

# POLAND

## ASYLUM

An increasing number of Polish LGBTQ people are leaving the country as the political situation continues to worsen.

## BIAS-MOTIVATED SPEECH

The hate campaign against the LGBTI community continued. This year, a number of towns lost funding from other EU countries or had their ties severed with their twin cities, stirring doubt as to whether adopting the hateful resolutions was a good idea.

In January, Campaign against Homophobia (KPH) launched the Twitter campaign #InfringementNOW, following up on over 350,000 signatures from 2020. On 11 March, the European Parliament adopted a resolution declaring the entire European Union an “LGBTIQ Freedom Zone”, in reference to the situation in Poland.

The United Nations and the Council of Europe also continued to speak out, including UN Special Procedures in January and the Council of Europe’s Congress of Local and Regional Authorities in June.

On 15 July, the European Commission (EC) launched an infringement procedure against Poland and suspended EU funding talks with several Polish regions, including five ‘LGBT-free zones’ Świętokrzyskie, Podkarpackie, Małopolskie, Łódzkie and Lubelskie.

As a result of local and international pressure, more than a dozen of local municipalities have withdrawn anti-LGBT resolutions or Family Rights Charters. In September, four regions (Świętokrzyskie, Podkarpackie, Małopolskie and Lubelskie) withdrew their status as ‘LGBT-free zones’, alongside a number of local municipalities, and released statements affirming their support for equality and fundamental rights. The Małopolska Regional Assembly first decided to stay ‘LGBT-free’ in August, but eventually withdrew the status in September and adopted a resolution “oppose any discrimination against anyone for any reason” and support “every Małopolskie family”. The repeal of anti-LGBT resolutions in these regions reduced the number of ‘LGBT free zones’ in Poland by half when it comes to the territory. Civil society welcomed these developments, but has highlighted that the regions should follow suit beyond just avoiding withdrawal of funding and actually abide by the principle of non-discrimination fully respecting EU treaties and legislation.

Additionally, nine of the “anti-LGBT resolutions” were challenged by Human Rights Commissioner Adam Bodnar and four were directly annulled by local courts.

Hate speech by the central government remained a serious issue. The Deputy Minister of Justice, Michał Romanowski, called the wedding ceremony of a gay couple in Bydgoszcz “clownery” that should be stopped. In April, chairman of PiS Jarosław Kaczyński said in an interview that Poland “must resist LGBT ideas” that are “weakening the West” and “against all common sense.” In June, the Minister of Education and Science Przemysław Czarnek called the Rainbow Pride an “offence to morality” and said it “will not be accepted as it is not in Hungary and other civilised countries”. Czarnek also stated that Poland should follow in Hungary’s footsteps and “should copy these regulations on Polish soil in their entirety!”. He also added that “satisfying sexual desire in a way different from the accepted norm is called perversion and deviation.” In September, Minister of Justice Zbigniew Ziobro called the infringement procedure “blackmail” and “economic terrorism”.

Several NGOs submitted open letters to media outlets about their anti-LGBT or anti-trans content, such as in the case of Wysokie Obcasy or Gazeta Wyborcza. Alarming, anti-trans rhetoric has spread over liberal media outlets as well, often due to the rise in trans exclusionary radical feminists (TERFs).

## BIAS-MOTIVATED VIOLENCE

Several hate crimes were carried out again this year.

In February, a gay couple holding hands was attacked in Warsaw: the aggressor stabbed one of them with a knife shouting “don’t do this in front of the kids!”

In March, an LGBT+ sports team was attacked in Gdansk by a violent group. Two people were hospitalised.

On Independence Day (11 November), two flats with rainbow flags in their windows were attacked – one with an air gun and one with a brick. One person was injured. At the nationalist Independence March on the same day, rainbow flags were burned and some carried homophobic banners.

KPH’s report on the ‘Social Situation of LGBTI people in Poland 2019 and 2020’ highlighted that the rate of



physical violence slightly increased since 2017 and that only 2.5% of hate crimes victims reported the incident to the police.

## DATA COLLECTION

40 civil society organisations turned to the Central Statistical Office (CSO) in April, concerned that this year's census does not recognise same-sex marriages conducted abroad, or allow trans and non-binary people to indicate their true gender. Those providing "false" information according to the Office, including on gender, could be held criminally liable. The CSO answered in July, affirming that same-sex marriages will be recognised in the survey, but provided a negative answer on the issue of gender identity.

## EDUCATION

In January, UN Special Procedures questioned Poland on the crackdown against Rainbow Fridays and restrictions on sexuality education in schools. KPH published resources for schools and young people planning to celebrate the annual Rainbow Friday, on the last Friday of each October. Several schools participated this year, but most did so under the radar to avoid backlash.

New amendments to the Education Law were tabled this year, initiated by the Minister of Education and Science, Przemysław Czarnek, known for his anti-LGBT views (see under **Bias-Motivated Speech**). 'Lex Czarnek' would take discretionary power away from schools and could mean dismissal or even criminal sanctions for teachers or school management who openly support LGBT+ students or discuss LGBT issues in school. The law would practically ban sex education.

Civil society fears the detrimental impact the law could have on LGBT+ young people. Lex Czarnek has a much broader impact as well, by placing limitations on what can be taught in schools and creating an atmosphere of intimidation for any teachers or principals, whose beliefs may not align with those of the conservative government. Civil society organisations launched a campaign #WolnaSzkoła [Eng: Free School], providing information on the proposed limitations and uniting those against the law.

Constitutional Court judge and former PiS politician Krystyna Pawłowicz posted the first name, age, and

primary school of a trans child on social media, violating the girl's right to privacy and exposing her to danger. Pawłowicz made hostile remarks about the school for using the girl's name that aligns with her gender identity in school.

This year's LGBTQ+ school ranking identified the most inclusive and accepting schools in Warsaw, Olsztyn, Dąbrowa Górnicza, Elbląg, Toruń and Łódź. The schools all received Equality Diplomas, which were signed by civil society and municipalities.

## EMPLOYMENT

In April, Prosecutor General Zbigniew Ziobro filed an extraordinary appeal to the Supreme Court regarding a 2020 court ruling that established discrimination on grounds of gender identity in the case of a trans woman, Joanna Żelek. Miss Żelek interpreted the appeal as a politically motivated act to discourage people from fighting injustice.

## EQUALITY AND NON-DISCRIMINATION

Several trans people took part in KPH's Trans Day of Visibility video campaign in March this year.

In April, the Committee of the Parliamentary Assembly of the Council of Europe rejected the entire list of Polish candidates for the European Court of Human Rights, including Aleksander Stępkowski, the founder of the far-right Ordo Iuris.

More than 100 civil society organisations condemned the parliament's move in April to remove the Ombudsperson in an unlawful political process lacking transparency, independence, or impartiality. Adam Bodnar's mandate expired in September 2020, but the law sets out that he should stay in office until his successor is appointed. In April, the Constitutional Tribunal, which lost its independence years ago, ordered Adam Bodnar's removal. Bodnar had petitioned to have the head of the court Julia Przyłębska removed from the position, due to her political affiliation with the ruling PiS party. Bodnar embodied one of the last standing pillars of Polish democracy.

A few days before the EC launched an infringement procedure against Poland, the European Court of Justice (ECJ) ruled that Poland's new disciplinary chamber, a judiciary oversight body, was contrary to the EU law.



The body is mandated to discipline judges, including by sanctioning them for certain judgments or for referring cases to the ECJ

KPH gave out its third annual Equality Crown awards to several LGBT+ people and allies, including politicians, lawyers, and influencers. KPH also released a list of companies who support LGBT+ rights.

Open For Business published a new report 'The Economic Case for LGBT+ Inclusion in Central and Eastern Europe (CEE): Hungary, Poland, Romania and Ukraine', finding that anti-LGBT+ discrimination comes at a high economic cost and that inclusion contributes to economic growth.

Dunja Mijatović, the Council of Europe's Commissioner for Human Rights issued a Human Rights Comment in August on the worrying trend of anti-LGBTI backlash across Europe, highlighting the increasingly hostile political rhetoric in a number of countries, including in Poland.

## FAMILY

In March, the Minister of Justice and Prosecutor Ziobro, announced a draft law that would ban adoption by same-sex couples and place strict scrutiny over single applicants, to make sure they are not actually in a same-sex relationship.

In June, the Deputy Minister of Justice talked about plans to ban legal gender recognition.

In August, two well-known doctors from Bydgoszcz got "married", receiving official congratulations from the President of the city, once again inspiring a debate on marriage equality in Poland.

In a judgement released on 16 September on the case of X. v Poland, the European Court of Human Rights found that refusing a mother custody of her child because of her sexual orientation is discriminatory and a violation of the right to private life.

Prosecutor Ziobro requested the annulment of parental rights of a trans man.

## FOREIGN POLICY

France's Minister for EU Affairs was allegedly refused entry to Kraśnik in March, one of Poland's 'LGBT-free zones', which Poland denied.

In May, the family affairs ministers of the Visegrád Four (Czechia, Hungary, Poland and Slovakia) signed a 'Declaration Pro Familia' to commit to supporting 'families'. Poland was the only EU country to openly endorse Hungary's new propaganda law. 17 EU Member States jointly condemned the law.

## FREEDOM OF ASSEMBLY

Civil society space continued to be increasingly repressed.

UN Special Procedures questioned Poland on its failure to protect Pride march participants over the past years.

Warsaw Pride was held in person, after last year's cancellation due to the COVID-19 pandemic. The Pride march took place without incidents on 19 June and brought together thousands, affirming that the Polish LGBTQ+ community is standing strong against repression. It was supported by Warsaw's liberal mayor Rafał Trzaskowski, who walked at the front of the march. Pride marches were held in a number of other cities, such as Gdansk and Czestochowa, protected by police.

The 'Stop LGBT' citizens' initiative gathered over 140,000 signatures this year and was tabled in parliament. The legislative initiative was discussed on 29 October and moved to the interior affairs commission. The law would ban public gatherings which promote LGBT rights - similar to the law already in place in Russia, for instance. Polish and international civil society condemned the bill and several demonstrations were held in the capital.

## FREEDOM OF EXPRESSION

Three activists, Joanna Gzyra-Iskandar, Anna Prus and Elżbieta Podleśna, who created stickers of the Virgin Mary with a rainbow halo, were acquitted on 2 March. The activists could have faced two years in prison. Prosecutor Ziobro appealed the ruling, with a new hearing planned for 2022.

The four creators of the Atlas of Hate, an online map launched in 2019, which tracks which municipalities have adopted anti-LGBT resolutions, had their first court hearings in July and October, facing up to 36,000 euro in fine. Atlas of Hate is facing seven lawsuits.

In a resolution adopted on 16 September, the European Parliament condemned the continuing deterioration



of media freedom and the rule of law in Poland, and its impact on LGBTI rights.

## HEALTH

KPH's [report](#) (see under **Employment**) found that almost half of the respondents reported severe depression (2017: 44%); that LGBTI people living in areas where anti-LGBT resolutions were adopted were more likely to have suicidal thoughts.

## HOUSING

KPH's [report](#) (see under **Employment**) found that 17% of respondents have experienced homelessness at least once and one in five have run away from home.

## HUMAN RIGHTS DEFENDERS

Karolina Gierdal (KPH) [received](#) the Supreme Bar Council's Advocate of the Year award.

## INSTITUTIONAL SUPPORT

The newly chosen Human Rights Commissioner, Marcin Wiącek, has shown his support for the LGBT community on several occasions, for instance, by questioning Ziobro's extraordinary appeal on trans rights in employment (see above) or criticising the 'Stop LGBT' draft bill.

Continuing last year's trend, several local municipalities, such as Szprotawa, Bydgoszcz, and Wrocław, adopted declarations of solidarity with the LGBT+ community.

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

In May, the pop star, Andrzej 'Piasek' Piaseczny came out as gay.

After winning a silver medal at the Tokyo Olympics, Katarzyna Zillmann [thanked](#) her girlfriend for her support, coming out as queer.

## PUBLIC OPINION

According to the [latest survey](#) prepared by Ipsos for OKO.press and Wyborcza, 56% of Poles would support *at least* civil partnership for same-sex couples.

## SEXUAL AND REPRODUCTIVE RIGHTS

The death of a pregnant woman, whose foetus had numerous defects but was denied abortion, [inspired](#) a new wave of protests demanding reproductive rights.

The 'Stop Abortion' bill, which would have equated abortion with murder, was [rejected](#) by parliament.

## SOCIAL SECURITY AND SOCIAL PROTECTION

In March, four NGOs [opened up](#) Poland's first ever shelter for homeless LGBT young people in Warsaw, responding to the increasing need. The NGOs reported that the demand doubled during the COVID-19 pandemic, going from one-to-two requests per month to three-to-four.

The Lambda Warszawa Association and the municipality opened an emergency shelter for LGBT people in September.



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