

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 37/001/2007 (Public)
News Service No: 056
20 March 2007

Poland: School bill would violate students' and teachers' rights and reinforce homophobia

Published

A Ministry of Education anti-homosexuality measure would restrict students' access to information and violate their freedom of expression, Amnesty International said today.

A proposal announced on March 13 would "prohibit the promotion of homosexuality and other deviance" in Polish schools. The purpose of the measure is to "punish whoever promotes homosexuality or any other deviance of a sexual nature in educational establishments", Deputy Minister of Education Miroslaw Orzechowski announced at a press conference. Failure to comply could lead to dismissal, fine or imprisonment.

The measure would deprive students of their right to freedom of expression, of a full education, and of the right to associate freely. It would institutionalize discrimination in Poland's school system. It would criminalize anybody who promotes equality regardless of sexual orientation or gender identity. In short, if the measure is enacted, Poland would be in violation of its obligations under international and regional human rights treaties to which Poland is a state party and its commitments when the country joined the European Union.

As Janusz Kochanowski, the Polish Commissioner for Civil Rights, noted on March 15, the bill would also violate the Polish Constitution. Article 30 of the Constitution recognises that "the inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities."

The proposal is part of a growing climate of intimidation and discrimination in Poland against lesbians, gay men, and bisexual and transgender (LGBT) people. On 11 May 2006, the parliamentarian Wojciech Wierzejski encouraged the use of force should LGBT rights activists organize their annual Equality March in Warsaw in June. On 26 September 2006, the Ministry of Education rejected the funding for a project submitted by and LGBT non-governmental organization arguing that "the Ministry does not support actions that aim to propagate homosexual behaviour and such attitude among young people." (See AI index: EUR 01/019/2006.)

Openly homophobic language by highly placed politicians contributes to the persistence of discriminatory attitudes. Earlier this month, Deputy Prime Minister and Minister of Education Roman Giertych reportedly stated during a meeting of European Ministers of Education, "We ... cannot promote as normal same-sex

partnerships when teaching youth, as those partnerships objectively constitute deviation from the natural law.” In February, President Lech Kaczynski reportedly said during his visit to Ireland that “LGBT people should not promote their sexual orientation.”

Despite strong statements of support by politicians and generally unfavourable societal attitudes toward homosexuality, the Ministry of Education’s proposal is not universally supported in Poland. Over 10,000 teachers marched through Warsaw on March 17 in a demonstration motivated in part by opposition to the bill. LGBT groups joined the teachers to protest the measure.

Amnesty International calls the Polish authorities to:

Ensure that all persons in Poland, including children, fully enjoy their rights to free speech, freedom from discrimination, and to seek, receive and impart information.

Prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination, including discrimination based on sexual orientation or gender identity.

Exercise leadership to ensure that the human rights to freedom from discrimination, freedom of expression and freedom of association are actively promoted, and work to build a society where they can be enjoyed by all. In particular, officials at the highest level should publicly condemn discrimination against lesbian, gay men, bisexuals and transgender people and make clear that any abuse of their human rights, whoever the victim, will not be tolerated. They should ensure that they do not make any public statement or order that could reasonably be interpreted as a license to discriminate or in any other way abuse the human rights of individuals because of their actual or imputed sexual orientation or gender identity or expression.

Provide adequate information and support to gay, lesbian, bisexual, and transgender youths.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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