

Reshaping LGBTQ+ Rights in Poland

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Introduction

This article aims to shed light on the historical and ongoing struggles of LGBTQ+ rights in Poland. LGBTQ+ issues have been a topic for centuries in Poland, but even more so in recent years through the introduction of “LGBT-free zones”.¹ This article embarks on a journey that navigates LGBTQ+ rights in Poland, offering an examination of the historical trajectory of LGBTQ+ lives in Poland, alongside the analysis of recent emergence of the zones in question. These zones of ostracism, both controversial and divisive, have cast a shadow over the LGBTQ+ community, igniting conversations and debates that transcend Polish borders and resonate across the international community. To understand this process, the first part will encompass an historical overview, shedding light on the LGBTQ+ experience in Poland throughout time. This chapter peels back layers of the past to uncover the hardships faced and the milestones achieved by LGBTQ+ community throughout the 20th and 21st centuries. The stage is then set for a closer examination of the rise of “LGBT-free zones” – areas where municipalities have passed resolutions, symbolic or otherwise, discriminating against LGBTQ+ individuals. At this point, we will dive into these zones: what they are, what their geographical and legal existences comprehend and how they have come to shape the struggle for LGBTQ+ rights and LGBTQ+ individuals in recent years in Poland.

The second part will delve into a discourse analysis of LGBTQ+ advocates and the anti-LGBTQ+ narrative, giving us tools to reflect on the following question: can dialogue resolve Poland’s divisions?

Finally, the third part will uncover the perspectives and responses when dialogue seems to falter. We examine the methods of Polish LGBTQ+ organisations and individuals, fighting to transcend boundaries, reshape perspectives and challenge the existence of “LGBT-free zones”. It will also be the time to explore the international community’s stance on the matter, especially the more vocal on the issues: the European Union.

Historical overview of LGBTQ+ lives in Poland

1932-1989

In the early 20th century, being part of the LGBTQ+ community (Lesbian, Gay, Bi, Trans or “Queer”) was quite accepted, even more than in other European areas. This can be partly explained by the position of Poland as an historically persecuted land with populations such as Protestants and Jews.

¹ Disclaimer: The acronym “LGBT” will be used when referring to the Polish authorities to describe specific geographical zones. The author is aware of the updated use of the LGBTQ+ denomination and this acronym will be used whenever possible in the article.

In fact, in 1932, a consensus among the decriminalisation of homosexual acts is agreed upon in the new Polish Criminal Code voted by the majority, i.e. six votes against one (see Karczewski 2022). Though, in 1939, this law is disregarded following the invasion of Poland by Germany, where Germany is notably anti-LGBTQ+ at this point as proven by the Section 175 of the German Criminal Code (Strafgesetzbuch des Deutschen Reiches 1871-1994).

1989-2015

During World War II, being part of the LGBTQ+ community in Poland led to harsh consequences such as: being sent to “concentration camps, where they faced extreme cruelty, torture and inhumane conditions” (Behrend 2023). No real improvement was visible for the “Queer Community” after World War II, under the communist Soviet government. They still faced arrest, imprisonment and forced psychiatric treatments. Although the repression is real, a queer counter-culture started to emerge with LGBTQ+ bars, clubs and the first gay newspaper (Snijders 2020). The fall of communism in Poland in 1989 led to more freedom for LGBT+ rights but Polish society and politics remained homophobic. This can be explained by the power of the Church, as nine over ten Poles identify as Catholics (Romans) and around 40% of them attend the Sunday mass weekly (Müller 2021). Though, at this point, LGBTQ+ rights activism began to gain real momentum. The first Pride Parade took place in Warsaw in 2001 (Parada Równości 2023). It is seen as a “tainted victory” as these events are also a moment where the opposition sometimes arises with discriminatory slogans.

Though the situation improved in the last part of the 20th century and beginning of the 21st century, to this day, same-sex marriage and same-sex adoption are not allowed in Poland. Nothing in the law officially recognises same-sex partnership. Moreover, since 2015, Poland has faced new anti-LGBTQ+ measures that could be qualified as backlash.

2015-2023

The conservative Law and Justice (PiS) party was elected in 2015. This has led to many conflicts between Poland and the European Union institutions, where Poland’s government is accused of undermining the principle of Rule of Law and independence of the judiciary. Amongst other communities and domains, the LGBTQ+ community has faced the consequences of the PiS party in power. As a traditionally conservative party, PiS is in favour of the traditional Christian family values with a father and a mother. The anti-LGBTQ+ narrative is therefore backed up by the Catholic church and its representatives, all throughout Polish churches and other catholic institutions. It is also important to underline that mainstream media is owned and controlled by the State, making it easier to reinforce one-sided narratives, especially towards people that are isolated and rely only on this source of information. Their anti-LGBTQ+ narrative is built around the “protection of children” as they think that LGBTQ+ is an ideology and that it is harmful to children. In 2019, PiS introduced a bill to ban sex education and discussions on LGBTQ+ issues (Reporter, 2022). Extracurricular activities have to be approved by the ministry and teachers who don’t respect the bill can be fired. The same year, PiS also introduced “LGBT+ free zones”.

The emergence of “LGBT-Free zones in Poland”: Understanding them through a geographical and legal approach

Following the anti-LGBT+ agenda put in place by the government since 2015, “LGBT-free zones” have been introduced in 2019. They consist of cities, regions: zones, that self-proclaimed themselves free of “LGBT ideology”. In these zones, equality marches, pride parades and all events related to LGBTQ+ community are banned. By 2020, around 100 municipalities and five voivodeships, which represents a third of the country, had adopted resolutions, transforming them into “LGBT-free zones” (Bucholc 2022). It is important to underline that they have no legal basis and are really more of a symbolic act but they do have consequences. They have been described by the newspaper *The Economist* (2020): “a legally meaningless gimmick with the practical effect of declaring open season on gay people.”

The Council of Europe Commissioner for Human Rights stated in a report that “Far from being merely words on paper, these declarations and charters directly impact the lives of LGBTI people in Poland” (Council of Europe 2020). Regarding the lack of legal basis, it is difficult to name those geographic zones - could they be considered as borders? New borders inside the same country? They do redefine the Polish landscape as they symbolically restrain part of the population. Keeping in mind that they are not legally enshrined and that they don’t physically change the existing borders of Poland, it could be argued that they are more of a conceptual division that redefines the extents of rights and limits. In that sense, using the word “boundary” to define these zones seems more appropriate (Langer and Fernández-Götz). These zones have been interestingly defined by Nikodem Bernaciak, an attorney (part of the *Ordo Iuris* Institute for Legal Culture), from the firm which wrote the template for an “LGBT-free” resolution. He states that “the interest of communities (is) not to protect romantic, emotional relationships, but the relationships that are fruitful” (Picheta and Kottasová). These LGBT-free zones have been widely criticised by other countries and politicians and especially by the different European Union institutions.

State of dialogue in Poland; Can dialogue resolve the conflict?

To resolve this conflict between part of Poland and the EU, the idea of using dialogue to resolve conflicts has been brought up. For example, the external EU institution, the Council of Europe in 2021, through its Congress of Local and Regional Authorities’ rapporteur (Andrew Boff) stated: “Rising hate speech is creating divisions between the citizens of our towns and regions. Against this, local and regional authorities must strengthen the social rights and well-being of their LGBTI citizens and promote dialogue” (Council of Europe 2021). Dialogue is used in many aspects of life, and geopolitical matters are no exception to it. It is a tool that has many strengths to resolve conflicts. It fosters understanding and empathy between different positions towards a common goal : peace. By sharing perspectives, experiences, concerns, it builds trust. It can be a way of identifying common ground and forms a basis for compromise and cooperation. It can also help with de-escalation and prevent future conflicts. In summary, dialogue is a fundamental tool for transcending boundaries and resolving conflicts because of all the aspects it can gather: fostering understanding, building trust, identifying common grounds, and preventing future conflicts. Unfortunately, throughout the

LGBTQ+ issues in Poland, dialogue has been made difficult, we will therefore analyse the lack of dialogue through a brief discourse analysis of the different actors of the conflicts: LGBTQ+ actors and anti-LGBTQ+ actors to understand why this path seems currently compromised.

Living in these zones as an LGBTQ+person: Discourse analysis

In a highly informative work of photojournalism, Picheta and Kottasová (2020) collected the words of LGBTQ+ people living in those LGBT-free zones. Through the following example taken from this article, a clear vision on how they are the zones are perceived and depicted is drawn. Focusing on 26-years old Karolina Duzniak words, “all the time I hide something.” Though this sentence is quite short, it seems to convey that LGBTQ+ people living in those zones have to stay on their guard and are not allowed to be themselves entirely. It is also illustrated by another part of the article where members of the LGBTQ+ community attend a Pride event: they have to get ready in the train, not before, as they can’t publicly display being part of the community without facing consequences like remarks and menaces. Karolina Duzniak goes on by stating: “I’m more stressed. For the first time in my life I’m very, very scared”. And that is very important: in almost every discourse from LGBTQ+ people living in such districts in Poland, the lexical field of fear (“stressed”, “very scared”) is widely used. It goes further by worrying not only the LGBTQ+ members but also their relatives: “My mum all the time asks me, are you OK? Are you with Ola?” Duzniak says. “All the time, she rings or texts,” worried about her daughter’s safety.” It creates an anxious climate where fear dominates.

Along the lexical field of fear, another image of LGBTQ+ people is drawn by the anti-LGBTQ+, they are dehumanised: “It’s like I’m just less human than the other people,” (Głowacka), “The President says I am not human” (David Kufel). “This is a witch hunt, where we are the victims” (Staszewski) tells CNN. “We are second-category citizens. It’s never happened before — we were simply not the subject. And now we are the subject, we are the public enemy. “They all are against us.”, “He told us we were paedophiles.” (Dominika says), “a man theatrically pulling his children in the opposite direction as if to protect them from the group”, “An elderly lady weighs in, telling the group to go away.”, “We don’t want our kids to see that, to see the naked people on the street.”

These examples illustrate the dehumanisation put in place by members of the government and anti-LGBTQ+ citizens. LGBTQ+ citizens are compared to scary historical figures (“witches”), dangerous figures (“paedophiles”), immoral (“naked”) or more directly referred to as “second-category citizens”. This narrative is important to analyse: because if someone is “dangerous”, “scary”, not “human”, from “the dark side”, “depraved.” Therefore, it is not morally reprehensive to insult them, hurt them, make them leave.

Anti-LGBTQ+ discourses

To reinforce the analysis of previous discourses, it is important to look at what political figures say: based on Picheta and Kottasová’s (ibid) findings we can quote President Andrzej Duda on the topic during his campaign in 2020: “LGBT is not people, it’s an ideology.” He also draws a parallelism between the “ideology” of LGBT+ and communism stating that it “is even more destructive to the human being.” In 2023, a list of LGBTQ+-friendly schools was published, resulting in a statement

from Mikolaj Pawlak, Children's Rights Commissioner, that the schools on the list will be inspected. Gays and lesbians are "radical people striving for a cultural revolution", they "attack freedom of speech, the innocence of children" (Remarks from citizens of Swidnik). Homosexuality is "contrary to the laws of nature", a violation of "human dignity" (remarks from citizens of Nowa Sarzyna). LGBTQ+ campaigners were even condemned by local lawmakers: "the annihilation of values shaped by the Catholic church" (Lublin). Moreover, PiS party leader Jaroslaw Kaczyński called LGBTQ+ rights "an import" that threatens Poland.

Again and again, LGBTQ+ people have been and are depicted as dangerous ("radical people"), murderers ("destructive to the human being") and once again dehumanised "LGBT is not people". They are seen as a threat to freedom and innocence of the most vulnerable ("children"). Because of the extreme political polarisation, the resistance to change from Polish society and the political discourse studied hereinabove, the barriers to constructive dialogue are restrained. Despite those depictions, there are strong LGBTQ+ movements in Poland and 54% of Polish society believes in marriage equality (a step further from 2020 where it was 46%), which will be the topic of our next part.

Fighting "LGBT-free zones"

LGBTQ+ initiatives in Poland

LGBTQ+ organisations and activists, continue to advocate for equality, visibility, and acceptance. They organise Pride events, engage in public awareness campaigns, and provide support and resources for LGBTQ+ individuals. In 2023, the Warsaw Parade counted approximately 80,000 people, making it the largest pride event in Central Europe. It was supported by the mayor of the city: Rafal Trzaskowski, from the Civic Platform Party. This highlights that even conservative parties opposing PiS party have evolved on the subject, such as Civic Platform which publicly advocates for LGBTQ+ rights with the wanted introduction of same-sex marriage in recent years.

LGBTQ+ activists Jakub Gawron, Pawel Prenta, Kamil Maczuga and Paulina Pajak have developed "The Atlas of Hate"² which is an interactive and oftenly updated map of Poland in which you can see the: municipalities, counties, voivodeships where the authorities are working on adopting an "LGBT-free zone", are currently "LGBT-free zones" or have rejected to become "LGBT-free zone". Those activists are also tracking thanks to an interactive map³ the evolution of signatures from churches for the "Stop LGBT" bill. If the bill passes, the local pride marches (Marches of Equality) will be prohibited. Even acts of civil disobedience has been used. Indeed, in august 2020, Malgorata Szutowicz, an LGBTQ+ activist known under the name "Margot" damaged a truck with anti-LGBTQ+ messages on it. She was arrested and charged for these acts (Knight 2020).

² Atlas Nienawiści (*Atlas of Hate*). (s. d.). <https://atlasnienawisci.pl/>

³ Kościelne zbiórki podpisów pod projektem « Stop LGBT » – *Moje mapy Google*. (s. d.). Google My Maps. <https://www.google.com/maps/d/u/0/viewer?hl=pl&mid=16Q2WTMO2WrNfLr4ghD0YXjzD075eR4M-&ll=51.55527665680596%2C18.827580499999986&z=7>

Local NGOs exist such as KPH (Kampania Przeciw Homofobii) or Campaign Against Homophobia. If you contact them, they can send you materials to use on social media to raise awareness about the LGBTQ+ situation in Poland.⁴ In order to support LGBTQ+ initiatives in Poland, the NGO ILGA Europe asked local Polish activists what they wanted : they advised people around Europe to be in touch with local policy-makers in Poland and start a dialogue with them with a clear goal : underline how discriminatory the anti-LGBTQ+ measures are as well as the impact that they have on citizens. Indeed, those activists ask for a dialogue with Polish authorities, rather than an isolation from those cities with the rest of the EU (ILGA Europe 2022).

International initiatives

“There is no place for LGBTI-free zones in the EU or anywhere else” states Helena Daili, European Commissioner for Equality. Helena Daili has been a major figure in this fight against “LGBT-free zones” by rejecting town-twinning applications from Polish cities. Moreover, EU funding from the Structural and Cohesion Funds has been pulled from a number of LGBT-free regions following the EU decision of July 2020 as these zones are not respecting one of the two fundamental treaties of the EU (EU Charter of Fundamental Rights, especially Article 7). She also added “Poland joined the European Union on a voluntary basis and must now respect the EU treaties and fundamental rights.” Indeed, when countries join the EU, they must agree to comply with these texts. The disrespect of the fundamental texts is referred to as the “Polish rule-of-law crisis”. The European President of the Commission Ursula Von Der Leyen has also publicly condemned these regions.

The EU decisions had the following consequences: in September 2021, four of the voivodeships withdrew the “LGBT-free zones” measures. It has been argued that although the EU was acting against the LGBT-free zones by pulling off the funds which led to some zones being disestablished, it did not lead to substantive change. The fundings have sometimes even been compensated nationally; in the town of Tuchów, where EU fundings have been stopped, they received 250,000 zlotys (44 915 euros) from the Polish ministry’s Justice Fund. However, substantive changes did happen locally, with some internal decisions by Polish courts; In July 2020, the voivodeship administrative courts in Gliwice and Radom declared the Kłwów gminas Istebna, “LGBT ideology free zones” as null and void as they “violate the constitution and are discriminatory against members of the LGBT community”.

Conclusion

In Poland, the historical struggles faced by LGBTQ+ individuals have created formidable barriers to their inclusion and acceptance. The introduction of “LGBT-free zones” stands as a stark consequence of the rise of the far-right conservative party PiS, which has redefined the country's boundaries in an exclusive manner. In recent years, the government's narrative has consistently framed LGBTQ+ people as a threat, employing dehumanizing rhetoric that has resulted in division. Effective dialogue

⁴ Kampania Przeciw Homofobii. (s. d.). Kampania Przeciw Homofobii. <https://kph.org.pl>

between these two parties has, in many instances been nearly impossible. However, it's worth noting that the only measures that have proven effective in protecting LGBTQ+ rights have often been financial sanctions, which have led to a reduction in the number of “LGBT-free zones.” Yet, this change has been primarily monetary rather than structural, leaving the underlying issues largely unaddressed.

We are now experiencing a turning point with the parliamentary elections held on October 15, 2023 (Hajdari 2023). For many members of the Queer Polish community, this event was highly anticipated and filled with hope. This time, the PiS (Justice and Law party) did not secure a majority for its third term. For LGBTQ+ individuals, this outcome offers a glimmer of hope for a shift in the prevailing dynamics. As one activist put it, "The fight is ahead, but today, we breathe fresh air" (Chudy 2023). The election created momentum, inspiring optimism that meaningful dialogue can finally be pursued to address LGBTQ+ issues in Poland in a constructive and transformative manner. As the nation looks ahead, the opportunity to transcend the existing boundaries and forge new inclusive paths, renewing the hope for a more inclusive and accepting Poland.

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