

Poland

BIAS-MOTIVATED SPEECH

The hate campaign against the LGBTI community in Poland, which started in October 2018, resulted in LGBTI people becoming a dominant issue during this year's presidential elections, in which President Duda degraded and scapegoated the LGBTI community on his way to election victory. This included claims that LGBT people were "not people, but ideology" and other attempts at dehumanisation and incitement of hate and fear. By the end of 2019, over 80 local governments had declared that they are "LGBT-free zones" or "free from LGBT ideology". In 2020, this number has further increased to 94, meaning that one third of Poland stood against LGBT people. About 40 of these administrative units adopted a 'Family Charter', initiated by the far-right Ordo Iuris. Activists launched an online map on the spread of the hateful measures - three municipalities filed lawsuits as a response.

Activist Bart Staszewski organised an artistic action that visualised the concept of 'LGBT-free zones'. He hung the signs of "LGBT-free zone" outside towns that passed homophobic resolutions. He was attacked by politicians and far-right media.

Trucks with homophobic banners and audio claiming a link between homosexuality and pedophilia began driving in public spaces this year, in some cases stopped and blocked by LGBT activists and allies. In some cases, the trucks were protected by the police.

Hate speech by the central government remained a serious issue.

The Ministry of Justice sponsored articles in the weekly paper *Do Rzeczy*, stating that LGBT rights movements are like Soviet-era communism. A few weeks later, President Andrzej Duda said that "the LGBT ideology" was more destructive than communism. Archbishop Marek Jędraszewski made similar statements and warned of the "rainbow plague". This was followed by a protest in March. In December, a Kraków court ruled that his statement was lawful and in the public interest.

The recently nominated Minister of Education of the Law and Justice party (PiS), Przemysław Czarnek, went even further saying:

"Let us defend the family against this kind of corruption, deprivation, absolutely immoral behaviour, let us defend us against the LGBT+ ideology and finish listening to this idiocy about human rights or equality. These people are not equal to normal people, let's end this discussion".

The European Commission announced in July that given the current political climate, it would refuse to include and fund six Polish cities in its twin cities program. The Minister of Justice, Zbigniew Ziobro, condemned the decision. Previously, a number of cities in France, Ireland, Germany, and the Netherlands, had already broken their ties with their sister cities in Poland. EU Equality Commissioner Helena Dalli and EC President Ursula von der Leyen firmly backed the EU's move - welcomed by local LGBTI organisations. The Ministry of Justice provided financial compensation to one of those towns (Tuchów county) from the Justice Fund that is allocated to support victims of crime, and suggested that the others should also receive state funds as a reward for defending family values.

A court in Wrocław ruled that a campaign linking homosexuality with paedophilia was protected by freedom of speech, and was "informative and educational".

The results of a survey published in November by Fundacja Równość.org.pl, show that LGBTQI-phobic attacks have increased in the last six months in the city of Krakow, with 61% of surveyed LGBTIQ people experiencing verbal violence.

BIAS-MOTIVATED VIOLENCE

A couple pleaded guilty and was sentenced to one year in prison for carrying home-made explosives at Lublin's Pride in 2019.

EMPLOYMENT

On 29 September, the Warsaw District Court issued a judgement confirming that Polish law prohibits discrimination against trans people in the workplace.

EQUALITY AND NON-DISCRIMINATION

Incumbent President Andrzej Duda won both rounds of the presidential elections in June and July, with 51% to 49% of the votes, securing another five-year term. The Law and Justice (PiS) party's Duda stands firmly against LGBT rights.

FAMILY

The District Administrative Court in Kraków referred the question of same-sex couples' parenthood recognition on their child's birth certificate, to the European Court of Justice.

In July, President Duda vowed to pass a Constitutional amendment to bar same-sex parents from adoption rights.

FREEDOM OF ASSEMBLY

Anti-abortion and anti-LGBTI actions were rampant in Poland this year. LGBTI activists also held a great number of demonstrations and actions, often as a response. In one case, an altercation ensued and one of the anti-abortion vans was damaged. This was followed by repeated covert arrests of LGBT activists by plain clothes police officers in unmarked cars, creating a climate of fear and state harassment throughout the year.

Following an action in July, activist Margot Szutowicz ('Margot') was arrested in August, receiving an order for two-month pretrial detention to prevent her from attacking other trucks (see under **Bias-motivated speech**). This sparked a spontaneous solidarity demonstration, during which Margot attempted to surrender to the police officers present. Their refusal to detain her among witnesses and media, and the fact she was later detained in a different location by plainclothes officers in an unmarked car, led to further civil unrest. 48 individuals were arrested and some were refused access to lawyers. In September, the National Preventive Mechanism Against Torture established that the arrests and treatment of activists was degrading and in some cases inhumane.

Although trans issues were singled out during this year's hate campaigns, activists reported that trans people were targeted during the arrests, sexually harassed and forced to strip in front of police officers. Margot, a non-binary person, was placed in a male detention facility, facing high risk of violence. Trans young people in particular reported being traumatised by the events.

The European Parliament LGBTI Intergroup and the Council of Europe actors called on the government to stop police violence against protesters and immediately release Margot. The activist was eventually released in late August.

In September, the European Parliament adopted a resolution condemning the treatment of protesters and the war on LGBTI people by political and religious leaders.

In November, the "Stop LGBT" draft bill to ban Pride marches was submitted to parliament, as a citizens' initiative.

On 3 December, Council of Europe Commissioner for Human Rights Dunja Mijatović issued a memorandum on the stigmatisation of LGBTI people in Poland calling on the government to immediately suspend promoting hate and discrimination against LGBTI people.

FREEDOM OF EXPRESSION

Artist Elżbieta Podlesna's trial was postponed to January 2021 - she is facing up to two years in jail for "insulting religious feelings," after she disseminated posters featuring the Virgin Mary with a rainbow-coloured halo.

HUMAN RIGHTS DEFENDERS

Pride marches were cancelled and NGO activities were moved online due to the COVID-19 pandemic.

On 8 October the police conducted an early morning arrest of an LGBTI activist who spray painted the names of LGBTI children who committed suicide on the Ministry of Education building. The activist is charged with article 108 of the Law on the Protection of Monuments, for which they are facing between six months and eight years of imprisonment. Additionally, the activist was charged with hooliganism. The prosecutor's office also ruled preventive measures in the form of police supervision twice a week and a property guarantee of PLN 10.000. (see under **Freedom of assembly**)

INSTITUTIONAL SUPPORT

On 25 August, the City Council of Zielona Góra adopted a statement against discrimination and hatred, followed by similar statements in Lubuskie Voivodeship and in Szczecin in November. These have been considered sparks of hope in the community.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Poland's centre-left parties announced that Robert Biedron, openly gay politician and current MEP, as their candidate at the presidential election. Biedron came in sixth, performing worse than expected.

SEXUAL AND REPRODUCTIVE RIGHTS

On 22 October, the politically controlled Constitutional Tribunal declared that embryopathologically induced abortion is unconstitutional, which in practice means a complete ban on abortion in Poland. Mass protests took place in the lead-up to the ruling and spread over the country since the ban. In November, the European Parliament condemned the move in a resolution, affirming it is a violation of fundamental rights, and expressed solidarity with the protesters.

In late July, the Minister of Justice announced that he would start the process of withdrawing Poland from the Istanbul Convention, which was met by serious concern from the EU and the Council of Europe.



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