



# POLAND

## ACCESS TO GOODS AND SERVICES

On 26 June, the Constitutional Tribunal ruled that the refusal of services is not a crime and classifying it as misdemeanor is unconstitutional. In 2018, the Supreme Court established that a printer from Łódź discriminated when it unlawfully refused to print materials for an LGBT foundation. The June ruling applies to refusal in general, not just on the ground of sexual orientation. From now on, similar cases will have to be referred to the civil courts.

## BIAS-MOTIVATED SPEECH

In March, Poland's ruling Law and Justice (PiS) party leader Jarosław Kaczyński said that the Warsaw mayor's support of LGBT people (see under **Equality and non-discrimination**) was an attack on children and families. The Church and other conservative circles used similar rhetoric.

In the following months, more than 80 towns declared that they are "LGBT-free zones" or "free from LGBT ideology". Lublin city presented awards to local officials opposing "LGBT ideology". According to LGBT activists, these actions supported the nationalist-conservative party, which continuously used anti-LGBT rhetoric in the lead-up to the autumn elections. The government referred to the election as an ideological war.

On 17 July, the conservative Gazeta Polska newspaper launched a campaign enclosing "LGBT-free zone" stickers in its weekly edition. The editor said their point was not to incite hatred, but instead to demonstrate that they would be subject to censorship for printing anti-LGBT views. The conservative government stated they would not sanction the paper, to protect freedom of speech.

Several public figures condemned the campaign, including the US Ambassador and Warsaw's deputy mayor, Paweł Rabiej, who likened it to the Nazi era. LGBT activist Bart Staszewski brought the case to the Warsaw District Court, which placed an injunction on the stickers on 25 July. It is uncertain if the stickers will be banned permanently.

On 2 August, the Krakow Archbishop Marek Jędraszewski called the LGBT movement a "rainbow plague".

On 18 December, the European Parliament adopted a resolution on discrimination and hate speech against LGBTI people, including LGBTI-free zones, calling on Poland to revoke resolutions attacking LGBTI rights, including local bills against "LGBT ideology".

## BIAS-MOTIVATED VIOLENCE

The UN Committee Against Torture urged Poland to take all measures to combat violence against LGBT people.

## BODILY INTEGRITY

With the support of NGO, Campaign against Homophobia (KPH), representatives of the liberal Nowoczesna party submitted a draft bill to the Parliament in February, to ban conversion therapy against LGB people. The bill was sent for consultations on 1 March, but stalled since. International bodies had urged Poland to ban the harmful practice.

## EDUCATION

Over 50 organisations and groups asked the Ministry of Education in a joint letter to remove Barbara Nowak from her position as Education Superintendent, after she linked homosexuality with pedophilia. Nowak was also one of the loudest critics of "Rainbow Friday", KPH's campaign for the safety and well-being of LGBTI students, which suffered severe backlash in 2018. Schools were then subjected to random inspections by the Ministry, to see if they had any rainbow materials or clothing on the premises. Rainbow Friday was not targeted this year.

## EQUALITY AND NON-DISCRIMINATION

In February, the Warsaw mayor Rafał Trzaskowski of the opposition Civic Platform (PO) party, signed a declaration to support LGBT people. The declaration identifies five pillars: safety, education, culture and sports, workplace and administration, and sets out practical steps such as establishing a community centre, launching a crisis hotline, and introducing anti-discrimination classes in all Warsaw schools. The document was jointly drafted by a number of NGOs and activists. The Children's Rights Ombudsperson shared some legal concerns over the declaration. However, the Ombudsperson, Poland's formal Equality Body, expressed his support.



## FAMILY

The first official rainbow family organisation Fundacja Tęczowe Rodziny held a seminar in Poznan, attended by parents and their children.

In December, the Supreme Administrative Court (SAC) put rainbow families in legal limbo by ruling that foreign birth certificates featuring same-sex parents will not be recognised in Poland. At the same time, it affirmed that children of Polish citizens should receive a passport and a social security number. Legal experts are expecting difficulties in how this ruling will affect rainbow families.

## FREEDOM OF ASSEMBLY

Hateful rhetoric from the government and the Church, and violence at Pride marches went hand-in-hand this year. Local authorities tried to ban the first ever Equality March in Kielce, though it was successfully held on 13 July. Hateful banners and crowds surrounded the march.

A week later, on 20 July, the first Equality March in Białystok, attended by roughly 1,000 people, was violently attacked by groups of extremists who burned flags, threw smoke bombs, bottles and rotten eggs at the participants, and injured and beat up several people. A truck with a megaphone shouted propaganda about how gays and lesbians rape children, and angry mobs totaling 4,000 people yelled slurs. The police used tear gas to separate the extremists from the March, and detained around 20 of them. Some politicians, including the Prime Minister Mateusz Morawiecki, condemned the attacks.

In protest to the March, the governing party PiS organised a so-called “family picnic”. Security guards at the entrance refused to let in anyone who had come from the March.

A few days later, 1,000 people gathered in Warsaw to protest against the brutal attacks in Białystok.

Three weeks later, on 10 August, the first Pride March in Plock took place and was heavily protected by riot gear police. About 2,000 people joined the march and hundreds held a counter-protest against them. No incidents were recorded.

The Lublin Pride march, held on 28 September, was under serious threat due to an attempted bomb attack that the police successfully blocked.

Local authorities issued bans on Equality Marches in Lublin, Nowy Sącz, Gorzów Wielkopolski, Kielce and Gniezno this year. Activists successfully challenged these bans in court.

A record number of 24 Pride marches took place between March and October, a huge increase compared to 14 in 2018. Warsaw held one of its largest Pride marches to date on 8 June, with tens of thousands participating.

## FREEDOM OF EXPRESSION

Artist Elżbieta Podlesna’s home was raided on 6 May, after they posted pictures around the city featuring the Virgin Mary and baby Jesus with rainbow halos. The police confiscated their belongings; detained and questioned them for hours. Minister of Interior, Joachim Brudziński commended the police.

## LEGAL GENDER RECOGNITION

On 23 October, the Warsaw District Court ruled that the authorities must provide LGR for trans refugees, even though they have no Polish citizenship. The judgment will also benefit permanent residents.

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

In February, Poland’s first openly gay politician, Robert Biedron, launched a new progressive party Wiosna (Spring). During the autumn elections, Spring formed a coalition with Razem and the Social Democratic Alliance (SLD) and secured 49 seats.

A total of 277 Polish MEP candidates signed ILGA-Europe’s Come out pledge. Eight were elected.

In November, President of the trans NGO Akceptacja Foundation, Anna Szymkowiak became the Chairwoman of the Citizens’ Dialogue Commission (KDO) at the President’s Plenipotentiary for Equality. Szymkowiak is the first trans person in the position.