



## Poland

### BIAS-MOTIVATED SPEECH

The Regional Court in Warsaw upheld a lower court judgment convicting journalist Rafał Ziemkiewicz of defamation against LGBTI activist Bart Staszewski. The case concerned social media statements published in January 2023, in which Ziemkiewicz used degrading language towards Staszewski and accused him of accepting foreign funding to fabricate allegations against Poland. The court sentenced Ziemkiewicz to four months of community service, ordered him to pay PLN 5,000 (approximately €1,150) to the Victims Assistance and Post-Penitentiary Assistance Fund, and required him to issue a public apology to Staszewski.

In February, Polish MEP Grzegorz Braun was sanctioned by the European Parliament for anti-LGBTI remarks. Braun publicly stated that there are only "men, women, and people with personality disorders" and made additional derogatory comments targeting LGBTI people. The sanctions were imposed under the Parliament's disciplinary rules.

In February, an appellate court upheld a ruling in favour of Foreign Minister Radosław Sikorski in a defamation case brought by the conservative legal organisation Ordo Iuris. The case stemmed from a 2020 post in which Sikorski referred to Ordo Iuris as a "fundamentalist sect" while criticising its support for local resolutions targeting so-called "LGBT ideology." A first-instance court had found the statement to fall within the limits of political criticism and freedom of expression; the appeal was dismissed, making the judgment final.

In February, a Warsaw court ruled that conservative activist Kaja Godek must apologise to the LGBTI people she insulted as part of repeated claims in media interviews that homosexuality is a "perversion" often linked to paedophilia. She had also criticized openly gay figures, such as former Irish Prime Minister Leo Varadkar, for "flaunting his strange orientation." In 2019, she claimed the "homosexual lobby" sought to sexualise children and adopt them for abusive purposes.

In June, the District Court in Gdańsk ruled against the use of so-called "homophobe vans," vehicles circulating with homophobic slogans. The case, brought forward by the Tolerado Association, a Tricity-based LGBTI rights group, had been ongoing since 2019 and targeted the Pro Right to Life Foundation, the organisation responsible for both anti-abortion and anti-LGBTI campaigns. The court found that the foundation's materials promoted disinformation and anti-scientific theories, including claims about a supposed shorter life expectancy for homosexual men and false associations between LGBTI identities, paedophilia, and sexualisation of children. In its ruling the court ordered the foundation to cease disseminating such slogans, issue a public apology to both Tolerado and the wider LGBTI community, and pay PLN 30,000 (approximately €6,900) in damages plus interest.

In late August, Sejm (the lower house of parliament) Speaker, Szymon Hołownia opposed the organisation of an exhibition and intervened during the debate on the "Stop LGBT" bill, both of which sought to present LGBTI people in the context of paedophilia. Hołownia refused to allow the controversial exhibition to take place in the Sejm building, where it was to be organised by the Life and Family Foundation, and stepped in during the first reading of the citizens' bill of the same name.

### BIAS-MOTIVATED VIOLENCE

In April, President Andrzej Duda referred amendments to the Penal Code to the Constitutional Tribunal instead of signing them into law. The bill, adopted by parliament in March and previously approved by the government in November 2024, sought to extend hate crime and hate speech protections to include sexual orientation, gender, age and disability. The President argued that the provisions risked infringing freedom of expression and could lead to abuse or preventive censorship. On 30 September, the Constitutional Tribunal ruled the amendments unconstitutional, including the extension of protected characteristics and provisions covering crimes motivated by assumed or associated traits. As a result, the reform did not enter into force.

In July, the European Court of Human Rights (ECtHR) condemned Poland for failing to properly address the homophobic motive in an attack against a same-sex couple and their friend. The case, *Bednarek and Others v. Poland*, concerned an incident in central Warsaw where the victims were subjected to homophobic insults before being physically assaulted. While Polish authorities prosecuted and convicted the attackers, the homophobic motive was disregarded in the proceedings and sentencing. The Court stressed that ignoring the discriminatory aspect "renders the essential feature of the crime invisible and without criminal significance."

In October, the District Court for Warsaw-Śródmieście delivered its judgment in a case concerning homophobic threats and calls for violence posted in 2017 under a Facebook post by a same-sex couple. Although the victims had identified 34 individuals and submitted evidence to the prosecutor in 2017, proceedings against several suspects were discontinued due to the statute of limitations. In April 2024, a penal order was issued against seven identified authors, imposing fines and restrictions of liberty; following objections, the order was annulled and the case proceeded to a full hearing. In its October judgment, the court again found the defendants guilty but imposed lower penalties. In several instances, the legal classification was changed from public incitement to commit a crime under Article 255 §1 of the Criminal Code to insult prosecuted by private charge under Article 216, resulting in conditional discontinuations or fines replacing liberty-restricting penalties.

## EDUCATION

In late August, Poland's Catholic Church appealed to parents to withdraw their children from the new, non-mandatory school subject "health education," introduced from 1 September. In a statement, the Polish Episcopal Conference (KEP) described the curriculum, which includes elements of sexuality education, as "anti-family" and "gender destabilising," claiming it would undermine traditional family values and promote "gender ideology." The conservative think tank Ordo Iuris also criticised the reform, accusing Education Minister Barbara Nowacka of introducing sex education under the guise of

health lessons, and objecting to content addressing contraception, abortion, sexual orientation, gender identity and LGBT rights.

In February, the Court of Appeal in Warsaw upheld a September 2023 ruling in favour of the Campaign Against Homophobia (KPH) and the Society for Anti-Discrimination Education (TEA) in a case against the Association of Large Families of Warsaw and Mazovia (SRWWiM). The courts found that SRWWiM had disseminated false and homophobic claims in publications and letters to schools in 2016–2017, alleging that anti-discrimination education promoted LGBTI behaviour and undermined social norms. The statements were held to be untrue and harmful to the plaintiffs' personal rights. SRWWiM was ordered to remove the publications, issue public apologies, submit a statement to the Ministry of National Education, and pay PLN 3,000 in damages to KPH. The appellate ruling made the judgment final.

## EMPLOYMENT

In February, the Supreme Court of Poland ruled in favor of a non-binary former casino dealer in Wrocław, marking the first time Polish law explicitly recognised that non-binary individuals can be subject to gender-based discrimination. The applicant was fired in 2021 after refusing to comply with strict appearance rules requiring female employees to wear make-up, skirts, and high heels.

In February, the Polish Supreme Court rejected an appeal by IKEA in the case of a Christian employee who had been dismissed for criticising the LGBTI community under a company post encouraging staff participation in pro-LGBTI initiatives. The Lower Regional Court of Krakow had previously ruled that Komenda's dismissal was unlawful and ordered his reinstatement, a decision upheld by the Supreme Court. The Court emphasised that workplaces must remain "free of ideological indoctrination" and allow employees to express their personal values and beliefs.

## EQUALITY AND NON-DISCRIMINATION

In April, Łańcut County, the last Polish local government that had maintained an "LGBTI-free" status through the Local Government Charter of

Family Rights, formally repealed the resolution. The move was prompted primarily by pressure from the European Commission, which warned that local governments maintaining discriminatory laws risk losing access to EU investment funds.

## FAMILY

In February, the ECtHR ruled against Poland in a case concerning same-sex couples who were denied certificates of non-impediment to marry abroad. These certificates, issued by Polish registry offices (USC), confirm that no legal obstacles prevent a marriage. The Court determined that the absence of legal recognition for same-sex unions infringed Article 8 of the ECHR, which guarantees respect for private and family life. The Court held that by refusing the certificates, Poland had "left the applicants in a legal vacuum" and failed to recognise and protect same-sex couples in stable, committed relationships.

In April, the Advocate General of the Court of Justice of the European Union (CJEU) stated that Poland must recognise same-sex marriages lawfully concluded in another Member State. The case concerned two Polish nationals, married in Berlin in 2018, whose request to register their marriage certificate in Poland was refused on the basis of domestic provisions limiting marriage to opposite-sex couples. Following a referral from a Polish court, the CJEU ruled in November that, under the EU principle of freedom of movement, Poland must recognise marriage certificates issued in another Member State where necessary to ensure the effective exercise of EU rights. The Court found that refusal to transcribe such certificates is incompatible with EU law insofar as it interferes with free movement, requiring Poland to enable registration to the extent necessary to give effect to those rights.

In April, the ECtHR issued a ruling in *Andersen v. Poland*, finding Poland in violation of Article 8 of the ECHR due to its failure to provide a legal framework that recognises and protects same-sex unions. The Court noted that Poland must provide legal recognition and protection for same-sex partnerships, emphasizing that, under Polish law, same-sex couples - even if married abroad - are

treated merely as de facto relationships.

In April, the District Court in Zielona Góra issued a final judgment in *Marta v. Gmina Stawa* (Stawa Municipality), ruling that the term "closest family member" under the Polish Civil Code includes same-sex life partners. The case concerned compensation for the death of Marta's partner in 2015, which resulted from the municipality's negligence in maintaining trees. The court held that an informal, committed relationship should be treated equivalently to a marriage for the purposes of compensation, irrespective of the partners' gender. Marta had initiated the proceedings nearly ten years earlier, seeking recognition of her harm and loss as an immediate family member.

In July, the Lewica Party introduced a draft law on civil partnerships to the Sejm (the lower house of parliament), aiming to establish a new form of legal recognition for couples in Poland. The initiative is designed to extend legal protection and stability both to same-sex couples and to different-sex couples who either cannot or do not wish to marry. The proposal addresses issues like the inability of partners in informal relationships to file joint taxes, inherit automatically, be covered under a partner's health insurance, or take leave to care for a sick partner.

In October, the government introduced a draft bill on the status of the 'closest person' and the agreement of cohabitation. The bill was formally presented to parliament in mid-October, with media reports suggesting that it offers a very limited set of rights for same-sex couples, primarily addressing fiscal and inheritance matters, but not covering adoption or broader rights for rainbow families. The cohabitation agreement would be formalised before a notary, without altering the partners' civil status, meaning they could not marry another person simultaneously.

## FREEDOM OF EXPRESSION

In February, the ECtHR ruled against Poland in the *P. v. Poland* case, finding that the dismissal of a secondary school teacher for maintaining a blog aimed at adult gay men violated Article 10 of the ECHR, which guarantees freedom of expression. The teacher had written an illustrated diary under a pseudonym that contained sexual content, which the authorities

deemed offensive to Polish social mores and a potential threat to the moral education of students. In March, Grzegorz Braun, a Polish MEP for Lesser Poland and Świętokrzyskieand, vandalised an LGBTI exhibition in Opole's main square by spray-painting anti-LGBTI slogans. Witnesses reported that Braun arrived with black paint and wrote "stop pervert propaganda" across panels documenting local LGBTI activities. Following the incident, speaker Szymon Hołownia said there was "no place for hooligans in the Sejm (the lower house of parliament)," and announced that Braun had been escorted out by security and banned from the building.

In April, Professor Magdalena Pecul-Kudelska, an activist affiliated with the Citizens of Poland movement, was set to appear before a Warsaw court following a police intervention in 2020, when Pecul-Kudelska placed a rainbow flag bearing the inscription "Solidarity with the Persecuted" on the pedestal of the Sursum Corda statue of Christ, located in front of the Basilica of the Holy Cross in Warsaw.

In July the Regional Court in Bolesławiec delivered a first instance judgement acquitting journalists Grażyna Hanaf and Krzysztof Gwizdała from istotne.pl media of defamation charges. The journalists were accused by former local priest Andrzej Jarosiewicz and celebrity Adrian Drenkowski of defamation due to the fact that they published a cycle of articles focusing on their same-sex relationship. The verdict of the court of first instance is not final.

In October, the Ministry of Justice presented a draft bill to implement Directive (EU) 2024/1069 on Strategic Lawsuits Against Public Participation (SLAPPs), aimed at protecting individuals engaged in public debate from abusive or intimidatory litigation. The Campaign Against Homophobia (KPH) submitted comments on the proposal, expressing concern that requirements such as high deposits and early-stage fines could deter activists and smaller organisations from pursuing claims. KPH also argued that certain provisions should be incorporated into the Civil Code or Code of Civil Procedure to enhance clarity and warned that some measures risked placing disproportionate burdens on plaintiffs.

## DATA COLLECTION

In November, a study conducted by economist Pawel Adrjan (University of Oxford) and Jan Gromadzki (Vienna University of Economics and Business) analysed the impact of anti-LGBTI resolutions adopted by over 100 Polish local authorities between 2019 and 2020. Some municipalities declared themselves "free from LGBT ideology," while most introduced "Charters of Family Rights" that restricted marriage to opposite-sex couples and pledged to "protect children from moral corruption." The researchers examined job search behaviour using data from 67 million job advertisement clicks by Polish users between 2016 and 2021, comparing municipalities that adopted anti-LGBTI measures with neighbouring areas. The findings show that, following the adoption of these resolutions, residents of affected municipalities increased searches for employment outside their home region by approximately 12%, and searches for jobs abroad rose by about 15%.

## LEGAL GENDER RECOGNITION

In January, the Polish government signaled plans to simplify the process for changing gender markers on official documents. At the time, one government bill had already been submitted to the Sejm (the lower house of parliament), with up to three proposals expected, including one from the Rainbow Socialists Association.

In March, the Polish Supreme Court ruled that people seeking to change the gender marker on their birth certificate no longer need to sue their parents in the process, and such cases will proceed through non-litigation procedures. The decision overturned a long-standing principle dating back to the late 1980s, which treated trans identities as insufficient grounds for correcting the gender designation on official documents. The Court clarified that requesting a change in gender marker is analogous to correcting civil status certificates and should therefore be handled in a non-contentious manner.

## **PARTICIPATION IN PUBLIC, CULTURAL, AND POLITICAL LIFE**

In late September, a [report](#) by a special commission established by the Ministries of Justice and Interior concluded that Poland's public media had engaged in systematic repressive and defamatory actions against activists, non-governmental organisations and civil society during the Law and Justice (PiS) government (2015-2023). The commission found that public broadcasting was used to promote the government and marginalise or discredit opponents, including civil-society actors. It cited imbalanced media coverage, noting that in debates on tightening abortion law in 2016 and 2020, Polskie Radio invited 61 guests, 55 of whom presented anti-abortion views, while no pro-choice activists were included. The commission announced that it would forward its findings to prosecutors to assess potential criminal liability.