# New protections for Poland's gays



As the US rolls back on anti-discrimination provisions for the LGBTQ+ community, Poland is at last getting with the programme. Since late November, the Polish Sejm has been examining a ministerial draft amendment to the criminal code aimed at bolstering anti-discrimination regulations. This initiative seeks to broaden the catalogue of motivations behind hate crimes. Currently, the law recognises motivations based on national, ethnic, racial, religious affiliation, or non-belief. The proposed changes put forth by the Ministry of Justice would see these motivations expanded to include disability, age, gender, and sexual orientation, enhancing the legal protections afforded to these groups.

The draft is currently under the scrutiny of a special parliamentary committee dedicated to amendments to codifications, indicating its progression through the legislative process.

In an important development, Marcin Wiącek, the Commissioner for Human Rights, has publicly commented on the project, expressing general support but identifying areas for improvement. His feedback specifically addresses modifications within key articles of the Penal Code: Article 119 § 1, which pertains to violence or unlawful threats motivated by discrimination, and Article 257, which deals with assaults for discriminatory motives. Wiącek suggests that the phrase "due to their belonging" should be amended to "in connection with belonging."

This nuance raises concerns as it does not clearly define to whom "belonging" refers. Wiącek warns that this adjustment may inadvertently expand the scope of victims to include individuals who advocate for the rights of those belonging to the aforementioned protected classes, whether in person or online, even if they do not share those characteristics themselves.

The Commissioner’s perspective highlights potential implications of this broadening, particularly in relation to European directives designed to protect against SLAPPs (Strategic Lawsuits Against Public Participation), which are lawsuits intended to suppress criticism. The ongoing discussions and legislative considerations reflect a crucial moment for the enhancement of legal protections and societal responses to discrimination within Poland, particularly for the LGBT community along with other historically targeted groups.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - This article corroborates the Polish government's approval of plans to add sexual orientation, gender, age, and disability to the categories covered by Poland’s hate crime laws.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - It explains the current law and the proposed changes to include new motivations behind hate crimes, such as disability, age, gender, and sexual orientation.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - The article mentions the justice ministry's intention to update the regulations to better protect minority groups and align with international recommendations.
* <https://www.disability-europe.net/dotcom/text/poland/b1-anti-discrimination-legislation> - This source supports the general prohibition against discrimination in the Polish Constitution and other anti-discrimination legislation, including protections for people with disabilities.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - It discusses the potential implications and criticisms from LGBT+ rights groups regarding the inclusion of 'sex/gender' instead of 'gender identity' in the proposed legislation.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - The article details the penalties for public insult, violence, and unlawful threats motivated by bias against the protected groups, including up to three years in prison for public insult and up to five years for violence.
* <https://www.disability-europe.net/dotcom/text/poland/b1-anti-discrimination-legislation> - This source provides context on the existing anti-discrimination laws in Poland, including the Act on Social and Vocational Rehabilitation and Employment of Persons with Disabilities.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - The article mentions the government's approval of the draft legislation and its current status in the parliamentary process.
* <https://notesfrompoland.com/2024/11/28/polish-government-approves-criminalisation-of-anti-lgbt-hate-speech/> - It discusses the historical context of LGBT+ rights in Poland, including the country's ranking as the worst in the EU for LGBT+ people and the previous government's stance on 'LGBT ideology'.