religious unions is guaranteed by :
 - 1) separation of churches and other religious unions from the state,
 - 2) freedom to perform religious functions by churches and other religious unions,
 - 3) equal rights for all churches and other religious unions irrespective of the form of regulation of their legal situation.

Art. 10

1. The Polish People's Republic is a secular state, neutral in the matters of religion and convictions.
2. The state and state organizational units do not endow and do not subsidize churches and other religious unions. Exceptions to this principle are regulated by the laws or provisions issued on their basis.

Art 11

1. Churches and other religious unions are independent of the state in performing their religious functions.
2. Churches and other religious unions and their activity are subject to legal protection within the limits defined by the laws.
3. Churches and other religious unions can move motions to the Constitutional Tribunal according to the rules and procedure defined in the provisions on the Constitutional Tribunal.

Art. 12

1. Clergymen and monastic persons of churches and other religious unions enjoy rights and are subject to obligations on the equal level with other citizens in all spheres of the state, political, economic, social and cultural life. They are, within the framework of the binding provisions of the laws, exempt from the obligations impossible to comply with performing the function of a clergyman or a monastic person.
2. Persons, mentioned in Item 1, have the right to wear a canonical dress.
3. Matters concerning social insurance of the clergy are regulated by a separate law.

Art. 13

1. The property and revenues of churches and other religious associations are subject to generally binding tax regulations with exceptions defined by separate laws.
2. Legal persons of churches and other religious unions are exempt from tax on revenues from their non-profitable activity. In this sphere these persons do not have an obligation to keep documentation required by tax regulations.
3. Legal persons of churches and other religious unions are exempt from an obligation to obtain permissions for accepting inheritance, legacy and donation. If real property is the subject matter of inheritance, legacy or donation exemption is applied when, according to the last will or donation act, real property is destined for sacral investment or church investment connected with the former one.
4. A permission to conclude a life estate contract is not required if real property being the subject matter of the contract is destined for sacral investment or church investment connected with the former one.
5. Revenues from economic activity of legal persons of churches and other religious unions as well as companies whose copartners are exclusively these persons are exempt from taxes in a part in which they were allocated in a tax year or in a year which follows it for cult, educational, scientific, cultural purposes, charitable and tutelary activity, catechetical centres, conservation of monuments, sacral and church investments which concern catechetical centres, charitable and tutelary institutions as well as their renovation.
6. Legal persons of churches and other religious unions are exempt from taxes and subsidies for the benefit of the commune and city funds, from real properties or their parts being owned by these persons or used by them on the basis of another legal title for non-habitable purposes, with an exception of a part occupied for pursuing economic activity.

7. Gifts sent from abroad to legal persons, churches and other religious unions are free from customs duty if they are :
- 1) devoted to cult, charitable, tutelary and educational purposes,
 - 2) machines, equipment and printing materials as well as paper.

Art. 14

1. If a separate law or a ratified international agreement do not provide otherwise, the authorities of a church or another religious union notify a relevant organ of state administration about creation, change of name, seat, borders or merger, division and annulment of dioceses (districts and comparable organizational units) as well as parishes (congregations, communities and comparable organizational units).
2. If a separate law or a ratified international agreement do not provide otherwise, the authorities of a church or another religious union notify a relevant organ of state administration about appointment and removal of a person being the executive organ in a church or another religious union.
3. Provision of Item 2 shall be applied accordingly to organizational units, mentioned in Item 1.
4. If a separate law or a ratified international agreement do not provide otherwise, before appointing a foreigner to the posts, mentioned in Item 1 and 2, the authorities of a church or another religious union should ascertain whether the Minister—Head of the Office for Denominational Affairs does not express any reservations to this. If in thirty day's time from the date of notification reservations are not expressed it is regarded as giving a consent.

Art. 15

In the matters, mentioned in Art. 14, the relevant organ of state administration is :

- 1) with regard to organizational units of all-Polish range and those embracing a territory crossing the borders of one voivodeship, as well as to the posts in these units—the Office for Denominational Affairs,
- 2) in remaining instances—a local organ of state administration on voivodeship level with special competence in denominational affairs.

Art. 16

1. The state cooperates with churches and other religious unions in maintaining peace, creating conditions of the country development as well fighting against social pathology.
2. For purposes, mentioned in Item 1 and to review problems connected with the development of relations between the state and separate churches and other religious unions there can be, on the basis of mutual agreement, created different, therein permanent forms of cooperation. This provision does not infringe on competence of state organs as well as organs of churches and other religious unions.

Art. 17

The state cooperates with churches and other religious unions in protecting, conserving and propagating monuments of architecture, art and religious literature

which constitute an integral part of cultural heritage as well as making them accessible to general public.

Art 18

1. Provisions of Art. 2 and Section III regulate only the relation of the state to those churches and other religious unions whose legal and property situation is not regulated by separate laws.
2. Provisions of Art. 2 defining the rights of churches and other religious unions can however be applied to churches and other religious unions whose situation is regulated by the laws when separate laws defined in Item 1 do not stipulate such rights.

CHAPTER 2

The Activity of Churches and Other Religious Unions

Art. 19

1. Churches and other religious unions enjoy, on the equal basis, freedom of performing religious functions.
2. Performing religious functions churches and other religious unions can, in particular :
 - 1) define religious doctrine, dogmas and principles of faith as well as liturgy,
 - 2) organize and perform cult in public,
 - 3) render religious services, therein to persons mentioned in Art. 4 as well as organize religious ceremonies and assemblies,
 - 4) run their own matters according to their law, exercise freely religious authority as well as administer their own matters.
 - 5) educate and employ clergymen,
 - 6) carry into effect sacral investments and other church investments,
 - 7) purchase, own and dispose of personal and real property as well as administer it,
 - 8) take up collections and receive donations, legacies and other benefits from legal and natural persons
 - 9) produce and purchase objects and articles necessary for cult purposes and religious practices as well as make use of them.
 - 10) teach religion and profess it, therein with the help of the press, books and other printed materials as well as films and audiovisual aids,
 - 11) make use of mass media,
 - 12) carry on educational activity,
 - 13) create and manage convents and diaconates,
 - 14) create organizations which would carry on activities for the benefit of religious orientation, public cult and fighting against social pathology and its consequences,
 - 15) carry on charitable and tutelary activity,
 - 16) establish, own and widen cemeteries as well as administer them,
 - 17) call into being home interconfessional organizations,

- 18) belong to international organizations of denominational and interconfessional character and maintain contacts with abroad in matters connected with fulfilling their functions.

Art. 20

1. Churches and other religious unions can teach religion and bring up children and young people according to religious standards in conformity with the choice made by their parents and legal guardians.
2. Religious instruction of children and young people is an internal matter of churches and other religious unions. It is organized in conformity with the programme determined by the authorities of a church or another religious union in catechetical centres which operate in churches, houses of prayer and other quarters rendered accessible to this purpose by a person authorized to administer them.
3. The Minister of National Education, by way of ordinance, defines the rules and the way to adjust the time-table of schoolwork to that of religious instruction.

Art 21

1. Churches and other religious unions have the right to establish and manage schools and other educational and tutelary institutions in accordance with the rules defined in the laws.
2. Types of schools and institutions mentioned in Item 1 and the rules concerning their establishment as well as conditions of their management and supervision are defined by the Minister of National Education in consultation with the authorities of a church or another religious union ; he can also define the rules of subsidizing them.

Art. 22

1. Churches and other religious unions have the right to establish and manage, in accordance with the independently determined programmes, clerical schools and seminaries.
2. In the sphere of implementing the secondary school programmes and obtaining the secondary school certificates, clerical schools, mentioned in Item 1, are subject to the supervision of the Minister of National Education.
3. Establishing and managing schools with university standing by churches and other religious unions as well as the procedure and scope of recognizing the degrees and scientific titles conferred on in these schools by the state are regulated, in accordance with the church authorities proposal, by separate laws.
4. Churches and other religious unions have the right to establish scientific and didactic institutes.

Art. 23

The scope of applying to teachers and tutors and to young people frequenting schools, mentioned in Art. 21 and Art. 22, Item 3, social services and rights as well

as imposing obligations provided for educators and pupils in state schools is defined by the Minister of National Education in consultation with the authorities of churches and other religious unions unless a provision of the law provides otherwise.

Art. 24

1. In order to carry into effect charitable and tutelary activity churches and other religious unions have the right to establish and manage, in accordance with the rules defined in the laws, appropriate institutions, therein centres for people who need care, hospitals and other medical centres, kindergartens and shelters for children.
2. Means for carrying into effect charitable and tutelary activity come, in particular, from :
 - 1) money contributions and payments in kind,
 - 2) inheritances, legacies and donations coming from the country and abroad,
 - 3) revenues from spectacles and public collections,
 - 4) subventions, grants and contributions coming from the domestic institutions and state, social, denominational and private enterprises,
 - 5) payments for the services rendered by charitable and tutelary institutions of churches and other religious unions,
 - 6) revenues of the institutions belonging to churches and other religious unions.

Art. 25

1. In order to perform their functions churches and other religious unions have the right to publish the press, books and printed materials as well as to establish and own publishing houses and printing works with observance of the binding provisions in this respect.
2. Churches and other religious unions can organize their own distribution of the press or make use of another network of distribution.
3. To carry into effect provisions of Item 1 churches and other religious unions can receive machines, equipment, printing materials and paper from abroad as gifts.
4. Churches and other religious unions have the right to broadcast programmes on religion, morals and culture on the radio and television as defined in an agreement between the authorities of a given church or another religious union and the Committee for Radio and Television "Polish Radio and Television."

Art. 26

1. Churches and other religious unions have the right to organize and carry on cultural and artistic activity connected with fulfilling their functions.
2. To carry into effect the right, mentioned in Item 1, churches and other religious unions can establish and manage appropriate institutions as well as distribute films.
3. Exercising rights, mentioned in Item 1 and 2, ensues without an obligation to obtain permissions and authorizations, if this activity is carried on to realize religious and moral objectives in the sphere of culture. The authorities of a church or another religious union notify a state organ, competent to grant such permission and authorizations, about undertaking and carrying on of such activity.

4. To carry into effect provisions of Item 1 and 2 churches and other religious unions can receive equipment and materials as gifts from abroad.

Art. 27

1. The activity of churches and other religious unions can not infringe on provisions of generally binding laws protecting public safety, order, health, public morals or fundamental rights and freedoms of other persons.
2. Enjoying freedom of activity by churches and other religious unions is exercised in accordance with generally binding provisions, unless the laws provide otherwise.

Art. 28

1. Church and other religious unions act in matters of property through their legal persons.
2. Legal persons of churches and other religious unions, their organs, the scope of competence and the way of appointment and representation are defined by statutes (the internal law, called further on “statutes”).

Art. 29

1. In relation to the organizations created on the basis of Art. 19, Item 14, if they have not the status of legal person, the law on associations shall not be applied. The provisions of the law on associations shall, however, apply to them only in the domain concerning assemblies on the roads and public squares as well as in state buildings.
2. Organizations, mentioned in Item 1, carry on their activity within the framework of legal persons of churches and other religious unions in which they were appointed.
3. The authorities of churches and other religious unions take care of conformability of the activity of these organizations with their religious and moral aims.

SECTION III

Creation of Churches and Other Religious Unions

Art. 30

The right to create churches and other religious unions is carried into effect through presenting a declaration in the Office for Denominational Affairs and entering a name into the register of churches and other religious unions, called further on “register”.

Art. 31

The right to present the declaration, mentioned in Art. 30, is vested in at least 15 Polish citizens having full capacity to legal transactions.

Art. 32

1. The declaration, mentioned in Art. 30, should contain :
 - 1) information about the basic doctrinal assumptions of a faith,
 - 2) list of notifying persons which contains names and surnames, nationality, date of birth, place of residence and their signatures,
 - 3) address of temporary seat of a church or another religious union,
 - 4) statute.
2. Statute should define, in particular :
 - 1) name of a church or another religious union different from the names of other organizations,
 - 2) region of activity and seat of its authorities,
 - 3) aims of activity and rules of their realization,
 - 4) sources of financing,
 - 5) procedure of introducing changes into statutes,
 - 6) way of dissolving a church or another religious union and appropriation of the left property.
3. If a church or another religious union anticipates creating organizational units, convents or diaconates having the status of legal person, the statute should define names, scope of rights, rules of creating, dissolving and transforming these units ; it should also define their organs, scope of competence, way of appointing and recalling these organs.
4. If a church or another religious union constitutes a part of an organization of international range, the scope and forms of mutual relations should be defined in the statute.

Art 33

1. If the declaration, mentioned in Art. 30, does not contain informations required by the law the Minister—Head of the Office for Denominational Affairs assigns a period of thirty days to complete it and after its expiration he takes a decision to refuse accepting the declaration.
2. If the declaration, mentioned in Art. 30, contains provisions which contradict provisions of the law protecting public safety, order, health, public morals or fundamental rights and freedoms of other persons—the Minister—Head of the Office for Denominational Affairs takes a decision to refuse accepting the declaration.
3. Decisions, mentioned in Item 1 and 2, should be taken at two months' time from the date of presenting the declaration. These decisions may be appealed to the High Administrative Court according to the provisions of the Code of administrative procedure.

Art. 34

1. If the circumstances, pointed out in Art. 33, do not occur, the Minister—Head of the Office for Denominational Affairs takes a decision about entering a name into the register at two months's time from the date of presenting the declaration.
2. As soon as a church or another religious union has entered into the register it obtains, as a whole, the status of legal person and enjoys all the rights as well as is subject to obligations defined by the laws.

3. Provision of Item 2 shall be applied accordingly to organizational units, convents and diaconates mentioned in Art. 32, Item 3.
4. Provisions of Art. 14 and 15 shall be applied accordingly to churches and other religious unions which entered into the register.

Art. 35

Changes of the statute of a church or another religious union which entered into the register are executed according to the procedure obligatory at the moment of their creation.

Art. 36

1. Cancellation from the register concerns :
 - 1) a church or another religious union whose legal and property situation was regulated by a separate law,
 - 2) a church or another religious union which notified the Office for Denominational Affairs about discontinuance of its activity,
 - 3) a church or another religious union which did not display its activity during a period of two years.
2. Cancellation from the register ensues on the basis of the decision of the Minister—Head of the Office for Denominational Affairs.
3. In case of the decision to cancel from the register because of discontinuing the activity of a church or another religious union the Minister—Head of the Office for Denominational Affairs appoints a liquidator applying accordingly provisions of the law on associations.
4. Provisions of Item 3 can also be applied if notification about discontinuance of the activity of a church or another union does not define a liquidator.
5. If the statute of a church or another religious union does not provide otherwise, the property left after the liquidation proceedings have been ended can be destined exclusively for charitable and tutelary aims.
6. Decisions mentioned in Item 2-4 may be appealed to the High Administrative Court according to the provisions of the Code of administrative procedure.

Art. 37

The Minister—Head of the Office for Denominational Affairs, by way of ordinance, defines detailed rules and the way of keeping the register, data and information to be registered, conditions of the access to the register, issuance of excerpts from the register as well as the way of canceling a church or another religious union from the register.

Art. 38

Provisions of the present chapter shall apply accordingly to the local inter-confessional organizations if they have the status of legal person. To create such an organization the declaration signed by the authorities of at least two churches or other religious unions acting in the Polish People's Republic is required.

SECTION IV

Provisional and Concluding Regulations**Art. 39**

1. Provisions of the statutes of churches and other religious unions are valid unless they contradict the provisions of the present law.
2. Until the executory provisions to the law are published the hitherto provisions are valid.

Art. 40

Churches whose legal situation was regulated before August 6, 1949 by decisions of the Minister of Public Administration retain their hitherto legal status until their legal situation is regulated by the law.

Art. 41

1. Churches and other religious unions which on the day the law came into force possessed the legal status regulated according to the rules and procedure defined in § 3, 4 and 7 of the Minister of Public Administration ordinance of August 6, 1949 on the execution of the decree of August 5, 1949 on changing some provisions of the law on associations (J. L. No. 47, Item 358) are subject to be entered into the register *ex officio*.
2. Churches and other religious unions acting on the day the law came into force as ordinary associations can obtain the status of legal persons if they satisfy requirements defined in Art. 30 - 32.

Art. 42

1. Persons belonging to churches and other religious unions whose religious holidays fall on days which are not free from work by law can, on their own request, obtain leave of absence from work or studying for a period of time indispensable to celebrate these holidays in accordance with the requirements of the religion they profess.
2. Persons under age can enjoy the right defined in Item 1 on the application of their parents or legal guardians.
3. Leave of absence from work, mentioned in Item 1 and 2 can be granted under the condition to make up for the absence time without the right to additional payment for work on days free from work by law or for overtime work.
4. The Minister of Labour and Social Policy and the Minister of National Education in consultation with the Minister—Head of the Office for Denominational Affairs, by way of ordinance, define the detailed rules of granting leaves of absence mentioned in Item 1 and 2.

Art. 43

In the law of July 15, 1961 on development of the system of education (J. L. of 1971 No. 32, Item 160, No. 12 of 1972, Item 115, No. 16 of 1975, Item 114, No. 45, Item 234,

No. 49 of 1984, Item 253) in Art. 1 the second and the third paragraphs shall read :
“It aims at ensuring the knowledge about nature and social life about history and culture of the nation and the mankind for pupils and students in order to secure qualifications for professional work.

Schools and other educational institutions educate in the spirit of principles of social coexistence, love of homeland, peace, freedom, social justice and brotherhood with the people of all countries, teach passion and respect for efficient work, respect for national property as well as prepare for active participation in the development of the country, its economy and culture.”

Art. 44

In the law of April 19, 1968 on libraries (J. L. of 1984 No. 12, Item 63, No. 26, Item 129) in Art. 34 after Item 2, Item 2a shall be added in the following wording :
“2a. Libraries and collections of library materials belonging to churches and other religious unions as well as to their legal persons are not subject to the obligations defined in Item 1 and 2. Churches and other religious unions as well as their legal persons notify the organ defined in Item 1 about undertaking to open their collections to the public.”

Art. 45

The law comes into force on the day of publication.

Chairman of the State Council :

by proxy *K. Barcikowski*

Secretary of the State Council : *Z. Surowiec*