

ANNUAL REVIEW

OF THE HUMAN RIGHTS SITUATION
OF LESBIAN, GAY, BISEXUAL, TRANS
AND INTERSEX PEOPLE

2019



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Poland covering the period of January to December 2018

Poland

Access to goods and services

On 14 June, the Commissioner for Human Rights (RPO) intervened in a case of an employee of a printing company in Łódź, who refused to work on an order by the foundation LGBT Business Forum due to his religious beliefs. Upon the foundation's complaint, the RPO sent a letter to the local police unit, arguing discrimination on grounds of sexual orientation. The police filed a case against the employee, under Art. 138 of the Code of Misdemeanours. First and second instance courts found the employee guilty. The Prosecutor General requested his acquittal, but the Supreme Court dismissed this and stated that the employee did in fact discriminate.

Education

On 26 October, LGBT NGO Campaign Against Homophobia (KPH) organised the annual "Rainbow Friday" event, which is a campaign to ensure the safety and well-being of LGBTI students. A few days before the event, right-wing media picked up the story, which resulted in public debate and serious attacks on the rights of LGBTI people by right-wing politicians and activists. On 25 October, the Episcopate (Polish Bishop's Conference) issued a statement condemning the event and the fact that the rights of LGBTI people were discussed in schools. On the same day, Anna Zalewska, Minister of National Education (Law and Justice), said in an interview that schools taking part in Rainbow Friday were breaking education laws and were to be inspected. Some regional school superintendent boards ordered schools to not organise the event, again threatening with inspections and consequences.

On the day of the event, schools started contacting KPH confirming that they received unannounced inspections from the superintendent offices to check whether any rainbow materials or clothing were at the school. Teachers reported principals being pressured to discipline teacher or students involved. Some schools reported that trucks with homophobic posters were being parked around the schools. Teachers were threatened with being fired or prosecuted. On 27 October, the Ministry of Education announced on twitter that more inspections would follow and that there would be repercussions.

On 28 October, KPH was informed by principals that an online survey was sent by the superintendents' office asking if schools

had organised the Rainbow Friday and if parents gave consent to this activity. Students and teachers reported principals and teachers disciplining anyone wearing rainbow symbols at school and threatened students with lowering their grades. In one case, a student was expelled from the Students' Council.

Family

In October, the Supreme Administrative Court ruled in favor of a lesbian couple, who requested to register their child in Poland. In 2015, the couple was refused a Polish birth certificate stating both women as parents, even though they were already legally recognised as parents in the UK.

Freedom of assembly

On 9 October, mayor of Lublin Krzysztof Żuk issued a decision banning the Equality March, which was to take place a few days later. The president argued that safety of participants could not be granted as a counter demonstration was planned on the same day. The District Court of Lublin upheld Żuk's decision to ban the march. One of the organisers of the March, Bartosz Staszewski, challenged the decision at the Court of Appeals, which ruled in Staszewski's favour.

Freedom of expression

During the 1st Equality March in Częstochowa in July, two participants were carrying a rainbow flag depicting the Polish state symbol, a white eagle. After receiving a complaint from one of the counter-demonstrators, the Minister of Interior and Administration, tweeted about the case, stating that there will be a formal investigation. The district prosecutor's office in Częstochowa launched a formal investigation into a possible crime of slandering Polish symbols. During other Equality Marches, participants carrying banners or wearing T-shirts with the same symbols were stopped by the police officers and their personal details were recorded.

Participation in public, cultural and political life

Poland's first openly gay mayor since 2014, Robert Biedroń announced in April that he will be running for the presidential seat at the 2020 elections. Biedroń was Poland's first out MP and was attacked several times while in this position. Today he is widely supported by the public and reported to be the third most

popular choice for president. Biedroń will represent the center-left party Your Movement.

"They would probably have said 'You faggot' or they would spit at me. Today, they say 'Good Morning Mr Mayor' and this is a sign of change."

Robert Biedroń to the BBC

Sexual and reproductive rights

Poland is planning to further tighten its abortion regulations, which are one of the strictest in Europe already. Mass protests followed the announcement in March. The bill seeks to ban abortions in cases of foetal abnormality - one of the few exceptions allowed under the current law. The bill is being processed at Parliamentary Commission Commission of Family and Social Affairs. The bill was also criticised by the former Council of Europe Commissioner for Human Rights, Nils Muiznieks.

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