



Warsaw, May 30, 2022

Memorandum on the alleged „anti-LGBT” law in Poland

On May 17, 2022, the European Parliament published on social media spots and videos promoting "International Day Against Homophobia, Biphobia, Interphobia and Transphobia".

In these publications, MEPs such as MEP Robert Metsola, MEP Terry Reintke, and MEP Marc Angel presented Poland as "one of the worst examples" of countries allegedly discriminating and isolating people describing themselves as "LGBT"¹. In the spot prepared by the European Parliament, there was a repeatedly straightened lie about the operation of alleged "LGBT-free zones" and "anti-LGBT law" in Poland². **There have never been any "free zones" or any discriminatory law in Poland.**

Alleged "LGBT-free zones"

1. Responsible for the creation of the myth about the alleged "free zones" in Poland is the left-wing activist, Bart Staszewski. In 2020, he carried out a happening during which he hung "LGBT-free zone" signs at the entrances to some communes, then took photos of them and published them on the Internet. **As he writes on the blog himself, his happening was a response to the appearance of such a formulation in the public debate, and not to the emergence of any law:**

"In January 2020, I published the first photos of the zones, using a term commonly used in the same context in the public debate" and further that "It is clear that the term <<LGBT-free zone>> is a colloquial term"³.

¹ See: <https://www.linkedin.com/feed/update/urn:li:activity:6933694837984522240/>, (access: 30/05/2022).

² See: <https://www.linkedin.com/feed/update/urn:li:activity:6932367711368830976/>, (access: 30/05/2022).

³ Bart Staszewski, <https://bartstaszewski.pl/2021/07/16/kto-wymyslił-strefy-wolne-od-lgbt/>, (access: 30/05/2022).

2. Staszewski's photos spread on a large scale, and he - despite the fact that he was invited to the European Parliament several times and had the opportunity to speak there - did not correct this obvious lie in the EP forum.
3. **In fact no local government unit in Poland has declared itself as a "LGBT-free zone".** Some Polish communes, counties and provinces implemented legally non-binding positions 'on objection against attempts to introduce «LGBT» ideology to local self-government communities and the promotion of this ideology in public life. **On that occasion, local councillors asserted very firmly that these documents concern not persons with homosexual tendencies, but the LGBT political movement. It was the organisations comprising this movement, not individual persons or communities created by them, that were specified as LGBT "ideology" or "sub-culture" in resolutions.** The term "LGBT-free zone" does not appear in any position of local governments, either. Resolutions of local government units 'against LGBT ideology' are consistent with Polish law⁴.
4. Documents expressing objection to LGBT ideology are a decisive response to the "LGBT+ declaration" published on February 18th, 2019 by the Mayor of Warsaw, Rafał Trzaskowski. Importantly, this declaration was negatively assessed by the city's Equal Treatment Committee on February 25th, 2019, because it introduces privileges for certain social groups instead of equal treatment: 'the situation in which one of the minority groups is protected more strongly than others raises the question as to the actual equal treatment and non-discrimination of inhabitants of [Warsaw] by the local authorities. [...] **Instead of protecting and guaranteeing equal treatment, this document effectively divides persons experiencing discrimination into the more and less protected groups.** It introduces the gradation of the sense of harm and injustice, depending on the premise that causes discrimination. Thus, it actually introduces discrimination'.
5. Referring to the allegations of discrimination against "LGBT people" and attacks against them in Poland, it is necessary to point out the research of the Fundamental Rights Agency (FRA)⁵.

⁴ See details: <https://ordoiuris.pl/rodzina-i-malzenstwo/podwojna-przegrana-adama-bodnara-sady-juz-10-razy-potwierdzily-legalnosc> (access: 30.05.2022).

⁵ The research of the Fundamental Rights Agency (FRA) carried out between May 27 and July 22, 2019 via the lgbtsurvey.eu platform on a sample of 139,799 residents of the European Union Member States, North Macedonia and Serbia, identifying themselves as belonging to the "LGBTI" group (lesbians, gays, bisexuals, people suffering from transgender or intersex gender identity disorders). In order to reach the target group, the Internet and social media were used in cooperation with companies specializing in providing statistical methods and tools (Agilis SA), as well as marketing and consulting focused on

The actual results of the survey present a picture drastically different from the ideological prejudices and prejudices about Poland. FRA research allows to observe an evident discrepancy between the beliefs of the "LGBT" respondents about the social situation around them and their personal, empirical experiences.

6. When asked whether they experienced negative comments or negative behavior at school at their address due to being in one of the groups defined as "LGBTI", the respondents answered "always" in 6% and "often" in 25%, while the European average was 10% and 28% respectively. A comparison with the results of the survey in other countries shows that **Poland ranks among the last in Europe when it comes to the manifestations of intolerance towards their behavior registered by respondents.**
7. **Poland is the country where ridicule, name-calling, teasing or threats are the least frequent due to belonging to "LGBTI" groups.** 39% of respondents experienced any of these behaviors, while the EU-28 average was 46%, for example in the UK 57%, Germany 48%, Ireland 50% and Belgium 50%.
8. **Poland is also below the EU-28 average when it comes to the level of unemployment among people identifying with "LGBTI" groups.** In our country, it is only 3%, which is comparable to the average unemployment level of the general population (3.1% according to the LFS classification rules) or even lower than it (5.2% according to the classification rules of the Główny Urząd Statystyczny). The average for the EU-28 was 5%. This means that homosexual inclinations or trans- or intersex disorders do not constitute a significant obstacle in finding employment in Poland.
9. Responses to another question indicate that **only 2% Polish respondents experienced difficulties in accessing medical services due to their identification with the LGBT group** - with the EU-28 average of 3%. This result is also lower than the results of countries stereotypically perceived as "tolerant" - in France, the Netherlands and Denmark, 3% of respondents answered positively, 4% in Germany, 5% in Sweden, and 6% in Great Britain and Ireland.
10. A similar distribution of answers was observed when the respondents were asked about the need to change general practitioners or specialist doctors because of their negative reaction to

the self-identifying community as "LGBTI" (Homoevolution). In all countries where the study was conducted, there was also cooperation with social organizations that make up the "LGBT movement".

the patient's belonging to the "LGBTI" group. In Poland, this problem concerned 4% of respondents, with the EU-28 average of 5%, which was achieved by Sweden, which was exceeded by Germany (6%), Belgium (7%), Luxembourg (7%) and France (9%).

11. **The percentage of people indicating that their specific needs resulting from identification with "LGBTI" groups were ignored by medical personnel in Poland (6%) is below the EU-28 average of 7% - the same percentage occurred for respondents from Finland and the Netherlands, during while in Austria, Germany and Spain it was 8%, in Denmark, Luxembourg, Sweden and the United Kingdom - 9%, and in Belgium and France even 10%.**
12. **Experience inappropriate comments or curiosity, which are specific difficulties in accessing health services, also falls in favor of the Polish.** As many as 71% of Polish respondents stated that they had not experienced any of the above-mentioned difficulties, with the EU average of 69%. Meanwhile, in Sweden 65% declared no difficulties, and in France - only 63%.
13. **Therefore, it turns out that with regard to specific situations, apart from prejudices, Poland is one of the countries that provide the highest sense of security to people with homosexual inclinations or a disturbed "gender identity".**

Local Government Charter of the Rights of the Family

1. The resolution of the European Parliament, adopted in March 2021, declaring the EU a "LGBTIQ Freedom Zone"⁶ also contained a lot of false information about the Local Government Charter of the Rights of the Family (also known in the resolution as "the Regional Charters of Family Rights").
1. In the resolution euro-deputies expressed a critical opinion on the adoption of the Local Government Charter of the Rights of the Family (further as: the Charter) by some local government entities in Poland, regarding it as an act that allegedly discriminates persons identifying as LGBT. In fact, however, the adoption of the Charter is aimed at reinforcing the family as a fundamental social community and guaranteeing its protection against the influence of ideologies negating its autonomy and identity. The Card serves primarily as a sign of support

⁶ European Parliament resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone (2021/2557(RSP)), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0089_EN.html, (access: 30/05/2022).

for parents' rights set forth in the Constitution of the Republic of Poland (e.g., the right to raise children according to their own views) and a declaration of the will to pursue pro-family policy in the local government unit concerned, e.g., by creating family-friendly legislation. It is also fully consistent with binding international law. Family is defined as a fundamental unit of society formed by a woman and a man on the basis of a voluntary relationship in the Universal Declaration of Human Rights (Article 16) and the International Pact of Civil and Political Rights (Article 23). The natural and fundamental character of the family is also indicated by the International Pact of Economic, Social and Cultural Rights (Article 10), constitutions and legal systems of a large number of countries in the world⁷.

2. **There is not the slightest mention of LGBT people, LGBT ideology or the LGBT movement in any passage of the Charter. In fact, the Charter is primarily a repetition of Polish constitutional provisions on marriage and family and does not touch upon the LGBT theme at all.** Please find attached the full official content of the Charter.
3. **The wording of point E of the resolution is false.** Firstly, **Norway did not withdraw from granting funds to the Polish regions, counties and municipalities which had adopted the Charters.** In the attachment I present a letter in which Norway clearly indicates that resolutions without mention of "LGBT" (which is the Charter) will not be the reason for the withdrawal of funds.
4. Secondly, **it is not true that the European Commission rejected the application for EU funding under the town twinning program of those Polish towns that had adopted resolutions on family rights. None of the rejected applications concerned the self-government that adopted the Charter.**
5. Attachments:
 - 1/ Norway grants letter on the Local Government Charter of the Rights of the Family
 - 3/ English text of the Local Government Charter of the Rights of the Family

⁷ An example of the calculation, along with reference to the content of relevant provisions, can be found, e.g., here: <http://worldfamilydeclaration.org/WFD#fn1>, (access: 30/05/2022).