

EU Strategy on Combating Antisemitism and Fostering Jewish Life - Recommendations for Polish Authorities and Public Institutions

Warsaw, January 10, 2022

Honorary Patronage of the Commissioner for Human Rights

1. The strategy and specific actions of the Polish authorities aimed at counteracting antisemitism should take into account the standards of the European Commission against Racism and Intolerance (ECRI) and the UN Committee for the Elimination of Racial Discrimination (CERD). In particular, attention should be paid to ECRI's revised Prevention Policy Recommendation 9 and combating antisemitism (adopted on 1 July, 2021). Obligations in the field of combating antisemitism resulting for Poland from the Convention on the Elimination of Racial Discrimination of 1966 are also important. We emphasize the need to implement the CERD recommendations, formulated in 2019, based on the review of Poland's report on the implementation of the provisions of the said Convention. The issue of steps taken in Poland to prevent and combat antisemitism should be included in subsequent reports submitted by the Polish government to the ECRI and CERD Committees. These steps should include, inter alia:

- intensifying public campaigns, including on the Internet, aimed at combating hate speech, incitement to hatred and crimes motivated by it, and raising public awareness of access to legal aid and remedies, as well as ensuring effective investigation, prosecution and punishment of perpetrators, which will constitute an effective incentive for citizens to report hate speech and hate crime;

- publicly condemning and distancing oneself from hate speech by public figures, including politicians and journalists, and sending a clear signal to journalists and broadcasters that they have a responsibility to avoid using hate speech and stereotypes in the context of minorities, as well as taking action against website owners that promote racial hatred;

- amendment of Art. 53 § 2 of the Penal Code towards recognizing racist motivation in committing a crime as an aggravating circumstance.

2. Provisions of the Polish law, including criminal law, properly implement the standard of legal response to public manifestations of antisemitism. At the same time, the most problematic area is the question of effective implementation thereof, and thus the effectiveness of applying the law as one from the instruments used for counteracting antisemitism. Therefore, a key recommendation in this respect, addressed in particular to the Ministry of the Interior and Administration and the Ministry of Justice, is the organization of professional, periodic training and other forms of vocational education for employees of the Police, Public Prosecutors' Offices, including Police Academies and the School of Judiciary and Public Prosecution, as well as for judges and lawyers. Such training should include the transfer of knowledge not only about the applicable law (Polish and international), but also about the interpretation thereof. Moreover, in connection with the information contained in the statement of the Ministry of Culture and National Heritage (<https://www.gov.pl/web/kultura/oskieta-w-sprawie-definycji-ihra>) on the application of the Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA), of which Poland is a member, it is important to familiarize employees of the above-mentioned institutions, including those directly applying the law, with the content of the Definition itself and its practical implications.

3. One of the most serious threats in the context of the current forms and intensification of antisemitism in EU countries is the phenomenon of denial of Holocaust crimes and the distortion of historical truth about the extermination of Jews, observed especially in the Internet. Therefore, we recommend that the Polish authorities strengthen their efforts to provide the most extensive possible education not only about the Holocaust itself, but also about the dangers of minimizing it and distorting the historical truth, e.g. by Holocaust denial. This education should cover not only school curricula, but also curricula related to higher education and vocational training, including for law professionals. We place particular emphasis on the need to strengthen the protection of the freedom of research conducted in the field of the history of World War II, the history of the Holocaust and other crimes committed at that time. In this aspect, not only declarative actions are necessary, but above all, actual respect for freedom of expression and research, monitoring cases of legal liability or harassment against Holocaust researchers, and supporting and financing independent research on the Holocaust.

4. The Ministry of the Interior and Administration should establish the principles of close communication with Jewish religious communities, institutions of Jewish life and non-governmental organizations monitoring xenophobic behavior in order to ensure more effective reporting and reduce the phenomenon of underreporting antisemitic acts. Efficient reporting also requires an enhanced exchange of information and use of shared databases by competent law enforcement institutions. We also recommend that the Ministry conduct an overview of the security systems and infrastructure with which Jewish places of worship are equipped, such as synagogues, prayer houses, cemeteries, ritual baths, and institutions promoting Jewish culture. To ensure an appropriate level of security for the above-mentioned facilities, the Ministry should establish a fund that would be used for financing investments deemed necessary by the Ministry and interested Jewish institutions.

The competences of the Police and Municipal Polish should enable these institutions to oblige property owners to immediately remove antisemitic content from the walls of buildings that they own. In this respect, a closer cooperation between the police and local government authorities seems necessary.

5. The use of the Working Definition of Antisemitism should be recommended by the Ministry of Education and Science. As a practical tool in the process of educating young people, this definition should be used by schools, provincial school superintendents, and the Center for Education Development, and also taken into account when drafting textbooks subject to approval by the Ministry. We also appeal to all universities in Poland and to the Conference of Rectors of Academic Schools in Poland to adopt the Working Definition of Antisemitism and disseminate it among university professors and students.

6. The Polish authorities should properly and efficiently respond to manifestations of antisemitism on the Internet and the media. Manifestations of online propagation of hatred motivated by national, ethnic or religious differences, should be removed from the public sphere and prosecuted ex officio in accordance with Art. 256 and 257 of the Penal Code. Currently, unfortunately, such actions largely go unpunished. Competent authorities should encourage online platforms (social media and online sales platforms) to react quickly and eliminate antisemitic and racist content. Recently, antisemitic conspiracy theories often coexist with anti-vaccine content and pandemic denial, which makes it particularly harmful to society and requires an urgent response from online platforms and institutions responsible for enforcing the rules for publishing content in the public sphere.

7. The Polish authorities, in particular the Ministry of Culture and National Heritage and its subordinate institutions, should immediately cease funding for radical nationalist organizations that spread antisemitic views now or did so in the past. The National Broadcasting Council, the National Media Council, the Media Ethics Council and other institutions responsible for the democratic media order should unequivocally react and condemn manifestations of antisemitic propaganda and stereotypes in mass media, especially in public media, financed by the Polish taxpayer. In recent years, similar cases have occurred particularly often and have remained without appropriate response from the above-mentioned institutions.

8. Numerous studies show a considerable scale of ignorance about the history of the Holocaust. Hence the need for extended educational activities in this area. The proposal for a new core curriculum for the subject of History and History and the Present includes a section devoted to the crimes of the Holocaust. However, among the examples concerning the attitudes of Polish society, only heroic attitudes were mentioned (the Righteous, "Żegota", the mission of Jan Karski). However, the subject of education should include the entire spectrum of attitudes, including by-stander and collaborative behaviors - in line with the teachers guide "How to Teach About the Holocaust" published by the Center for Education Development.

We recommend adding to the core curriculum of History and History and Present of the Holocaust Remembrance Day and Counteracting Crimes Against Humanity (April 19), which was observed in many schools for years - in accordance with the recommendations of the Ministry of National Education of 2005. The recommended memorial sites should also include places related to the history of Polish Jews (e.g. the Polin Museum, the Jewish Historical Institute). We also recommend the inclusion in education of learning about the history of local Jewish communities and their fate during the Holocaust, in the same way as it is recommended for the history of the anti-communist underground. Finally, we recommend including in the core curriculum History and History and Present education on the experiences of antisemitism in Poland (pogroms, anti-Jewish incidents, antisemitic tropes in nationalist literature, discrimination against Jews in the interwar period of the 20th century).

9. Signatories of the Terezin Declaration on Holocaust Era Assets and related issues committed themselves to take care of Holocaust survivors, to focus on Holocaust education and on regulating the legal status of Holocaust victims' property. We recommend that the provisions of the Declaration be implemented by using the funds obtained as part of the seizure of heirless property to implement effective measures in the field of Holocaust education in Polish schools. At the same time, in matters related to the regulation of the inherited property (including the Act of August 11, 2021 amending the Code of Administrative Procedure), we call for the communication of the adopted changes in accordance with their actual nature - as relating to all re-privatization claims, and not only (or mainly) by Jewish heirs and organizations representing them.

10. We recommend the Ministry of Sport and Tourism to organize training courses for instructors and coaches, the aim of which will be to sensitize them to the issues of antisemitic stereotypes, symbols and slogans that are still present during sports events. In this regard, it is important to cooperate with the Council for the Education and Development of Physical Education Teachers. We also recommend the Polish Football Association to take decisive measures aimed at eliminating antisemitic behavior in football fans circles, including adding appropriate recommendations in the license manuals of the Polish Football Association for

“Ekstraklasa” clubs and lower leagues, and by including in the duties of club coordinators for cooperation with fans the task of educating the supporters community in the field of counteracting antisemitism.

11. In order to ensure the implementation of the EU and the national strategies, the Special Envoy for Combating Antisemitism and Fostering Jewish Life should be appointed. In order to ensure the Special Envoy’s effective work, this office should be independent from the political bodies; it is also necessary to provide it with administrative and finance resources proper for its competences.