

Open Letter to Global Leadership

On the human rights of women, LGBTQIA2S+ individuals and persons from minority ethnic backgrounds in Poland.

01 January 2022

The International Council of Polish Women+ was established in 2021. We have united across borders to represent and support Polish women+ abroad.¹ We advocate for equality, women's rights and social justice, and strongly support human rights in Poland and abroad.

In recent years, Poland's government faces international condemnation for threatening and violating human rights of women and LGBTQIA2S+ individuals.

As members of PRK+ we represent a coalition of women and human rights activist organizations from 14 countries, each embracing liberal democratic values: Australia, Austria, Canada, Czech Republic, Denmark, France, Germany, Ireland, Norway, Spain, Sweden, Switzerland, United Kingdom, United States.

We call on our Governments and community leaders to stand up for human rights and feminist values in Poland. In particular, we address women+ politicians who are in positions of power. We expect you to recognize the importance of democratic values and human rights, including as they pertain to women, LGBTQIA2S+ individuals and persons from minoritised ethnic backgrounds globally. We ask you to take action for Poland.

Please find below a synopsis of the critical state in Poland, which must be urgently addressed through demonstrated and measurable awareness, foreign policy tactics and diplomacy.

Democratic Principles

Democratic principles and judiciary independence have been severely neglected in Poland in recent years, according to the Liberal Democracy Index and European Commission.

International observers for the OSCE Office for Democratic Institutions and Human Rights, reporting on last year's presidential run-off, wrote that "as in the first round, the incumbent's campaign and coverage by the public broadcaster were marked by homophobic, xenophobic and anti-Semitic rhetoric".²

Poland recorded a decline in the Liberal Democracy Index (V-Dem project), following the global trend of increasing authoritarianism worldwide between 2010 and 2020. Poland was deemed as 'semi-consolidated' democracy in the Freedom House ranking, which ranked the deteriorated state of Polish democracy to a 65.48% democracy percentage. According to Freedom House, this decline in democratic assessment was "due to attacks on LGBTQIA+ communities and the increased prevalence of extremist and illiberal discourse." A decline in Local Democratic Governance and Judicial Framework and Independence was also recorded.³

The Polish government, under the right-wing authoritarian party Law and Justice (PiS), has been met with international condemnation for violating the European Union (EU) Rule of Law, which calls for independent judiciary systems. In March 2021, the EU Commissioner recommended Poland to the Court of Justice of the EU, and appealed for interim measures to address these violations in democratic and judiciary best practices. The Commission identified three main challenges contravening EU law: (1) laws regarding Polish judiciary undermines independence of Polish judges, (2) disciplinary proceedings prohibiting Polish courts from applying EU law, and (3) use of non-independent Disciplinary Chamber of the Supreme Court to intimidate, punish and terminate judges.⁴

¹ International Council of Polish Women+ is an organisation connecting Polish women+. The + indicates that we welcome members and allies of all identities who experience gender-based oppression. As a multilingual group, we feel that the addition of the + symbol is a deliberate effort to include our cis, trans, non-binary, agender, gender non-conforming and intersex friends, as well as remain open to emerging or changing identities.

Women's Rights

Women's Rights are under attack in Poland. The Polish government consistently violates the reproductive rights of women+, including restriction of access to abortion, in-vitro fertilization treatment, sexual education and contraceptives.

On October 22nd 2020, the Polish Constitutional Tribunal stated that terminating pregnancies for fetal abnormalities violated the country's Constitution.

The ruling of Constitutional Tribunal was published in the Journal of Laws on 27th January 2021, making Polish abortion law one of the strictest abortion legislations in the world. According to this law, women in Poland cannot legally perform abortion in cases of fatal malformations of the fetus. Legal abortion in Poland is permitted in two cases only: when pregnancy poses a threat to the health or life of a pregnant woman and when pregnancy is a result of a crime.⁵

The Law and Justice Party cut the government In Vitro Fertilization (IVF) program that covered most of the associated medical costs. The government offered women an alternative program called Natural Procreative Technology that is approved by the Catholic Church and is based on 'natural family planning'.⁶

Ordo Uris² drafted the bill, called "on the amendment of certain acts in connection with the protection of the health and life of children conceived with the in vitro method" (trans.), which restricted in vitro fertilization treatment in Poland.^{7, 8}

In 2017 the government passed legislation reducing women's access to emergency contraception. The new law turned the morning-after pill into a prescription drug. This significantly affects access to contraception because in Poland medical personnel can refuse to provide prescriptions if they violate their personal beliefs and values (this is referred to as the "conscience clause"). Consequently, women not only have to make an appointment to see a doctor, they have to find one who agrees to prescribe contraception.^{9, 10, 11}

Sexual education is de facto non-existent in Poland. The educational system does not adequately prepare young people to make informed decisions about their bodies, and restricts access to information about gender, sexuality, birth control and other topics associated with reproductive health.⁷

In an initiative organised by the committee "Stop Pedofilia", Ordo Iuris drafted a bill that criminalized comprehensive sexual education under the false pretense of protecting children.¹²

On 28 October 2021, the Polish Parliamentary Bill "Stop Abortion" passed first reading in the Polish Sejm. The bill proposes criminalising abortion and foresees:

- a criminal sentence of 5 to 25 years (and life imprisonment in certain circumstances) for women undergoing abortion,
- a criminal sentence for doctors performing abortion, and
- criminalising abortion activists supporting women who undergo abortion.

The proposal aims at removing rape, incest and endangerment of the mother's health as exceptions to the abortion ban.¹³

The repercussions of the current abortion bill already have devastating impact on the futures and health of women+ in Poland. In November 2021, a 30-year-old pregnant woman died of sepsis in a hospital in Pszczyna in southern Poland after doctors prioritised the life of her non-viable fetus over the life of the woman.¹⁴

Minority Rights

Minority rights are being disregarded in Poland, according to important institutions such as ILGA, EU Commission and the European Parliamentary Forum.

Poland has taken the infamous lead of the Rainbow Europe rankings for the worst country in terms of the equality for LGBTQIA2S+ individuals in Europe. In 2021 Poland achieved a low score of 13% for promoting human rights of LGBTQIA2S+ individuals in the categories of Equality and Non-Discrimination, Family, Hate Crime and Hate Speech, Legal Gender Recognition & Bodily Integrity, Civil Society Space and Asylum. Poland was ranked 43rd worst scoring country out of the 49 European countries measured.¹⁵

² Ordo Iuris (Institute for Legal Culture) is a conservative Christian legal think-tank advocating for religious freedom and traditional, heterosexual family values. Designated by the European Parliamentary Forum as "an extremist religious organisation"⁷ and by the European Humanist Federation as an "anti-human rights lobbying group," Ordo Iuris opposes abortion, sexual education, same-sex marriages and same-sex civil partnerships.¹⁷

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In 2020, the Council of Europe's Commissioner for Human Rights memorandum on the stigmatization of LGBTQIA2S+ persons in Poland identified "Anti-LGBT declarations" and "Family Charters" in 94 local government entities, stigmatization by government officials, government funded homophobia, anti-LGBTQIA2S+ litigation and prosecution.¹⁶ The legislation being introduced in Poland is heavily influenced by organizations such as Ordo Iuris.

The European Parliamentary Forum has also identified several "socially regressive" initiatives brought forward by Ordo Iuris Institute. Bill 915, also known as "Yes to Family, No to Gender," weaponizes "gender" to stigmatize and criminalise LGBTQIA2S+ persons.⁷

Bill 915 was introduced to replace the Istanbul Convention, also known as the Council of Europe Convention Preventing and Combating Violence against Women, which Poland ratified in 2015.¹⁸ The alternative Bill 915 includes clauses on violence and recommendations that violate the human rights of women and LGBTQIA2S+ individuals in Poland.¹⁹

The main purposes of the bill are to:

- denounce the Istanbul Convention as "ineffective" and "ideological," because it promotes non-stereotypical gender roles and uses the concept of socio-cultural gender,
- replace an international anti-violence convention, with a new convention on the rights of heterosexual families,
- define marriage as a union between only man and woman which then forms a family,
- define sex as the biological characteristics of only men and women thus violating rights and recognition of trans, non-binary and intersex people,
- ban abortion by giving rights to embryos and fetuses,
- ban same-sex relationships,
- ban sexuality education under the pretext that schools will be forced to convince children there are different genders and they can choose their gender,
- potentially encourage a ban on divorce and access to contraception.^{19, 20, 21}

Another bill that aims to criminalise activities associated with LGBTQIA2S+ individuals is Bill 1607, proposed by the Life and Family Foundation. Known as "STOP LGBT", this citizen-led initiative received first reading in the Polish Parliament in October 2021. Bill 1607 proposes to

- protect the Catholic Church from "attacks" by LGBT persons,
- protect public spaces from LGBT "propaganda",
- protect the traditional family unit defined by Poland's Constitution,
- forbid LGBT persons from adopting children,
- prohibit LGBT persons from gathering on streets, e.g., PRIDE parades, and
- protect national symbols from being "ridiculed" by LGBT persons.^{22, 23, 24}

The impact of these types of policies are already being felt in Poland. Trans, non-binary and intersex individuals have been eradicated from the country's census, while people with disabilities or from minority ethnic backgrounds are facing ongoing discrimination.²⁵

International Human Rights Standards

Discrimination against communities of diverse ethnic backgrounds is common in Poland. In 2019, United Nations Committee on the Elimination of Racial Discrimination experts identified the increase in racist and xenophobic "hate crimes and the use of hate speech and incitement to hatred within the political framework in Poland."²⁶

The ongoing abuses against women, LGBTQIA2S+ individuals and minoritised ethnic persons in Poland is in violation of the most basic principles as summarised by the United Nations Declaration of Human Rights, which states that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."²⁷

In early 2021, the lower courts of the Polish Parliament voted to withdraw from the Istanbul Convention which was ratified in 2015. The Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence bans discrimination based on gender identity, sexual orientation, and other characteristics. The Convention ensures protection and support for all victims of violence. It recognizes that violence against women stems from historical inequalities between men and women, and defines gender as "socially constructed roles."²⁸ Withdrawal from the convention, and replacing it with the alternative Bill 915, as described above, is yet another attack on the fundamental human rights of women and LGBTQIA2S+ individuals.

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On February 18 2021, the global civil society alliance CIVICUS placed Poland - along with Myanmar, Russia, Nicaragua, and Togo - on its human rights watchlist. CIVICUS cited attacks on independent media, repression against people protesting the abortion ban, and crackdown on LGBTQIA2S+ rights as cause for concern.²⁹

Most recently, the humanitarian crisis along the Polish-Belarusian border has become critical. Polish authorities have been rejecting thousands of border crossing refugees, largely Iraqi, Afghans and Syrian citizens seeking asylum. Men, women and children have been living, and in some cases dying, at the border in desperate conditions, without shelter, food or clean drinking water. Poland imposed a state of emergency on the border, leading to restrictions on information, freedom and access to the borders areas for individuals, media and non-governmental organizations seeking to provide humanitarian aid.^{30, 31, 32}

Civil Unrest and State Repression

After the Constitutional Tribunal ruled to impose a near-total abortion ban, thousands of women and their allies were forced into the streets, chanting their message to the government in the largest protests (600 cities) in post-communist Poland. Spontaneous solidarity protests were organised in Bali, Toronto, Vancouver, Dublin, Tenerife, Geneva, Reykjavik, Kiev, Sydney and dozens of other cities.³³

In response to the mass protests in Poland and abroad, the leader of the ruling party Jarosław Kaczyński, made a public statement calling on Polish citizens to protect the churches from protesters.²⁶ Polish Prime Minister Mateusz Morawiecki established a special division of military police to support the civilian police to “protect safety and public order”.³⁵

The protests were followed by repressions from the police. Special units of anti-terrorist police (BOA) were recruited to crack down on the protests. BOA policemen did not wear uniforms and frequently used expandable batons against the protesters.³⁶ According to the statement by Marta Lempart in the European Parliament, LIBE and FEMM Joint Committees, 3000 people were charged, investigated and prosecuted as of 24th of February 2021. Peaceful protesters experienced constant violence in the form of verbal and physical assault, pepper spraying, tear gas, unwarranted arrests, denying medical help, denying access to medication, food, overstepping of police authority, trumped up charges, ignorance of clear cut rulings favouring the residents of Poland.³⁷

Police repeatedly violated the rights of the protesters. Notable examples include a 17 year-old boy who was held at a police station overnight without parental contact,³⁸ and a 19 year-old girl whose arm was broken for peacefully protesting.³⁹ Polish police also arrested a non-binary activist without grounds then held them without charge in a male prison.⁴⁰

Members of the independent press were brutally attacked by police and arrested. The victims include Tomasz Gutry, a 74-year-old photographer of Polish weekly *Tygodnik Solidarność*, who was shot in the face by Police with a rubber bullet. Newsweek journalist Renata Kim reported “being hit in the kidney twice with a police baton even though she was wearing a bright vest with the inscription PRESS”.⁴¹

Marta Lempart, who is one of the leading figures of mass protests against tightening of abortion laws in Poland, has been charged by the Polish government with organising a strike in breach of coronavirus restrictions. Lempart faces up to eight years in prison.⁴²

Two Polish politicians, Barbara Nowacka and Magdalena Biejat, were pepper sprayed by police throughout parliamentary intervention after showing their credentials to the officers.^{43, 44}

In February 2021, the government announced a plan to impose tax on media revenues and allocate the money to healthcare and culture. The political opposition and civil rights organisations interpreted the taxation plan as an attempt to control the media sector.⁴⁵

Leading public TV broadcasters TVP1 and TVP2 are state-owned and fully controlled by the ruling party. Since 2015 they function as a propaganda tool for the government and give airtime almost exclusively to pro-PiS voices while campaigning against PiS's opponents.⁴⁶

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Call to Action

In consideration of the grave state of human rights in Poland, as outlined above, we request that global leaders take urgent action in the following strategic areas:

- Raise public awareness about the issues taking place in Poland, by publicly condemning stigmatization, violence and prosecution against women and LGBTQIA2S+ persons in Poland; through public statements, social media engagement, letters to the public, etc.
- Directly support civil-society groups defending human rights in Poland, including Federa (Federation for Women and Family Planning), Centrum Praw Kobiet (Center for Women's Rights), Miłość Nie Wyklucza (Love Does Not Exclude), Trans-Fuzja, Kampania Przeciw Homofobii (Campaign Against Homophobia), My, Rodzice (We, Parents), Strajk Kobiet (Women's Strike Movement), etc.
- Raise the matter of human rights in Poland at the ministerial level, both nationally and internationally.
- Urgently demand Poland's government to uphold its obligations under international human rights law and conventions, and engage bilaterally and multilaterally to protect human rights in Poland.
- Hold Poland accountable until human rights of women and LGBTQIA2S+ individuals are upheld. Engage in economic measures, trade sanctions and individual sanctions against members of government as required until progress is made in Poland.
- Employ all additional means available to your government to ensure women, LGBTQIA2S+ individuals and persons from minoritized ethnic backgrounds, as well as their human rights and freedoms, are protected in Poland.

The global community has an obligation to protect and advance human rights of all people. Our organization represents countries each recognized as global leaders for their strong gender-first approach in foreign and development policies, and for their efforts to empower women and girls.³

We ask global leadership to consider and take every step it can to uphold and protect the human rights of women, LGBTQIA2S+ individuals, and persons from minoritized ethnic backgrounds in Poland.

Thank you for your serious consideration. We look forward to your response.

Sincerely,



Polonijna Rada Kobiet+
<https://polonijnaradakobiet.org/>

Including:

All-Poland Women's Strike - Strajk Kobiet GB, Norfolk
Association Défense de la Démocratie en Pologne (ADDP), France
Botschaft Der Polinnen in Deutschland, Germany*
Dziewuchy Australia, Australia
Dziewuchy Berlin, Germany
Dziewuchy Szwajcaria, Switzerland
Feministyczny Kolektyw Artystyczny, Switzerland

Kongres Kobiet Bruksela Elles Sans Frontieres, Belgium
Manifestacja Madryt, SpainPolka Walcząca, England
Polonia Inclusive, Canada
Rainbow Pierogi, United States of America
Stowarzyszenie Łódzkie Dziewuchy Dziewuchom, Poland
Strajk Kobiet / Women's Strike Upplandi, England
Strajk Kobiet Cambridge, England
Wielka Koalicja za Równością i Wyborem, Poland

³ Polonijna Rada Kobiet+ is a coalition of organizations across the world. To obtain the name of the PRK+ contact in your region, please contact polonijnaradakobiet@gmail.com.

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