Joint letter on Poland to Commission President von der Leyen

News, European Union, Poland

Following her State of the European Union speech, with KPH and Fundacja Równo?ci we wrote a letter to the European Commission President Ursula von der Leyen.

Dear Commission President von der Leyen,

As you are well aware, over the past years LGBTI people in Poland have been experiencing increasing levels of discrimination from the Polish government, authorities and religious leaders, which has created a dangerous and unwelcoming environment for LGBTI people. This most recently has culminated in the regional Family Charters and respective declarations and resolutions, more commonly known as “LGBT-free zones”, a viciously LGBTI-phobic Presidential election campaign, LGBTI people being slandered as paedophiles on billboards and through loudspeakers in various cities (accompanied by police protection), and disproportionate detention of LGBTI activists, including police violence.

Given this increasingly dangerous context, we would like to thank you for your strong message of support for our community in Poland during your State of the Union Speech on the 16 September 2020 in the European Parliament. Your strong statement that “LGBT-free zones” have no place in the European Union was something the LGBTI community across the EU has been waiting for and takes hope and courage in. Also, the clear commitments regarding ensuring the freedom of movement through mutual recognition for all, including LGBTI people and their families, as well as to provide protection from hate crime on extended grounds, including sexual orientation, are important signals that the European Commission stands firm on the protection of LGBTI rights in these challenging times.

ILGA-Europe, Campaign against Homophobia (KPH, Poland) and Fundacja Równo??.org.pl (The Equality.org.pl Foundation) have submitted a legal complaint to the European Commission, setting out how these Family Charters and declarations introduce discrimination against LGBTI people and thus breach the European Council Directive (2000/78/EC), establishing a general framework for equal treatment in employment and occupation, as well as the Charter of Fundamental Rights Article 15 on Freedom to choose an occupation and right to engage in work, and Article 21 on non-discrimination.

Separately from this, over 400 citizens have sent emails to you and Commissioners Reynders, Dalli and Vice-President Jourova, sharing their experiences of hate and discrimination in Poland, often as a result of the Family Charters adopted by their regions and municipalities and the hate-speech surrounding them, including President Andrzej Duda’s election campaign, which pledged to adopt a Family Charter for the whole of Poland, called LGBTI people an “ideology” and compared them as worse than communism. A further 15 individual complaints were submitted via the European Commission’s official complaint mechanism.

The many individual complaints sent in paint a picture of the current reality on the ground for LGBTI people living in Poland. For example, in one of these emails a young gay man, Cezary Nieradko, who lives in Kra?nik town which adopted an anti LGBT resolution, describes the day-to-day discrimination and violence he experiences as the only

openly gay person in Kra?nik, from verbal abuse in the streets, to being refused medicines in a pharmacy. “With adopting this resolution, town council has turned my life into living hell”, he says in the email.

Another example is an email from a lesbian teacher in a public school in Kraków, in the Ma?oposkie region, which also adopted an anti LGBT resolution. She describes the constant fear she has of losing her job due to her sexual orientation. “After adopting this resolution I’m constantly stressed of losing my job, other teachers warn me all the time I should be careful of what I say and do.” The regional education supervisor, Barbara Nowak, has already last year publicly threatened to take consequences on teachers who support any LGBT educational activity at school, and following this announcement, this teacher was told by the school principal that she had to cancel “Rainbow Friday” (an LGBT student-teacher initiative) if she wanted to keep her job.

The LGBT organisation Rownosc.org.pl Foundation was refused twice to organise an LGBT film screening in local venues, once in Nowy S?cz, again a town that has adopted an anti LGBT resolution, and the second time in Kalwaria Zebrzydowska. In the second case, the venue was a cultural centre which is receiving EU funds. The local authorities were and still are debating the introduction of the Family Rights resolution. While the argument in the second case was, that “They will never agree to promote LGBT ideology” in their town, a clearly homophobic event was given the go ahead in this EU funded space at the same time.

These are only three examples of the daily discrimination LGBTI people and LGBTI organisations face in Polish cities and regions that have adopted Charters and declarations otherwise known as “LGBTI free zones”. Together with all these citizens directly affected, we hope that following your clear words, the European Commission will start taking action and open an infringement procedure against Poland for violation of the right to non-discrimination as set out in the European Council Directive (2000/78/EC) and the Charter of Fundamental Rights. We also hope that the European Commission will put forward an amendment to the reasoned proposal that triggered the current ongoing Article 7 procedure regarding Poland to include the ongoing systemic violations of fundamental rights in the Council’s deliberations. The interim report of the European Parliament, adopted in September, was very clear on this, and it is important for the European Commission to follow suit and also call for a widening of the mandate and a hearing in the Council before the end of the year. It is furthermore key that future EU Rule of Law reporting cycles will include fundamental rights in their scope.

The developments in Poland are seriously worrying, but at the same time mark only the tip of the iceberg. We have unfortunately seen similar discriminatory statements and action recently from the Hungarian government, and from political forces in Romania, Bulgaria, Slovakia and Slovenia. Only last week, the Hungarian Prime Minster Orbán used the publication of an inclusive fairy tale book to associate sexual orientation with pedophilia, a statement later officially reinforced through an official post by his party Fidesz. We increasingly see governments encouraging each other in their efforts against women’s rights, sexual reproductive and LGBTI rights. In September, it was reported that the Polish Justice Minister Zbigniew Ziobro had invited Slovenia in a letter to join Poland in withdrawing from the Istanbul Convention. Earlier, Ziobro had labelled the Convention a feminist invention that wants to justify homosexual ideology. It is therefore more than ever important the European Commission is standing firm on the principles set out in the Charter of Fundamental Rights and the EU treaties and clearly shows that it will not tolerate the violations of fundamental rights, including LGBT rights, and is ready to act.

If you should need further information about the discrimination LGBTI people are facing at the hands of Polish authorities, please do not hesitate to get in touch with us.

Best regards,

Evelyne Paradis, ILGA-Europe

Slava Melnyk, KPH (Campaign against Homophobia)

Miko Czerwinski, Fundacja Równo?ci (The Equality.org.pl Foundation)