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Poland: Crackdown On LGBT Activists

Respect Freedom of Expression, Equality for Everyone



The Mermaid of Warsaw statue is seen holding the LGBT rainbow flag and wearing a pink mask with the anarchy-queer symbol in Warsaw, Poland July 20, 2020 in this image taken from social media. © Marta Bogdanowicz/@spacerowiczka via REUTERS

(Brussels) – [Polish](#) authorities should stop trying to silence activists who support lesbian, gay, bisexual, and transgender (LGBT) people’s rights, and instead promote and protect the right to equality, Human Rights Watch said today. In recent weeks, the police have arrested LGBT rights activists for peaceful protest actions on the basis of an overly broad blasphemy law, violating freedom of expression and signaling the further [deterioration of the rule of law](#) in Poland.

On August 7, hundreds of demonstrators gathered outside the Warsaw offices of the Campaign Against Homophobia, an LGBT rights group, to protest an order to arrest an activist named Margo accused of causing damage in June to a truck promoting false anti-LGBT propaganda. After about an hour of the demonstration, which was [livestreamed on Facebook](#), police who had arrived to execute the order departed without Margo.

“Polish authorities should immediately stop targeting activists who exert their basic free expression rights,” said [Kyle Knight](#), senior LGBT rights researcher at Human Rights Watch. “Scapegoating and targeting a vulnerable minority is becoming a routine and nasty part of the government’s playbook, with dangerous repercussions for human rights.”

A recent wave of arrests followed a campaign of placing [rainbow flags](#) on prominent public monuments. On the evening of August 3, 2020, Warsaw police grabbed Margo, who was with

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the Stop Bzdurom (stop nonsense) campaign collective, off the street, handcuffed her, and put her in an unmarked car. The next morning the police detained two other Stop Bzdurom activists with Margo for 48 hours, then released all three of them. The following day the police [confirmed via Twitter](#) that they were investigating the three activists for “insulting religious feelings and insulting Warsaw monuments.”

Margo was also arrested in July in connection with a public action on June 27, when a group of activists [defaced a truck](#) that was covered with and projecting from loudspeakers a series of anti-LGBT slurs. On July 14, police forcefully entered the apartment where Margo was staying with friends, took her away barefoot, called her anti-gay slurs, and questioned her overnight at the police station. The next day, the prosecutor [requested three months](#) pretrial detention for Margo on charges of participating in a riot, property damage, and physical assault, all of which carry multi-year prison sentences. The district court in Warsaw-Mokotów denied that request and released Margo. Prosecutors filed an appeal, and on August 7, [according to activist reports](#), another court issued an order for two months pretrial detention for Margo on those charges.

Under [Article 196](#) of Poland’s criminal code, a person who “offends the religious feelings of others by publicly insulting a religious object or place of worship” may face up to two years in prison. The government has [defended the authorities’ actions against the activists](#), saying, “... certain boundaries [of tolerance] were crossed.” In May 2019, police invoked Article 196 when arresting an artist, Elżbieta Podlesna, over a picture she created of a [religious icon](#) with a rainbow halo.

Overly vague blasphemy laws such as Poland’s violate the guarantee of free speech under international human rights law, Human Rights Watch said. International rights bodies, including the United Nations [Human Rights Committee](#), have underscored that only laws that protect against incitement to violence, discrimination, and hatred can justify criminal sanctions. Both the International Covenant on Civil and Political Rights and the European Convention on Human Rights protect speech, including acts of protest, that may offend others. That protection is all the more important when the speech relates to advocacy for fundamental human rights, including rights to nondiscrimination and equality.

In recent years, Poland has been [engulfed by anti-LGBT vitriol](#). The rhetoric has been largely fueled by the ruling Law and Justice Party, which has a history of scapegoating LGBT people and sexual and reproductive health activists for political ends, under the rubric of attacks on “gender ideology.” Senior party members have historically misrepresented efforts to advance gender equality and end discrimination as attacks on “traditional” family values, and used such arguments to [undermine women’s](#) and LGBT rights groups.

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Andrzej Duda, a Law and Justice politician, was re-elected president in late June following a campaign that actively deployed anti-LGBT rhetoric as an election strategy, including [calling “LGBT ideology”](#) more dangerous than communism. Currently the Justice Ministry is funding [work aimed at](#) “counteracting crimes related to the violation of freedom of conscience committed under the influence of LGBT ideology.”

In July, the European Commission [announced that](#) it would withhold development funding for six Polish municipalities in reaction to their insistence of retaining the label of an “[LGBT-Free Zone](#).” Authorities in one third of Poland’s cities have identified their localities as “LGBT Ideology Free Zones” although [courts attempted in 2019](#) to curtail the pernicious anti-rights campaign. On August 6, an administrative court in [Lublin annulled the anti-LGBT resolution](#) of the Serniki Commune.

The European Union should [set up a mechanism](#) to ensure that the European Commission’s funding to member states cannot be misused by any country that persistently breaches fundamental rights norms that are core to EU membership. The European Commission and other EU member states should also broaden the scope of their scrutiny of Poland under Article 7 – which provides for sanctioning member states that breach core EU values – to address Poland’s breaches of the principles of nondiscrimination and tolerance.

“By targeting its own people and denying their basic rights, the government is flouting the principles of tolerance and nondiscrimination Poland committed to when it joined the EU,” Knight said. “Perpetuating the falsehood that LGBT rights threaten Polish society doesn’t protect anyone – it only feeds dangerous intolerance for which all of Poland pays the price.”

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