

Anti-discrimination education: We shall not give up!

Advocacy in times of rise of hateful rhetoric, shrinking civic space and erosion of democratic standards in Poland

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Executive summary

This report is addressed to civil society activists, decision makers in international institutions and funders interested in supporting advocacy for the anti-discrimination education in the context of shrinking civic space and political backlash. It presents key findings from the research conducted by The Anti-Discrimination Education Society (TEA) on the space for education-focused and rights-based advocacy after the right-wing conservative Law and Justice Party (PiS) took power in Poland in the general elections of 2015. Since that time, Poland has seen systematic and strategic efforts to undermine human rights and the rule of law, introduction of regressive laws and policy measures to reinforce traditional gender roles, scapegoating migrants, refugees and LGBTQI communities, and a rising tide of hate and discrimination. Consequently, the civic space for human rights activists and anti-discrimination educators has drastically shrunken and the rights they promote and uphold are under concerted attack.

The Law and Justice Party's rule has provoked a rise of a massive opposition in the streets, whilst civil society advocates have started exploring and/or developing new strategies and new approaches. For example:

- Advocacy at a local level with local governments, which are in opposition to the Law and Justice Party and state their support for human rights and rule of law;
- Building a social base and supporting mobilisation at the grassroots with teachers, parents and students, as a strategic and long-term effort to build social movements for change;
- Engaging with the pro-democratic opposition politicians and in strategic moments, especially in view of elections;
- Informing international community about the situation in Poland and engaging with international organizations and human rights monitoring mechanism in the UN or the EU;
- Using media, especially social media, to engage supporters, challenge the government, and mobilise constituencies;
- Learning how to respond to backlash and manage its impact on the well-being of activists and their movements.

Despite the challenging context, Polish civil society has not given up on calling for implementation of the international human rights and anti-discrimination education. Inspiring practices and successful advocacy have been conducted, and the report shines a light on the 3 concrete examples: *Stop Bullying! A human rights-based approach to tackling discrimination in Warsaw schools*; *Gdańsk Model for Equal Treatment*; and *Warsaw Urban Policy for the LGBT+ Community*.

Recommendations for the international human rights community and funders:

1. Increase funding and adjust your programs to support human right advocacy in a way that meet the needs of national and local organizations. Advocacy in a context of shrinking space needs core, flexible and accessible funding.
2. Increase financial and in-kind support for building resilience and safety of movements and activists. Create opportunities for human right defenders and activists to exchange knowledge and experience on working in hostile context and to manage backlash.
3. Reach out to local advocacy organizations and activists, ask about their situation and needs. Establish long term relationship to build trust and understanding of best ways to support their work.
4. Hold the Polish government accountable, speak up and advocate for the rule of law and implementation of the human rights standards in Poland in the relevant spaces and in the international institutions.
5. Give visibility and raise awareness about human right violations in Poland. Organize monitoring visits and invest in independent research. Show your solidarity in the social media.
6. Reach out directly, create partnerships and strengthen relationships with Polish civil society and activists. Support Polish civil society advocacy in the international human rights and policy making spaces, such as the United Nations, Council of Europe, and the EU.

Recommendations for the civil society organising in the context of the shrinking space:

1. Be strategic, creative and context-specific with your advocacy objectives, target groups and ways of working; engage outside of traditional spaces, look for new allies at local and international level.
2. Prioritise and support civil society and movements' resilience and emerging mobilisations; invest in autonomous resourcing strategies.
3. Invest in relationships with local governments, opposition politicians, international human rights institutions, academics, progressive donors, media, and, crucially, with peers across and cross-movements and sector. Apply intersectional and solidarity perspective and invest in creating shared platforms and collective agendas.

4. Step up where the government is failing, i.e. on the provision of anti-discrimination classes or workshops at schools, training and support for teachers, development of educational materials and independent research.
5. Avoid jargon and don't underestimate clear and simple communication.
6. Be ready to manage backlash and focus on your own alternative narrative, instead of responding to smear campaigns.
7. Take care of your safety, both online and offline.

Methodology Note

This report was written by Kasia Staszewska and is a summary of the advocacy research conducted by The Anti-Discrimination Education Society (TEA) between January and June 2019. It builds on the literature review, semi-structured interviews with allies from the civil society, Office of the Commissioner for Human Rights, local governments' representatives, education workers, and outcomes of the Round Table discussion: *"Together for Equal Treatment. Cooperation between local governments and NGOs"* held on the 11th of June 2019, in Warsaw, Poland.

The report examines the influence of Law and Justice government's stance on anti-discrimination education and space for the civil society advocacy in this regard. What we wanted to understand was the following:

- What are the opportunities for civil society advocacy for anti-discrimination education in the current political context in Poland; what kind of advocacy, if at all, is possible?
- Is advocacy dialogue with the Law and Justice Party manageable? What kind of arguments and what kind of language works, if any at all?
- What have been inspiring advocacy practices with regards to anti-discrimination education pursued by the civil society in the last 5 years?
- What should be the advocacy focus of the Polish NGOs working on anti-discrimination education in light of the above?

The report kicks off with a spotlight on political context in Poland after 2015 to give a necessary background for the overview of the today's advocacy strategies pursued by the civil society, which are presented in the Chapter 2. Chapter 3 follows up with a presentation of the most inspiring and successful advocacy practices, and the report concludes with key insights and recommendations.

What is Anti-discrimination education?

Anti-discrimination education, in the approach of TEA, is the conscious action of increasing knowledge and skills as well as influencing attitudes to counteract discrimination based on all premises, including skin colour, nationality, ethnicity, personal beliefs (religious or irreligious), (dis)ability, age, sexual orientation, gender identity, or socio-economic status, as well as to fight bias-motivated violence (e.g. hate speech and hate crimes), to promote equality and diversity.

The Anti-Discrimination Education Society (TEA) was founded in 2009 by persons involved in anti-discrimination education, bringing together several dozens of, among others, anti-discrimination trainers and educators, leaders of equality and diversity projects, or members of organizations supporting groups at risk of discrimination. The mission of TEA is to develop and disseminate anti-discrimination education so that each person participates in the creation of a world free of discrimination and violence. TEA has initiated and coordinates the **Coalition for Anti-Discrimination Education**, comprised of several dozens of NGOs engaged in education and counteracting discrimination in Poland.

1. Political Context in Poland after 2015

A. Introduction

Since the Law and Justice Party (Prawo i Sprawiedliwość, PiS) took power in 2015 general elections, we have seen systematic and strategic efforts to undermine human rights and the rule of law in Poland.¹ Over the last 5 years, the government has introduced a series of regressive laws and policy measures to reinforce traditional gender roles, scapegoat migrants, refugees and LGBTQI (lesbians, gay, bi, trans, queer, intersex) communities, disparaged international human rights standards and publicly discouraged efforts to address a rising tide of hate and discrimination.²

Consequently, the civic space for human rights activists and anti-discrimination educators has drastically shrunken and the rights they promote and uphold are under concerted attack.

Although comprehensive statistics documenting all forms of violence motivated by prejudice and hate are missing, anecdotal evidence points to a rising tide of fascism, racism, xenophobia, homophobia, islamophobia, and misogyny. Whilst the previous government could hardly be praised for championing human rights agenda, the Law and Justice Party took the enabling environment for hate and discrimination to a new level. For example:

- Poland is now a home to the biggest annual nationalist march in Europe: the 11th of November march to mark Polish independence, commonly perceived as manifestation of the far-right supporters, attracted a record 250,000 crowd in 2018;
- According to the annual ranking of the ILGA-Europe (International Lesbian and Gay Association) Poland is the most homophobic country in the EU, overhauled only by Latvia;³
- As many as 43% Sub Saharan Africans, 18% of Ukrainians and 8% of Muslims living in Poland could be subjected to hate crimes in 2016-2017, significantly more than in the previous years.⁴
- According to research conducted by the independent media Oko Press in August 2019, 56% of Law and Justice male voters perceive “gender ideology” and LGBTQI movements as the greatest threat to Poland in XXI century.⁵

As a key part of the campaign for the elections to the local government (October 2018), Euro parliament (April 2019), and national Parliament (October 2019), the Law and Justice Party has intensified their anti-LGBTQI rhetoric, accusing LGBTQI community of “destroying family values”

¹ See, for example, <https://www.hrw.org/europe/central-asia/poland> (Accessed September 2019)

² See, for example: <https://www.hrw.org/europe/central-asia/poland> and <https://www.amnesty.org/en/countries/europe-and-central-asia/poland/report-poland/> (Accessed September 2019)

³ See: <https://rainbow-europe.org/country-ranking> (Accessed September 2019)

⁴ More information: <https://www.rpo.gov.pl/pl/content/skala-przestepstw-motywowanych-uprzedzeniami-i-nienawi%C5%9Bci%C4%85-w-Polsce-badania-rpo-i-odhir> (Accessed September 2019)

⁵ More information: <https://oko.press/mezczyzni-najbardziej-boja-sie-gejow-i-gender-kobiety-zapasci-sluzby-zdrowia-wspolny-strach-oklimat> (Accessed September 2019)

and “sexualizing children”. As a result of their hate campaign, among other things: 60 local governments, voivodships and counties have declared themselves as “LGBT free zones” (as of 9.10.2019”)⁶; a Pride March in the city of Białystok was brutally attacked, with at least 40 persons injured;⁷ a weekly newspaper connected with the government called “Gazeta Polska” issued “LGBTQI free zone stickers”;⁸ the public TV (controlled by the government) issued numerous programs scapegoating LGBTQI persons, for example a documentary film entitled “Invasion” which was recorded by an undercover journalist who infiltrated LGBTQI organizations whilst pretending to be a volunteer.⁹

Devastatingly, this raise of discriminatory narratives has affected many young people and taken its toll on the Polish education system. In May 2019, Polish press reported on the story of 23-years-old Milo, who committed suicide because of the transphobic discrimination she had experienced whilst in the process of gender transition.¹⁰ Shockingly, nearly 30% of all incidents of homophobic violence happen in schools and in 50% of the cases the perpetrators are the school peers of the victim.¹¹ In the worst cases, lives were lost: 14-years-old Kacper from Gorczyn committed suicide after being harassed and subjected to homophobic hate by his school peers in September 2017;¹² two years after 14-years old Dominik from Biezun killed himself because of the same reason.¹³

B. Anti-discrimination education in the Polish schools after 2015

The office of the Commissioner for Human Rights, the constitutional authority for the legal control and protection under the current Commissioner Adam Bodnar - a key ally in the pursuit of human rights in Poland - has repeatedly stressed that the Polish education system is incapable to educate young people on issues of anti- discrimination.¹⁴ Nevertheless, the current government led by the Law and Justice Party has pursued to dismantle the little of what had been there and implemented their own politics in this regard.

First, it has appointed new key staff in all education institutions in the country, from the Ministry of National Education to the Centre of Education Development (ORE, the key teachers’ training

⁶ More information: https://mnw.org.pl/uchwaly_przeciwko_ideologii_lgbt/ (Accessed September 2019)

⁷ See, for example: <https://www.bbc.com/news/av/world-europe-49073342/poland-lgbt-march-police-arrest-25-after-attacks-on-activists> (Accessed September 2019)

⁸ See, for example: <https://edition.cnn.com/2019/07/19/europe/gazeta-polska-anti-lgbt-stickers-scli-intl/index.html> (Accessed September 2019)

⁹ More information: <https://www.theguardian.com/world/2019/oct/11/cruider-than-the-communists-polish-tv-goes-all-out-for-rightwing-vote> (Accessed September 2019)

¹⁰ More information: <https://www.newsweek.pl/swiat/spoleczenstwo/na-sama-mysl-o-tym-ze-mam-isc-do-lekarza-ktory-bedzie-sprawdzal-czy-jestem/h3nx2p6> (Accessed September 2019)

¹¹ More information: <https://www.rpo.gov.pl/pl/content/rzecznik-w-obronie-edukacji-antydiskryminacyjnej-w-szkolach>

¹² More information: <https://www.newsweek.pl/polska/spoleczenstwo/samobojstwo-14-latka-z-gorzyna-w-szkole-drwili-ze-jest-gejem-inaczej-sie-ubiera/kwd03cx> (Accessed September 2019)

¹³ More information: <https://natemat.pl/253311.popelnil-samobojstwo-bo-w-szkole-mu-dokuczano-mama-dominika-jest-zmowa-milczenia> (Accessed September 2019)

¹⁴ See, for example: <https://www.rpo.gov.pl/pl/content/warszawska-deklaracja-lgbt-pomoze-chronic-dzieci-przed-wykorzystywaniem-seksualnym-RPO-do-RPD> (Accessed September 2019)

institution). Pro-government Kurators oversee the implementation of the government's education policy at the local level and promote the politics of the ruling party. For example, February 2019 saw tweets from the Kurator of the Malopolska region, Barbara Nowak, which equated homosexuality with paedophilia and attacks against children.¹⁵

Then, the Law and Justice Party embarked on a huge and rushed process to reform the entire education system in the country. The immediate impact included: chaos in the education sector, waste of funding, students' fatigue, negative recruitment of teaching staff and/or teachers' turnover. Long-term effects included: deepened educational stratification in the society, lowering the level of general education in Poland, or a threat of increased nationalist and xenophobic attitudes among youth.¹⁶ NGOs working to advance young people's rights raised concerns about safety in Polish schools, lack of adequate psycho-social support and the rates of suicides among youth, which is the second highest in Europe.¹⁷

In 2017, the Minister of Education withdrew the 2015 regulations obliging schools to conduct anti-discrimination activities. Introduced by Joanna Kluzik-Rostkowska, Minister of Education under the previous government (2007-2015), anti-discrimination education was supposed to be an integral part of the curriculum and contribute to school as a safe place, free from violence, prejudice and discrimination. The vision of the new Minister was quite different: cultivation of patriotic attitudes and national and cultural identity,¹⁸ without due attention to long-lasting problems in Polish schools: hate speech, discrimination on the basis of a number of premises, violence motivated by prejudices, or lack of systemic solutions to respond to cases of discrimination.

What's more, the government has blocked any provision of comprehensive sexual and reproductive health education in schools, which in Poland occurs primarily in a subject called "Preparation for Family Life". Revisions in the relevant guidelines and in the curriculum focused, primarily, on preventing pre-marital sexual intercourse and preserving the notion of a family as a "natural union of a man and a woman", thus exacerbating discriminatory attitudes, reinforcing gender stereotypes, and spreading misinformation that deters the use of contraception and young people's freedom of sexual expression and gender identity.¹⁹

¹⁵ More information: <https://www.tvn24.pl/krakow,50/kurator-laczy-lgbt-z-pedofilia-rodzice-domagaia-sie-przeprosina,913484.html> (Accessed September 2019)

¹⁶ See, for example: Koalicja Nie dla Chaosu w Szkole, *Raport o Skutkach Wprowadzanej Obecnie przez Waldze Reformy Oswiaty. Propozycja Przyszlego Systemu Edukacji* available at: https://niedlachaosuwszkole.pl/wp-content/uploads/2019/06/Raport_190601.pdf (Accessed September 2019)

¹⁷ More information: <https://www.focus.pl/artykul/samobojstwa-nieletnich-polska-na-drugim-miejscu-w-europie> (Accessed September 2019)

¹⁸ More information: <https://www.newsweek.pl/polska/spoleczenstwo/koniec-zajeciami-antydyskryminacyjnymi-w-szkolach-edukacjanarodowa-wedlug-pis/g6csqxh> (Accessed September 2019)

¹⁹ More information: Human Rights Watch (2019), "*The Breath of the Government on My Back*". *Attacks on Women's Rights in Poland*, available at: <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland> (Accessed September 2019)

In August 2019, a far-right leaning, anti-gender NGO called Fundacja Prawo do Życia (ang. Pro-right to live Foundation) submitted to the Polish parliament a civic initiative, legislative proposal called “Stop Paedophilia” (105.000 signatures had been collected), which was debated in the Polish parliament at the time of writing this report. The proposal envisions imprisonment for up to 2 years to anyone who publicly promotes or approves of engaging in sexual intercourse by children. At the same time, those who promoted or approved of children engaging in sexual intercourse or other sexual activities, while operating in schools, would be punishable by imprisonment of up to 3 years.²⁰ In the explanatory memorandum, the authors of the bill justify the introduction of new criminal code measures by “*increasing threat of aggressive promotion of homosexuality by sex educators and LGBT activists, which aims at sexualizing children*”.²¹ Taking into account the decreasing standards of rule of law in Poland and the influence of government officials on law enforcements, such regulation might be used to intimidate civil society actors standing up for gender equality and, effectively, ban any form of sexuality education in schools, and pursue an “anti-gender” hate campaign.

C. Impact on civil society and anti-discrimination educators

All these, inevitably, have had a profound impact on the work of civil society organisations and anti-discrimination educators.

Firstly, the ruling party politicians and its allies, backed by the ultra-conservative authorities of the Catholic Church, have publicly smeared organisations conducting education activities related to sexual and reproductive health, gender based violence, LGBTQI issues or non-discrimination, demonizing their work and pressuring teachers and headmasters not to collaborate.²²

One example is backlash against an annual education action, so called „*Rainbow Friday*”, initiated by the Campaign Against Homophobia, member of the Anti-discrimination Education Coalition. During „*Rainbow Friday*” schools show their support to the LGBTQI communities and organize dedicated classes to encourage acceptance and tolerance. In 2018, amid pressure and intimidation from the government, many schools were forced to cancel the event. The Minister of Education at the time, Anna Zalewska, informed the school administrators ahead of the date that principals who allowed the event to proceed, would face negative repercussions.²³ Office of the Commissioner for Human Rights took note of the incidents where students were called for disciplinary conversations

²⁰ See, for example: <https://www.tvn24.pl/tvn24-news-in-english,157,m/polish-lawmakers-vote-for-bill-criminalising-promoting-underage-sex,978112.html> (accessed September 2019)

²¹ The proposed legislation is available on: <http://obserwatoriumdemokracji.pl/wp-content/uploads/2019/10/8-020-1286-2019.pdf> (accessed September 2019)

²² More information: <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland>

²³ More information: <https://thegavoice.com/news/polish-students-respond-to-prohibition-of-lgbtq-event-with-rainbows/> (accessed September 2019)

with the principal and/or of schools' authorities censoring their clothes, confiscating rainbow gadgets and threatening to lower students' conduct grade to punish their participation.²⁴

Secondly, certain worrying changes to national government funding for civil society initiatives have been introduced. Organisations working on anti-discrimination issues faced drastic funding reduction or elimination of financial support altogether. Human Rights Watch documented one such case against Autonomia Fundation, also a member organization of the Anti-Discrimination Education Coalition. Funding for Autonomia's anti-violence and anti-discrimination workshops was withdrawn by the Ministry of Family, Labour and Social Affairs (MRPiPS), which also demanded repayment of funds already spent on project activities. Whilst the money did not have to be repaid in the end, withdrawal of funding left Autonomia struggling, with its reputation severely damaged and staff suffering from burnout and exhaustion.²⁵

What is also worth mentioning is an increased activity of anti-gender equality groups aiming at discrediting and smearing organizations working to end all forms of discrimination. In October 2019, Ordo Iuris, a far right think-tank, and Fundacja Mamy i Taty (Eng. Mother and Father Foundation, another far-right-leaning NGO) published two reports summarizing the state of financial situation of the LGBTQI organizations.²⁶ The information included in the reports could be easily found on the internet, however, the sensational tone of these reports aimed at discrediting LGBTQI organizations, showing them as a "secret lobby", funded from abroad and/or by the local governments in opposition to the ruling party, trying to destroy "the Polish family". Information about these reports and its "findings" appeared in the public TV.

Thirdly, the government's education policies and programmes are now decided behind closed doors and/or in close cooperation with anti-rights NGOs, with absolutely no access or consultations with groups working on anti-discrimination issues. For example, to get to know the names of the experts, who drafted the new education curriculum, NGOs had to go as far as taking Ministry of National Education to court.²⁷

The above context has inevitably affected the civil society's capacity to advocate and, in result, forced it to pursue new strategic approaches to continue influencing public discourse, education

²⁴ See, for example, <https://www.prawo.pl/oswiata/edukacja-antydiskryminacyjna-problemy-prawne,344207.html> (accessed September 2019)

²⁵ Human Rights Watch (2019), "The Breath of the Government on My Back". *Attacks on Women's Rights in Poland*, available at: <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland> (Accessed September 2019)

²⁶ See: Ordo Iuris (2019), *Finansowanie Warszawskich Organizacji LGBT*, available at: https://ordoiuris.pl/pliki/dokumenty/FINANSOWANIE_ORGANIZACJI_LGBT.pdf; and Fundacja Mamy i Taty (2019), *Organizacje LGBT w Polsce: dzialalnosc, finansowanie, siec powiazan*, available at: http://www.mamaitata.org.pl/gfx-upload/Organizacje_LGBT_w_Polsce_01102019_do_druku.pdf (accessed September 2019)

²⁷ See, for example, <https://oko.press/sad-autorzy-podstaw-programowych-maja-wplyw-na-przyszlosc-kraju-i-narodu-kiedy-poznamy-ich-nazwiska/> (accessed September 2019)

policies and programmes. These ‘new approaches’ to advocacy are elaborated upon in more details in the next chapter of this report.

2. Civil society advocacy on anti-discrimination in the current political context

A. Background

Before the Law and Justice Party came to power in 2015, the advocacy of TEA and many of its allies was focused on influencing governments’ central institutions, such as the Ministry of National Education, Centre of Education Development (ORE), or office of the Government Plenipotentiary for Equal Treatment, to make sure that they fulfil commitments on anti-discrimination education, as reflected in the relevant policies and declarations. Officially, the government was showing us its ‘good will’.

Taking into account the hostile attitude of Law and Justice’s Party government to enhance protection of marginalised groups, it has become impossible for rights-focused civil society organisations to engage in the advocacy dialogue with the aforementioned decision makers. Legislative changes to increase compliance with the international human rights standards and protection of minority groups have been close to impossible in the current political climate.

In fact, all our interviewees have shared that the current political situation pushed them out of any dialogue with the ruling party and ended relationships with the ministries and other institutions operating at the national level. In the words of our interviewees: *“The power of Civic Platform [previous ruling party, 2007-2015] was that, officially, we had laws and policies behind us and it gave us legitimisation. Today we have no legitimisation, we are being censored”*; *“There is absolutely not a single person in the Ministry of Education we could talk to”*; *“Our work is presented as a threat, and in the eyes of Law and Justice Party and its civil servants - we are the threat”*; *“There is no equal discussion or a discussion based on merits. Its unwinnable”*.

B. How does the today’s civil society advocacy on anti-discrimination look like?

Although the space for gender equality and human rights advocacy has drastically shrunken, the Law and Justice Party’s rule has provoked a rise of a massive opposition in the streets, resisting the government’s politics and proposed reforms. There is not a single week in Poland without the opposition’s demonstration or a public protest by civil society and/or social movements. For example, decades of economic marginalisation of teachers and other education workers, coupled with the rushed and ill-managed education reform, have led to the general teachers’ strike - from

the 8th of April to 25th of April 2019 - the first one in the education sector since 1989.²⁸ In April 2019, 80% of the all schools in Poland were on strike.²⁹

Similarly, civil society has continued to mobilise, yet exploring new strategies and new approaches - some of which are presented below. For example, parents of students affected by the education reform mobilised into a social movement called “*Parents Against Education Reform*”, which organised street protests, school strikes, participated in parliamentary debates, engaged with the media and called for a national referendum.³⁰ At the time of writing this report, a lawsuit against the government was being prepared to hold it accountable for losses experienced by children because of the reform.

Some of the ‘new’ advocacy strategies and ways to engage in public and political spaces are as follow:

- **Advocacy at the local level**

The Polish political system leaves considerable autonomy to the local governments, also in the field of education. Whilst the results of the local elections in Poland in October 2018 have been mixed, the opposition party won the majority of big cities and can rule independently, including in Warsaw.³¹ Moreover, some local governments are becoming major political actors as they strategically unite in the opposition to the Law and Justice Party.³² Of course, there are regions in Poland where dialogue with local governments is not possible whatsoever. For example, over 60 local governments, counties and voivodships voted for a bill against “LGBTQI ideology”, declaring themselves as “LGBT-free zone.”³³ Yet, as one of the interviewees told us: “*It’s not true that everyone is afraid; half of the fear goes away when the local government gives a green light and encourages actions.*”

Shrinking space at the national level, whilst increasing politization and engagement of local actors, opened new doors for civil society, including for those organisations, which have not engaged with local governments to date. This strategy has already borne significant results with the introduction of the new programmes and commitments to end discrimination, for example in the case of the *Gdansk Model of Equal Treatment* or, so called, *Warsaw LGBT+ Declaration* - both elaborated upon as case studies in more details in the next chapter of this report.

²⁸ See, for example <https://www.reuters.com/article/us-poland-strike/polish-teachers-strike-over-pay-after-talks-with-government-fail-idUSKCN1RK0PV> (Accessed September 2019)

²⁹ Ibid (Accessed September 2019)

³⁰ More information: <http://rodzicemajaglos.pl/rodzice-przeciwko-reformie-edukacji/> (Accessed September 2019)

³¹ More information: <https://www.politico.eu/article/local-elections-deal-a-blow-to-polands-ruling-pis/> (Accessed September 2019)

³² See, for example, <https://www.tvn24.pl/tvn24-news-in-english,157,m/polish-former-presidents-and-tusk-sign-declaration-of-freedom-and-solidarity,941942.html> (Accessed September 2019)

³³ https://mnw.org.pl/uchwaly_przeciwko_ideologii_lgbt/ (Accessed September 2019)

- **Building social base and supporting mobilisation at the grassroots**

In the words of one of our interviewees: „*More than ever, advocacy today should be the way to support and build a strong [civil society] sector and social movements, and not an aim in itself*”. In practical terms, this means: engagement in schools by conducting trainings for teachers, classes for students, or provision of education materials to fill the gap left by the government’s policies. It is also about solidarity support for teachers, parents and school principals who are increasingly harassed for their support for anti-discrimination education.

Such an approach, as many of our interviewees have emphasized, is a part of the strategic and long-term effort of building social movements for change. Successful examples in this regard include „*The Rainbow Friday*” - annual event supporting the acceptance of the LGBTQI students in schools - initiated by Kampania Przeciw Homofobii (ang. Campaign Against Homophobia), and, to a certain extent, „*School Friendly for Human Rights*”, a project introduced in the next chapter of this report.

- **Engaging with the opposition in strategic moments**

In a country divided by the ruling party, there are opposition politicians, who could be pushed to take action, if subjected to lobbying and advocacy in the right moments and through strategic, often politically challenging, actions. In the words of one interviewee advocating for LGBTQI protection: „*It is not about being liked. It is about living safely and with dignity. After that [making politicians commit] we can talk if we like each other*”.

For many organisations we have interviewed, the strategic moments are times of election. For example, in view to the European Elections 2019, Kampania Przeciwko Homofobii mobilised its supporters in the so called ‘*Come Out*’ Campaign to ask Polish candidates to commit to support LGBTQI communities in the European Parliament.³⁴ At the time of local elections in October 2018, an LGBTQI organization ‘*Milosc Nie Wyklucza*’ (Eng. Love Does Not Exclude Association) successfully advocated with candidates to sign the so called *LGBT+ Declaration* (see the case study below).

- **International advocacy**

The political situation in the country encouraged some NGOs to look for partners abroad, whilst also spurring interests among international organizations, including Human Rights Watch or Amnesty International. For example, Human Rights Watch, in cooperation with the Polish feminist groups issued a 75-page report: „*A Breath of Government on My Back. Attacks on Women’s Rights in Poland.*”³⁵

³⁴ More information: <https://kph.org.pl/masz-dosc-homofobii-w-polityce-dolacz-do-akcji-come-out/>

Slowly but increasingly, the voices of Polish civil society groups can be heard in the corridors of the UN and the EU, looking for (and often finding) support from the international human rights organisations, UN Experts or the EU Institutions. For example, The *UN Working Group on Discrimination against Women in Law and Practice* visited Poland on its monitoring mission in December 2018.³⁶ Although international advocacy does not directly translate to the change of government's position domestically, the Law and Justice Party cares about its international image. For civil society, such international exposure brings NGOs publicity, new alliances and new supporters.

- **Using media, especially social media**

The Polish media market is relatively pluralistic; there are a number of popular privately-owned media outlets, which are keen to publicise advocacy messages from the civil society and social movements. At a time when the so called 'public media' are controlled by the government and participate in smear campaigns against human rights activists, engaging with the other part of the media market is a chance to create an alternative narrative, to make civil society experts' voices heard and to control the story.

Engagement with the social media, of course, is fundamental. It allows organisations to reach their supporters, publicise their work, but also to publicly challenge and hold politicians accountable. For example, one of the most popular posts on social media from Milosc Nie Wyklucza was a 'meme' showing opposition politicians' negative voting record on women's and LGBTQI rights in the European Parliament: the post reached more than 1 million people and, among the outrage it provoked, 2 MEPs changed their votes.³⁷

- **Managing backlash**

Backlash is inevitable but manageable: any public, let alone successful, action on issues related to anti-discrimination provokes huge backlash from the ruling party, its supporters and often ultra-conservative groups associated with the Catholic Church. It has a devastating impact on activists' bodies and their emotional health. In the words of one of the interviewees: „*Emotional costs of our work are enormous; we do everything with our own bodies and with our emotions [...] especially now, when we are in a constant crisis management mode*”.

³⁵ Human Rights Watch (2019), “*The Breath of the Government on My Back*”. *Attacks on Women's Rights in Poland*, available at: <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland> (Accessed September 2019)

³⁶ See: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24018&LangID=E> (Accessed September 2019)

³⁷ See, for example: <https://oko.press/a-nawet-przeciw-europoslowie-wspiera-ja-rownouprawnienie-kobiet-osob-lgbti/> (Accessed September 2019)

Managing backlash is an integral part of today's anti-discrimination advocacy and, as some of the interviewees have shared, it is more time-consuming than advocacy itself. It requires clear and focused response strategies to promote alternative narratives, rather than responding to smears of the anti-rights actors. On a positive note, according to some theories of social change, backlash could be a sign of success as it is desperate resistance to inevitable change.

3. Inspiring practices

Despite backlash and shrinking space, barriers and obstacles faced by activists and civil society organizations working to promote human rights and anti-discrimination education, many have found creative ways to continue influencing and working with the decision makers to introduce new programs aiming at enhancing protection and empowering marginalised groups. Below are several examples of successful grassroots advocacy efforts in this regard.

A. Stop Bullying! A human rights-based approach to tackling discrimination in schools ³⁸

What is it about?

The aim of the project is to encourage school communities to be more friendly to human rights, better equipped and prepared to address exclusion, discrimination and violence at schools, and to make schools a safe place for all.

The project is addressed to all members of the schools' community: students, teachers, parents, administration workers, and includes activities such as dedicated classes with students, support to students' and schools' projects, trainings for school management, workshops for parents, coaching, mentoring and support for groups and individuals. Started in 2018 as a pilot project in 9 schools in one of Warsaw's city districts, it has since then been extended by the President of Warsaw to all Warsaw's primary schools with plans to reach as many as 211 - this equals approximately 188 000 students, 40 000 parents, 17 000 teachers and 800 administrators and other school employees.³⁹

How did it start?

The project is an initiative of the Mayor of the Warsaw's Ochota district and a response to a violent incident against 14-year-old girl of Turkish origin which took place in the area. The District Council took a strong stand condemning all acts of aggression, intolerance and discrimination and obliged the Mayor to take action, especially directed to school communities.

³⁸ The Polish title of the project has been inspired by the Amnesty International project "Human Rights Friendly Schools". More information: https://www.wcies.edu.pl/media/system/pdf/Szko%C5%82a_bez_wykluczenia_i_przemocy.pdf. (Accessed September 2019)

³⁹ Ibid

It also is a strategic response to aggression and violence which prevail in Polish schools. According to the Educational Research Institute, the vast majority of students experience relational and verbal violence at school, and one in ten experiences long-term and systematic harassment.⁴⁰

Who's involved?

The project champions multi-stakeholder approach and engages with Warsaw City Council, especially its Center for Social Communication and Education Office, as well as the Warsaw Centre for Socio-Educational Innovation and Training (WCIES), which is a local government-operated teacher development facility.

Anti-discrimination educators, often with a long history of cooperation with civil society organizations, play a prominent role in the project and support its implementation. With strong thematic expertise and training and facilitation skills, they conduct classes with students, workshops with parents, and training for teachers. The project taps into and uses the educational materials prepared by civil society organisations and anti-discrimination educators to roll out its curriculum.

B. Gdansk Model for Equal Treatment

What is it about?

In June 2018, the City Council of Gdansk adopted the *Model for Equal Treatment* - the first and most comprehensive of its kind. It addresses discrimination and equal treatment for all, regardless of sex, age, national origin, religious beliefs, (dis)ability status or sexual orientation. Rooted in Polish anti-discrimination law and City of Gdansk urban policies, the Model presents 179 recommendations - out of which 32 are focused on education - to ensure equal treatment, including access to labour market, culture or education system for all, and quick and targeted response by the city authorities if and when discrimination occurs.⁴¹

Model's Vision and Values

In Gdansk, diversity of people is appreciated. Difference in age, sex, sexual orientation, disability status, our national origin, ideological views or religious beliefs enrich the City and are its potential. (...) Gdansk is a friendly place, where everyone can find their home, feel safe and be

⁴⁰ See: <http://www.ibe.edu.pl/pl/publikacje/analizy-ibe/38-aktualnosci/525-przemoc-w-polskiej-szkole> (Accessed September 2019)

⁴¹ Full text of the Model can be found here: https://bip.gdansk.pl/subpages/akty_prawne/pliki/2018/PMG_2018_7_807_zal01.pdf (Accessed September 2019)

*respected. People living in Gdansk are open, responsible for the city and proud of its identity and multicultural heritage”.*⁴²

How did it start?

The work on the Model was initiated in September 2017 by the Gdansk City Council for Equal Treatment, upon request from the Mayor of Gdansk at that time, Pawel Adamowicz, but preceded by years of tireless advocacy by civil society organisations. The Mayor’s decision gave a green light to develop policies specifically directed at the most marginalised groups in a broad and consultative process, which lasted for 9 months, until June 2018.

The process

The process to arrive at the Model was as impressive as the final document itself. The City Council engaged with a broad group of actors in a strategic and participatory manner. First, a group of more than 100 people, in large part experts and practitioners from the civil society, worked together with the City Council officials on the diagnosis of needs in 6 separate groups, reflecting on the major causes of discrimination (sex, age, (dis)ability status, national origin, sexual orientation, religious beliefs). This diagnosis was then turned into concrete recommendations. Between May and June 2018, two rounds of social consultations took place. Such breadth and width of the process ensured high quality and diversity of final recommendations, but also opened doors for anti-rights actors, who did their best to jeopardise the Model. All stakeholders, except the City Council officials delegated to the project, worked voluntarily. The Model was successfully adopted by the City Council resolution on the 28.06.2018.

Specific roles in the Model development process⁴³

City Council	Social Partners (including NGOs& educators)
Political will and courage	Long-term advocacy
Know-how on city’s management and policies	Expert knowledge about the situation and needs of groups at risk of discrimination
Openness to consultations and dialogue	Openness to consultations and dialogue
Administrative support	Solidarity support
Commitments of staff and budget	

⁴² See: <https://roznorodnygdansk.wordpress.com/wizja-i-najwazniejsze-wartosci/> (Accessed September 2019)

⁴³ Table is based on the presentation during the project’s Round Table, June 2019, by the representative of the Gdansk’ City Council.

	Advising on priorities and engagement in implementation of the Model
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Backlash

The work on the Model, and the consultation process, provoked a huge backlash from anti-rights groups, which organized street protests, regularly disturbed and jeopardised public consultations, conducted smear campaigns against the Model and engaged local officials. This had a profound impact on the people engaged in the process, often leaving them exhausted and burned out. The City Council Resolution to adopt the Model was taken to court by the local Voivode - a ruling party representative in the region - but was successfully upheld and its implementation is now in progress.

C. Warsaw Urban Policy for the LGBT+ Community

What is it about?

“Declaration. Warsaw Urban Policy for LGBT+ Community”, also known as *The Warsaw LGBT+ Declaration* or *The LGBT+ Charter*, is a political document signed by the Mayor of Warsaw, Rafal Trzaskowski, which defines a 12-point action plan to address the urgent needs of the Warsaw’s LGBT+ community during his time in office: 2018-2023. Signed on the 18th of February 2019, *The Warsaw LGBT+ Declaration* promises improvements in the areas of security, education, sport and culture, and administration and employment, with actions ranging from providing shelter for LGBT+ teenagers rejected by their families to introduction of systemic anti-discrimination and sexuality education in schools.⁴⁴

“This is not just a political slogan, but the vision I have for my beloved City as one where there is a place for everyone. Political leaders, also at the local government level, need to take a determined stand against homophobia and discrimination to bring about a positive change in social behaviour. This equality is guaranteed by the Constitution of the Republic of Poland.” Rafal Trzaskowski, Mayor of Warsaw, upon signing the LGBT+ Declaration on the 18th of February 2019.⁴⁵

How did it start?

⁴⁴ More information and full document are available at: <https://www.um.warszawa.pl/aktualnosci/prezydent-stolicy-podpisa-deklaracji-lgbt> (Accessed September 2019)

⁴⁵ See: <https://www.um.warszawa.pl/en/Highlights/mayor-warsaw-signs-lgbt-declaration> (Accessed September 2019)

The Mayor's signing of *The Warsaw LGBT+ Declaration* is a direct result of political advocacy and lobbying efforts of Polish LGBT+ organisations led by the *Milosc Nie Wyklucza* Association (MNW). Having recognised the fact that there is no advocacy or even dialogue possible with the current government, LGBT+ activists turned their attention to the local governments. Responding to the strategic opportunity of local elections, which took place in Poland in October 2018, MNW communicated with mayoral candidates all over Poland asking them to sign pledges consisting of specific LGBT+ postulates - including one for Warsaw, which later became *The Warsaw LGBT+ Declaration*. Advocacy dialogue with the election staff of Rafal Trzaskowski started in June 2018, but the Candidate did not sign to the Declaration at the time. Instead, he publicly declared in the media that he would do it after elections, which finally happened in February 2019, after 8 months of advocacy dialogues.

The role of the LGBTQI organisations

The role of the LGBT+ organisations, led by MNW, was absolutely crucial for the process. Unlike in the case of *Gdansk Model of Equal Treatment*, the initiative came from the LGBT+ organisations and required a lot of bold social and media pressure, including naming and shaming, to bring the process to its successful end. Throughout the negotiations, which both LGBT+ organizations and the city council officials openly recognized to be at times very difficult, organisations insisted on transparency of the talks, informing the public about their progress at several stages. Such approach allowed them to generate media attention and community engagement to effectively pressure political partners. It has also been agreed that once the political negotiations were over, local LGBT+ community would become a key actor during the implementation phase and that their genuine participation was necessary for the document to truly address problems faced by the community.

Backlash

Signing of the *Warsaw LGBT+ Declaration* triggered severe backlash from the right-wing ruling party, pro-government media as well as the ultra-conservative arm of the Catholic Church, which warned of threats to the “traditional family” and “depravation of children”. Commitment to anti-discrimination education and comprehensive sexuality education, in accordance with the standards of the World Health Organisation, sparked the most severe reactions and became the target of a smearing campaign, which presented it as “promotion of masturbation among 4-year-olds”.⁴⁶

⁴⁶ See, for example: <https://ordoiuris.pl/rodzina-i-malzenstwo/analiza-deklaracji-warszawska-polityka-miejaska-na-rzecz-spolecznosci-lgbt> (Accessed September 2019)

4. Key findings, insights and recommendations

Civil society working on protection of human rights in Poland - and especially groups standing up for gender equality, LGBTQI, refugees' and migrants' rights and anti-discrimination education - faces unprecedented backlash and attacks, both from the government and from growing anti-rights and xenophobic groups. Hate campaigns conducted by public media and radical xenophobic organizations targeting minority groups and specific organizations or activists, limited sources of financial support, involvement of law enforcement in intimidating actions aimed to cause chilling effects are the main symptoms of the shrinking space for civil society. Despite those difficult socio-political circumstances, organizations and grassroots groups come up with innovative strategies and approaches to continue their work and achieve their long-term results.

Below are key recommendations for Polish advocacy organizations, which would like to continue their advocacy work to enhance protection and emancipation of marginalized groups. These recommendations can be also useful for funders and international intergovernmental and nongovernmental organizations, which would like to support the Polish civil society.

The first set of recommendations below is aimed at international institutions, international human rights groups and funders keen to support our on-going mobilisation. The second one is addressed to civil society and activists in Poland, and/or those working in the context of the shrinking space and rise of authoritarianisms in view to strengthen their strategic mobilisation for change.

Recommendations for funders:

1. Increase funding and adjust your financing programs to support human rights advocacy in a way that meet the needs of national and local organizations. Project-based work with an inflexible set of activities and pre-set programmes is inadequate in a very dynamic and hostile socio-political context. Advocacy in a context of shrinking space needs core, flexible and accessible funding. Increase support for smaller, grassroots organizations and groups working locally. Most of them operate without any institutional financial support and is incapable of applying for funds in programs, which require a lot of bureaucratic and accounting work.
2. Increase financial and in-kind support for building integrated protection strategies, resilience of movements and activists, and their safety. Support programs and create opportunities to learn

about prevention of burnout to decrease “drop out” effect among the activists. Community building and creating safe and brave spaces for front line human rights defenders are as important as advocacy work itself.

3. Create opportunities for human rights defenders and activists to exchange knowledge and experience on working in hostile context and to manage backlash.
4. Reach out to local advocacy organizations and activists, ask about their situation and needs. Establish long term relationships to build trust and understanding of the best ways to support their work. Provide information on specific actions and ways of support your organization could provide and ask which would be the most helpful.

Recommendations for international human rights community and decisionmakers:

1. Reach out directly, create partnerships and strengthen relationships with Polish civil society and activists.
2. Support Polish civil society advocacy in the international human rights and policy making spaces such as the United Nations, Council of Europe, and the EU.
3. Hold the Polish government accountable, speak up and advocate for the rule of law and implementation of the human rights standards in Poland in the relevant spaces and in the international institutions.
4. Organize monitoring visits and invest in the independent research around situation of minority groups and human rights standards.
5. Give visibility and raise awareness about human rights violations and the state of rule of law in Poland.
6. Show your solidarity in social media.

Recommendations for the civil society organising in the shrinking spaces:

1. **Don't give up on advocacy, but be strategic, creative and context-specific with your objectives, target groups and ways of working.** In hostile and difficult times, many NGOs, social movements, and other members of the civil society are keen to give up on advocacy as it seems impossible. Whilst it may not be possible to work with the government and engage with its Ministries, it does not mean that all other advocacy possibilities are closed.

Whilst there is no “one-size -fits-all”, and it is key for advocacy to be context specific, we strongly recommend you to broaden the approach beyond engaging with key decision makers and/or politicians and look for new allies, possibly at a local or international level. It may also be necessary to look at advocacy objectives and target groups in new ways; for example, instead of advocating for policy reform, invest in supporting social movements for change, service delivery (e.g. trainings for teachers or lessons at school), or independent research. Be ready to take risks, adapt and change your strategies, and learn from your peers in the sector. The worst thing that can happen is that you won’t succeed in a political environment which wants you to fail anyway.

2. **Prioritise and support civil society sector, social movements’ resilience and emerging mobilisations:** civil society and social movements more broadly are key drivers for change, yet they remain under concerted attack. On a positive side, the hostile political climate has activated many new people and led to new (yet fragile) forms of mobilisations. Like never before, this requires cross-sector and cross-movements’ solidarity, exchange and collective support. Some of the strategies to explore may include: exchange of experiences between long-lasting and newly formed groups; celebration of successes, even the smallest ones; workshops to prevent burn-out, care for our collective activists’ well-being; support for young leaders, school principals and teachers, including emotional support; working in networks and/or coalitions for stronger voice and visibility; cross-movement and cross-sector exchange and support; solidarity actions when other groups are smeared and/or attacked. Funding is a crucial aspect of our resilience. We strongly recommend that you invest in autonomous resourcing strategies like crowdfunding, membership fees or regular donations from the public, alongside seeking resources from progressive donors both in the country and abroad.
3. **Invest in relationships with local governments, opposition politicians, international human rights institutions, academics, progressive donors, media, and, crucially, with peers across and cross- movements and sector.** Relationships, of course, are central to successful advocacy and it is crucial to tap into the right contacts, strategically and at the right time. When the context is hostile, it is especially important to go out from the comfort zone and engage with a wide range of actors, especially:
 - the opposition’s politicians: they might have not won the elections, but still have the power to vote and bring issues to the parliament,
 - local governments: if and when they have a certain degree of autonomy to pursue policies and fund programmes at local levels,

- international institutions, such as the EU or the UN, with the power to hold national governments accountable for implementation of the international standards on human rights, including anti-discrimination education,
 - academics: not least to keep abreast of the new independent research, and call upon their authority, when and if needed and appropriate,
 - progressive donors: including corporate and private foundations, as well as wealthy individuals to be able to fund the work without being tied to restrictions of government-associated funding,
 - independent media: to be able to share and publicise your own narratives,
 - and not least, peers across- and cross-movements and within the sector: for example, teachers/students/parents/ trade unions/ NGOs standing together for decent wages for education workers and anti-discrimination education in schools is not only more strategic and effective; it is also in everyone's interest. Apply intersectional and solidarity perspective and look to address root causes, not only the symptoms. Invest in creating shared platforms and collective agendas. Develop broad coalitions or networks, including informal ones, to create strategies and act collectively, if and when appropriate.
4. **Step up where government is failing, for example in what regards anti-discrimination classes or workshops at schools, training and support for teachers, development of educational materials and independent research.** This is the work in huge demand, despite the government's politics. In fact, to a certain extent, it's a big success of civil society and anti-discrimination educators. We have created demand and raised the expectations. Don't give up and continue your work.
 5. **Avoid jargon and don't underestimate clear and simple communication.** In a politicised context it is easy to polarise people, including due to unclear, technical language or jargon (e.g. "*equality politics*" or even "*anti-discrimination education*"). In other words, we must be particularly careful and 'down to earth' about how we communicate. It is essential to speak to what people understand, for example, in case of anti-discrimination education: use terms like children's safety, suicide prevention, ending violence at schools. It is a key strategy to be understood, not to alienate people, and to gain new supporters.
 6. **Be ready to manage backlash.** For some of us, the strength of backlash from the anti-right actors is a relatively new thing, whilst others have been dealing with it for decades. The good news is that there is an expertise to manage backlash in the civil society and in social movements, both domestically and abroad. Tap into your peers with a request for training

and/or advice. Don't count on luck; be ready, because backlash will happen. Focus on your own alternative narrative, instead of responding to smear campaigns. Tap into your relationships' network for support, if and when appropriate. Have responses for anticipated *Frequently Asked Questions* (FAQs) ready for your organization, your partners and allies, as, most likely, everyone will be attacked. Try to think about the backlash as an indicator of your strength; where there is not fear that you may succeed, there is no reaction.

7. **Take care of your safety.** Activists increasingly become targets of different kinds of attacks, both online and offline. Even if you or your organization hasn't been targeted yet, set up a meeting and discuss different kinds of possible scenarios including prevention from online hacking, safety during street demonstrations or safety in the office. Use specialised resources and/or engage with experts from experienced organizations such as, for example, Front Line Defenders or Amnesty International.⁴⁷ There is no "one-size-fits-all" solution and it all depends on context of your work it, but it's better to prevent than to respond.

⁴⁷ See, for example, concrete tools for risks analysis and protection planning here: <https://www.frontlinedefenders.org/en/programme/risk-analysis-protection-training> and here: <https://www.amnesty.org/en/documents/act30/6011/2017/en/> (Accessed September 2019)