

POLAND

ACCESS TO GOODS AND SERVICES

A taxi company decorated some of its fleet with rainbow colours on the occasion of Pride in Białystok, Warsaw, Gdańsk, Zielona Góra and Kielce, despite criticism from drivers and passengers.

BIAS-MOTIVATED SPEECH

(See also under Education)

Hate speech and anti-LGBTQ+ messaging was used significantly less through the campaign period leading up to the general elections held in October, yet remained prevalent in discussions about education in schools.

In January, Deputy Minister of Justice, Marcin Warchoń, said that the TVP2's New Year celebration, which featured the Black Eyed Peas with rainbow armbands, was the "New Year's Eve of Abnormalities". In May, PiS leader Jarosław Kaczyński said that information on LGBTQI+ issues in schools exposes students to "practices that are certainly harmful to them and may cause serious damage to their psyche". Also in May, Ombudsman for Children Mikołaj Pawlak said his inspection of LGBTQI-friendly schools is to protect children from "criminals" and "paedophiles". In a statement in May, Education Minister Czarnek blamed the spread of "LGBTQ+ ideology" and "brainwashing" for the rise of suicide among minors.

In January, the Szczecin-Centrum District Court found a truck driver guilty of spreading homophobic statements and defamation and fined him 15,000 PLN (3,360 EURO). Also in January, the Polish National Television appealed the 2022 verdicts that found it guilty of slandering the LGBT community in a prime time report in 2019. Following the broadcast, a group of activists and KPH filed lawsuits against the channel. The activists' lawsuit appeal is planned for January 2024.

In March, the head of the fundamentalist group Right to Life (Fundacja Pro Prawo do Życia) was found guilty of defamation for its "Stop Paedophilia" campaign, which links sex education to the "sexualisation of children" and runs vans around the country with anti-LGBT messages displayed on them. This was the first conviction of a responsible manager in such cases. Deputy Justice Minister Marcin Romanowski and PiS politicians called the ruling a "repression against opponents of LGBT ideology".

In February, the European Commission closed its infringement procedure against Poland over the so-called 'LGBT-free

zones'. Local municipalities continued to withdraw anti-LGBT resolutions or Family Rights Charters this year (see here, here, and here), but some of them remain in place. In 2022, the European Commission amended its Partnership Agreement with Poland to ensure that municipalities that have anti-LGBT resolutions in place do not receive financial support. Following a European Commission visit in February, the Commission affirmed that this remains the case. Monitoring Committees are now monitoring non-discrimination in the distribution of EU funds in Poland with the participation of both LGBT+ NGOs and far-right fundamentalist organisations like Ordo Iuris. In October, the Supreme Court declared another five anti-LGBT resolutions invalid, in Niebylec and Lipinki counties, the poviats of Ryki and Tarnów and the Lublin Voivodeship.

The National Broadcasting Council started an investigation against the TV show Contact Lens for a transphobic joke that was made on air. A few weeks later, the Provincial Administrative Court in Warsaw issued judgments in three cases condemning the Council's lack of action in tackling hateful content on TV and radio in 2022.

In July, the Basta Foundation submitted a complaint to the European Commission, alleging that the state is failing to take adequate action against anti-LGBT+ hate speech in Polish media.

In May, several NGOs and INGOs sent an appeal to the EU Ministers ahead of the next EU General Affairs Council about the continued erosion of democracy and human rights in the country.

Several groups that organise Pride marches received threats this year.

BIAS-MOTIVATED VIOLENCE

In January, far-right MP Grzegorz Braun banned a Christmas tree in Krakow that featured pro-LGBT messages.

In May, a woman carrying a rainbow flag was shot in the head with a BB gun at the Olsztyn Equality March. On the day of the Equality Pride in Warsaw in June, a 15-year-old was verbally harassed and then pushed off the tram for wearing a rainbow-coloured outfit. The police officer at the scene made offensive remarks to the teenager. The teenager reported the perpetrator and the police officer. Several rainbow flags were set on fire by Life and Family Foundation (Fundacji Życie i Rodzina) members during the march.

In July, Attorney General and Justice Minister Zbigniew Ziobro

released a neo-nazi organiser who had served one of three years of her sentence for assaulting a Pride participant and taking away her rainbow-decorated purse. In August, Ziobro requested that the National Council of the Judiciary examine court rulings he thought to have been political and biased, and allegedly lenient towards leftist and LGBT people but strict against conservatives.

EDUCATION

PiS continued to make stigmatising statements about information on LGBTQI+ issues to students. Education Minister Czarnek said he would put the controversial ‘Lex Czarnek’, vetoed by President Duda twice in 2022, back on the parliament’s agenda following the elections.

Upon the initiative of Ordo Iuris, leader of the governing party PiS Jarosław Kaczyński proposed a bill against the “sexualisation” of children called “Protect Children, Support Parents” in May, similar to ‘Lex Czarnek’. The ‘Let’s protect children’ citizen’s initiative gathered 250,000 signatures and led to the lower parliament chamber (Sejm) passing an amendment of the Education Law in August that bans external organisations from “promoting issues related to the sexualisation of children” in preschools and primary schools.

The initiative was supported by the Speaker of the Sejm. In September, a coalition of NGOs turned to the European Commission to ask for the temporary suspension of funds to the Ministry of Education and Science, listing among the reasons the head of the Ministry’s anti-LGBT statement and the planned registry of youth, including LGBT+ youth, seeking support.

This year’s LGBT school ranking, published by LGBTplusMe.com in May, identified the most inclusive and accepting schools in Poznań, Warsaw, Łódź, Gdańsk, Olsztyn, Kraków and Kędzierzyn-Koźle. A protest was held outside the school in Kędzierzyn-Koźle, featuring signs “School should teach, not corrupt” and “NO to LGBT in schools”. The Ombudsperson for Children Mikołaj Pawlak announced he would inspect the top ranking schools, to see if they had screened their teachers and staff for ‘paedophilia’. In July, the Commissioner for Human Rights questioned Pawlak about the legal basis of his planned inquiry. This year’s Rainbow Friday on October 27 supported LGBT+ students in over 100 schools with workshops and educational packages, earning extensive media and social media coverage.

EMPLOYMENT

In January, the European Court of Justice ruled that the ban on discrimination on the grounds of sexual orientation applies

to self-employed persons too. The District Court in Warsaw affirmed in April that the Polish National Television’s refusal to extend a contract due to a person’s sexual orientation was discriminatory.

A priest was fired from the Pontifical University in Krakow, for having visited gay clubs 13 years ago.

EQUALITY AND NON-DISCRIMINATION

In March, the UN Special Rapporteur on violence against women and girls visited Poland and emphasised concerns about restrictions on access to abortion, inequality, and the mistreatment of non-Ukrainian refugees and asylum seekers.

In March, the Katowice District Court ordered that PiS councillor Grażyna Welon apologise to city council chair Ewa Szota (KO) for outing her in 2020 and pay PLN 30,000 to KPH. Krakow City Hall raised the rainbow flag on the occasion of IDAHOBIT in May.

On 5 June, the European Court of Justice ruled that Poland’s 2019 justice reforms, which for instance prevent courts from applying EU law, are incompatible with EU legislation. Much of the year centred around the autumn general elections. During the summer, mass protests were held against the government’s policies, including those targeting LGBT people and women. The government, which had been in power since 2015, lost the elections to the opposition coalition in October. By the end of the year a government coalition was formed with a clear commitment to LGBTI rights.

The Opatrzności Bożej Evangelical-Augsburg parish in Wrocław stood in support of the June Pride march and invited the community to a mass.

FAMILY

14 rainbow families requested that local authorities change their children’s IDs to recognise both parents. Faced with a refusal, some families filed a complaint to the European Commission against the Polish government. In 2022, the CJEU ruled that Poland has the obligation to legally recognise both parents in a same-gender couple in travel documents to ensure the family’s freedom of movement, but the government failed to do this.

In December, the ECHR ruled that Poland had failed to ensure a specific legal framework providing for the recognition and protection of same-sex unions in the Przybyszewska and Others v. Poland case. The applicants were five same-sex couples.

FOREIGN POLICY

Poland did not join the European Commission's infringement proceedings against Hungary over its anti-LGBT legislation. Poland refused to support the EU Justice Affairs Council's conclusions on the protection of LGBTI communities in Europe. The Minister of Justice said the conclusions force "special LGBT rights" on people.

The European Commission continued to withhold EU funds due to rule of law violations.

FREEDOM OF ASSEMBLY

2023 has seen nearly 40 pride marches organised all over Poland, including towns as small as 10,000 inhabitants. The Warsaw Equality March, held under the motto "We foretell equality and beauty" was opened by mayor Rafał Trzaskowski and was joined by tens of thousands.

The police asked the authorities to modify the route of the fifth Pride march in Częstochowa, for it to not interfere with religious celebrations. Authorities denied the request. Several smaller cities held Pride events or marches this year, including Zielona Góra and for the first time Ślupsk and Piaseczno.

FREEDOM OF EXPRESSION

In April, the Częstochowa District Court sentenced, in first instance, two activists to community service and a fine for carrying a picture of Virgin Mary with a rainbow halo and the 2021 Equality March.

General Prosecutor Ziebro sent an extraordinary complaint following the 2022 ruling of the Częstochowa District Court, which found that carrying the rainbow-haloed Mary at the 2019 Equality March was not offensive. The case is with the Supreme Court.

The trials against the creators of Atlas of Hate continued this year. The Białystok appeals court ruled in favour of the activists in April. In October, the Powiat Przysuski Court decided to discontinue the case.

HEALTH

The far-right Ordo Iuris announced it would seek to ban legal gender recognition for minors.

Academic research showed that living in "LGBT-free zones" harms LGBT people, confirming earlier findings by KPH and Lambda Warszawa. Since the anti-LGBT resolutions, the annual suicide attempt rate has risen by 16%.

HUMAN RIGHTS DEFENDERS

In May, three LGBTQI+ activists were sentenced to six to twelve months of community service for attacking a religious fundamentalist van which spread anti-LGBT messages in 2020.

INSTITUTIONAL SUPPORT

The Parliamentary Committee of Ethics issued a reprimand, the maximum punishment in Parliament, to a far-right MP for referring to the LGBT community as "the rainbow plague".

LEGAL GENDER RECOGNITION

Civil society submitted an opinion to the Supreme Court this year, following the Minister of Justice Ziobro's 2022 request for the Supreme Court to consider that in addition to their parents, trans people should also file a court case against their children and spouse when they want to access LGR.

In August, the Human Rights Ombudsperson filed an extraordinary complaint in response to a court's denial of legal gender recognition for a trans person.

PUBLIC OPINION

An Ipsos poll found that over half of the population supports Pride marches and a quarter think that the growing number of marches is a positive phenomenon.

Another Ipsos poll showed that support for equal marriage has grown from 21 to 32% in the last decade. 64% of respondents believe that trans people should be protected from discrimination.

SEXUAL AND REPRODUCTIVE RIGHTS

Huge protests were held in June after yet another woman died due to the strict abortion laws.



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