

## **The amendment of the Institute of National Remembrance Act**

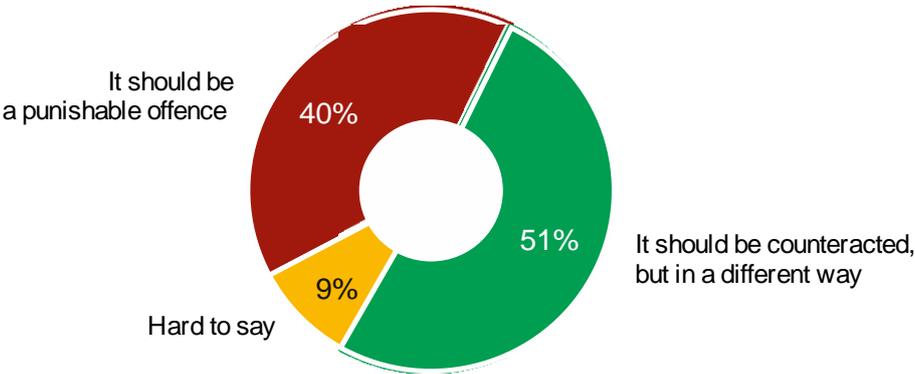
The amendment of the Institute of National Remembrance Act has whipped up a political storm both at home and, in particular, abroad. The articles added to the Act, which were intended to protect the good name of Poland, have brought about protest from Israel and criticism from the USA, and there have been expressions of concern from Jewish communities. Critics of the new law say that it could block discussion about the attitudes of Polish people towards the Holocaust (what is known as the chilling effect). Despite reservations about the new law passed by the Sejm, the Senate voted it through without further amendment. The President expressed understanding of Jewish sensibilities, in particular those of Holocaust survivors, nonetheless signed the Act, simultaneously referring it for examination by the Constitutional Court. The Court is to pronounce on whether the new Article 55a places unauthorised limits on freedom of speech and whether it meets the requirement of adequate definition, one of the principles of the rule of law in a democratic state. In accordance with this requirement, laws must be formulated clearly, to enable individuals to foresee the consequences of their actions and to judge whether what they do is illegal and thus punishable by law, or not.

The CBOS survey shows Polish reactions to what is happening as a result of the new articles, and was mostly carried out before the President decided to sign the Act and refer it to the Constitutional Court.

Penalties for uttering public falsehoods about the responsibility of the Polish state or the Polish people for World War II atrocities were supported by two fifths of those asked (40%). However, the predominant opinion (51%) was that disinformation and the distortion of historic truth should be tackled differently, by means of the Polish diplomatic service or through education, for example.

**In the Institute of National Remembrance Act recently amended by parliament, there are now articles bringing in penalties (a fine or a custodial sentence of up to three years) for publicly and in contradiction of the facts ascribing full or joint responsibility to the Polish people or the Polish state for Nazi atrocities committed by the German Third Reich, or for other offences classed as crimes against peace or humanity, or war crimes.**

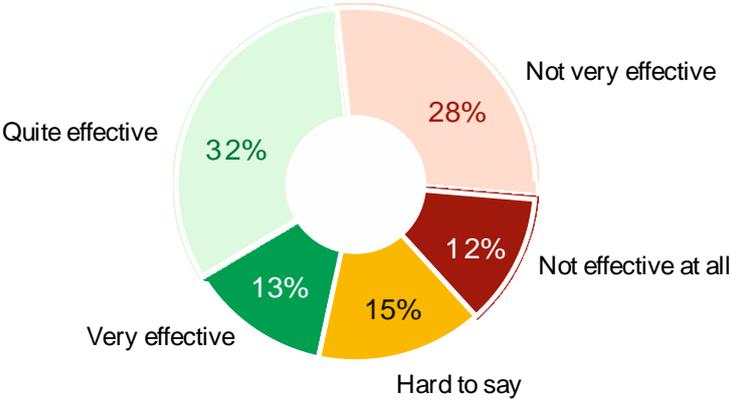
**In your opinion, should it be a punishable offence to utter public falsehoods about the responsibility of the Polish state or the Polish people for wartime atrocities or should this be counteracted in a different way, by means of the Polish diplomatic service or through education, for example?**



Key to people's opinions on this matter were their political leanings and party preferences. Penalties for defamation of the country were supported by 61% of people declaring right-wing political views. Most of those surveyed who identified with the left (77%) or the political centre (59%) thought that this should be tackled in different ways. Among those approving of penalties for uttering public falsehoods about the responsibility of the Polish state or the Polish people for World War II atrocities were a majority of Law and Justice (PiS) supporters (64%).

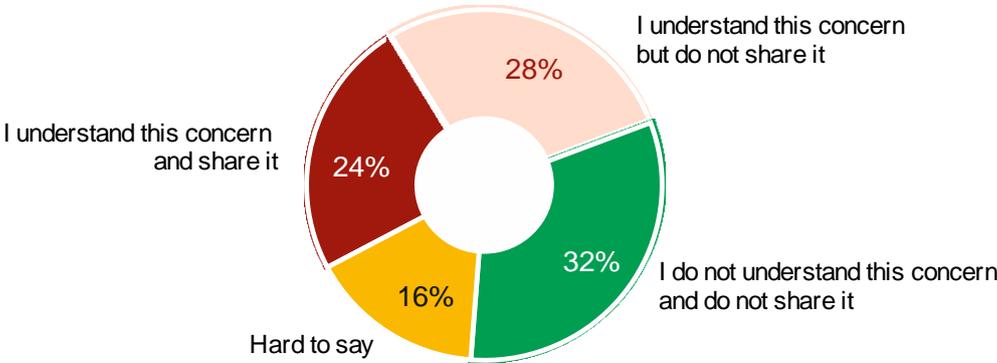
Opinions about the effectiveness of the new law were not conclusive. In all, 45% of respondents thought that making it a punishable offence to utter public falsehoods about the responsibility of the Polish state or the Polish people for World War II atrocities was an effective counter to such behaviour, while 40% were of the opposite opinion.

**Is making it a punishable offence to utter public falsehoods about the responsibility of the Polish state or the Polish people for wartime atrocities an effective countermeasure to such behaviour or not?**



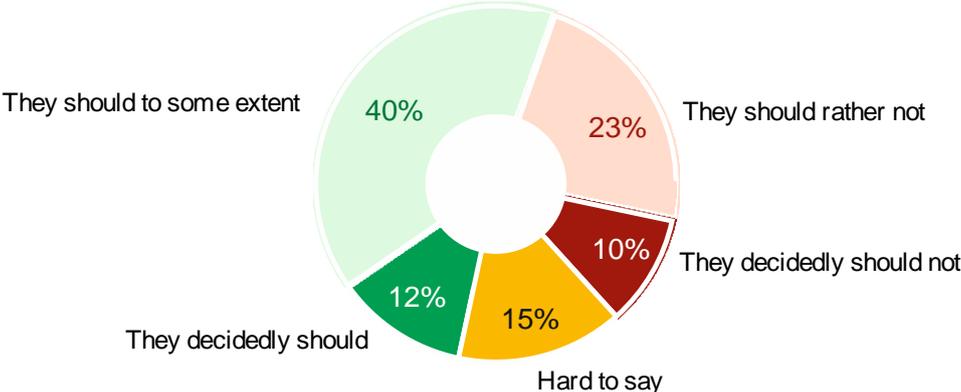
Polish people understand Jewish worries concerning the amendment of the Institute of National Remembrance Act, but do not share them. In all, over half of those surveyed (52%) said they understood the concern that making it a punishable offence to utter public falsehoods about the responsibility of the Polish state or the Polish people for atrocities committed during World War II would block discussion of the various attitudes of non-Jewish Poles towards Jews during that period. At the same time, less than a quarter of those surveyed (24%) admitted to sharing this concern.

**The state of Israel and some Jewish communities are concerned that making it a punishable offence to utter public falsehoods about the responsibility of the Polish state or the Polish people for wartime atrocities will block discussion of the differences in attitude of non-Jewish Poles towards Jews during World War II, and of incidences of denunciation and murder of Jews by other Poles. What are your feelings on this subject?**



Over a half of respondents overall (52%) thought that Polish legislators should take into account Jewish sensibilities when formulating laws to protect the good name of Poland and the Polish people.

**In your opinion, when Polish members of parliament formulate articles of law to protect the good name of the Republic of Poland and the Polish people, should they take into account the concern voiced by Jews or not?**



The opinion that Polish legislators should take into account Jewish sensibilities around ensuring free discussion on the subject of Polish attitudes during World War II was above all expressed by people who shared the reservations voiced by Israel and Jewish communities (82%). Taking this concern into account was also, however, seen as correct by over a half of those who, while not sharing it, could understand it (54%), and even by a third of those who could not understand the concern regarding the new law (34%).

Over half of those polled (53% in all) were of the view that the President ought to sign the amended Institute of National Remembrance Act passed by parliament, while 29% were of the opposite opinion. The overriding reason given by those in favour of signing was the need to protect the good name of the country. The argument that Poland should not yield on this to external pressure was raised less often. Those who were against signing pointed slightly more often to the risk of worse relations with other countries, than to limits on freedom of speech.

**In your opinion should the President sign the amended Institute of National Remembrance Act, or not? Please choose the one answer that best expresses your views on this matter.**

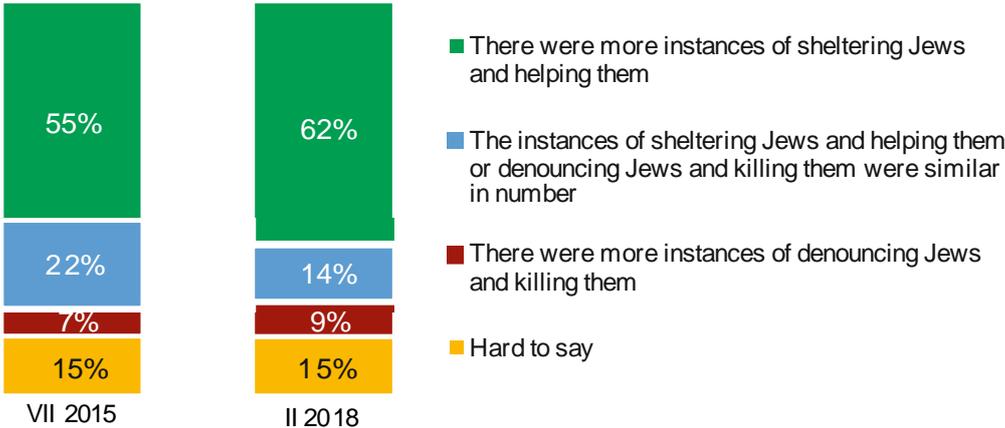


The controversy surrounding the amendment of the Institute of National Remembrance Act has triggered discussion about attitudes of non-Jewish Poles towards the Holocaust. Over the last fifteen years or so, this topic has several times become the subject of wide interest and public debate. On a previous occasion this was caused by the publication of a book by Jan Tomasz Gross, which featured non-Jewish Poles as joint perpetrators and beneficiaries of the Holocaust, thus calling into question the image of Polish people as heroes who rescued their Jewish neighbours. A CBOS survey from the middle of 2015 showed that, according to public opinion, more non-Jewish Poles helped Jewish Poles than killed them or turned them over to the Germans. At the same time there was a predominant view that it was important to remember about the killings and pogroms perpetrated by Poles on Jews, but these should not be used to generalise about Polish attitudes during the war. Describing their own reactions to reports of atrocities committed by Poles on Jews, people expressed sympathy for the victims and condemnation of the perpetrators. In addition, although many people were ashamed at the thought of killings of Jews carried out by non-Jewish Poles, the idea of collective responsibility for these atrocities was rejected.

The discussion brought about by the articles in the amended Institute of National Remembrance Act and the renewed charges of Polish complicity with the Holocaust in particular, seem to have prompted a defensive reaction. Even more than in 2015, people expressed the opinion that during the war there were more instances of Jews being

sheltered and helped than of them being denounced or killed (a rise from 55% to 62%). However, there was also an increase in those who were inclined to think that the opposite was true (a rise from 7% to 9%).

**Much is being said about the varying attitudes of Polish people to Jewish people during World War II. Some Poles risked their lives to shelter Jews and help them survive, but there were also those who denounced Jews or even participated in killing them. Which do you think happened more frequently during the years of German occupation?**



More on this subject in the CBOS report (in Polish): “Discussion about the Amendment to the Law on the IPN (Institute of National Remembrance)”, February 2018. Survey carried out in February 2018 on a representative random sample of adults resident in Poland. N=1057.