



**Ursula von der Leyen**

President  
European Commission  
Rue de la Loi 200  
1049 Brussels  
Copy: Didier Reynders  
European Commissioner  
for Justice

**Charles Michel**

President  
European Council  
Rue de la Loi 175  
1048 Brussels

**Apostolos Tzitzikostas**

President  
Committee of the Regions  
Rue Belliard 99-100  
1040 Brussels

Brussels, 27 April 2020

Dear President von der Leyen,  
Dear President Michel,  
Dear President Tzitzikostas,

We hope that you are all staying healthy as you continue your work leading Europe through the current crisis. The COVID-19 pandemic is an unprecedented global crisis, creating new challenges for the European Union, its Member States and, most importantly, people living in Europe. While saving lives, solidarity and justice are more important than ever in these turbulent times, the pandemic is exacerbating existing inequalities and provides fertile ground for illiberal practices and human rights violations.

Therefore, in line with the European Parliament's resolution of 18 December 2019, PES Women and Rainbow Rose are joining progressive MEPs in strongly condemning the creation of so-called zones "free from LGBTI ideology" in various Polish municipalities and regions, whose number is growing. Rising homophobic sentiments, language, behavior as well as hate crimes in Polish society cannot be seen as unrelated to such political initiatives.

We have already seen great examples of local activism<sup>1</sup>, but we do not see enough reaction and action from the highest political level. The Commission, as the guardian of the treaties, has insufficiently followed up the EP Resolution by presenting only non-binding measures and limiting its actions to 'monitoring' and 'exchange of best practices', as well as by deciding not to deliver a reasoned opinion on whether Poland has failed to fulfil its obligation under the Treaties to ensure freedom of movement and residency. Moreover, the Council has failed to unblock the Anti-Discrimination Directive, which would strengthen the EU's commitment to combat discrimination on the grounds of sexual orientation, beyond the scope of employment.

"LGBTI-free zones" are unfortunately not the only exclusionary tactics used by the Polish government to deny human rights to EU citizens. For example, as highlighted by the European Parliament LGBTI and Children's Rights Intergroups in [a letter of 20 March 2020](#) to Commissioner Dalli, rainbow families are often denied freedom of movement when local and national authorities refuse to recognise their legal family status regarding parental rights, children's citizenship, inheritance, health care, tax credits, etc. Furthermore, the day-to-day reality for sexual minorities and women in Poland is even more

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<sup>1</sup> Since June 2018, Gdańsk has applied its model of equal treatment, fully supported by its current mayor and CoR member **Aleksandra Dulkiewicz** (EPP). In February 2019, Warsaw's mayor **Rafał Trzaskowski** of the centre-right Civic Platform (PO) party, signed a declaration to support LGBTI people. In January 2020, **Olgierd Geblewicz**, President of the EPP Group in the Committee of the Regions and Westpomerania Region (EPP), made 60,000 zł (around 15,000 €) available for LGTBI NGOs.



concerning now because of the government's response to COVID-19, which includes the closing of borders for all non-citizens, including non-citizen spouses of Polish LGBTI citizens, since equal marriage is not recognized by the Polish government. The Polish Parliament has also advanced bills that would limit access to sexual and reproductive health education and safe and legal access to contraception and abortion.

The European Commission and the Council must use all available instruments and means to achieve a revocation of the "LGBTI-free zones" and prevent similar initiatives in the future, holding the Polish government accountable, including through infringement, budgetary, and Article 7 procedures where appropriate, as well as through continued support for civil society actors in the affected regions. Dismissing the situation, citing respect for the competences of the Member States, and leaving it up to the national courts cannot be the answer to these basic human rights violations, especially considering the fact that Poland's judicial reforms, pursued by the Law and Justice (PiS)-led government, have been bound by the ECJ to violate EU law.

PES Women and Rainbow Rose welcome the infringement procedures which have been launched for the incomplete transpositions of the Victim's Rights Directive, as well as the Commission's intention to present a Strategy for ensuring the equality of LGBTI people in the EU. This Strategy must be binding and ambitious when it comes to protecting everyone's fundamental rights. The EU should also present binding measures to ensure mutual recognition of family ties of LGBTI couples.

However, until this becomes a reality, some of the most basic rights such as the freedom of movement are at stake, which requires urgent and immediate measures. We ask for a clear response about what guidance has been given to Poland on freedom of movement of LGBTI people as a result of the border closure, and we strongly call on the Commission to reconsider its decision to solely "monitor" the situation of "LGBTI-free zones" in this regard. We call on the Council to unblock necessary Directives to improve the life of minority groups and to combat discrimination on the basis of sexual orientation through a clear and comprehensive framework translated into national law. We also encourage the Council to re-establish a Council configuration for gender equality to have the necessary space and resources to discuss such matters and to find the necessary balance between the European institutions. We also call on the Committee of the Regions to fully mobilize to raise awareness among its members about such discriminatory practices in Polish towns and regions and to officially condemn them. As the issue touches upon also local democracy, it requires full involvement of all levels of government in order to find horizontal solutions and a collective response.

We are seeing a worrying trend in Europe where discrimination and hate speech against LGBTI persons are on the rise, coupled with attacks on women's rights, gender equality, and sexual and reproductive health and rights. The situation in Poland is a clear example of scapegoating the most vulnerable groups in society and of condoning people's prejudices for political purposes. If left unchecked and unsanctioned, this could soon be repeated in other Member States.

We look forward to your quick response and bold action.

Sincerely,

Zita Gurmai  
President  
PES Women

Camila Garfias  
President  
Rainbow Rose