



1st October 2020

Embassy
of the Republic of Poland
in Dublin

Miriam Reilly
Meetings Administrator
Corporate Services Department
South Dublin County Council
County Hall, Tallaght
Dublin 24, D24YNN5

AMB.DUB. 4/2020

Re: Ref. M13/0920 – Motion AGREED at meeting of South Dublin County Council held 14th September 2020

Dear Ms. Reilly,

Thank you for your letter expressing your concerns about the situation of the LGBT Community in Poland. I very much appreciate that the South Dublin County Council takes active interest in Poland and closely follows media reports about my home country.

Having said that, I need to stress that the motion has been based on some unverified and inaccurate information. Therefore, please allow me to address different issues raised in your letter.

Let me start by underlining that the Constitution of the Republic of Poland states that Poland is a democratic state ruled by law. Article 18 of the Polish Constitution indicates that marriage is a union of a woman and a man and it guarantees that the institution of marriage will be given special protection. Only marriage as a union of a woman and a man can be registered in the form of a marital status certificate under the applicable regulations. While referring to the banning of gay marriages in Poland you should bear in mind that only by the will of the Polish people any provisions of the Polish Constitution could be changed – such was the case of Ireland and the Equality Referendum in 2015, as we all know.

It is important to stress, however, that there is no indication whatsoever that majority of Polish people would support such a solution.

You also refer to the so called LGBT free zones. According to the Polish law, there are and must not be any designated zones that would in any way lead to social exclusion. Everyone in Poland is equal which means that nobody can be persecuted for political, social or other reasons. This also includes sexual preferences. Poland, as an EU member, is bound by other legal obligations. According to Article 21 of the EU Charter of Fundamental Rights, it is determined that nobody can be discriminated against on the basis of gender, race or sexual orientation. Poland and all of its state organs and authorities must and do adhere to this.

Let me inform you that resolutions adopted by some local governments relating to what they define as “LGBTI ideology/agenda” are just declarations representing the opinions of some councilors of local government units. Opinions expressed in those documents serve primarily to emphasize the attachment to traditional values derived from Christianity, and not to negate the human rights of LGBT

persons. They deal with issues of sexual education, parents' rights to raise children in accordance with their beliefs, and the constitutional identity of marriage. These resolutions do not constitute acts of local law that establish general, universally binding rights and obligations.

The third argument that you raise refers to "locking up LGBT activists". I am not aware of any such incidents. Poland provides for the basic needs of its citizens in such areas as public safety. Therefore, as in any other democratic country, in Poland, a citizen may be arrested only if he/she commits a crime, regardless of whether he/she is an activist or not.

I guess that in the motion you may be referring to the June decision to detain an LGBTI activist on remand. I would like to inform you that Michał Sz. a.k.a. „Margot” is suspected of committing criminal offence involving hooliganism on 27 June 2020 – an assault and battery (motivated by political hatred) and destruction of property. The victim was attacked by a group of individuals (involving the suspect), punched, kicked and thrown to the ground, had his telephone stolen and as a result sustained injuries. This act is punishable under Polish law by up to five years' imprisonment.

The decision to impose a two-month detention against the suspect was taken by a court of second instance that thoroughly reviewed the case and determined that this type of preventive measure was necessary in order to ensure the correct course of proceedings in accordance with the Polish code of criminal procedure (Article 258). On 28 August 2020, three weeks after the arrest, following a successful complaint of the lawyers representing the activist, Margot was released from the detention on remand.

Persons who have been held for questioning during protests in the aftermath of the arrest of the LGBT activist known as "Margot" have all subsequently been released and when appropriate - presented adequate charges. Their questioning was unrelated to the issue of placing rainbow flags on various monuments and was due to their active participation in a violent gathering.

Let me conclude by saying that the Poles, just like the Irish, are familiar with the feeling of oppression and they understand the true meaning of tolerance, freedom and solidarity. Poland offers everyone the opportunity to be successful and accomplished in any way they want, no matter their outlook on life or personal beliefs. One example of this is this year's candidate for the President of the Republic of Poland who is openly homosexual and did not suffer any disadvantages in his campaign due to his sexual orientation. I would also like to highlight the fact that a transgender MP had been elected to the Polish parliament - making him the world's third.

Personally, I am a true believer in openness to one another, in a frank exchange of views and opinions which enables a valuable and fruitful dialogue as well as mutual understanding and respect. Therefore, please do not hesitate to contact me again in case you need any further information, I will be happy to assist you.

Yours sincerely,



Anna Sochańska
Ambassador of the Republic of Poland in Ireland