

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 37/002/2005 (Public)
News Service No: 318
25 November 2005

Poland: LGBT rights under attack

Amnesty International is concerned about a climate of intolerance in Poland against the lesbian, gay, bisexual and transgender (LGBT) community, characterised by the banning of public events organized by the LGBT community, openly homophobic language used by some highly placed politicians, and incitement of homophobic hatred by some right-wing groupings. Against this backdrop, Amnesty International also notes with concern the recent abolition of the government office responsible for promotion of equal treatment for sexual minorities.

On 15 November 2005, the mayor of the city of Poznan, Ryszard Grobelny, banned a public event known as the Equality March which had been organized by a number of Polish feminist and LGBT organizations and was set to take place on 19 November. According to the organizers, the Equality March was intended to provide a platform for discussion about tolerance, anti-discrimination and respect for the rights of sexual minorities.

The mayor issued the banning order due to "security concerns" and an alleged "threat to the Poznan residents". However, it has been reported that security issues, including changing the route of the march in order to comply with security requirements, had already been agreed between the municipality and the march organizers. Amnesty International is concerned that the decision to ban this march, as with other previous instances, was dictated by intolerance towards the members of the LGBT community in Poland rather than purely security considerations.

Despite the ban, a few hundred people gathered together on 20 November for a demonstration. They were reportedly harassed and intimidated by members of a right-wing grouping known as All Polish Youth (Młodzież Wszechpolska), who allegedly shouted "Let's gas the fags" and "We'll do to you what Hitler did with Jews". The police intervened towards the end of the march in order to disperse it, reportedly roughly handling several individuals, and arrested and interrogated over 65 people, who were later released.

Amnesty International is concerned that the events in Poznan are not a one-off event, but part of a series of bans on events by the LGBT community. The Equality March in Poznan in November 2004 was interrupted when the police failed to provide protection to demonstrators from the members of the All Polish Youth who blocked the event; the Equality Parades in the capital, Warsaw, in June 2004 and again May 2005, were banned.

When he refused for the second year running to authorize the Equality Parade in Warsaw in May 2005, the then mayor of the city, Lech Kaczyński of the Law and Justice (Prawo i Sprawiedliwość) party -- who was later elected the President of Poland -- held that such an event would be "sexually obscene" and offensive to other people's religious feelings. The improvised parade still took place on 10 June, gathering more than 2,500 participants. Less than a week after that, the mayor authorized the so-called "normality" parade,

during which members of the All Polish Youth reportedly demonstrated on the streets of Warsaw and shouted slogans inciting intolerance and homophobia. In September 2005, a Warsaw court ruled that the mayor's decision to ban the Equality Parade was illegal.

During the year other political figures were also reported to have made openly homophobic statements, including that if a homosexual "tries to infect others with their homosexuality, then the state must intervene in this violation of freedom", calling for "no tolerance for homosexuals and deviants" and: "Let's not mistake the brutal propaganda of homosexual attitudes for calls for tolerance. For them our rule will indeed mean a dark night."

Given this climate with regard to the LGBT community in Poland, Amnesty International is concerned about the recent abolition of the Office of the Government Plenipotentiary for the Equality of Men and Women, which was responsible for promotion of equal treatment of sexual minorities. The abolition of the Office makes Poland the only European Union (EU) country without a statutory equality watchdog and puts into question its compliance with the EU legislation on prohibition of discrimination. In 2004, the UN Human Rights Committee had welcomed the appointment of the Plenipotentiary and "the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of [...] sexual orientation." This was in the context of the Human Rights Committee's concern that the right of sexual minorities not to be discriminated against was not fully recognized in Poland, and that discriminatory acts and attitudes against people on the ground of sexual orientation were not being adequately investigated and punished. The Committee recommended providing adequate training to law enforcement and judicial officials in order to sensitize them to the rights of sexual minorities and called for explicit prohibition of discrimination on the basis of sexual orientation in the Polish law.

International law prohibits discrimination on any grounds and encourages states to introduce legislation that protects individuals from incitement to hatred. In particular, both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms oblige states parties to guarantee all individuals the enjoyment of their human rights without discrimination on the basis of sexual orientation. Poland is a signatory to both these instruments and is fully bound by their provisions.

Amnesty International calls on the Polish authorities to fulfil these obligations under international human rights law, including by explicitly prohibiting discrimination against sexual minorities, and investigating and penalizing all public expressions of incitement of hatred and intolerance against sexual minorities. Members of the government and other leading politicians should not only refrain from public homophobic remarks, but exercise leadership to ensure that the fundamental 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.