

EXPRESSION OF RELIGIOUS BELIEFS IN POLAND. LEGAL REGULATIONS  
AND PRACTICE.

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Religious beliefs arise and develop in internal sphere of man, but they can also manifest themselves in external sphere, in which they are realized and take a specific form. The right to freedom of conscience and religion also includes the freedom to manifest beliefs. The basic form of manifesting religious beliefs is performing religious practices and spreading religious faith, e.g. participation in liturgical activities; a request to the employer for a non-working day justified by the need to participate in specific religious practices; choice of meals in the school canteen, dictated by the order to refrain from consuming a certain category of products; invoking the conscience clause when performing professional or official duties; break at work for prayer, etc. Expression may also involve teaching, associating for religious purposes, exercising the right to take an oath, sacrament, swearing and acting in accordance with the principles of religion and beliefs [1, p. 491].

Legal guarantees of manifesting religious beliefs are included in international law acts, e.g. in art. 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4.11.1950. It is also worth mentioning the UN Declaration of 21.11.1981 on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In national law, this issue is regulated among others by the Constitution of the Republic of Poland 2<sup>nd</sup> April, 1997 (art. 25 and 53), Act of 17.05.1989 on guarantees of freedom of conscience and religion, individual acts regulating the legal status of individual religious associations, as well as the Concordat between the Holy See and the Republic of Poland (Art. 8). In accordance with art. 53 section 2 of the Constitution: *freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching.* Presented legal acts show that generally in Poland there is full freedom to manifest religious beliefs. Restrictions can be made by statute if it is required, for example, by public morality, which has no definition in the law.

Man has the right to reveal his beliefs and to present them outside, i.e. teach. Teaching may consist of learning religion as part of the education system, as well as publicly presenting views and religious beliefs aimed at spreading certain ideas or acquiring new followers. Teaching must be lawful, e.g. it cannot have a form of pressure. According to the Constitution of the Republic of Poland, freedom of religion includes manifesting religion, either individually or collectively, publicly or privately. The right to public prayer includes not only ceremonies organized by religious associations, e.g. during mass in a church, but also acts of worship initiated by individuals. Prayer, e.g. in a public school, both private and shared with others, is the exercise of a constitutionally guaranteed right. The Constitutional Tribunal has ruled that saying prayers in a public school implements the constitutional right to freedom to practice religion, and preventing such practices constitutes a violation of the Constitution. In numerous rulings, courts in Poland claim that suspension of a religious

symbol in a public authority building does not violate the freedom of conscience. According to the Supreme Court, a non-believer cannot expect that he will not have contact with believers, their practice and religious symbols, because in social life this would be equivalent to limiting the freedom of conscience of believers, but can expect that he will not be subjected to religious practices contrary to his will, whether forced to participate in them or to use religious symbols [3, P. 57].

#### REFERENCES

1. J. Krzywkowska, Uzewnętrznianie przekonań religijnych, [w:] A. Mezglewski (red.), *Leksykon prawa wyznaniowego*, Warszawa 2014, p. 490-497.
2. V. Serzhanova, E. Tuora-Schwierskott, Wolność sumienia i wyznania w Konstytucji Rzeczypospolitej Polskiej, „Gdańskie Studia Prawnicze” 2018, vol. 40, p. 303-314.
3. W. Śniecikowski, Prawo osób wierzących do uzewnętrzniania religii, „Przegląd Prawa Publicznego” 2016, № 4, p. 45-63.