

**Decree  
of 5 August 1949  
on the protection of freedom of conscience and religion  
Journal of Laws of 1949, No. 45, item 334**

Pursuant to Article 4 of the Constitutional Law of 19 February 1947 on the organisation and areas of action of the supreme authorities of the Republic of Poland, and the Law of 2 July 1949 authorising the Government to issue decree-laws (Journal of Laws of the Republic of Poland, No. 41, item 302), the Council of Ministers decides, and the Council of State approves, as follows:

**Article 1.**

The Republic of Poland guarantees freedom of conscience and religion to all its citizens.

[keywords: civil right, freedom of conscience and religion]

**Article 2.**

Whosoever restricts a citizen in their rights because of their religious affiliation, religious beliefs or absence of religious affiliation shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: discrimination]

**Article 3.**

Whosoever in any way forces or unlawfully prevents another person from participating in religious practices or rites shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: coercion, religious rites]

**Article 4.**

Whoever abuses the freedom of religion by refusing to make available a religious practice or rite because of political, social or scientific activity or opinions shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: abuse of the freedom of religion]

**Article 5.**

Whosoever offends religious sentiments by publicly insulting an object of religious

worship or a place intended for the performance of religious rites shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: offence to religious sentiments, insult to a religious association, insult to an object of religious worship]

### **Article 6.**

Whosoever publicly incites or commends religious feuds shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: incitement to a feud]

### **Article 7.**

§ 1. Whosoever publicly insults, derides or humiliates a section of the population or a specific individual on grounds of religious affiliation, religious beliefs or absence of religious affiliation shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

§ 2. Whosoever violates a person's physical integrity because of their religious affiliation, religious beliefs or absence of religious affiliation shall be liable to the same penalty.

§ 3. Whosoever commits any other offence against a section of the population or a specific individual on grounds of religious affiliation, religious beliefs or absence of religious affiliation shall be liable to a penalty of imprisonment.

§ 4. If any action referred to in § 3 results in death or grievous bodily harm, or in disruption of the normal course of public life or a threat to public safety, the perpetrator shall be liable to a penalty of imprisonment for not less than three years or for life, or to the penalty of death.

[keywords: religious persecution]

### **Article 8.**

§ 1. Whosoever abuses the freedom of religion and conscience for purposes that are hostile to the system of the Republic of Poland shall be liable to a penalty of imprisonment for not less than three years.

§ 2. Whosoever makes preparations to commit the offence specified in § 1 shall be liable to a penalty of imprisonment.

[keywords: abuse of the freedom of religion or conscience]

### **Article 9.**

Whosoever, abusing the freedom of religion for personal, financial or other gain, takes advantage of human credulity by spreading false news or misleads others through fraudulent or deceptive acts, shall be liable to a penalty of imprisonment.

[keywords: abuse of the freedom of religion]

### **Article 10.**

Whosoever participates in an arrangement aimed at committing an offence referred to in Articles 3-9, or knowingly joins a crowd that collectively commits such an offence shall be liable to a penalty of imprisonment or to a penalty of detention.

[keywords: criminal association]

### **Article 11.**

Whosoever, contrary to their duty, fails to prevent the commission of an offence referred to in Articles 3-10 shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

[keywords: duty to prevent]

### **Article 12.**

Whosoever in any manner incites or encourages, recommends or publicly commends the commission of actions referred to in Articles 2-11 shall be liable to a penalty of imprisonment.

[keywords: incitement to an offence]

### **Article 13.**

In the event of a conviction for the offences provided for in this Decree, the court may adjudge loss of public rights and honorary civic rights.

[keywords: loss of public rights, loss of honorary civic rights]

### **Article 14.**

The courts of appeal shall have jurisdiction over the offences provided for in this Decree.

[keywords: judicial jurisdiction]

### Article 15.

The provisions of the Penal Code of 1932 and the provisions of the Decree of 13 June 1946 on particularly dangerous offences in the period of reconstruction of the State (Journal of Laws of the Republic of Poland, No. 30, item 152) to the extent regulated by the provisions of this Decree.

[keywords: derogation]

### Article 16.

The implementation of this Decree shall be entrusted to the Minister of Justice.

[keywords: implementation]

### Article 17.

This Decree shall enter into force on the date of its promulgation.

[keywords: no *vacatio legis*]

President of the Republic of Poland: *B. Bierut*

Prime Minister: *J. Cyrankiewicz*

Minister of Justice: *H. Świątkowski*