



Poland



Negative rhetoric and opposition to LGBTI equality became more apparent over the past 12 months. Attempts to debate civil partnerships for same-sex couples were shut down by a majority of MPs. Homophobic and transphobic statements were once again made by public figures and court cases involving violent attacks continued to ignore the bias motivation in their sentencing. Arguably, the most disappointing aspect of 2015 was the fate of the Gender Accordance Act. Passed by the parliament in the summer, it was subsequently hampered by amendments and objections from political opponents before the Act was eventually killed by a presidential veto.

Bias-motivated speech

- In March, Krystyna Pawłowicz MP (Law and Justice, PiS) was quoted in media reports saying that “the government continues to introduce a sick ideology of gender, which promotes sexual pathologies”. Her comments came as amendments to the Criminal Code were being considered (see **Bias-motivated violence**).
- In the run-up to parliamentary elections on 25 October, Jarosław Kaczyński (party leader, PiS) at a rally in Siedlce called gender reassignment “a fad” and “an attack on the family”.

Bias-motivated violence

- On 2 February, one man was sentenced to 15 years imprisonment for the robbery and murder of a 20 year-old gay man in January 2014 in the city of Szczecin; another man received a suspended 2 year sentence for taking part in the assault. Homophobia was not mentioned as a potential motivating factor during sentencing. Both appeals were rejected in June.
- Potential amendments to the Criminal Code to extend protection from violence and incitement to hatred to the grounds of sexual orientation and gender identity remerged for discussion. Three separate bills on the topic were being considered in 2014 but no progress was made. On 20 February, then Minister for Justice Cezary Grabarczyk (Civic Platform, PO; Christian democratic) expressed support for the changes in a letter. The bills were not passed before parliamentary elections on 25 October and became void as a result.
- On 4 May, the District Court of Żywiec ordered a man to serve sixth months in prison and pay a fine of PLN2,000 (approx. EUR 450) for assaulting a human rights activist and using homophobic slurs in December 2014. No reference was made to the homophobic nature of the attack.
- Amnesty International's *Targeted by Hatred, Forgotten by Law* report, published in September, found that LGBTI people are not adequately protected against hate crimes and face wide-spread discrimination.

Employment

- A Polish priest who had been employed by the Vatican was dismissed from his role in October. Father Krzysztof Charamsa was sacked for breaking his vow of celibacy after he spoke about his male partner in media interviews before the synod of bishops on family issues in Rome.

Equality and non-discrimination

- As part of its fifth monitoring cycle, ECRI released its report on Poland in June. The report recommended including sexual orientation and gender identity as grounds in criminal hate speech and hate crime legislation, training police officers and prosecutors on how to deal with hate crimes, and starting awareness-raising campaigns. The report also criticised politicians who had made intolerant statements in public.

Family

- MPs voted against debating a civil partnership bill for a fifth time by 215 votes to 146, 24 abstained. The bill proposed regulating social security benefits, income tax and inheritance rights for same-sex and different-sex couples. It had been initiated by the Democratic Left Alliance (SLD) in 2013; the party said it would bring a sixth version of the bill forward after October's parliamentary elections. No SLD MPs were elected to the Sejm but LGBTI activists began working with the Modern (.N, liberal) party on draft legislation that will be submitted to parliament in 2016.
- A Polish national, who planned to marry his Spanish partner in Spain, was refused documents confirming his single status and commenced legal action against his local registry office. The local registry office stated that issuing the license would contravene Polish law as the constitution only recognises different-sex marriage. The case was heard before the Warsaw Court of Appeal on 15 October. On 28 October, the court upheld the registry office's decision. A motion to ask a prejudicial question was put forward to the CJEU.
- In December, the Coalition for Civil Partnership announced that it will initiate legal proceedings on behalf of five couples seeking to challenge the lack of recognition for same-sex partnerships. The coalition is

composed of representatives from three NGOs and several law firms and aims to obtain a ECtHR judgment that will enable same-sex couples to formalise their relationships.

- In December, Poland blocked EU proposals to clarify property rights for married and registered couples exercising their freedom of movement within the EU (see **European Union**).

Freedom of assembly

- Gdansk held its first Pride march on 30 May, attracting approximately 2,000 participants. Local councillor Anna Kołakowska (PiS) and members of her family tried to block the march by sitting in the middle of the street but were moved by police.

Legal gender recognition

- The Gender Accordance Act, proposed in 2012 by trans MP Anna Grodzka, aimed to simplify criteria for legal gender recognition: applicants must be a Polish citizen; unmarried and present two supporting medical opinions for assessment by a regional court. On 23 July, the act was passed by the lower house of parliament (Sejm) by 252 votes in favour to 158 against; 11 MPs abstained.

- The Senate passed the Gender Accordance Act on 7 August, with several last-minute amendments, adding the need for sexologists and psychologists to be present during the required court proceedings. The Act then returned to the Sejm's parliamentary committee. On 8 September, it rejected 13 of the 17 Senate amendments, including the additional psychologist requirements.

- President Andrzej Duda (PiS) vetoed the law on 2 October, prompting a return to the Sejm. More than 2000 people signed an online petition in 24 hours, calling on their elected representatives to save the law. This vote was scheduled for 9 October but could not take place due to the failure of two parliamentary committees to appoint a rapporteur. The veto was upheld and the Act did not enter into force.

Participation in public, cultural and political life

- In February, Anna Grodzka MP announced her intention to enter the 2015 presidential election on behalf

of the Green Party. She collected 85,000 public signatures in support but did not meet the necessary 100,000 threshold before the 26 March deadline.

- In June Robert Biedroń, the openly gay mayor of Słupsk, was reported to the district prosecutor by Ryszard Nowak, chairman of the Nationwide Committee for the Defence against Sects and Violence. Nowak made the complaint in June, after a picture of Pope John Paul II was removed from the mayor's office and given to a local church. In August, the prosecutor announced that this was not an offence and that Biedroń had no charge to answer.

Public opinion

- According to Eurobarometer 2015, 48% of people surveyed in Poland believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 44% felt discrimination on this ground was widespread (EU 28 average was 56%). 37% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 69% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 68% said they would be comfortable or moderately comfortable (EU28 average was 67%).

Sexual and reproductive rights

- In June, a new law on in-vitro fertilisation was passed. The legislation allows married or cohabitating different-sex couples only to avail of fertility services. LGBTI organisations had protested against this and while parliament had debated alternative options, the final text excluded same-sex couples, single cis women and trans men from treatment.