



# GENDER, VOICE, AND VIOLENCE IN POLAND

Women's Protests during the Pandemic

Edited by **ADRIANNA ZABRZEWSKA**  
and **JOSHUA K. DUBROW**





# **GENDER, VOICE, AND VIOLENCE IN POLAND**

Women's Protests  
during the Pandemic



# **GENDER, VOICE, AND VIOLENCE IN POLAND**

Women's Protests  
during the Pandemic

Edited by

**ADRIANNA ZABRZEWSKA**

and

**JOSHUA K. DUBROW**

This publication has been prepared as part of the project “Głos polityczny a nierówności ekonomiczne w przekroju międzykrajowym i czasowym” [Political Voice and Economic Inequality across Nations and Time] financed by the National Science Centre, Poland (project no. 2016/23/B/HS6/03916).

The monograph **Gender, Voice, and Violence in Poland: Women’s Protests during the Pandemic** by Adrianna Zabrzewska and Joshua K. Dubrow (eds.) was reviewed by Justyna Struzik, Ph.D. (Jagiellonian University).

Cover design

*Andrzej Łubniewski*

Photo by Zuza Gałczyńska on Unsplash

Editor

*Barbara Gruszka*

Copyright © by Authors and Wydawnictwo IFiS PAN

ISBN 978-83-7683-205-0

IFiS PAN Publishers

00-330 Warsaw, Nowy Świat 72

[www.ifispan.pl](http://www.ifispan.pl)

# Table of Contents

Preface .....	7
Introduction: Gender, Voice, and Violence in Poland .....	9
<i>By Adrianna Zabrzewska and Joshua K. Dubrow</i>	

## PART ONE: TIMELINE OF PROTESTS AND VOICES OF STRAJK KOBIEŃ

Chapter One: A Timeline of Women’s Strike Protests in Poland, October to December 2020 .....	23
<i>By Natalia Zakrzewska and Joshua K. Dubrow</i>	
Chapter Two: Voices of Strajk KobieŃ: Postulates, Plans, and Calls to Action .....	41

## PART TWO: VOICES OF POLITICIANS

Chapter Three: Translator’s Introduction .....	49
<i>By Adrianna Zabrzewska</i>	
Chapter Four: Committee on Social Policy and Family, October 26, 2020 .....	54
Chapter Five: Jarosław Kaczyński’s October 27 Speech .....	84
Chapter Six: 20 <sup>th</sup> Session of the Sejm, October 28, 2020 .....	87
Chapter Seven: President Andrzej Duda’s October 30 Statement ...	97
Chapter Eight: The Council of Ministers’ December 1 Statement ...	99
Chapter Nine: Committee on Administration and the Interior, December 9, 2020 .....	101

Chapter Ten: Ministry of the Interior and Administration: Information on Police Action .....	158
Chapter Eleven: 23 <sup>rd</sup> session of the Sejm, December 16, 2020 ....	161
Chapter Twelve: Andrzej Duda in Interview with Bogumił Łoziński ( <i>Gość Niedzielny</i> ), December 24, 2020 .....	169
Chapter Thirteen: Andrzej Duda in Interview with Krzysztof Skórzyński (TVN 24), January 22, 2021 .....	175

### PART THREE: VOICES OF SCHOLARS

Chapter Fourteen: The Fight for Women’s Rights Continues: Protests Against Abortion Restrictions in Poland .....	183
<i>By Karolina M. Gilas</i>	
Chapter Fifteen: From Anguish to Anger: Struggle for Women’s Reproductive Rights in Poland .....	191
<i>By Elżbieta Korolczuk</i>	
Chapter Sixteen: Tip of the Wave? New Forms of Intersectional Feminist Mobilizations in Poland .....	197
<i>By Magdalena Grabowska</i>	
Chapter Seventeen: The 2020 Protests and the Lord-Boor Division in Poland: Intricacies of Challenging the Roman Catholic Church .....	204
<i>By Dorota Hall</i>	
Chapter Eighteen: Gender, Body Politics, and State-Induced Violence: A Philosophical Analysis of Polish Politicians’ Responses to the 2020 Protests against the Abortion Ban .....	210
<i>By Adrianna Zabrzewska</i>	
About the Editors .....	227
About the Contributors .....	228

# Preface

This is a book of statements and documents, publicly available and translated into English, and scholars' commentaries on the autumn 2020 protests in Poland that followed the Constitutional Tribunal's ruling on abortion. As editors, we present the voice of protesters, academics, and authorities to provide insights into the relationship between institutions, inequality, and protest. We designed this book for a wide variety of uses, including research, teaching, journalism, and activism.

Adrianna Zabrzewska translated all of the Polish-language materials that appear in this book. The translations and this book were funded by the National Science Centre, Poland (2016/23/B/HS6/03916) as part of Joshua K. Dubrow's project "Political Voice and Economic Inequality across Nations and Time" [Głos polityczny a nierówności ekonomiczne w przekroju międzykrajowym i czasowym].

We dedicate this book to all people who took to the streets to protest the abortion ban in Poland and to those who couldn't be there in person but found other ways to voice their dissent.



## INTRODUCTION

# Gender, Voice, and Violence in Poland

*By Adrianna Zabrzewska and Joshua K. Dubrow*

The year 2020 was a time of intense uncertainty in Poland. As the European Union berated the Polish government about inconsistencies in the rule of law, the Covid-19 pandemic upended all areas of economic and political life. Public protest, though frowned upon by the government, erupted on various issues. In the midst of this uncertainty, when Poland began to experience the worst of the pandemic's second wave in terms of cases, hospitalizations, and deaths, the Constitutional Tribunal declared that the termination of pregnancy in case of fetal abnormalities is no longer constitutional. With this ruling, the Tribunal eliminated the most common premise for legal abortions in Poland.<sup>1</sup> It was a victory for the anti-abortion activists who had laid the groundwork for the Tribunal's decision through their submission of a citizens' proposal on this issue.

<sup>1</sup> In a post from July 23, 2021, the non-governmental organization Federa (Federation for Women and Family Planning) presents the 2020 data on legal abortions that they procured from the Ministry of Health. According to these statistics, 1,074 legal terminations had been performed in 2020, out of which 1,053 (98 percent) had been caused by embryopathological defects. The year 2020 noted a slight decrease in numbers compared to 2019 when the Ministry registered 1,110 legal abortions, including 1,074 terminations based on embryopathological defects.

These numbers are just a fraction of all abortions performed by Polish citizens, either in Poland or abroad. Federa estimates that there might be up to 150,000 terminations each year (Nowak, 25 October 2020). A CBOS 2013 report estimated that a  $\frac{1}{4}$  to  $\frac{1}{3}$  of women in Poland had an abortion during their lifetime, which adds up to in between 4.1 to 5.8 million persons.

Announced on October 22, the Constitutional Tribunal's ruling was an impetus for months of street protests in autumn 2020, organized in part by Ogólnopolski Strajk Kobiet [All-Poland Women's Strike]. Strajk Kobiet emerged as a feminist social movement in 2016 and coordinated the Black Protests that erupted in response to the previous attempt at restricting the already strict abortion law in Poland. Mass mobilizations held on "Black Monday" October 3, 2016 made the Sejm drop the anti-abortion bill three days later, on October 6. Despite the 2016 strikes being a success, the fight was far from over.

Travel from 2016's Black Monday to the Tribunal's 2020 ruling was swift. In May 2017, the government restricted access to emergency contraception. In September 2017, "pro-life" activists started collecting signatures under the "Stop Abortion" citizens' proposal of the legal act. In October 2017, a group of deputies represented by Bartłomiej Wróblewski (Law and Justice) moved for verifying the constitutionality of the embryopathological – or, according to right-wing commentators, "eugenic" – premise for abortion (the same petition was then renewed in autumn 2019; see Klauziński and Sitnicka, 2020). In November 2017, the "Stop Abortion" Legislative Initiative Committee submitted their proposal to the Sejm together with 830,000 citizens' signatures. In January 2018, the Presidium of the Polish Episcopate published an appeal to "stop eugenic abortion." The same month, deputies of the Sejm rejected the pro-choice counter-proposal "Save Women 2017" (prepared by women's rights activists) and allowed the "Stop Abortion" project to proceed further (see Korolczuk et al. 2018 for a timetable of events up to June 2018, as put together by Radosław Nawojski). The proposal was set aside for some time, but when PiS, (i.e. Law and Justice) won the parliamentary elections of October 2019, they had six months to revive it (Nowak, April 2020). "Stop Abortion" returned to the Sejm in April 2020, a month after the government officially declared the state of Covid-19 pandemic in Poland.

Responding to the legislative changes pushed by the United Right coalition and the Constitutional Tribunal – which, according to the European Union, has been strategically subdued by the governing party Law and Justice – the 2020 protests were long and loud, but had not disrupted the process. The intensity of the protests stalled

the publication of the Constitutional Tribunal's decision, but not for long. The ruling was published on January 27, 2021, making Polish abortion law one of the strictest in Europe.

Covid-19 had not slowed protest in Poland. On August 7, the arrest of LGBTQ+ activist Margot from the queer collective Stop Bzdurom [Stop Bullshit] resulted in confrontations with the police and subsequent arrests of 48 other persons (Mierzyńska 2020, Mikołajewska 2020). Margot was detained on the accusation of the harassment of a driver of Fundacja Pro's truck and the destruction of the vehicle. Fundacja Pro is a pro-life, anti-LGBT organization known for aggressive visual and audio campaigns in which vehicles are used to promote homophobic messages in public spaces. Margot's detainment – together with the larger context of anti-LGBTQ+ agenda of the Polish right wing and the Roman Catholic Church – resulted in demonstrations of solidarity across Poland and abroad. The events of Summer 2020 contributed to the awareness that reproductive justice concerns not only cisgender heterosexual women and that the struggle for women's rights and gender equality is closely and inherently connected to the struggle for LGBTQ+ rights (see commentaries by Chmielewska-Szlajfer and Dunin-Wąsowicz, 2020, Fal Dutra Santo, 2020, and Grabowska, Chapter Sixteen).

## PURPOSE AND STRUCTURE OF THE BOOK

The aim of this sourcebook is to examine a momentous period in Poland's history through the presentation of a selection of voices on the 2020 protests in Poland that followed the Constitutional Tribunal's ruling on abortion. Some of the documents are the voice of Strajk Kobiet, but most of the translated sources represent the voice of the legislative and executive branches of the Polish government as they discuss and debate the protests and their role in the collective violence. We also include short commentaries from scholars who specialize in issues of gender, gender inequality, and feminist theory. These are social scientists and philosophers, some of them located in Poland, some of them living abroad, all of them Polish women. While the voices of the legislators represent the right-wing perspective, voices of scholars and protest leaders come from the left side of

the political spectrum. Together, these voices present the two adversarial positions symptomatic of 2020–2021 Poland.

This book presents the voice of protesters, scholars, and authorities to provide insights into the relationship between institutions, uncertainty, and protests that, at times, involved violence. We designed this volume as a sourcebook for a wide variety of uses, including research, teaching, journalism, and activism.

The book is divided into three parts. **Part One: Timeline of Protests and Voices of Strajk Kobiet** opens with a chapter in which Natalia Zakrzewska and Joshua K. Dubrow use protest event data from the Armed Conflict Location & Event Data Project (ACLED) and other sources – Our World in Data, the Johns Hopkins University COVID-19 Dashboard, and the Oxford Covid-19 Government Response Tracker – to present a timeline of the protests in the context of the Covid-19 pandemic. Part One ends with a chapter dedicated to a translation of Strajk Kobiet postulates and other short posts featured on their website and social media.

**Part Two: Voices of Politicians** includes English-language translations of speeches, statements, interviews, and transcripts of Sejm proceedings. It begins with an introductory chapter that describes the translator’s decisions and motivations. All documents have been translated by Adrianna Zabrzewska, the co-editor of this volume. This part of the book contains ten source texts. These include statements by politicians of Law and Justice who support the anti-abortion policy and the representatives of the opposition (from the Left and the predominantly liberal-conservative Civic Coalition) who side with the protesters. Key right-wing voices featured in this part include President Andrzej Duda, Deputy Prime Minister Jarosław Kaczyński, or the Minister of the Interior and Administration Mariusz Kamiński.

Most of the voices of authority that we present are that of men. In the Polish political scene – which includes the executive, the legislative, and, due to recent changes created by PiS, the judicial – there are more men than women in the key positions of power (Dubrow and Zabrzewska 2020). This gender imbalance is part of the reason why the Tribunal made their ruling. It also means that the loudest voice of official Polish political authority is male.

**Part Three: Voices of Scholars** contains commentaries from Polish social scientists and philosophers. Just as the translated

speeches and Sejm debates are the province of the speaker, the opinions and attitudes within the commentaries are the province of the writer. As editors of this volume, we have provided a communication platform, but the authors were free to decide the content and the style of their commentaries.

Karolina Gilas looks at Poland from the perspective of Mexico where she lives and works. Despite the Mexican society's polarized opinion on abortion, in 2021 the Supreme Court has decriminalized abortion and ruled that conscientious objection in health care cannot interfere with women's rights. Looking at the situation in Poland, Gilas describes the causes of the 2020 protests in the light of social and political phenomena that have been shaping approaches to reproductive laws, gender equality, women's rights, and women's political representation in Poland since the democratic transition. As Gilas observes, the future of the feminist struggle in Poland is closely linked to the re-establishment of a full democracy that is capable of recognizing women's voices and realizing their demands for equality.

Elżbieta Korolczuk traces the development of anti-abortion legislation and pro-abortion protests in times of Covid-19. What started as a citizens' proposal submitted by ultraconservative environments was picked up by the Sejm in April 2020 and sent off on a road that led to the Constitutional Tribunal's ruling. Despite Covid-19 preventive measures, protest action flourished in various forms, both online and in city spaces. Reflecting on the youth's participation in the protests, Korolczuk expresses the hope that recent mass mobilizations exemplify a generational change in attitudes towards the state and the Church – a change that allows young people to contest old authorities and demand equality for marginalized and underserved groups.

Magdalena Grabowska discusses the new forms of feminist mobilizations that surfaced already during the 2016 Black Protests and then evolved and gained momentum in 2020. As Grabowska claims, the 2020 protests overcame the hegemony of liberal feminism in Poland and of those feminist narratives that presented women as the only subjects of reproductive policies and feminist struggles. According to Grabowska, the demonstrations were based on intersectional, radical solidarity between various groups of (predominantly young) people whose activist engagement in issues relevant to feminist and

LGBTQ+ struggles emerged far from coordinated campaigns and feminist elites.

Dorota Hall focuses on the protests' anti-clerical dimension that resulted from the close alliance between the Roman Catholic Church and the Polish state, RCC's influence over policy makers, and its anti-abortion articulations. Hall also demonstrates how public discourses in Poland are shaped by the lord-boor dichotomy that separates the enlightened intellectual elites from unreflectively religious common people. The "boors" can be ridiculed or elevated, but in both cases, the two sides of the political barricade – progressive liberals and conservative right-wingers – continue to support the Church, an institution that is also internally divided along the lord-boor division lines.

The book ends with a commentary by Adrianna Zabrzewska who analyzes Polish politicians' responses to the 2020 protests against the abortion ban through the lens of feminist philosophy. Using selected sources provided in the book (e.g. the transcript of the Committee on Administration and the Interior), Zabrzewska provides insights into how contemporary right-wing rhetoric relies on the body politic metaphor and on the gender bias inherent to mainstream notions of embodiment. She exposes how the facilitators of the anti-abortion law conceptualize the protesters and their demands as a disease or even a virus that threatens the state, as defined by the Catholic right wing. At the same time, the article shows how pro-abortion protests – as an example of what Judith Butler (2015) called "plural embodied action" – place the actual human body at the forefront of politics, heralding a possibility of arriving at a more livable future.

## PROTEST AND VIOLENCE

The concept of violence appears in this book in a number of ways. One way is collective violence. Collective violence (Tilly 2003: 3) involves two or more individuals who coordinate and cause physical damage to people or things, including seizure and capture. It comes in three forms: spontaneous, organized, and institutional. Spontaneous violence erupts out of uncertainty, opportunity, or both. Organized and institutional forms of collective violence are similar, in that

the violence can be pre-planned, but institutional violence is a situation in which the authorities initiate the violence.

Protest violence is a product of the interaction between protesters, authority, counter-protesters, and their environment. They are unequal actors, especially on the legitimate use of violence. Of these actors, the state has the largest legal latitude with regard to the justification and execution of violence. State violence is sanctioned and bounded by law – there are limits to what states can do, but since the state both makes and interprets the laws, the limits of violence are relatively fluid across time and contexts.

Violence in protest appears for a number of reasons. The contentious politics approach of Tilly (2003, 2008) argues that violence is a rational response and an available channel when other channels malfunction. According to the rational choice approach, people are cost-benefit calculators who act and react based on the information they seek, receive, or perceive. According to this approach, violence may arise from conflict when protesters realize that alternative, non-violent channels are ineffective (Seferiades and Johnston 2013). If protesters perceive that the costs of peaceful protest were too high, i.e. they could not draw sufficient attention to their cause or they had not created the change that they sought, they may opt for violence.

In another theoretical perspective, claimants may use violence to achieve their goals if they have a “disruptive propensity” (Seferiades and Johnston 2013), meaning that they have a tendency to not only engage in conflict but to do it in ways that transgress norms. In theory, when a peaceful conflict had not led to the changes that the protesters demanded, and when the political environment is generally inhospitable to change, protesters may feel irrelevant and ineffectual; they may turn to violence as a way to strike back.

The dynamics of the event, including protesters’ interaction with the state (i.e. the police), is a major element of why a protest becomes violent. State interventions in public protest can turn into institutional violence.

Whereas most of the 2020 demonstrations across Poland that involved the issue of reproductive rights were peaceful, a handful included violence (Chapter One: Timeline). Those who experienced this street-level violence were protest organizers, members of the Sejm, and folk who joined the protest because they believed it was

the right thing to do, along with counter-protesters and members of the police. At times, the government, run by PiS, used Covid-19 restrictions to quell protests and justify police brutality. Poland's opposition party confronted the right-wing-led government's justification of violence against protesters and left-wing MPs (see instances of violence in Chapter One). Zabrzewska explores this issue in Chapter Eighteen.

Although this book discusses voice in terms of protest, Covid-19 exposed and exacerbated gender violence. Across nations, domestic violence, mostly against women, increased (Sanchez et al 2021). In the United States, intimate partner violence increased, especially for historically disadvantaged groups, in what scholars called "a pandemic within a pandemic" (Evans et al 2020). In Chicago, March 2020, whereas official reports and arrests for domestic violence decreased, there was a marked increase in emergency calls to the police about domestic violence (Bullinger et al 2021). At the beginning of the pandemic in Poland, a report was published in which it had been estimated that calls to a domestic violence help-line increased by 50 percent (Bojaruniec 2020: 197; see also Sosnowska and Sakson-Szafrańska 2020). Social workers in Poland considered domestic violence to be one of the pre-eminent problems of the lockdown, though it has been a major concern even before the pandemic (Necel and Zreba 2020). In 2020, a report commissioned by the government, but not officially released, found that "over half of Poles (57%) say they have experienced some form of domestic violence in their lives. Among women, the figure is 63%" (Tilles 2020).

The report came amidst the PiS government's attempts to withdraw from the Istanbul Convention, formally known as the "Council of Europe Convention on preventing and combating violence against women and domestic violence." In April 2020, to do something about the rise of gender-based violence, the Sejm adopted an act to combat domestic violence that allowed "law-enforcement agencies to temporarily evict a suspected domestic abuser from the family residence and its immediate surroundings for 14 days" (Wądołowska 2021). That the PiS government attempts to withdraw from an international treaty on quelling gender-based violence while supporting a smaller law on domestic violence is characteristic of the Polish political scene since the mid-2010s.

\*

Since autumn 2020, Poland has lagged behind the rest of Europe in number of Covid-19 vaccinations and has experienced many more waves of the pandemic. As of the publication of this book, nearly five million Poles have been infected with Covid-19. Over 100,000 people died because of the virus, with Covid-19 being either the underlying or the contributing cause of death.

And as of this publication, there has been no reversal of the Constitutional Tribunal's ruling. On October 29, 2021, lawyer Joanna Budzowska wrote on Twitter about a 22-week pregnant woman who died in hospital in Pszczyna, a town of 25,000 people in southern Poland (Theus 2021). Pregnant with a fetus that had been earlier diagnosed with prenatal defects, the woman was admitted to hospital with oligohydramnios, a deficiency of amniotic fluid. Hesitant about terminating the pregnancy, the doctors waited for the fetus to die. In effect, the woman went into septic shock and died (Kojzar 2021). The news rekindled Strajk Kobiet protests. In the first week of November 2021, people across Poland gathered and marched to honor the woman's passing and to once again protest the anti-abortion law. This time they demonstrated under the message "Ani jednej więcej" [Not one woman more].

Her name was Izabela. She died on September 22, 2021. She was 30 years-old.

## REFERENCES

- Bullinger, Lindsey Rose, Jillian B. Carr, and Analisa Packham. "COVID-19 and crime: Effects of stay-at-home orders on domestic violence." *American Journal of Health Economics* 7, no. 3 (2021): 249-280.
- Bojaruniec, Marta. 2020. "Domestic Violence During The Covid-19 Pandemic." In *Crisis As A Challenge For Human Rights*: Edited by Iwona Florek, Andrea Koroncziová, and Jose Luis Zamora Manzano, Published by Comenius University in Bratislava.
- Butler, Judith. *Notes Toward a Performative Theory of Assembly*. Harvard University Press, 2015.
- CBOS. „Doświadczenia aborcyjne Polek.” *Komunikat badań BS/60/2013*, May 2013.
- Chmielewska-Szłajfer, Helena, and Roch Dunin-Wąsowicz. „Poland's abortion ban protests are a harbinger of a wider social movement.” *LSE*.

- November 10, 2020, <https://blogs.lse.ac.uk/europpblog/2020/11/10/polands-abortion-ban-protests-are-a-harbinger-of-a-wider-social-movement/>
- Dubrow, Joshua K., and Adrianna Zabrzewska, eds. *Gender Quotas in the Post-Communist World: Voice of the Parliamentarians*. IFiS PAN Publishers, 2020.
- Evans, Megan L., Margo Lindauer, and Maureen E. Farrell. "A pandemic within a pandemic—Intimate partner violence during Covid-19." *New England Journal of Medicine* 383, no. 24 (2020): 2302-2304.
- Fal-Dutra Santo, Agnieszka. „No peace without rights: Discrimination against LGBTQ persons as a barrier to the implementation of WPS commitments in Poland." *LSE*. August 12, 2020 <https://blogs.lse.ac.uk/wps/2020/08/12/no-peace-without-rights-discrimination-against-lgbtq-persons-as-a-barrier-to-the-implementation-of-wps-commitments-in-poland/>
- Federacja na rzecz Kobiet i Planowania Rodziny. „Liczba aborcji ustawowych w 2020 – Mamy dane z Ministerstwa Zdrowia." *Federa.org*. July 23, 2021. <https://federa.org.pl/dane-mz-aborcje-2020/>
- Klauziński, Sebastian and Dominika Sitnicka. „To oni chcą całkowitego zakazu aborcji. Publikujemy nazwiska posłów, którzy poparli wniosek do TK." *OKO.press*. October 9, 2020, <https://oko.press/to-oni-chca-calkowitego-zakazu-aborcji-publikujemy-nazwiska-poslow-ktorzy-poparli-wniosek-do-tk/>
- Kojzar, Katarzyna. „Ku pamięci kobiety, która umarła tylko dlatego, że była w ciąży. W Polsce o godz. 19 zapłoną znicze." *OKO.press*. November 1, 2021. <https://oko.press/ku-pamieci-kobiety-ktora-umarla-tylko-dlatego-ze-byla-w-ciazy/>
- Korolczuk, Elżbieta, Beata Kowalska, Jennifer Ramme, Claudia Snochowska-Gonzalez, eds. *Bunt kobiet. Czarne Protesty i Strajki Kobiet*. Europejskie Centrum Solidarności, 2018.
- Mierzyńska, Anna. „»Rzucono na chodnik dziewczynę. Przykryłam ją swoim ciałem.« Sieć żyje protestami [10 wpisów]." *OKO.press*, August 8, 2020, <https://oko.press/10-wpisow-o-protestach/>
- Mikołajewska, Bianka. „Akcja jak prowokacja. Błędy policji eskalowały protest w obronie Margot – uważają ex-policjanci." *OKO.press*. August 10, 2020, <https://oko.press/akcja-jak-prowokacja-protest-w-obronie-margot/>
- Necel, Ryszard, and Marta Zaręba. "Social assistance institutions during the COVID-19 pandemic: Experiences of Polish social workers." *International Social Work* 63, no. 6 (2020): 803-806.
- Nowak, Marta K. "Dzwonią kobiety, którym szpital właśnie odwołał aborcję. Pomożemy wszystkim [ROZMOWA]." *OKO.press*. October 25, 2020, <https://oko.press/dzwonia-kobiety-ktorym-szpital-wlasnie-odwolal-aborcje-pomozemy-wszystkim-rozmowa/>
- . "Bunt kobiet silniejszy niż izolacja. Rusza ogólnopolski protest przeciwko zakazowi aborcji." *OKO.press*. April 11, 2020, <https://oko.press/>

- bunt-kobiet-silniejszy-niz-izolacja-rusza-ogolnopolski-protest-przeciwko-zakazowi-aborcji/
- Sánchez, Odette R., Diama B. Vale, Larissa Rodrigues, and Fernanda G. Surita. "Violence against women during the COVID-19 pandemic: An integrative review." *International Journal of Gynecology & Obstetrics* 151, no. 2 (2020): 180-187.
- Seferiades, Seraphim, and Hank Johnston, eds. *Violent Protest, Contentious Politics, and the Neoliberal State*. Ashgate Publishing, Ltd., 2013.
- Sosnowska, Magdalena and Izabela Sakson-Szafrańska. "Selected Aspects Of Interpersonal Violence In The Perspective Of Social Security." In *Crisis As A Challenge For Human Rights*: Edited by Iwona Florek, Andrea Koroncziová, and Jose Luis Zamora Manzano, Published by Comenius University in Bratislava.
- Theus, Julia. "»Lekarze czekali na obumarcie płodu. Pacjentka zmarła.« Jutro protest »Ani jednej więcej«." *OKO.press*. October 31, 2021. <https://oko.press/lekarze-czekali-na-obumarcie-plodu-pacjentka-zmarla-jutro-protest-ani-jednej-wiecej/>
- Tilles, Daniel. 2020. "Over 60% of women in Poland have experienced domestic violence, finds leaked report." *Notes from Poland*, August 17, 2020.
- Tilly, Charles. *The Politics of Collective Violence*. Cambridge University Press, 2003.
- Wądołowska, Agnieszka. 2021. "Report praises steps against domestic violence in Poland but urges further progress." *Notes from Poland*, September 16, 2021.
- Wievorka, Michel. *Violence: A New Approach*. Sage, 2009.



PART ONE

TIMELINE OF PROTESTS AND VOICES  
OF STRAJK KOBIEŃ



## CHAPTER ONE

# A Timeline of Women's Strike Protests in Poland, October to December 2020

*By Natalia Zakrzewska and Joshua K. Dubrow*

Three facts defined the autumn of 2020: the second wave of the Covid-19 pandemic, the Constitutional Tribunal's decision to severely restrict the reproductive rights of women,<sup>1</sup> and the resultant Strajk Kobiet protests. This chapter provides a timeline and description of the protest events in the context of the pandemic. We focus on October to December 2020, the protest movement's height.

We used various sources of information to describe the events of autumn 2020. For the timeline of events, we rely heavily on the Armed Conflict Location & Event Data project (ACLED). ACLED uses news reports to provide basic information about protest events for countries from around the world (Raleigh et al 2010). As with other protest event data, ACLED coded information on who protests, when, and where, and provides a brief statement on what the protest was about. We examined all protests in which women were the main protest actors, or the women's strike organization or an affiliate to women's strike appeared.

ACLED has special codes for whether there was violence and whether the state or other actors intervened. We counted violent

<sup>1</sup> In this chapter, we use the term "women" since Polish legislation, ACLED data, and many sociological sources refer to cisgender women and cisgender men. Being aware of the limitations of this approach, we want to acknowledge that reproductive rights and reproductive health concern not only cisgender women, but can also pertain to the lived experiences of transgender men and non-binary persons.

events as ACLED defines the term: “Political violence is the use of force by a group with a political purpose or motivation.” The extent to which ACLED accurately reports violence in Strajk Kobiet protests is not clear. ACLED relies on media reports that are subject to various biases, yet the media are also likely to report a protest that turned violent. However, whether violence occurred is often based on police reports; with regard to protest, the police have different motivations than the media and their own set of biases. The police and the protest actors may also have different perceptions as to what violence is. Our intention is to present the protest situation with the best publicly available information. We rely on ACLED data because they are highly-regarded and they are the only data to have such wide ranging coverage of protest events in Poland during 2020. These data are not perfect, but they are our best opportunity so far to understand how much violence occurred during the Strajk Kobiet protests of 2020. For some notable protests that we use for illustration, we supplement ACLED with additional media reports.

To chart the course of the pandemic, we used *Our World in Data* (OWiD). OWiD’s data on cases, hospitalizations, and deaths are from *Johns Hopkins University COVID-19 Dashboard*. To understand government mandated restrictions, sometimes referred to as “lockdown” or “containment,” we use the *Oxford Covid-19 Government Response Tracker* (OxCGRT) as reported in OWiD. The lockdown environment is multifaceted. For a simple illustration, we use OxCGRT’s “Stringency Index,” which is a compilation of government restrictions on transportation and public gatherings, along with government mandated stay-at-home orders and school and workplace closures. The greater the “Stringency Index” score, the greater the restrictions.

\*

There was little public debate on the matter of abortion before the fall of Communist rule and the transformation of the political system (Girard and Nowicka, 2002). The Communist system’s policy made abortion widely accessible for women, free of charge, and available in public health care. Under Communist rule, termination of pregnancy was permitted in 1956 for social reasons, and in 1959 it was completely allowed and justified by law to protect the lives of

women who would otherwise undergo unsafe procedures. Abortions were performed by national hospitals, free of charge. This egalitarian approach to reproductive rights was influenced by Marxist philosophy and Communist ideology that provided wide medical access. However, this promptly changed with the system transformation to modern capitalism.

The post-1989 shift to democracy did not grant women control over their bodies; rather, it brought further restrictions upon them. The drastic shift from relatively free access to one of the most restrictive abortion laws started in the early 1990s. According to the 1993 Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination, abortion on socioeconomic grounds was ruled illegal (Girard and Nowicka, 2002). In reality, those who could afford travel and the cost of private clinics abroad could terminate a pregnancy, while those with a precarious economic situation had far more limited options. The ruling of the Constitutional Tribunal on October 22, 2020 eliminated the most common legal premise for abortion in Poland, i.e., any case in which the fetus had a severe and irreversible impairment or was suffering from an incurable and life-threatening condition.

Women's reproductive and economic rights have never been two separate issues. Reproductive freedom provides women with economic stability and security, whether it is access to birth control, abortion, or paid maternity leave. Obstruction of access to abortion services is most severe for people with limited economic security. With the new ruling, wealthy Poles can more easily travel to another country for the procedure, and Poles who struggle economically have far less resources to do so. This unjust economic situation, coupled with an unwarranted reproductive rights situation, puts pressure on those who struggle economically, potentially forcing them to go forward with an unwanted pregnancy.

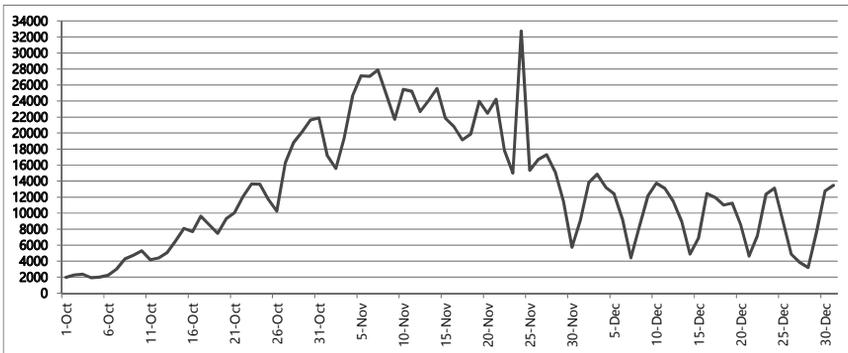
The Strajk Kobiet protests were a nationwide phenomenon. Local women's protests grew from a few dozen participants per rally to hundreds of thousands of activists, mostly women, protesting against abortion restrictions in Poland. They protested on the streets of their cities and towns and were joined by those who expressed their solidarity with the movement. Some protests in support of the movement took place in countries across the world, which demonstrates not

only the profound impact of the movement, but, most importantly, a widely shared stance on reproductive rights and strong objection to such radicalizations of the law.

## CONTEXT OF THE WOMEN’S STRIKE PROTESTS

### *Covid-19 Pandemic*

When the World Health Organization declared Covid-19 a pandemic on March 11, 2020, life in Poland, as well as the rest of the world, changed. In autumn 2020, Poland experienced the “second wave” of the pandemic (the first wave was in Spring 2020). Cases, hospitalizations, and deaths induced fear and were part of a larger picture composed of many other fears: fear of catching the SARS-CoV-2 virus, fear of transmitting it to friends and family, and fear of dying from Covid-19. At the time, a vaccine was not widely available. We note that the cases and deaths are likely an undercount (Dubrow 2021), but reflect the estimate available.



**Figure 1.** Cases of Covid-19 per day in Poland, October 1 to December 31, 2020

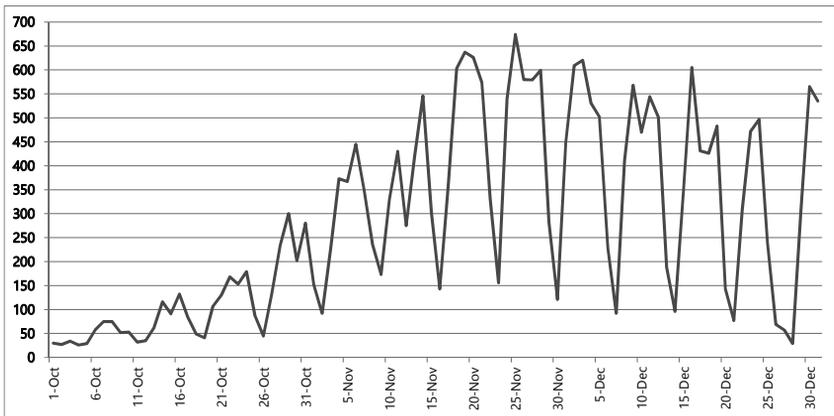
Cases rose steadily during this period, reaching a peak in late November, with ca. 30,000 per day. By New Year’s Eve, cases declined to their late October levels.

*A Timeline of Women's Strike Protests in Poland, October to December 2020*



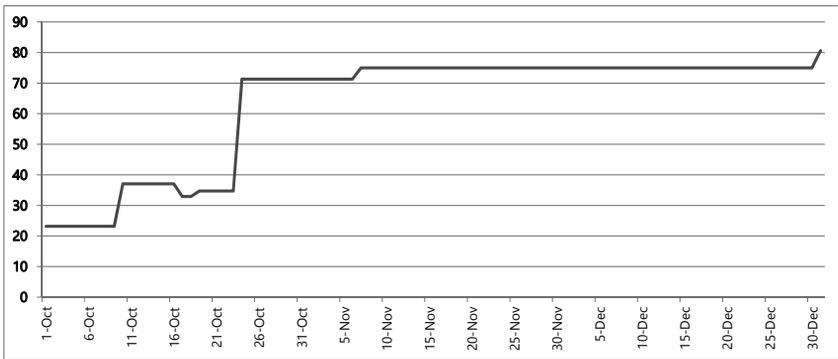
**Figure 2.** Hospitalizations Attributed to Covid-19 per day in Poland, October 1 to December 31, 2020

As cases rose, so did hospitalizations due to Covid-19. The peak was near 23,000 people in hospitals due to Covid-19. Unlike cases, the number of Covid-19 hospitalizations slowly fell. By late December, there were over 16,000 people in the hospital because of Covid-19.



**Figure 3.** Deaths Attributed to Covid-19 per day in Poland, October 1 to December 31, 2020

As cases and hospitalizations rose, so too did deaths attributed to Covid-19. By mid-November, there were ca. 600 recorded deaths per day. Figure 3's large daily fluctuations in deaths are due to bureaucracy, as the government struggled to manage the information on death counts, including what counts as a Covid-19 attributed death. What counts as "high" is a moral matter, but the data suggests that recorded deaths rose steadily from October and did not decline dramatically.



**Figure 4.** Government Restrictions per day in Poland, October 1 to December 31, 2020

According to the “Stringency Index,” the government mandated lockdown grew stronger as cases, hospitalizations, and deaths rose. By late October, restaurants, cafes and bars were delivery only, students in primary (fourth to eighth grade) and secondary schools were in distance-learning mode, there was a daytime curfew for children up to 16-years old, people aged 70 and over were advised not to go out of the home except for emergencies, gatherings could not be more than five people who are not from the same household, and there were restrictions on the number of people allowed in shops at one time<sup>2</sup>. Masks were mandatory indoors and, from the beginning of October – before the Tribunal’s announcement – masks were mandatory

<sup>2</sup>“Poland closes bars and restaurants and moves most schools online among new restrictions” Daniel Tilles, Notes from Poland, October 23, 2020.

<https://web.archive.org/web/20201116021137/https://notesfrompoland.com/2020/10/23/poland-closes-bars-and-restaurants-and-moves-most-schools-online-among-new-restrictions/>

outdoors, as well<sup>3</sup>. By November, all primary school children were in distance learning mode and museums, theaters, and most parts of indoor malls closed, among other restrictions. By December 2020, although the number of cases and deaths had fallen, the government announced even tighter restrictions (such as quarantining international arrivals) to take place after Christmas<sup>4</sup>.

On November 4, during their announcement of new restrictions, the government blamed protests. “The protests have led to an increase in the numbers of infections,” Prime Minister Mateusz Morawiecki said. “This is not the time for strife, for ideological quarrels,” the Minister of Health, Adam Niedzielski, said<sup>5</sup>. It is possible that the government was referring to all protests. From October 1 to November 3, there had been 983 protests by various groups, including AgroUnia and farmers about agricultural policies, ORP: Citizens of Poland (Obywatele RP) led by a main opposition party and KOD: Committee for the Defence of Democracy about the government in general, as well as LGBT groups and Catholic groups about their respective issues. However, the majority of the protests were by women protesting the Tribunal’s ruling. It is reasonable to assume, then, that Morawiecki and Niedzielski were referring specifically to Strajk Kobiet-led protests, and thus they blamed Strajk Kobiet and affiliates for the rise in cases. As of the date when Morawiecki and Niedzielski made those statements, and as of the date of publication of this book, there has not been strong empirical evidence that conclusively links street protest to changes in Covid-19 cases, deaths, or hospitalizations in Poland or elsewhere.

It is critical to realize the magnitude of the pandemic’s context – as well as the fact that Poland’s conservative government chose this specific moment to propose and embrace those legislative measures.

<sup>3</sup> “Poland makes masks compulsory outdoors as government declares whole country Covid ‘yellow zone’” Daniel Tilles, Notes from Poland, October 8, 2020.

<https://web.archive.org/web/20210512202916/https://notesfrompoland.com/2020/10/08/poland-makes-masks-compulsory-outdoors-as-government-declares-whole-country-covid-yellow-zone/>

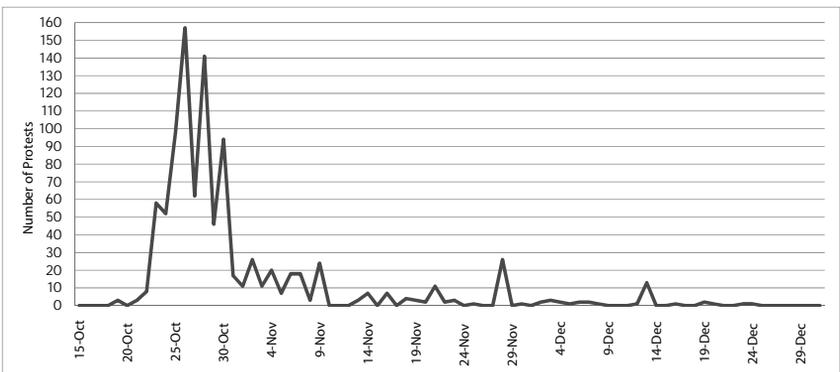
<sup>4</sup> <https://web.archive.org/web/20210219000527/https://notesfrompoland.com/2020/12/17/poland-to-introduce-tougher-lockdown-including-quarantine-for-international-arrivals/>

<sup>5</sup> “Schools, cultural institutions and many shops to close as Poland tightens Covid restrictions.” Ben Koschalka, Notes from Poland, November 4, 2020.

Weeks of protesting took place during the second wave of the Covid-19 epidemic, before the vaccine became available. Since transmission of SARS-CoV-2 was thought, by then, to be primarily airborne, participants felt at risk in their decision to attend large-scale protests. For participants and the police, the risk was a matter of one’s own safety and also the safety of one’s family or a household, as well as other protesters. As a result, the national activism that emerged during this difficult period was particularly significant as a movement that fostered solidarity among people from many different backgrounds who faced the same restrictions on reproductive rights.

### WOMEN’S STRIKE PROTESTS

From October 1 to December 31, there were 985 protests that featured women as the main protesters. On October 4, there were protests in Gdynia and Kraków “demanding a new definition of rape and sexual violence in Poland.” On October 10, women protested in Wrocław and Toruń, “declaring their solidarity with their counterparts in Belarus and protesting against police violence against them.” On October 14, Strajk Kobiet joined teachers and students in protest over the appointment of Przemysław Czarnek to Minister of Education and Science<sup>6</sup>.



**Figure 5.** Protests against the Constitutional Tribunal’s Ruling on Reproductive Rights in Poland, October 15 – December 31, 2020.

<sup>6</sup>These examples and quotes come from ACLED data.

The majority were protests about the abortion ruling (Figure 5 and Appendix Table 1). Most were in October (744 protests). The numbers spiked soon after the ruling, and again at the end of October. November witnessed many protests (208), but they were less than half of October's total. In December, there were 33 such protests.

The first demonstrations against new abortion restrictions took place on October 19, 2020, four days before the Constitutional Tribunal's decision. On this day people in Warsaw, Węgorzewo, and Kraków gathered to protest the proposed restrictions on the abortion law. On October 21, there were again only three protests taking place in Wrocław, Kraków, and Warsaw. The estimated number of participants both in Warsaw and Kraków was around one hundred in each city. Those local events escalated to mass protests within a matter of days, encompassing all regions of Poland and mobilizing activists from all corners of the country.

The form of the protests varied across time and locality. Because of the ongoing Covid-19 epidemic, the organizers of protests – out of concern for the participants' health – decided to take a slightly different approach to public demonstrations: they initiated car strikes, where participants drove to an agreed-upon location and literally protested from inside of their cars. For example, on October 25, drivers in Kraków drove slowly around the city with Strajk Kobiet banners, frequently displaying signs such as “This is War” or “PiS OFF” and using their vehicle horns to express their displeasure with the verdict of the Constitutional Tribunal. They were joined by taxi drivers. The total participation added up to several hundred cars (Pitoń, 25 October 2020).

From October 22, there were mass protests in towns and cities in all regions of Poland. On October 23, Strajk Kobiet organized protests across 58 towns and cities in Poland and on October 26 there were around 157 different protests in Poland associated with Strajk Kobiet. The first wave of mass protests was from October 23 to October 30. The slogan they chose was “This is war.”

On October 27, leaders of Strajk Kobiet proposed postulates (see Chapter Two) that included demands for the resignation of the government, the secularization of the political sphere, and separation of the government and the Roman Catholic Church (see Hall, Chapter Seventeen). Points also concerned woman's rights, legal abortion, and affordable contraception.

Appalled by recent events, Strajk Kobiet leaders published a statement regarding the situation of Polish women, emphasizing several important aspects of the conflict between women and the conservative government. This short statement maintains that around 70% of people in Poland disagree with the verdict of the Constitutional Tribunal, and they advocate legal access to abortion services. Strajk Kobiet also emphasized that further restrictions will only make it more difficult for women in situations of economic hardship and will punish those who cannot afford to travel abroad or use a private clinic. Due to their socioeconomic situation, these women will thus face an extraordinary degree of suffering. Those who can afford to use either private, illegal clinics or legal services abroad will not be equally affected. This confirms that a lack of reproductive rights has a socioeconomic dimension.

Protests were conducted in town centers, in front of government buildings, and at places of religious worship. During this pivotal week, protests were also held outside the home of PiS party leader Jarosław Kaczyński in Warsaw<sup>7</sup>. The largest mobilization of women's strike protests took place from October 26 to October 31.

After the initial week of the demonstrations, there were several protests which took place outside or inside Roman Catholic churches beginning on Sunday, October 25. MP Joanna Scheuring-Wielgus, joined by her husband, initiated a silent protest in St. Jacob's Church in Toruń, holding banners supporting pro-choice law on abortion (Jastrzębski, 27 October 2020). On another occasion, activists dressed in garments similar to those seen in the TV show *The Handmaid's Tale* (based on Margaret Atwood's novel) visited the Basilica of St. Stanislaus Kostka in Łódź. Most of the participants who entered the churches handed out leaflets, but some staged some sit-ins and held banners. On some occasions, participants also placed vigil lights in front of the churches as a symbol of solidarity with those who suffered or died due to the severely restricted abortion law. They wrote telephone numbers of abortion services on the walls across town. The church protests received negative feedback from conservative media

<sup>7</sup> In the initial stages of the movement, many Warsaw protests were held on the street where Kaczyński lives. Part of the street was blocked by the police. Still, protesters marched to the police barricades. There were no incidents of violence there.



**Picture 1.** Photo by Jakub Chlebda on Unsplash

and were also criticized by government representatives (see Hall, Chapter Seventeen).

In terms of the number of protests, October 26 was the peak. There were protests in 157 different localities: in small towns from Aleksandrów Łódzki (population 21,754) to Żywiec (population 31,194), and large cities across the nation. During this time, some protests were also supported by other groups in solidarity. In Nowy Dwór Gdański, a city by the Baltic Sea in the north of Poland, activists were joined by farmers who brought their agricultural machines – an act that brought significant media attention to the otherwise small protest. These spontaneous forms of solidarity were visible especially in more rural areas of Poland.

On October 28, Strajk Kobiet organized a national strike under the slogan “Nie idziemy do roboty” [We’re not going to work]. On this day, as a manifestation of their struggle, many women refused to go to their workplace or university. Some newspapers published editorials supporting the movement and some other companies also joined. For example, *Newsweek Polska* published an editorial opinion that showed full support of the newspaper regarding the strikes of October 28 and criticized the government’s approach to abortion (Lis, October 28, 2020). The editor-in-chief emphasized that the

government should not force anyone to carry unwanted pregnancy; the choice should be made by women, and not the government (Lis, October 28, 2020).

In terms of numbers of participants in one location, the largest strike took place on October 31 in Warsaw, when approximately a hundred thousand people gathered. Participants from all over Poland arrived at the capital under the slogan “All on Warsaw.” Activists marched from three locations around Warsaw to approach Jarosław Kaczyński’s residence in the Żoliborz district of the city. The street where the party’s leader resides was cordoned off by the police so the participants could only reach slightly beyond Plac Wilsona, a nearby square. Police intervened to prevent rowdy football hooligans from interrupting the rally. Nonetheless, some attacks occurred. While marching downtown, some of the protesters were attacked with firecrackers by far-right supporters. The police intervened and detained 37 people.

At this time, there were also several student strikes against the newly appointed and controversial Minister of Education and Science from the PiS party, Przemysław Czarnek. In Warsaw on October 21, there was a protest against the nomination of Czarnek as a Minister. Later on, a number of protests were connected to the Strajk Kobiet events but did not address the abortion law directly. There were some protests against police brutality and also protests against detaining those who were arrested by the police during the protests and who remained in police custody. For example, on December 2 in Krapkowie, activists demonstrated against police brutality and harassment during recent protests. On December 16, several dozen participants protested police brutality in Kraków.

The sudden decrease in the number of protests in the second week of November, after several weeks of protesting, perhaps gave activists a break. There were, on average, few protests per day across Poland. During this time there were also protests organized in very small towns such as Budzyń (pop. 5000) where 500 people participated. Another protest on November 3 in Poznań featured several hundred activists who gathered to protest the directives that the Minister of Science and Education allegedly gave to the teachers, i.e. to report the absence of their students during the women’s strike protests.

Although the number of protests decreased during November, the protests that occurred that month were essential for the movement. On November 1, local student organizations supported a Strajk Kobiet demonstration in Kraków. On November 10, a protest was organized in Kraków primarily against clergymen committing sexual offences, e.g. pedophilia. The Strajk Kobiet organization supported the event and participated in the protest.

At the end of November, protests spiked, but the number of protests was far fewer than in October. In December, there were few protests until December 13, when protests occurred in 13 different cities.

## THE PROTESTS WERE PEACEFUL & VIOLENCE WAS RARE

According to ACLED data, the vast majority of the 985 women's strike protests were peaceful. Of these, only three had violence. One was on October 26 in Warsaw, where women's strike protesters were met by counter-protesters. In that protest, police used tear gas to disperse the crowd.

Another was on November 18, also in Warsaw. We quote ACLED:

Several thousand activists, mostly women and including SLD members, demonstrated in Warsaw with the motto "Blockade of the Sejm" against restrictions of abortions in Poland. The event was coordinated by the Women's Strike. The demonstration path was several times blocked by the police. As activists tried to break the blockage, police and military police used tear gas to disperse the demonstrators, including journalists, clashed with rioters, and detained 20 people. A group of police officers was also without uniform undercover. An SLD member was supposedly beaten and arrested by the police but video footage indicated that he attacked and injured a police officer.

The last recorded protest with violence occurred in Kraków, on December 9, when climate activists of Fridays for Future joined Strajk Kobiet. Again, police blocked some streets. During this blockade, some activists clashed with the police.

There were 24 protests with police intervention. Some contained violence of a type, such as the description of Warsaw on October 31, but not a riot. For example, in Katowice on October 25:

About 4000 activists gathered for a rally in Katowice protesting against restrictions of abortions in Poland. The event was coordinated by the Women's Strike. Some of them reportedly tried to disrupt a counter-rally of nationalist activists near a local church; law enforcers separated them, reportedly used tear gas and also detained several activists.

In almost all of these 24 protests, police detained activists.

Police interventions are not always related to violence, but symbolic violence can occur. For example, on October 24, in Katowice, the police detained, arrested, and placed in a police car a member of the parliament Maciej Kopiec, despite parliamentary immunity that protects members of government (Szczęśniak, October 24, 2020). Later, the deputy submitted a formal complaint to the Katowice District Court about the actions of the police regarding the protest. It was not an isolated incident. Both the participants and the media reported some forms of violence used by police forces during those protests (Szczęśniak, October 24, 2020).

Counter-demonstrations do not necessarily lead to violence. There were no reports of violence during the demonstration in Limanowa in Lesser Poland where there was a Strajk Kobiet and a counter-protest organized by All-Poland Youth. Many protests that were confronted by Catholic or nationalist counter-protests were non-violent. In the situations where conflict occurred, it was usually minor incidents or exclusively verbal aggression. On December 2, in Krapkowice, several dozen people protested against police violence and harassment. On December 3, a rally in Sochaczew encountered Catholic counter-protests, but no violence was reported. The same thing happened the same day in Lwówek Śląski, where a minor group of counter-protesters appeared during the Strajk Kobiet protest; again, no cases of violence. The next day, a similar event occurred in Poznań where activists protesting restrictions of abortion law encountered Catholic counter-activists; again, no violence was reported. Behaviors of participants of Strajk Kobiet were exceptionally peaceable, regardless of the pressures imposed by the government on not organizing any protests at this time.

Organizers also minimized the possibility of violent attacks on protesters by not organizing events during national holidays such as November 11, Independence Day. This holiday is accompanied by what has become an annual far-right march. The march is known

to be an extremely violent event. Participants of the 2020 march clashed with the police in several different locations (Klauziński, 11 November 2020). Marching through the Poniatowski Bridge in Warsaw, members of the nationalist demonstration saw a flat that displayed a sign of Strajk Kobiet and a LGBTQ+ flag. They threw flares at the apartment. The flares missed the target, but set a different apartment on fire, incidentally destroying an artist's studio (Frątczak, 11 November 2020). This incident perhaps shows that the decision of organizers to call off events during this day was wise.

## CONCLUSION

The Constitutional Tribunal's verdict of October 22 severely limited the reproductive rights of Polish women and sparked months of protests across the country. Most of the protests that happened during these three months were peaceful and on many occasions, no violence was reported. Even on the occasions when Strajk Kobiet protests encountered counter-protests groups, the protests were peaceful.



**Picture 2.** Photo by Zuza Gałczyńska on Unsplash

Although months of protesting did not change the Constitutional Tribunal's verdict and abortion law in Poland remains extremely restricted, the extent of the protests showed how significant this struggle is for everyday Poles. Painted on the walls of the buildings across Polish cities and towns, one can see symbols of Strajk Kobiet. There are still flags in the windows that symbolize the struggle that has not ended.

Comment to the Pictures:

Picture 1. During street protests, some signs featured pop cultural references. Picture 1 was taken in Gniezno. The sign held by the woman on the left translates into "I am not a Smurf, so I won't be scared of an old guy with a cat," which refers both to the character Gargamel from the cartoon *The Smurfs* (based on Peyo's comics) and to Jarosław Kaczyński who is known for his fondness for cats. The woman on the right holds a sign that says "Kaczor you bastard, give us back the moon and our rights." This sign refers to the children's movie from 1962 "The Two Who Stole the Moon" (based on a novel by Kornel Makuszyński) in which Kaczyński and his twin brother played the main characters of children who stole the moon. The small sign in English above the coat hanger (symbol of illegal and unsafe abortions), "Godek was the Impostor," refers simultaneously to the online multiplayer game *Among Us* that was an international hit in 2020 and to Kaja Godek, the ultra-conservative activist and the most recognizable face of the pro-life movement in Poland. In the *Among Us* game, the Impostor is the player whose aim is to sabotage missions, eliminate other players, and create unresolvable disasters.

Picture 2 was taken in Wrocław.

## REFERENCES

- Dubrow, Joshua K. 2021. "Local Data and Upstream Reporting as Sources of Error in the Administrative Data Undercount of Covid 19." *International Journal of Social Research Methodology*. DOI: 10.1080/13645579.2021.1909337
- Frątczak, Norbert. „Pożar w kamienicy na trasie Marszu Niepodległości. »Nie gaś tego, niech płonie.«" *Gazeta Wyborcza*. November 11, 2020, <https://warszawa.wyborcza.pl/warszawa/7,54420,26501908,pozar-w-kamienicy-na-trasie-marszu-niepodleglosci-dwa-pietra.html>

- Girard, Françoise, and Wanda Nowicka. (2002). "Clear and Compelling Evidence: The Polish Tribunal on Abortion Rights." *Reproductive Health Matters*, 10:19, pp. 22-30.
- Hannah Ritchie, Edouard Mathieu, Lucas Rodés-Guirao, Cameron Appel, Charlie Giattino, Esteban Ortiz-Ospina, Joe Hasell, Bobbie Macdonald, Diana Beltekian and Max Roser (2020) – "Coronavirus Pandemic (COVID-19)". Published online at *OurWorldInData.org*. Retrieved from: 'https://ourworldindata.org/coronavirus' [Online Resource]
- Jastrzębski, Arkadiusz. „Strajk kobiet. Scheuring-Wielgus o proteście w kościele: nie boję się grzywny” *Wiadomości WP*. October 27, 2020, <https://wiadomosci.wp.pl/strajk-kobiet-scheuring-wielgus-o-protescie-w-kościele-nie-boje-sie-grzywny-6569089833245472a>
- Karpieszuk, Wojciech, Oktawia Kromer, Dominik Łowicki, Bartosz Kłys. „Drugi dzień protestów przeciwko zakazowi aborcji. »Jak bezprawie, to bezprawie. Wypierdalać!«” *Gazeta Wyborcza*. October 23, 2020, <https://warszawa.wyborcza.pl/warszawa/7,54420,26427994,znowu-protest-przed-domem-kaczynskiego.html>
- Karwowska, Anita et.al. „Marsz na Warszawę. »Za wolność do ostatniej kobiety. 1989 - nasi rodzice. 2020 – my«.” *Gazeta Wyborcza*. October 30, 2020, <https://wyborcza.pl/7,162657,26460624,marsz-na-warszawe-za-wolnosc-do-ostatniej-kobiety-1989.html>
- Kavaliauskas, Tomas. (2012) *Transformations in Central Europe between 1989 and 2012: Geopolitical, Cultural, and Socioeconomic Shifts*. Lexington Books.
- Klauziński, Sebastian. „»Kibole byli tak nabuzowani, jakby walczyli na prawdziwej wojnie«. Marsz Niepodległości 2020.” *OKO.press*. November 11, 2020, <https://oko.press/marszniepodleglosci-2020-kibole/>
- Lis, Tomasz. „JESTEŚMY Z PROTESTUJĄCYMI” *Newsweek Polska*. October 28, 2020, <https://www.newsweek.pl/opinie/protest-kobiet/gf15mx7>
- Pitoń, Angelika. „Wielki protest samochodowy w Krakowie. Killkaset aut przejechało przez miasto, strajk kobiet wsparli taksówkarze.” *Gazeta Wyborcza*. October 25, 2020, <https://krakow.wyborcza.pl/krakow/7,44425,26433138,wielki-protest-samochodowy-w-krakowie-killkaset-aut-przejechalo.html>
- Raleigh, Clionadh, Andrew Linke, Håvard Hegre and Joakim Karlsen. (2010). "Introducing ACLED-Armed Conflict Location and Event Data." *Journal of Peace Research* 47(5).
- Szcześniak, Agata. „Krzyczał „Jestem posłem”. Policja zakula mimo to Macieja Kopca w kajdanki” *OKO.press*. 24 October 2020, <https://oko.press/krzyczal-jestem-poslem-policja-zakula-mimo-to-macieja-kopca-w-kajdanki/>
- Ustawa z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży. Dz.U. 1993 nr 17 poz. 78. [The 1993 Act on Family Planning, Human Embryo Protection and Conditions for Legal Pregnancy Termination no. 17/78.]
- Wyrok Trybunału Konstytucyjnego z dnia 22 października 2020, Sygn. akt K 1/20 [Ruling of the Polish Constitutional Tribunal from October 22, 2020, no. K1/20] <https://www.dziennikustaw.gov.pl/DU/2021/175>

**Appendix A.** Distribution of Protests about the Abortion Ruling, October to December, 2020

<b>October 2020</b>	<i>Number of Protests</i>	<b>November 2020</b>	<i>Number of Protests</i>	<b>December 2020</b>	<i>Number of Protests</i>
1-Oct	0	1-Nov	11	1-Dec	0
2-Oct	0	2-Nov	26	2-Dec	2
3-Oct	0	3-Nov	11	3-Dec	3
4-Oct	2	4-Nov	20	4-Dec	2
5-Oct	0	5-Nov	7	5-Dec	1
6-Oct	0	6-Nov	18	6-Dec	2
7-Oct	0	7-Nov	18	7-Dec	2
8-Oct	0	8-Nov	3	8-Dec	1
9-Oct	0	9-Nov	24	9-Dec	0
10-Oct	2	10-Nov	0	10-Dec	0
11-Oct	0	11-Nov	0	11-Dec	0
12-Oct	0	12-Nov	0	12-Dec	1
13-Oct	0	13-Nov	3	13-Dec	13
14-Oct	1	14-Nov	7	14-Dec	0
15-Oct	0	15-Nov	0	15-Dec	0
16-Oct	0	16-Nov	7	16-Dec	1
17-Oct	0	17-Nov	0	17-Dec	0
18-Oct	0	18-Nov	4	18-Dec	0
19-Oct	3	19-Nov	3	19-Dec	2
20-Oct	0	20-Nov	2	20-Dec	1
21-Oct	3	21-Nov	11	21-Dec	0
22-Oct	8	22-Nov	2	22-Dec	0
23-Oct	58	23-Nov	3	23-Dec	1
24-Oct	52	24-Nov	0	24-Dec	1
25-Oct	98	25-Nov	1	25-Dec	0
26-Oct	157	26-Nov	0	26-Dec	0
27-Oct	62	27-Nov	0	27-Dec	0
28-Oct	141	28-Nov	26	28-Dec	0
29-Oct	46	29-Nov	0	29-Dec	0
30-Oct	94	30-Nov	1	30-Dec	0
31-Oct	17			31-Dec	0
<i>Total</i>	<i>744</i>	<i>Total</i>	<i>208</i>	<i>Total</i>	<i>33</i>

## CHAPTER TWO

# Voices of Strajk Kobiet: Postulates, Plans, and Calls to Action

Editorial Note: Strajk Kobiet delivered their postulates during a conference held on October 27, 2020. *OKO.press* (an investigative journalism website) provided a transcription of the postulates. The remaining materials that we provide in this chapter include posts that appeared on Strajk Kobiet's official website ("This is War" and "We March On!"), as well as their on Instagram account ("Strajk Kobiet: Consultative Council").

### STRAJK KOBIEC: POSTULATES

October 27, 2020

1. Get the fuck out with Przyłębska's ruling.
2. Get the fuck out with Przyłębska.
3. We demand a real TK [Constitutional Tribunal].
4. We demand a real and complete SN [Supreme Court].
5. We demand a real Ombudsperson.
6. We demand an amendment to the budget – money for health care, help for workers, entrepreneurs, and culture, and real support for persons with disabilities.
7. We demand full women's rights, legal abortion, sex education, contraception.
8. We demand full human rights.
9. We demand a secular country, which includes putting a stop to financing the Church from the state's budget – and get the fuck out with religion in schools.

10. We demand the government's deposition.

We will create a Consultative Council like in Belarus to figure out how to clean up the mess that PiS [Law and Justice] has made.

## #THISISWAR OCTOBER 23–30, 2020

#ThisIsWar

Abortion ban in Poland – victory of Catholic fundamentalists, won thanks to finagling, rigging, and a partial judge. As a “verdict” of the pseudo-Constitutional Tribunal, it’s a mere statement that will cease to exist in a couple of years because the currently ruling Constitutional Tribunal is illegal and its decisions will be revoked. An impressive victory, really, given that about 70% of Polish women and men are in favor of free choice. F[uck] that some abortions will happen in the underground or abroad, just so that decent PiS-loving Catholics, each divorced 3 times, can avert their gaze and remain unsullied. Because an abortion ban does not mean there will be no abortion. An abortion ban only means that the daughters and sisters of the thieves from PiS will be able to afford it, just like the partners of priests and other rich, mendacious god-fearers.

We are waiting for medical doctors who, at the time of trial, will say they are implementing an effective law, and not a statement of Ms. Przyłębska of the illegal Constitutional Tribunal.

Please support each other, let us support each other – please remember about the Abortion Without Borders initiative and give them a call to get an abortion: 22 292 25 97.

And to you, you sullen old coots, we say: you do not know the day or the hour. See you everywhere.

## STRAJK KOBIEK: CONSULTATIVE COUNCIL

November 2, 2020

First meeting of the Consultative Council.

INITIAL makeup of the Council: Barbara Labuda, Danuta Kuroń, Dorota Łoboda, Katarzyna Pikulska, Bożena Przyłuska, Dominika Lasota, Nadia Oleszczuk, Robert Hojda, Kinga Łozińska, Paweł

Kasprzak, Jacek Wiśniewski, Monika Płatek, Katarzyna Bierzanowska, Sebastian Słowiński, Michał Boni, Mirosława Makuchowska, Aleksandra Kaczorek, Beata Chmiel, Roman Kurkiewicz, Piotr Szumlewicz.

The Council will work in thematic areas – fields of battle – in the form of special interest groups. The makeup of the Council is not final and closed, on the contrary – it is just being formed. Eventually, the Council will have SEVERAL DOZEN PEOPLE MINIMUM – persons who are experts, female and male activists, and people with the experience of democratic opposition.

We're collecting and asking for applications from and recommendations of persons with expertise and activist background.

At this point of the protests, the Council has two tasks:

– to work on the postulates collected during the protests and on the commentaries in order to organize the street's voice and make it common (what should happen next?)

– to work on practical paths that will lead us out of the quagmire that we have found ourselves under PiS reign (what are the solutions to the problems that made us take to the streets, in all of the areas of struggle?).

During the meeting, 13 areas – fields of battle – have been identified. These are:

1. Women's rights – put an end to women's hell.
2. LGBTQIA+ rights – LGBT are people, not ideology.
3. Secular state.
4. Law and order – free courts and state services, not party services.
5. The state – legal institutions, real RPO and RPD [Ombudsman and Children's Ombudsperson]
6. Pandemic – fight against the disaster in health care and buffering the effects of the pandemic (compensations).
7. Climate and animal rights.
8. Stop the fascization of public life – *no pasaran!*
9. Job market – let's get rid of junk contracts!
10. Education – fight against the disaster in the school system.
11. Disability – real support for persons with disabilities
12. Media – free media / stop the propaganda.
13. You will never walk alone – support for children and youth / fight against the crisis in psychiatry.

These are the working names of the battlefronts, based on the postulates raised by the protesters. They might undergo some changes in the course of the Council's work, or they can be differently formulated.

## WE MARCH ON! LOOMIO

December 22, 2020

All-Poland Women's Strike [OSK] collected the voices of the street protests after the decision made on October 22 by Julia Przyłębska's Constitutional Tribunal and divided them into 14 thematic areas. For each area, experts from the Consultative Council at OSK proposed solutions based on people's voices, including voices from social media.

Our substantive discussion on the solutions to the problems that PiS creates for us now lives on the Internet at [loomio.org/osk](http://loomio.org/osk), a participatory platform that has been used to build a civil society in over 100 countries. We managed to create a Polish version and now we invite you to address the Council's solutions and propose new ones. We are doing what our government fears – we talk to people in order to fix this country. To make it a country for the people.

Currently, Loomio features solutions to problems in the fields of women's rights, education, climate, the labor market, and the secular state – you can work on them until January 15th. Once the Consultative Council analyzes it, OSK will throw in the next batch of materials (issues concerning: health; child and adolescent psychiatry; LGBTQ+ persons; people with disabilities; culture; the rule of law; animals; *no pasarán*, i.e., defascization; propaganda and the media).

The proposed solutions can be quickly implemented because they depend on us, on local governments, and on schools – they often do not require government action. After that, the Council will initiate the second stage of work, i.e., long-term solutions, which will mostly include legislative initiatives, to be introduced when PiS becomes a thing of the past. At that point, no politician will be able to lie that they do not know what people want. And people will feel empowered, and they will hold accountable each and every politician who wants to implement the program of a party, and not that of the people.

*Voices of Strajk Kobiet: Postulates, Plans, and Calls to Action*

Revolution happens not only in the streets – it also happens in our hearts and minds.

This is the second stage of our common revolution which is meant to repair the state.



PART TWO

VOICES OF POLITICIANS



## CHAPTER THREE

# Translator's Introduction

*By Adrianna Zabrzewska*

It is relatively easy to track down the voices of Polish politicians. Captured in official written statements, interviews, and transcripts, including transcripts of Sejm proceedings and Sejm Committees, these voices are publicly available on the websites of the legislative and executive branches of the Polish government. It does not pass unnoticed that most of these voices belong to cisgender men. The most recent elections of 2019 brought the highest number of female candidates to both chambers of the Polish parliament since the democratic transition – but even those “highest” numbers are still low. After eight years and three consecutive elections (2011, 2015, 2019) since the introduction of gender quotas in Poland, women in 2019 gained 28.7% of seats in the Sejm and 24% of seats in the Senat, the Polish parliament's higher chamber (Bureau of the Commissioner for Human Rights 2020). Clearly, the percentages do not reflect the reality in which women are half of the Polish population. The numbers for the executive branches of the government are even lower and less representative of society. After the restructuring of the Law and Justice government in autumn 2020, only one woman – Marlena Maląg, Minister of Family and Social Policy – remained in the Council of Ministers (Pallus 2020). She was eventually joined by Anna Moskwa who replaced Michał Kurtyka as the Minister of Climate and the Environment on October 26, 2021. At the time this book goes into print, there are still only two women among the 22

members of the Council of Ministers. The voices of Polish politicians are thus structurally skewed towards male deputies and ministers.

There is a wealth of potential sourcebook material and our most difficult editorial decision was how to select and present the texts that are germane to the point of this book. In our previous sourcebook, *Gender Quotas in the Post-Communist World: Voice of the Parliamentarians* (Dubrow and Zabrzewska 2020), we could reproduce complete transcripts of the three Sejm debates on gender quotas; there were only three such debates dedicated to gender quotas in Poland's post-1989 history, and all material therein was relevant to that book. For this book, some documents could be translated in their entirety, but others we chose to abridge. We made editorial cuts whenever (1) the text did no longer address the protests and (2) the discussion was highly redundant, with several speakers using similar or even identical arguments and illustrations. In all cases, we explain and describe what has been omitted and why.

In the case of Sejm debates, these documents had to be shortened because the subject of protests surfaced only occasionally. These Sejm sessions had been originally dedicated to other issues and thus followed a fixed agenda. In order to respond to the ongoing events, the parliamentarians discussed the Strajk Kobiet-led protests either during the "Current information" agenda item or during meetings of Sejm Committees. According to the rules and regulations of the Sejm of the Republic of Poland (Art. 194), a parliamentary club or a group of 15 deputies can demand "Current information" from a member of the Council of Ministers. Questions on current events are formulated in writing and submitted by 9 pm one day before the scheduled meeting of the Sejm. In case of several such applications, only one will be selected by the presidium of the Sejm and the Council of Seniors.

For example: On October 28, 2020, deputies of the Left used "Current information" to ask questions on the availability of gynecological services and prenatal screenings. They addressed them to Józefa Szczurek-Żelazko, the Secretary of State in the Ministry of Health. At one point, the discussion veered into the subject of the ongoing street protests. In that particular fragment of the transcript, the deputies call out Jarosław Kaczyński for escalating violence with his "Defend Poland" speech from October 27. Kaczyński spontaneously steps to the speaker's podium and accuses the opposition of

endangering the nation's health by encouraging mass demonstrations during the pandemic. This is the fragment that we provide in the English translation.

Another "Current information" section comes from the Sejm session held on December 16, 2020. Deputies of the Civic Coalition prepared questions on police brutality and repressions against the protesters, as well as on the reasons for – and the costs of – using police forces to secure Jarosław Kaczyński's private home. Barbara Nowacka, who was sprayed with tear gas on November 28, 2020 by a police officer, addresses Maciej Wąsik, the Secretary of State in the Ministry of the Interior and Administration. Deputy Monika Rosa asks Wąsik about the incident in which a girl's arm was broken by police officers during the protest on Wilcza Street on December 9, 2020.

When it comes to Sejm Committees, an acute challenge was redundancy. Sejm Committees are held to debate and express opinions on selected issues that are on the Sejm agenda or that have been submitted for deliberation by the Sejm, the Speaker of the Sejm, or the Presidium of the Sejm. As a body of parliamentary control, Sejm Committees can also conduct inspections. Since Committees allow deputies to explore a given topic in detail, they result in long transcripts. Parts of these transcripts are devoted to formal matters (e.g., establishing the meeting's agenda) or to squabbles between politicians. Squabbles may not contribute much to the discussion. This was the case with the transcript from the Committee on Administration and the Interior held on December 9, 2020. Even though the meeting with Minister Mariusz Kamiński and Chief of Police Jarosław Szymczyk was explicitly dedicated to police action during the protests and hence it is relevant material for this sourcebook, the redundant and quarrelsome nature of the Committee session called for editorial cuts. We omitted those fragments in which deputies of the opposition repeated similar or even identical arguments, questions, and examples. All omissions are marked in the text. Summaries of omitted excerpts are also provided. The final text still captures the most important arguments and the overall atmosphere of the debate but is shorter than the original transcript.

The transcript of the Committee on Social Policy and Family posed a different challenge. Originally, the meeting was called to discuss

the work of the Government Plenipotentiary for Equal Treatment, a function held by Anna Schmidt (Law and Justice). Since the Committee met on October 26, just a couple of days after the Constitutional Tribunal's ruling, deputies of the opposition used this opportunity to address the protests – and also to recall the LGBTQ+ protests of August 2020. The plenipotentiary avoided both subjects. Schmidt's speeches did not address the questions raised by the deputies. Since the plenipotentiary refrained from discussing protests, reproductive rights, and discrimination against LGBTQ+ persons in Poland, we decided to omit Schmidt's statements. That way, the transcript now focuses on the dynamic interactions between the deputies of the Civic Coalition and Law and Justice. To make the text run smoothly, we provide summaries of the plenipotentiary's contributions to the discussion in between the translated fragments.

Other translated documents include Jarosław Kaczyński's speech delivered on October 27, 2020, Andrzej Duda's statement issued on October 30, 2020, and the Council of Ministers' statement from December 1, 2020. These short documents could be translated in their entirety. We also include a translated entry from the Ministry of the Interior and Administration's website which presents the summary of the aforementioned Committee featuring Mariusz Kamiński and Jarosław Szymczyk. The summary focuses on Kamiński's arguments and therefore presents the official narrative of the Ministry. Since the Committee meeting has been translated, it is possible to compare the actual transcript with the Ministry's summary.

We also provide translations of two interviews with President Andrzej Duda. Those are Bogumił Łoziński's interview for the Catholic newspaper *Gość niedzielny* [Sunday guest] conducted on December 24, 2020, and Krzysztof Skórzyński's interview for TVN recorded on January 22, 2021. Both transcripts were taken from the official website of the President of the Republic of Poland. Interview for *Gość niedzielny* was translated in its entirety because it is devoted explicitly and entirely to abortion, protests, and LGBTQ+ activism. For the TVN interview, we provided only these fragments in which Andrzej Duda directly addresses street protests and police brutality.

## REFERENCES

- Bureau of the Commissioner for Human Rights. *Kwoty i co dalej? Udział kobiet w życiu politycznym w Polsce. Analiza i zalecenia*. [Quotas and what next? Women's participation in the political life in Poland: Analysis and recommendations]. Reports by Agata Szypulska, Aleksandra Szczerba, Agnieszka Kwiatkowska. Editors: Adam Bodnar, Magdalena Kuruś, Aleksandra Szczerba, Agata Szypulska. Warsaw, 2020.
- Dubrow, Joshua K., and Adrianna Zabrzewska, eds. *Gender Quotas in the Post-Communist World: Voice of the Parliamentarians*. IFiS PAN Publishers, 2020.
- Ministry of Climate and the Environment. "Anna Moskwa nowym ministrem klimatu i środowiska" [Anna Moskwa new minister of climate and the environment]. *gov.pl Serwis Rzeczospolitej Polskiej*. October 26, 2021. <https://www.gov.pl/web/klimat/anna-moskwa-nowym-ministrem-klimatu-i-srodowiska>
- Pallus, Patryk. "Nowy rząd prawie bez kobiet. Jest najgorzej od lat." [The new government almost without women. It hasn't been this bad in years] *Business Insider*. September 30, 2020. <https://businessinsider.com.pl/polityka/liczba-kobiet-w-rzadzie-morawieckiego-szydlo-kopacz-tuska/mxckcq4>

## CHAPTER FOUR

# Committee on Social Policy and Family, October 26, 2020

Editorial Note: The aim of the Committee meeting was to discuss the work of the Government Plenipotentiary for Equal Treatment, Anna Schmidt (Law and Justice) and evaluate the first six months of her appointment. Deputy Urszula Rusecka (Law and Justice) is the Committee Chair. The applicant is Deputy Monika Rosa (Civic Coalition). After explaining the aim of the meeting, Deputy Rosa begins to ask questions.

Deputy Monika Rosa (KO):

Hence, my question is: Ms. Minister, what actions have you undertaken in those six months? With whom and with which non-governmental organizations have you cooperated? Was there any contact with the Ombudsman? How is the continuation of the 2013–2014 National Action Program for Equal Treatment coming along and when will it be completed? It is very interesting that the [Government Plenipotentiary's] website indicates areas of discrimination. I would like to ask detailed questions regarding those areas.

Discrimination on the basis of gender – Ms. Minister, I want to ask you, did you notice the demonstrations of thousands of people that take place all over the country, in smaller and in larger towns, to protest women's torture? The manifestations have been going on since Thursday. I have not heard your voice, Ms. Minister. Did you notice that the so-called Constitutional Tribunal issued the so-called ruling according to which a woman becomes an object the moment she gets pregnant and must give birth to a damaged fetus? Are you going to

take any measures to prevent women being tortured, Ms. Minister? We all know that blocking women's access to safe and legal abortion...

Committee Chair, Deputy Urszula Rusecka (PiS):

Excuse me, Madam Deputy. You submitted the application on September 28, and this is not the topic of today's in-depth and extensive debate. So please do not expand the subject in a manner inconsistent with the regulations.

Deputy Monika Rosa (KO):

Madam Committee Chair, the issue of gender discrimination is absolutely in the scope of the activities of the Plenipotentiary and her office. When we consult international acts, they make it clear that restricting women's access to abortion or being forced to go abroad [to terminate pregnancy] is torture. And as a member state of the European Union, we signed international agreements, hence the question on abortion and the ruling of the so-called Constitutional Tribunal is obvious. It absolutely comes within the scope of the activities of the Plenipotentiary.

Moving on, we all know that restricting safe, legal abortion is a form of discrimination against women on the basis of gender, but also [on the basis of] wealth. This ban will mainly target women in less advantageous economic situations, and richer women will be able to cope with it – they will go abroad, they will find a private doctor. The question is, what about the poorer ones? Why is Poland supposed to discriminate against women, torture them just because they get pregnant and because the fetus which they carry has lethal defects or is very badly damaged? Please let me know, Minister, will you side with the thousands of women who are demonstrating across the country and with the families that are facing dramatic decisions? This is the most important thing right now when it comes to the problem of gender discrimination.

Next question. Has the Minister dealt with the subject of the anti-violence convention when it was implemented in Poland? Is Poland planning to change the definition of rape? Does it plan to introduce a definition of economic violence into Polish law? How does the Justice Fund work? Is it really a good idea to fight discrimination and violence

with all that money allocated by God-knows-what kind of non-governmental organizations created *ad hoc* by friends of Law and Justice? Ms. Minister, did you take any interest in violence against women, also during the lockdown, when the scale of violence has increased significantly? What legal and systemic solutions, what contacts with social assistance could have been undertaken in this regard?

Another area that the Minister indicates on the website dedicated to her activities is discrimination on the basis of sexual orientation and gender identity. You make it very clear that: “discrimination on the basis of sexual orientation is unequal treatment, humiliation, debasement and sexual harassment due to real or perceived sexual orientation.” From your own contributions, Ms. Minister, I found only one quote: “We live in strange times. In times when the minority tries to impose their rights on the majority. In times when some groups try to prove that universal values should be considered passé.”

I want to ask you, Ms. Minister, do you also intend to protect the equal treatment of minorities, including the LGBT community, who, as you stress on your website, become a victim of discrimination to a very large extent? Ms. Minister, have you reacted in any way to the hate campaign against the LGBT community, against reducing gays, lesbians, bisexual persons, transgender persons to ideology? Does the Minister know that teens who discover that they are gay or lesbian have suicidal thoughts, they are mobbed in schools, they are depressed, they feel very bad in their community and surroundings? And all of this is greatly exacerbated by a hate campaign created, among many, by the public media. Ms. Minister, do you know the programs of public media, the statements that defamed LGBT communities? Did you react to them in any way?

Speaking of equality, one cannot ignore the issue of changing the Penal Code – which is something that the Polish government promised in 2017 – to introduce the premise of discrimination based on sexual orientation, gender identity. Ms. Minister, did you undertake such tasks? Maybe you happen to cooperate with non-governmental organizations, such as the association Love Does Not Exclude,<sup>1</sup>

<sup>1</sup> Founded in 2009, Miłość Nie Wyklucza – Love Does Not Exclude – promotes equal rights to marriage and builds a community of allies that support the right to marry for all, regardless of gender identity or sexual orientation.

Campaign Against Homophobia,<sup>2</sup> or other organizations working for human rights in the field of equal treatment of people from the LGBT community? I should ask you about civil partnerships or the prohibition of conversion practices, but for now let us focus on hate speech.

Another aspect is discrimination on the basis of disability. Ms. Minister, did you initiate a debate on how to improve the situation of people with disabilities and their caregivers, on the equalization of caregivers' benefits, regardless of when the disability happened, about the situation of people with disabilities during the national lockdown, when single mothers stayed with their children 24 hours at home, without support, help, respite? Are you interested in the fate of adult persons with disabilities, access to the labor market, the amount of [financial] benefits? How does the disability certification system work? What support do the caregivers get as part of respite care assistance? Does this even interest you, Ms. Minister? I have not found any such information. I have not found information about supporting people with disabilities during the lockdown.

The last, fourth element is discrimination based on race, nationality, ethnicity. A report presented by the Ombudsman [estimated] that victims of hate speech, hate acts based on origin, race, nationality are not reported to the police in 90% of cases. This scale is very hidden. Hate speech on the Internet, but also in the street, is common. Do you know that report, Madam? Or maybe you are dealing with this topic, showing some initiative, planning a meeting with the Ombudsman?

I have dealt with the four areas that you mention on your website. There are more of them, but I have listed the most important and pressing problems. Your voice should be the one that resounds the loudest here, Madam.

*Government Plenipotentiary for Equal Treatment Anna Schmidt begins her speech on a defensive note by stating that she treats everyone equally, including minorities, and that she rectified her previous statement (i.e. the one on minorities trying to rule the majority).*

<sup>2</sup> Founded in 2001, Campaign Against Homophobia or KPH (Kampania Przeciw Homofobii) supports legal and social equality for gays, lesbians, transgender persons and other LGBTQ+ individuals through publications, debates, and social campaigns. The organization offers psychological and legal counsel to persons who experience violence or discrimination on the basis of gender identity and sexual orientation.

*Next, the Plenipotentiary says that the Istanbul Convention has never been verified in terms of its consistency with the Constitution of the Republic of Poland and hence it should not surprise anyone that Prime Minister Mateusz Morawiecki ordered the convention to be analyzed in that light. She lists statistics that show that there has been no dramatic increase in domestic violence during the lockdown. She says that the current Constitutional Tribunal's ruling on abortion is consistent with other rulings on the issue of protection of life and that life should be protected at all stages of its development, including the prenatal stage. Anna Schmidt says that she spent the last six months – her first months in the role of the Plenipotentiary – working on the National Program for Equal Treatment.*

*Deputy Director of the Plenipotentiary's Office Rozalia Kielmans-Ratyńska assures the deputies that everyone in the Plenipotentiary's Office have been working very hard and that they currently have 300 cases on their plate.*

*After the Plenipotentiary's speech, Deputy Rosa is the next one to speak.*

Deputy Monika Rosa (KO):

Ms. Minister, I understand that you consent to the torture of women in connection with the ruling of the tribunal, but my question is about helping the LGBT community. Since you say that everyone is equal before the law, equality should mean equality, regardless of sexual orientation. And equality means non-discrimination in every aspect of life: at school, in public, in social and legal life. For example, equality in marriage or civil unions or prohibition of hate speech, punishment of hate crimes listed in the Penal Code, prohibition of conversion practices. This is equality. Do you undertake such actions, Ms. Minister? Do you deal with the topic of hatred, of hate campaigns against the LGBT community in the media, [in the speeches] by politicians? Did you speak in defense of the LGBT community, Madam?

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you very much. Madam Deputy Ewa Kołodziej, the floor is yours.

Deputy Ewa Kołodziej (KO):

Ms. Minister, in the [online] governmental tab dedicated to the National Program of Action for Equal Treatment it is stated that, I quote, “our aim is to eliminate discrimination from social life by having impact on the creation of law, on the constitutional order, and on social behavior.” I have detailed questions. When was the last time you actually made an impact on the creation of law, on the constitutional order, and on social behavior if, as we look into the contents of that website, we can see only three or four activities? One of these activities is an information on Father’s Day on June 23, one is on Children’s Day on June 1, one is on Mother’s Day on May 26, and one, back from March 6, is about you, Ms. Minister, being nominated for the function of the Government Plenipotentiary for Equal Treatment. Ms. Minister, based on this information we can see that in the last six months you have not been very busy. We are, in fact, quite sure, that nothing has been done in those last six months to eliminate discrimination from social life by promoting good legal acts and institutional order. Your activity has not changed social behaviors, too. Sadly, I have to say that you are a silent minister who has passively watched the discrimination against LGBT persons. What was happening on the streets of Polish cities, what we could see on numerous occasions, did not stir your conscience, we did not witness a single intervention from you on those extremely outrageous matters. You have been also a silent minister who repeatedly watched citizens’ rights being violated on the streets, you saw the latest events from October 22 and the ruling of the pseudo-Constitutional Tribunal which declared a virtually complete ban on abortion, sentencing women to hell. Today, we see mass street protests, protests in the times of pandemic, when women have been forced to hit the streets to protect their basic rights. Today, we are given the chance to talk with you. However, those Dantean scenes happening on the streets of Polish cities provoked zero reaction from you, Madam, they did not stir your conscience or spark the will to commence dialogue, cooperation, or to intervene on behalf of the protesting persons.

As such, I have questions. Where have you been for the past six months, Madam? Please list the actions you have undertaken in the last six months. Will the Minister break her silence on the most urgent

matters, the protection of women's rights? Protecting women's rights is the most pressing issue today. You, Madam, are also a woman, this is obvious, but I nevertheless decided to address you in this personal way in order to stir your conscience. I cherish the illusion that we will use this discussion to provoke some sort of reaction from you on what is happening right now on the streets of Polish cities. I want to ask you, what actions are you planning to take to save women from torture and to protect women's right to abortion in the case of a high probability of irreversible damage to the fetus? Today, women are crying for help, they are in critical situation, they urgently need your involvement and support to stop the discrimination against Polish women. Basic citizen rights are being raped, the rights of citizens who, with the pseudo-Constitutional Tribunal's ruling of October 22, have been brutally, arrogantly deprived of the right to decide about their own bodies, their faith, their future.

Committee Chair, Deputy Urszula Rusecka (PiS):

Excuse me, Madam Deputy, but we talked before the Committee's session began. I said that today's meeting, just like your group has suggested, is devoted to the discussion on the work of the Government Plenipotentiary for Equal Treatment. We have agreed that we will not include other topics because this is not the subject of today's meeting.

Deputy Ewa Kołodziej (KO):

May I finish, Madam Committee Chair, because I have an impression bordering on certainty that we have not understood each other?

Committee Chair, Deputy Urszula Rusecka (PiS):

Of course, Madam Deputy, you have the right to present your view as a deputy who represents a part of the voters, but please say: a part of the voters, those who voted for you and your formation. Please do not speak on behalf of all women, especially those who are silent.

Deputy Ewa Kołodziej (KO):

Very well, I will speak on behalf of the people protesting in the streets.

Committee Chair, Deputy Urszula Rusecka (PiS):

And those who are present in the room, because those are not all women; please speak on behalf of your voters' representatives.

Deputy Piotr Borys (KO):

But Madam Deputy has the freedom of speech and she can do whatever she wants, have some respect.

Committee Chair, Deputy Urszula Rusecka (PiS):

Mr. Deputy, please do not create chaos in here. I saw you report the will to speak, you will have your chance. Please, right now the floor belongs to Ms. Ewa Kołodziej and Ms. Magdalena Biejat is next.

Deputy Ewa Kołodziej (KO):

Thank you, Madam Committee Chair. Of course, I speak on behalf of myself and part of the deputies, members of the Committee on Social Policy and Family. Since I am speaking and since Madam Plenipotentiary is present, [I want to say that] I am hoping that Ms. Minister will take notice of the things that are happening on the streets of Polish cities and that she will take swift action to bring back law and order, on the streets and in our law. I have allowed myself to deliver an emotional statement and I want to express my personal opinion that I fully sympathize with the protesters and I want to say a couple of words on that. If anybody else in this Committee also sympathizes with the people protesting in the streets, we can express this statement together. I think that the protesters would have it easier if the deputies who sympathize with them spoke on this matter, so they can hear our voice. On behalf of myself and those deputies in this Committee who sympathize with me, who share the views of the people who protest the ruling of the pseudo-Constitutional Tribunal of October 22, 2020, a ruling which virtually puts a ban on abortion in our country and which interferes with human rights on an unprecedented scale – and which, according to the public opinion is just too much and hence causes the society's increasing dissent – we want to say that we are expressing a stance of deep solidarity and full support to all people who are protesting in the streets.

Dear rulers, you will hear once again that we are fed up with dividing people, with stigmatizing those who do not subscribe to your vision of Poland, with destroying the community, both local and national. We are fed up with a country which, instead of protecting and helping them, forces thousands of people to take to the streets in times of pandemic. It is a scandal that Polish women and Polish men have to put their safety at risk to defend their basic rights, rights that are gradually being taken away from them. What is introduced in place of these rights is fundamentalism and the “only true ideology of the PiS nation,” and sentencing women to permanent and irreversible suffering. With the ruling of the pseudo-Constitutional Tribunal, you have destroyed the abortion compromise that took years to hammer out. We will not let women be tortured. We will not allow for the nightmare of mothers who will have to give birth to creatures unable to exist on their own and who will have to watch them slowly die. Women, we stand with you and we will continue to stand with you. Polish women have full human rights. Polish women have the right to live as they please, they must live with dignity and make their own decisions about their lives and their bodies. Women can come together and act together despite differences, and they are steadfast in asserting their rights. Today, we are all women, there is great power and force in women. Do not forget that, because we will never forget what you have done to women. Dear members of this important Committee on Social Policy and Family, if anyone sympathizes with this emotional statement, I kindly ask you to put your signature under this declaration of solidarity. We want to show solidarity to the people who are there on the streets protesting, even despite the pandemic. They are risking their lives and their health, but they know that women’s rights are basic citizen rights, and you cannot break them, even in the times of pandemic, in the times of the highest risk, when we should concentrate on saving the lives and the well-being of Polish women and men. Nonetheless, women’s rights are basic rights that we need to protect. Ms. Minister, I hope that you will get involved as a representative of the government who has the ability to act, to have direct impact on women’s rights, to give women their dignity back, their right to make decisions about their fate, their future, and their body. Thank you.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you for delivering a manifesto. Madam Deputy Magdalena Biejat, the floor is yours.

Deputy Magdalena Biejat (Left):

Thank you. I do not know where to begin but I promise I will be brief. I am under the impression that we are wasting our time. This is not a personal dig at Ms. Minister, I have nothing against you, Madam. I think that the Government Plenipotentiary for Equal Treatment is currently only a dummy, fully subordinate to one of the ministers. The plenipotentiary should function as a reviewer of the government's actions, as a spokesperson for those people whose rights are being violated, and those who do not have equal rights even despite all those lofty and towering acts and declarations. This is why I think we are wasting our time talking to Ms. Minister, because Ms. Minister represents the government and she will not say anything that we have not already heard from the government. The only thing that I wanted to say today and in this situation, and the only thing that I have in common with Ms. Minister, is that the last week ruling of the Tribunal has, indeed, completed women's hell, the process of gagging as initiated by the rulings of previous Constitutional Tribunals. I absolutely agree that this does not, by any means, make the current ruling any less disgusting and the choice of time any less perfidious. One can ask Ms. Minister whether she really believes that the dignity, the right to protect women from torture, the right of adult women, of mothers is more important? I want to stress that I am also a mother of two children. Do you think that the non-negotiable human dignity, the right to freedom from torture, the right to life and health are less important than protecting the lives of damaged fetuses by all costs? Actually, I will not ask this, because I already know the answer. I just wanted to deliver a short statement, shorter than Madam Deputy Kołodziej's, and say that we are wasting our time. Thank you.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you. The floor is yours, Madam Deputy Anita Czerwińska.

Deputy Anita Czerwińska (PiS):

Madam Committee Chair, Ms. Minister, I would also like to ask about your reaction to the things that are happening right now on the streets of Warsaw. I do not call them protests. Those are regular brawls during which public property is being destroyed...

Deputy Piotr Borys (KO):

How can you say such a thing, Madam Deputy? What are you talking about?

Committee Chair, Deputy Urszula Rusecka (PiS):

Mr. Deputy.

Deputy Anita Czerwińska (PiS):

Please silence this gentleman because he is interrupting me. During those brawls, property is damaged, both public and private. During those brawls, acts of profanation are committed on churches, temples; [Catholic] masses are being interrupted, which takes the constitutional right to freedom of conscience and religion away from the people of faith. One can say that this rowdy, aggressive minority is taking the basic constitutional rights away from the majority, because over 90 percent of Poles declare their belief in the Catholic faith. I want to ask Ms. Minister, do you or the Ministry plan to respond to that? Thank you.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you. At this point, I will give the floor to myself and ask Ms. Minister a question. How are the rights of those people who are not involved in politics protected, people in their private homes who are right now experiencing attacks, property damage, various objects being thrown into their gardens? And it is you, Ladies and Gentlemen, who release those people [i.e. protesters throwing stuff] onto the streets, you are responsible for that. The peace and quiet of the elderly is being disturbed, of people not involved in politics, people with disabilities, too, and that is happening right now in all cities.

Yours is the responsibility for that. You do not care about women's lives. If you cared about women's fate you would sit down to a normal debate. You, Ladies and Gentlemen, only want to cause brawls, cause destruction in the country, to take power away from the Right who had been given the mandate to govern for the next four years. You are responsible for the tons of [Covid-19] cases that will follow in a moment. This is your responsibility, and I am calling upon the Police, upon the state forces, to finally implement order. No, not with force, Madam Deputy. The force is right now in private houses, Madam Deputy, that is what you have caused.

Deputy Piotr Borys (KO):

How can you say something like that? You are insulting the thousands of people who are protesting.

Committee Chair, Deputy Urszula Rusecka (PiS):

Should I show you some pictures, sir? I can show you, I won't be going into much detail about what is happening right now.

Deputy Piotr Borys (KO):

Polish nationalists threw bottles at people.

Committee Chair, Deputy Urszula Rusecka (PiS):

You have brought this on...

Deputy Piotr Borys (KO):

What are you saying, Madam Committee Chair?

Committee Chair, Deputy Urszula Rusecka (PiS):

We had various totalitarian rules, and nobody violated places of worship and the sanctity of home. No, our marches have always had a calm atmosphere, but it is you who introduced obscenity, a vision of women as persons who act shamefully. In the name of the other part of women, I am ashamed that this kind of image of a Polish woman is transmitted into the world. I ask Ms. Minister to answer how...

Deputy Piotr Borys (KO):

Madam Deputy, you cannot insult the women who fight for their rights.

Committee Chair, Deputy Urszula Rusecka (PiS):

Mr. Deputy, you are the only man in this room, have some decency. I am the one recognizing speakers, and I will let you speak. I would first like Ms. Minister to answer the question: How will she attend to the equal rights of all women?

The floor is yours, Ms. Minister, and then another round of questions.

*Plenipotentiary for Equal Treatment Anna Schmidt says that her function is part of government administration and is hence not as independent as, for instance, the function of the Ombudsperson. Schmidt also addresses Monika Rosa and points out that each country decides on its own how to regulate the issue of same-sex marriage and that there is no obligation to introduce same-sex marriage (the term that the Plenipotentiary actually uses is “legalization of homosexual marriage”).*

*Monika Rosa interjects to say that it is not what she was asking about. She was asking about hate speech against LGBTQ+ persons. Anna Schmidt avoids answering the question. The Plenipotentiary says that she has sent out letters to different NGOs representing various minorities and that only two cases of discrimination on the basis of sexual orientation have been filed into her office.*

*The deputies continue to ask questions. Deputies Okła-Drewnowicz and Sójka are taking part in the meeting remotely.*

Deputy Marzena Okła-Drewnowicz (KO):

Hello, Ladies and Gentlemen. I am sorry, I can attend this meeting only like this, I have been stuck for almost three hours in Warsaw traffic and...

Committee Chair, Deputy Urszula Rusecka (PiS):

Madam Deputy, we can't hear you, please turn on the sound. Please speak.

Deputy Marzena Okła-Drewnowicz (KO):

I cannot hear you, Ladies and Gentlemen, but I have been informed that you can hear me. I will keep it short. I am listening to the discussion, I am in the center of the protest, I see a lot of young people who stand on every street and every crossing, that is why I cannot be here [in the Sejm]. Ms. Minister, please do not get offended and please do not say that you will leave because we do not want to listen to you. The truth is, we are not in this Committee's meeting for ourselves, but for all these people who are protesting. These are mostly women, since they are feeling discriminated against, and your function, as the very name suggests, is the Government Plenipotentiary for Equal Treatment. Today, women are not feeling equally treated because the ruling issued by the pseudo-Tribunal has taken away, or significantly limited, their rights, and that is why we have protests. I want to ask you today, what will you do...

Committee Chair, Deputy Urszula Rusecka (PiS):

We cannot hear you. Madam Deputy, if you are in touch with the Deputy Chair, please tell her we cannot hear her. Madam Deputy, we cannot hear you.

Deputy Katarzyna Sójka, the floor is yours.

Deputy Katarzyna Sójka (PiS):

Good evening. Can you hear me? Honorable Committee, Ms. Minister, I wanted to speak because we touched upon the subject of recent protests. Protests that we get to see lately are often conducted in silence, without a sound. But they often have the nature of brawls, the sanctity of home is violated. I am under the impression that they [the protests] often acquire the dimension of a fun party during which politicians are being insulted and property is being destroyed, including private property. I am convinced that this aspect of the protests does not add up to a good narration, it will definitely not lead to working out an agreement and compromise. I think that in the current situation, the ruling of the Constitutional Tribunal is consistent with the previous judgments on the right to live. As a medical doctor, I have all kinds of experiences with families, with mothers who gave birth and

are now raising incurably sick children, and I also have experiences with women who committed [*sic*] abortion and are now facing psychological problems. All in all, and as a medical doctor, I think that one needs to see the problem through a medical lens. Giving birth to a child with a severe, incurable condition brings on long-lasting consequences for the parents. I also think – in agreement with Deputy Piecha – that in the situation that we are currently in, we need to better define what is and what is not a lethal defect. I think that an abortion will not make a woman forget what had happened, this is often a trauma for life, but giving birth to and then raising a very sick child is also a life tragedy. Psychological stress accompanies mothers and entire families. I think that, in this situation, we need to talk and to better define certain issues. As a medical doctor, I cannot say that there should be choice, because you can choose the color of a dress you want to wear [and not this], but I still think that some decisions should be left to the mother and to the parents of the conceived child. I am personally against abortion, but in this one case that has been raised, I believe that the decision should be left to the parents. It is a very difficult decision.

*Anna Schmidt repeats that they are working on the 2021–2030 National Program for Equal Treatment and that they are collecting citizens' ideas.*

Deputy Wanda Nowicka (Left) – not a member of the Committee:

Hello, Madam Committee Chair. Thank you for giving me the floor. I will try to speak briefly and concretely. First of all, I want to ask about the strategy and the program of your office, Madam [Plenipotentiary]. You have unveiled part of the mystery by saying that the program is to concern social education, but I would like to remind you that we have a problem with the unequal treatment of minorities and of women, not on the part of society, but on the part of the highest authorities. Therefore, I want to ask you, Madam, did you take any action regarding the statements by top politicians, Mr. Czarnek and President Duda's [statements] that LGBT is an ideology and not people? I have a question about your actions, Madam, because you present

your role and perceive your office as reactive (please confirm or deny it). If someone approaches you with a problem, Madam, you react to inequality. You said that two interventions were requested. Offices functioned differently in the past, in the times of the inconsolably lost Minister Jaruga-Nowacka. This office is not just about waiting for someone to bring you proof of unequal treatment or discrimination. You have to proactively perform the function and, within your competence, inform government representatives and given departments that the policies they are pursuing or the laws they propose contain threats to equal treatment. Do I understand it well?

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you, Madam Deputy. I am sorry, but three Committee meetings are overlapping, so please, we also have Ms. Aleksandra Gajewska. Please conclude shortly.

Deputy Wanda Nowicka (Left) – not a member of the Committee:

One last thing. In the context of the scandalous judgment of the Constitutional Tribunal, I want to ask you [something], because you said that the request was made by your club. Do you, while citing the Constitution, see the breach of at least three articles of the Constitution in relation to women: violation of the rights to dignity – Art. 30, violation of women’s freedom – Art. 31, and the prohibition of torture – Art. 40? Madam, did you intervene when the proposal was being submitted? I still have a question. The PiS candidate for the Ombudsman is supposed to be Mr. Wróblewski, who filed in that scandalous application. Will you vote for him so he can become the Ombudsman? Thank you, that is all, I would appreciate your answer.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you. Madam Deputy Aleksandra Gajewska, the floor is yours. I ask you for a synthetic, short question in order not to repeat what has already been said. If you want to ask about something that we have not already heard, please do so.

Deputy Aleksandra Gajewska (KO) – not a member of the Committee:

Thank you. First, I want to say that I am an active participant of the ongoing protests, and I understand that the only method known to the state is propaganda on the level of TVP [Polish National Television] regarding what is happening today, and Madam Deputy Czerwińska forgot that she is in Committee meeting, and not at a party rally. I want to remind you that we went out into the street because women are experiencing a huge violation of their rights. I am kindly asking you to stop moralizing us, because this is not your role, and [I am kindly asking] that each person who has a function starts attending to it. The attitude of Ms. Minister, who bristles whenever someone dares to ask her to show up and talk about her activities, is outrageous. From the moment you have been appointed the Plenipotentiary, that is from March, there are two new pieces of information on your website. The first one concerns the bill submitted by PiS and the second one is Ms. Minister's assurance that the Istanbul Convention was rightly sent to the Constitutional Tribunal. So please do not be surprised that such comments are being made, statements that it is a waste of time, and that the deputies are leaving, because the website shows that you are not engaged in any activity, Madam. Today, in the 21st century, this is where people look for information. Madam, I ask you kindly to start speaking in a matter-of-fact manner and answer the questions that have been asked in this room, because we know in which government you operate. We want you to do business, not politics.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you. Ms. Katarzyna Lubnauer, the floor is yours.

Deputy Katarzyna Lubnauer (KO) – not a member of the Committee:

I have questions from the LGBT community because I have the impression that Madam Plenipotentiary did not understand the questions asked by Monika Rosa regarding discrimination, so maybe I will clarify. Firstly, a draft of the Act of No. 138 on Counteracting Discrimination on the Basis of Sexual Orientation has been in the Sejm for a long time. We want to find out whether the Plenipotentiary, as

part of her duties, is going to give an opinion on this act? I remind you that people cannot be discriminated against based on race, origin, and religion, and they should not be discriminated against due to sexual orientation. This is a direct example related to discrimination.

Another point. Why in the current legal regime the police refuse to run statistics on violence based on sexual orientation? You talk a lot about the statistics of violence against women, and we also deal in Poland with cases of violence against LGBT people or those suspected of having an orientation [*sic*], because sometimes hair color is enough. Therefore, we want to know, is Madam Plenipotentiary going to rectify this so that we can know the statistics?

Another question: What steps have been taken by Madam Plenipotentiary regarding the case of young people who are very often harassed and discriminated against in schools? Due to their [sexual] orientation, they often have suicidal thoughts or commit suicide. So it is not an imaginary or insignificant problem because if something ends with the death of even one child, the Government Plenipotentiary for Equal Treatment clearly should address that problem. There was already a question about the Istanbul Convention, but the new piece of information is what Ms. Aleksandra Gajewska provided, namely that you, Madam Plenipotentiary, gladly received the information that the bill had been sent to the Constitutional Tribunal. If I thought that the Tribunal was doing anything other than what Jarosław Kaczyński tells it to do, maybe I would also be glad that any document at all is tested for compliance with our Constitution. However, the last ruling shows that the tribunal rules as the authorities, i.e. PiS, wants it to. As such, I am asking: What is your opinion on the Istanbul Convention? I am not asking what the government is up to, but what do you personally think? Do you think that the convention should function in Poland or should the Constitutional Tribunal declare that it is inconsistent with the Polish Constitution? If you are referring to the 2008 verdict of the Constitutional Tribunal concerning the law on family planning, I want to say that Mr. Zoll elaborated on it and explained why he thought we should not be dealing with it now. Yes, then the tribunal decided that the law could not be extended to the so-called “Abortion on demand.” Secondly, you can see, Ladies and Gentlemen, that a mistake has been made at that moment, because we know what cases may occur. Right now, we have such a legal status that after the ruling of the Tribunal

gets published (rulings should be printed), tomorrow a woman might not be able to get any help. Of course, you could think and change the law, but you are cowards and you do not want to do that, you just want to use the Constitutional Tribunal to take away the right of women to decide about themselves. You used it [the Tribunal] like a lockpick.

Why am I saying that it is your pseudo-Constitutional Tribunal? Hardly ever active politicians and people who unambiguously take the side of authorities were referred to the Tribunal, as in the case of Mr. Piotrowicz and Ms. Pawłowicz. Moreover, it never happened that three correctly selected judges were replaced by stand-in judges. In this sense, the Tribunal ceased to have any value as a body of jurisprudence in Poland, which is not only our opinion, but also that of international bodies, including the Venice Commission. Therefore, yes, you are right, we had to deal with regimes in Poland – it was in the times of the Polish People’s Republic, and now it is in the times of PiS.

I would like to ask you what you think, as a representative, that Military Police is to be used to fight Covid-19? Already in Szczecin, when guarding blockades, in connection with the women’s protest, we were dealing with the Military Police.

Excuse me, but I have to go to the Committee of Justice, because it is under this regime that we are not allowed to submit a motion to dismiss Zbigniew Ziobro, which of course is illegal, because no one has the right to refuse it.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you, Madam Deputy. I will give the floor to myself. Everything that you mentioned was already addressed by Ms. Minister before you arrived at the meeting. Madam Deputy, of course you are entitled to your own opinion, a view on law-abidingness, on the Tribunal’s ruling, but law is law, and it needs to be obeyed. The Tribunal’s rulings are final.

Madam Deputy Teresa Wargocka, the floor is yours.

Deputy Teresa Wargocka (PiS):

Ms. Committee Chair, Honorable Committee, as requested by the Parliamentary Club of Law and Justice, the purpose of today’s meeting of the Committee was to conduct an in-depth debate on the

role of the Office of the Government Plenipotentiary for Equal Treatment. It looked very promising, because Madam Plenipotentiary was invited to the meeting of our Committee for the first time. Issues that are included in the tasks of the Plenipotentiary are extremely important for the functioning of a democratic state, and we could have held a debate that treats Ms. Minister as a responsible person who is working on the next edition of the governmental program. I am sorry that this did not happen. Once again, the opposition used the Honorable Committee to do politics. Ms. Minister, I hope you achieve all your goals, because today you were treated instrumentally by the deputies of the opposition. It can be stated that if Madam Deputy had the same views as the opposition, then you would be a very good minister and plenipotentiary. I am asking my colleagues from the Committee to withdraw from the political war if we are to focus on important issues and on the obligations that result from law.

Saying that the Minister does not understand the concept of discrimination and equal treatment is a blow that undermines all competences in this area. For you, Ladies and Gentlemen, the only understanding of these concepts is a leftist understanding. The first plenipotentiary was appointed in 2001. It was the Government's Plenipotentiary for the Equal Status of Women and Men, and it was an extension of the Left to introduce left-wing ideology into Polish society. Today, we have the effects of left-liberal ideology in the streets where I can see teenage girls, my recent students, who deny human dignity, culture, good upbringing, [girls] who will be mothers in a few years. What will they offer the next generation? Aggression, vulgarity, "dirtiness," permission to have their bodies treated instrumentally. That is what these girls are going to contribute thanks to the policies that the previous plenipotentiaries have been implementing...

Deputy Piotr Borys (KO):

Please do not offend the demonstrating women.

Committee Chair, Deputy Urszula Rusecka (PiS):

Ladies and Gentlemen, we did not interrupt when you were speaking, so I ask you to remain calm.

Deputy Teresa Wargocka (PiS):

Today, the United Right rules in Poland. Our program is based on Christian values. We will protect and guard those values. We will introduce them into our politics because it is the only way to bring back human dignity. It does not matter... Because human dignity is the same for all people. Will we divide the rights into the right to equal treatment for disabled people, different sexual orientations, for women, for men? We do not have to divide it if we treat every human being the same due to their in-born human dignity.

Ms. Minister, of course you could not please those members of the Committee who represent the opposition, but we hope that you create a good program. We will support you on the path of good goals, good tasks, and good implementation of the government program in the field of your competences. Thank you.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you very much. Mr. Deputy Borys, then Mr. Borowiak, and I will close the discussion. Ms. Minister will provide answers.

Deputy Piotr Borys (KO):

Ladies and Gentlemen, I have never thought that I will live to see a day in which the most conservative compromise – reached 27 years ago, also with the help of you, the politicians of Law and Justice – will be broken. I remember the words of Ryszard Czarnecki who said that this is a groundbreaking event that has the support of the Polish Church. An extremely conservative compromise. You, Ladies and Gentlemen, broke that compromise only because somebody came up with the idea that the ultra-Church lobby is at your service and, with your help, with the help of the pseudo-Tribunal, it changed everything that brought Polish people peace. I am going to say, as one of the few men present here, I am a father of three children, I have many friends who faced that choice, some of them have not made that choice, that is their role and decision, and some have made it [i.e., they chose abortion]. It is always the greatest tragedy for the mother, the partner, the father, and the whole family. Taking away the possibility of making that choice takes Poland back to the middle ages. Ladies and Gentlemen, you cannot insult all people who protest and

who are upset, to put it mildly. I want to tell you that I do not expect much from Madam Plenipotentiary, because she explicitly said she is a member of the government, and the Commissioner of Citizens' Rights is an independent function. I understand that you, Madam, are dependent on the government, but if you do not want to protect women's right to what have been the subject of the 27-year-old compromise, that is, the right to legal abortion in the case of permanent damage to life and health, you should immediately resign from your function and say: "Yes, I am a politician of Law and Justice and I do not give a damn about the women who are protesting today in the streets." You should protect those persons who will be forced to give birth while putting their health at risk. You have deprived women of their subjective dignity and of choice, and that is why today's meeting is objectless. You do a lot of things, Madam, I understand, but today you are faced with the most important decision to unambiguously say "No" to your political Constitutional Tribunal. If you are a PiS politician, please remain in office, but if you want to defend women, then please do so, or resign from the function. Everyone has their own opinion and they can, in certain situations, say "No."

Committee Chair, Deputy Urszula Rusecka (PiS):

Ladies and Gentlemen, please remain calm, Madam Deputy. You called the meeting of the Committee on September 28. I remind you that this was not the topic of our meeting. On September 28, the Tribunal had not yet announced its verdict. Mr. Deputy, we respect the people protesting on the streets, because everyone has the right to protest, to oppose certain decisions, but every protest should be consistent with the law, [it should be] peaceful, with demands articulated, and there can be no consent for insulting the other side, [there can be no consent] for what is currently going on in the streets. We also used to protest, but these protests need to be consistent with the law and aimed to articulate one's views and not to destroy another person's life, to break the law, to attack somebody else's views, e.g., religious [views]; these protests are destroying our sanctities – profanation, destruction of statues, of churches. The protest on 3 Franciszkańska Street [location of the Bishop's Palace in Kraków], Mr. Deputy, for me, this is a trauma. I stood under that window on more than one

occasion [i.e. the window from which Pope John Paul II used to speak to crowds]. I am part of the JPII generation and I am not ashamed of that. If you have zero respect for religion, because you are nonbelievers, you can destroy churches and places of worship, then I would like to remind the youth, who are now in the streets, that if it were not for John Paul II, we would not live in freedom right now and we would not have the right to protest freely. It is thanks to people like John Paul II that we are free.

I will not give you the floor again, Mr. Deputy...

Deputy Piotr Borys (KO):

Ms. Deputy, I just want to say one thing. The abortion compromise was reached during the pontificate of John Paul II, whom I respect greatly, I have attended his funeral and canonization. I am a Catholic. The compromise was reached during the pontificate of John Paul II, so please do not use words like that. I am against the profanation of churches, but I cannot take away the right to protest, because you, Ladies and Gentlemen, have made Polish women go out on the streets, regardless of whether they live in small towns, whether they are Catholics or unbelieving persons.

Committee Chair, Deputy Urszula Rusecka (PiS):

Please do not speak in the name of all women.

Deputy Joanna Borowiak (PiS):

Madam Committee Chair, thank you for letting me speak. I have a huge plea for Mr. Deputy Borys, please do not speak illegitimately in the name of Polish women, because you have no right to do so, you do not represent all Polish women, sir. I kindly ask Madam Deputy from the Civic Coalition [KO] to stop interrupting me and stop that nervous shouting. Despite your efforts, canons of culture still apply to us and please adjust to them.

Ms. Minister, I am sorry, I have not been present at the Committee's meeting from the start, but I have been following it remotely; I had to attend a session of another Committee at the same time, and we were voting there. But I listened to your presentation and I want

to join Ms. Deputy Wargocka and thank you for your work. You have confirmed that you have a vision of what you should represent and what you should do as part of your job. I thank you for that very much, Madam. I will respond to Deputy Borys by citing his words. I have never thought that I will live to see a time when Sejm deputies break the law, goad the citizens, misinform them in a cynical way – you have just confirmed that during the Committee’s meeting – make them leave their homes en masse in the times of pandemic and despite current restrictions, and completely ignore the health and life of citizens. I would have never thought that I would see the day when deputies of the opposition use explicit language to call for violence or just to make political capital. I have never imagined that I will live to see the day when deputies of the Sejm, those who represent the opposition, will lead people to the streets despite the increase in infections only to fulfill their own goals. Notice how many slogans that we have heard in the last couple of days end with the conclusion, I quote, “Our goal is to overthrow this government.” My dear deputies of the opposition, please do not manipulate and persuade Polish people because Polish people see very well how exactly you are fighting for women’s rights. You are fighting for your own political goals, ignoring, in the name of political gains, the well-being, health, and life of women. “Yes” for democracy, “No” for breaking the law. I will agree with Ms. Deputy Rusecka who appealed during the Committee’s meeting to my female Sejm colleagues from the opposition to stop taking part in creating the image of a Polish woman, an image that is now being transmitted into the whole world, also with the help from the deputies of the opposition. It is not true that a Polish woman is vulgar, has no respect for sanctities, and commits acts of profanation. You, Ladies and Gentlemen, are responsible for that, you are cynical enough. I can see Deputy Borys smiling right now.

Deputy Piotr Borys (KO):

How can you tell I am smiling, Madam?

Deputy Joanna Borowiak (PiS):

You have a smile on your face, I can see it despite the [Covid-19] mask, we smile with our eyes after all. You are being cynical right now, sir.

I would like Mr. Borys to turn off his microphone because it is distracting.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you very much. There will be no *ad vocem*, I have closed the discussion.

Deputy Piotr Borys (KO):

Madam Deputy, it should not be so that in the times of pandemic...

Deputy Joanna Borowiak (PiS):

I have not finished yet, one more sentence.

Committee Chair, Deputy Urszula Rusecka (PiS):

Mr. Deputy, can you behave according to the rules and regulations?

Deputy Piotr Borys (KO):

The ruling of the Constitutional Tribunal is against the will of many women who are feeling desperate, that is why they are in the streets. Ladies and Gentlemen, you have made those women experience extremely strong emotions. You are responsible for that.

Deputy Joanna Borowiak (PiS):

Please do not interrupt me. I need to say one more sentence.

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you very much, I am closing the session of the Committee, if... This is how the whole debate looks like. How can we possibly have a meritorious debate about difficult matters?

Deputy Piotr Borys (KO):

Please go out to the street and say it to the Polish people. We are the society's representatives.

Committee Chair, Deputy Urszula Rusecka (PiS):

Mr. Deputy, if you will not calm down, I will dismiss you from the Committee's meeting. My dear Ladies and Gentlemen from the opposition, you are not the only ones who are right, and your right is not the only one that counts. If you insult us, everything is okay, but when we speak the words of truth and articulate our point, you cannot even listen till the very end. How can we discuss difficult matters? These are really difficult topics. But we cannot talk about those difficult topics and work out good solutions that the Poles are waiting for [if we are faced] with such an irresponsible opposition who for five years cannot accept the fact that they lost the elections.

Deputy Piotr Borys (KO):

Lech Kaczyński, let him rest in peace, was a defender of the [abortion] compromise.

Committee Chair, Deputy Urszula Rusecka (PiS):

I am sorry, Ms. Minister, the floor is yours and then we end the Commission's meeting.

*Anna Schmidt starts by saying that she does not feel offended by anything that has happened in the room so far. She is willing to provide answers in written form*

Government Plenipotentiary for Equal Treatment  
Anna Schmidt:

But I have to admit, as a Plenipotentiary, I am very sad about the proceedings of this Committee. Ladies and Gentlemen from the opposition, you appealed to two categories based on which the rights and dignity of a person are to be protected from discrimination. This is very valuable and praiseworthy. You talk about women, even though the motion in which I have been called to attend the Committee's meeting had nothing to do with the issue that dominated this debate. Indeed, back then, we functioned in a legal reality that did not require dealing with the Constitutional Tribunal's ruling. I understand you are addressing this hot political topic and the issue of gender-based

discrimination. You also speak about sexual minorities, even though I mentioned right at the beginning of my speech, that when I assumed my office, I invited many organizations, institutions, and representatives of various minorities to encourage cooperation, because this is how I see my function. Some of them did not respond, but this is not for me to judge. It is a matter of the minorities' will to cooperate with the Government Plenipotentiary for Equal Treatment. I want to remind you, Ladies and Gentlemen, that Article 1 Section 1 of the legal act that describes the plenipotentiary's tasks, names ten areas: equal treatment and freedom from discrimination based on gender, race, ethnic origin, nationality, religion, faith, worldview, disability, age, and sexual orientation. Unfortunately, when you ask me how I see my role as a plenipotentiary and what tasks I undertake as part of my office, you notice only two premises. [One is] women's rights, with which I identify, as a woman, as a human being, as a politician whose role is to protect Polish citizens. Yes, I am opposed to violence against women. But I am very sad that you, Ladies and Gentlemen, as parliamentarians and representatives of the highest sovereign, i.e. the Polish people, that you do not notice other discriminated groups.

Even though I came here to answer your questions, Ladies and Gentlemen, I would like to ask Ms. Monika Rosa, would you be so kind to answer my question: Why are you, as a member of the Committee on Social Policy and Family, but also as a Polish parliamentarian on her next term, why are you not responding to that? Madam, you concentrated on two out of ten premises for equal treatment. In the motion, you asked how I, as the Government Plenipotentiary, understand and enact the rules of equal treatment. Since you focus on one topic and it has become the leitmotif of the Committee's meeting, I would like to ask you, Madam Deputy [Rosa], what do you think, is one of the discriminatory premises being violated? I mean unequal treatment based on religion, also based on worldview. What do you think about the acts of vandalism and violence against Catholics, about the desecration of sacred objects, the violation of dignity of the sacred sphere, which is the subject of worship for a huge part of Poles? Madam Deputy may not identify as Catholic, we live in a democratic country, but the task of a Polish parliamentarian, and a member of the government, and especially [the task of] the Plenipotentiary for Equal Treatment is to defend the rights of all citizens. Madam Deputy, I want to

know what you think about the desecration of Polish churches, about insulting Catholics, and about the violations to the dignity and religious feelings of the majority of Poles. I have to say I feel like a victim of unequal treatment at the meeting of this Committee. It is a bit bizarre that I have the function of the Plenipotentiary, because I was counting on a substantive debate, meanwhile, you are addressing me by violating the ideological premise. I have a specific worldview as a deputy from Law and Justice, as the Government Plenipotentiary for Equal Treatment, and as a woman and a human. Violating that worldview, disregarding the Plenipotentiary's statements in the style of: It is time to finish this Committee, because it is not worth listening to what I have to say, this, in my opinion, treats me unequally in terms of worldview. I wish to ask you, as a woman, as a deputy, but above all as a plenipotentiary, what do you think about this, Madam Deputy?

Committee Chair, Deputy Urszula Rusecka (PiS):

Thank you, but I closed the discussion and debate. Since Madam Deputy is the applicant, I will give you the floor. I want to thank Ms. Minister very much for her presence and devoting her time. In the multitude of emotional statements, we had the chance to learn how many things are going on in the office and what [tasks are] being realized. Certainly, when the document is ready, there will be an opportunity to debate it during the Committee's meeting. I encourage you all, and especially the deputies of the opposition, to familiarize yourselves with the document – because we know that it is after interdepartmental agreements – and to address it in a substantive manner. Ms. Minister, I thank you once again for your time. I wish you many successes in your difficult professional work, and I hope that the mission and service you carry out will benefit all those who are discriminated against in our country. As you rightly noticed, as a Member of the Law and Justice party, and also as a Catholic, at this point I feel discriminated against by a certain group who wants to impose their worldview on us and hurt our feelings. I will not say what the purpose of that is.

Please, but briefly, and as an exception because you are the applicant.

Deputy Monika Rosa (KO):

Ms. Minister, I am very sorry, because it was nothing personal or directed at you. I was hoping that the Government Plenipotentiary for Equal Treatment will deal with equal treatment. The conclusion of the Commission meeting is that you are a PiS politician, and unfortunately, when it comes to the policy for equal treatment, the PiS policy for the last five years was unambiguous – equal treatment is out of the question. Here, unfortunately, we part ways. Madam, you perform a function that they have given you and that is of little importance in the fight for equal rights. Equal rights are not a question of a worldview. Ladies and Gentlemen, you are offended as Christians, as Catholics, but let us take into account that walls and statues can be washed, but the tragedy, the suffering of women and families after removing the embryo-pathological premise for abortion from the Polish law – this is something that cannot be washed away. It cannot be removed with a spray or painted over; it will remain for the rest of [their] lives. Let us take care of walls, monuments, pavements, but most of all, let us take care of women, of people. You cannot compare spraying something on plaster with women's suffering.

Dear Minister, in my speech I asked about the four areas of your activity and about the program. I am happy with the program, non-governmental organizations are asking about it. We have been waiting for it for four years. In addition to issues related to women's rights, abortion, I also asked about violence. I asked about minority rights. I did not receive an answer or a gesture from you, Madam, regarding the LGBT community.

Government Plenipotentiary for Equal Treatment  
Anna Schmidt:

I am sorry, I have to direct [you] again to the national program that exhausts each of these issues.

Deputy Monika Rosa (KO):

Madam, you should initiate action whenever there is crisis, hatred, harm, and young people are depressed and take their own lives. Maybe I misjudge this function. Today, you led me out of my mistake,

Madam, by clearly saying that you are a PiS politician and you are implementing their policy. Unfortunately, the policy of PiS is unambiguous – it is a policy of homophobia.

I asked about two more areas that the Minister did not touch upon at all. I raised the issue of disability and it is not my fault that you did not answer. I also raised the issue of discrimination based on racial and ethnic origin, i.e., the issue of anti-Semitism, hate speech, hate acts, and the Ombudsman's report. Ms. Minister did not address this topic either. From some of the premises that you mentioned, I addressed them all, while you did not, Madam. So here we have a misunderstanding. This is a sad conclusion. Madam, you are fulfilling a function that you received as a PiS politician. From my point of view this office is just like any other government ministry that will not contradict anything that the government is saying and will not pursue a different policy. And this policy is an effect of what is happening on the streets today, how women are treated. This had happened before when people from the LGBT community were going out onto the streets. The effect of this policy is suicide and depression among LGBT youth.

Committee Chair, Deputy Urszula Rusecka (PiS):

Let me disagree on what this effect is but let me remind you that in our democratic country, the law is the most important and the party that won the elections gets to rule in a democracy. The Minister is the plenipotentiary of the government, and the party that wins the elections chooses the government and the Minister represents that government, and you, Ladies and Gentlemen, confuse the legal order and you would like undemocratic chaos to reign.

Thank you. I am closing the meeting of the Committee.

## CHAPTER FIVE

# Jarosław Kaczyński's October 27 Speech

Editorial Note: Recorded in the form of a video clip, the statement of Deputy Prime Minister Jarosław Kaczyński was published on the website of Law and Justice.<sup>1</sup>

Ladies and Gentlemen,

On October 22, the Constitutional Tribunal issued a ruling on the 1993 legal act on abortion and its constitutionality. The 1993 act bans abortion but allows for it to be executed under certain circumstances, for instance, in the case of severe damage to the child during the prenatal period or in the case of a serious illness that leads to death.

The ruling is fully consistent with the Constitution, more than that – in the light of the Constitution there could be no other ruling.

This institution was decreed by the 1993–1997 Parliament in the year 1997.<sup>2</sup> In that parliament, the left had an advantage, a very big

<sup>1</sup> In the video, Jarosław Kaczyński sits at a table in front of Polish flags. The video reminded many Internet users of General Wojciech Jaruzelski's televised speech from December 13, 1981 in which Jaruzelski declared martial law in Poland. In that speech, Jaruzelski talked about "the rising violence of extremists" and the threat to socialist Poland caused by anti-Communist demonstrations led by the Solidarity movement. The perceived similarity between the two speeches sparked civil dissent and served as an inspiration for memes and protest signs.

<sup>2</sup> The so-called abortion compromise was sealed by the legal act of January 7, 1993. The act restricted the access to abortion to three cases: threat to the pregnant person's life or health, irreversible and severe damage to the fetus, and

advantage. Today, the ruling became a reason or an excuse for violent social occurrences, occurrences that are happening in exceptional circumstances. We are in a fatal stage of the Covid epidemic, we are in a state where all kinds of gatherings of more than five persons are banned, we are in a state where these demonstrations will surely cost many lives.

Those, who incite [others to demonstrate] and those who take part in [the protests], are calling down a national danger, that is, they are committing a crime, a serious crime. The authorities have not only the right, but also the obligation to oppose events of this kind.

But they [the protests] have yet another aspect. Churches are being attacked. This is a completely unprecedented incident in the history of Poland, at least on this scale. Those are terrible incidents; people can have varying opinions on the Church, one can be a believer or a non-believer – Poland ensures a complete religious tolerance – but there can be no doubt that the moral deposit held by the Church is the only moral system that is commonly known in Poland. Renouncing it is [an act of] nihilism. And we can observe nihilism in those demonstrations and those attacks on the Church, but also in the ways of expressing, the expression of those who demonstrate, their almost unbelievable obscenity, in everything that shows the bad side of some part of our society. And because adults often incite children to partake in those demonstrations, the malignance of this aspect of the whole enterprise is particularly great.

This, I repeat, needs to be repelled. This is the duty of the state, but also our duty, citizen duty. We must defend Polish churches before all else. We have to defend them at all costs. I call all the members of Law and Justice and everyone who supports us to take part in a defense of the Church, a defense of everything that is under attack right now, and not by accident.

In those attacks, we observe elements of preparation, perhaps even training. This attack is an attack that is meant to destroy Poland. It is meant to lead to the triumph of those forces whose rule will virtually

pregnancy resulting from rape or incest. In 1996, an amendment was passed to introduce the possibility of terminating a pregnancy due to a difficult material or personal situation of the pregnant person, but it was struck down by the ruling of the Constitutional Tribunal from May 28, 1997. If by “the institution” Jarosław Kaczyński means the abortion compromise, then it was decreed in 1993.

*Jarosław Kaczyński's October 27 Speech*

end the history of the Polish nation as we have known it till this day, a nation that is our nation, [a nation] that we carry in our minds and in our hearts. That [nation] is the object of great Polish patriotism.

Let us defend Poland, let us defend patriotism, and let us show decisiveness and bravery. Only then the war that has been declared, declared by our enemies, can be won.

And we should remember that we are completely right when it comes to the matters of law. This ruling cannot be changed as long as the Constitution remains in its current form. Clearly, there is also no room for a legal act that would allow for abortion on demand, and that is the far-left's demand, as formulated today in the Sejm amidst the cries "War! War!"

Today is the time when we have to learn how to say "No," to say "No" to all that which can destroy us. But this is up to us, it depends on the state, its machinery, but most importantly, it rests with us. I repeat this once again. [It all depends] on our determination, our courage.

Let us defend Poland!

## CHAPTER SIX

# 20<sup>th</sup> Session of the Sejm, October 28, 2020

### Point 22. of the Agenda: Current Information

Editorial Note: We provide two fragments of the official Sejm transcript that directly address protests. Deputies of the opposition are personally calling out Deputy Prime Minister Jarosław Kaczyński for escalating violence with his speech from October 27. The second fragment of the transcript features Jarosław Kaczyński's response.

Deputy Klaudia Jachira (KO):

Chair of Kaczyński's Committee! Mr. Speaker! Honorable Members! I am very pleased that after being excluded yesterday for no reason I can be here today to represent my voters.

Protests have been shaking the country for a week now. After the pseudo-ruling of the TK [Constitutional Tribunal], gynecologists and their patients realized that they do not know whether they will have enough time to decide about their health, their body, or even the entire future life of their family. Doctors do not know if they can offer medical treatment and save the patients' lives without going to jail. On behalf of gynecologists, women, and the protesting streets, I am asking the PiS government: Why do you torture Polish families so much? Is it in the name of maintaining one-party rule? We, women deputies, have been going out onto the street to alleviate conflicts, to mediate, to talk with the police officers and with the protesters, so that Polish blood would not be spilled. Sometimes things get really hot, since both sides lose their nerves. Sometimes we succeed, sometimes we don't, but we do what we can, we mediate.

And now another deputy, Deputy Kaczyński, who is responsible for defense and security, is calling for a civil war and for a protection of party interests, since churches are the PiS party's subsidiary, there is no God in there, there is only hard politics and money, that is what you have brought about.

Deputy Kaczyński! Have you talked even once in the last week with women to ask them what they expect, why they are protesting in the streets? Because I have been in front of your house three times and I have not seen you, sir. You hide behind a cordon of police officers, your bodyguards paid from our money. If you have something to say to the nation, please step out onto the street and say it to the women's faces. Every dictatorship will one day fall. Now it is your time, cowards. *(Applause)*

*(Deputy Joanna Borowiak: Enough with the threats, please, Madam Deputy.)*

Deputy Speaker Piotr Zgorzelski (KP):

Thank you very much.

Deputy Joanna Borowiak, the floor is yours.

Deputies Teresa Wargocka, Michał Szczerba, and Deputy Tomasz Latos in rectification mode will have a chance to speak. Then we end.

Deputy Joanna Borowiak (PiS):

Thank you very much.

Mr. Speaker! Honorable Sejm! To the deputies of the total opposition: Do not lie, stop lying. I know that today, when you look at what you have caused, you want to put the blame on somebody else. It is not true that you go to the marches to calm down the people who are there. You are igniting them. You take cute selfies just to post them on social media. You call for those marches and there is proof of that on your social media accounts.

*(Deputy Jakub Rutnicki: Mr. Speaker...)*

*(Deputy Wanda Nowicka: Aha.)*

*(Deputy Iwona Hartwich: Not true.)*

And now I move on to current information. It is the state's duty to care for all women who are expecting a child. The government of Law and Justice has shown how they conduct that care. Tasks like that are

realized by the coordinated care [program] for pregnant women, as introduced in 2006. Care is provided during pregnancy, childbirth, and the postpartum period. It also includes care for the newborn.

Ms. Minister! A question. What kind of coordinated care has been administered to women with high-risk pregnancies? How much financial resources have been designated to supporting women? Thank you very much. (*Applause*)

Deputy Speaker Piotr Zgorzelski (KP):

Thank you.

Deputy Monika Wielichowska, Civic Coalition, the floor is now yours.

Deputy Monika Wielichowska (KO):

Mr. Speaker! Honorable Members! You have deprived women and families of the *in vitro* financial aid program, even though 1.5 million couples in Poland cannot have children. You have introduced prescriptions for the morning-after pill even though in most countries of the European Union the pill is available without prescription. The ratified convention on fighting domestic violence against women is an unrealized document which you wanted to revoke on numerous occasions. You are attacking women's organizations which help women, which support women, which have gained women's trust. Sex education does not exist. The conscience clause is thriving. In their ads, the Ministry of Health is encouraging people to reproduce (*Bell*) like rabbits.

Through the back door, like cowards, you use the pseudo-Constitutional Tribunal to tighten the already Draconian abortion law in Poland. When under your rule Poland becomes an epitome of backwardness, when you replace the access to twenty-first-century medicine with ideology, when you barge into the lives, the choices, the decisions, and the freedoms of women, depriving them of their right to decide about themselves, the female deputies of PiS dress in all-white and the Prime Minister says: I will recommend prenatal screenings for all women.

Ms. Minister! How exactly are you going to do that? When? How? Where? For how much? How are you going to make that happen? Are you aware, Madam, that in some voivodeships even 70 percent

of municipalities have no access to a gynecologist? Women have no access to a gynecologist. This is what you should work on, access to gynecology, to cytology. Take care of that first instead of setting on fire, igniting, adding gasoline to citizen protest, instead of using the pseudo-Constitutional Tribunal and setting people against each other. First you do that and then you are surprised that people express their anger.

Kaczyński knew well that women will not give away their rights and freedoms without a fight. He knew that, and he still was cynical enough to do it. It is unbelievable, it is unforgivable, it is extremely irresponsible. Control yourselves, people. (*Applause*)

Deputy Speaker Piotr Zgorzelski (KP):

Deputy Jakub Rutnicki, Civic Coalition, the floor is yours.

Deputy Jakub Rutnicki (KO):

Thank you.

Mr. Speaker! Honorable Members! I am listening to the female PiS deputies who speak a lot about matters concerning children. You are so worried about children, but are you aware that every day all across Poland hundreds of thousands of women, especially young women, are protesting? Why are they protesting? Those young women are not protesting because somebody ordered them to take to the streets. They are fighting for their own dignity. But with the stance that you represent, with the situation for which Jarosław Kaczyński and his new favorite friend, Ms. Przyłębska, are responsible, you will bring on a demographic catastrophe. Young Polish women are already saying that they will be afraid to get pregnant, to have children. Do you have any idea what gigantic impact this situation will have on the demographic situation in our country? You are not interested in that because you are using this ideological conflict for expediency. You are using it because you cannot handle the pandemic. This is what you are cynically using this for.

Look at it from the perspective of several years or over a dozen years. Young Polish women are fighting for their rights, young Polish women are protesting because they want to get pregnant and have children in peace and quiet. With your attitude, you will only cause

a demographic catastrophe, it is bound to happen in the next couple of years. Thank you. (*Applause*)

Deputy Speaker Piotr Zgorzelski (KP):

Thank you.

Deputy Teresa Wargocka, Law and Justice, the floor is yours.

Deputy Teresa Wargocka (PiS):

Mr. Speaker! Ms. Minister! Honorable Members! The current information as proposed by the Left, by the Platform, was supposed to be an expression of concern for the health of pregnant women – the number of doctors, gynecological services for disabled persons, prenatal screenings. And where did that go? You are once again using the opportunity to do politics, to issue absolutely unfounded accusations. What did the Constitutional Tribunal say in 2008, in 1997, and in 2020? Exactly the same thing. Human being's right to live is the highest right. You cannot compare that right with other ones or gradually differentiate it. Human right to life stems from the dignity that all people share. And the Constitutional Tribunal could not have ruled otherwise, you know that very well, Ladies and Gentlemen. If you were honest and if you wanted to tell women in Poland what the elimination of the eugenic premise from the legal act really means, you would tell them the truth. If your pregnancy is at a high risk, if your child can be ill, disabled, a disabled person's right to live is not questioned, regardless of whether you are a grown human or a human inside the mother's womb – that is what the law says. You know that, Ladies and Gentlemen. So why all the clamoring? Because, as you say, they [women] have been deprived of their right to abortion. There never was a right to abortion in Poland. There was a legal act on protection [of life] and the cases in which the termination of pregnancy is allowed, only three such cases. (*Bell*) If a woman's life is at risk, it is the doctor's duty to save the woman. A pregnancy resulting from rape is still a premise for solving this problem.

So please, do not lie, do not manipulate. If you use your T-shirts to tell the youth that abortion is okay, then I feel sorry for that youth, a manipulated, morally devastated youth, all those young women who will have a fear of maternity.

(*Deputy Adam Szłapka*: This is a generation that had religion classes in school.)

This is a generation who has been raised by the liberal left rule: Do whatever you want.

(*Deputy Sławomir Nitras*: This is a JPII generation [John Paul II].)

(*Deputy Adam Szłapka*: No, [it has been raised] by religion in schools.)

Deputy Speaker Piotr Zgorzelski (KP):

Thank you very much.

Deputy Michał Szczerba, the floor is yours.

Next, Deputy Tomasz Latos will deliver a rectification.

That will conclude our list of persons who signed up for the discussion.

Deputy Michał Szczerba (KO):

Dear Mr. Speaker! Honorable Members! On January 7, 1993, Jarosław Kaczyński was here, sitting in the very same place. 27 years ago Jarosław Kaczyński raised his hand and voted for the abortion compromise. In a situation when a fetus developed a severe, irreversible damage, the woman can decide. And today, after 27 years, Jarosław Kaczyński is creating a hell for women. Jarosław Kaczyński is telling Polish women that he, and not them, will decide in those tragic situations, those traumatic situations, situations that are a source of psychological torture. There is nothing more undignified than the voices that come from this room. My dear Ladies and Gentlemen, deputies of PiS, a child with anencephaly, a child with no skull and no brain, a child without fully formed organs is not a child with disabilities.

(*Deputy Teresa Wargocka*: Is it not a child? Is it not a child?)

That child will die right after being born.

(*Deputy Teresa Wargocka*: So why should the mother kill it?)

And that tragic decision on whether to give birth or not has to be always made by the woman, not by you, not by Jarosław Kaczyński.

(*Applause*)

(*Deputy Iwona Hartwich*: That's right.)

Ladies and Gentlemen! You speak of prenatal screenings. The national consultant on perinatology, Professor Mirosław Wielgoś

says: Some gynecologists will avoid prenatal diagnostics. The doctors will be afraid that in case of complications they will be accused of purposefulness and called to account. The Prime Minister says that he will develop prenatal diagnostics, and Ms. Minister and Mr. Minister's national consultant says that this is, in fact, a regression for this medical discipline.

Seriously, control yourselves, people. Our task today is to stand side-by-side with Polish women. This is the duty of all Polish men (*Bell*) because it is not only a women's cause, this is a common cause and it is worth fighting for. (*Applause*)

Deputy Speaker Piotr Zgorzelski (KP):

Thank you very much.

*The Sejm meets again after a short break. The Deputy Speaker is now Ryszard Terlecki (Law and Justice). Cezary Tomczyk is the first deputy to speak after the break. This is also the part where Jarosław Kaczyński spontaneously steps to the speaker's podium. This causes a commotion in the room and a lot of "What's the mode?" questions, because according to the decorum, the speakers need to sign up for their turn in a specific mode (e.g., ad vocem mode or rectification mode). Another outburst of commotion is caused by Kaczyński taking off his face mask (the Sejm is in session under Covid-19 restrictions).*

Deputy Cezary Tomczyk (KO):

Mr. Speaker! Honorable Members! I call for supplementing the agenda with a report on the state of national safety.

Deputy Prime Minister Jarosław Kaczyński is here today with us.

It is you, [Deputy] Prime Minister, who is responsible for safety in Poland today. (*Applause*) Yesterday, you have called for a lynch, for establishing PiS fighting squads which are supposed to be dispatched against...

(*Voice from the room: Lie!*)

Yesterday, you defied...

(*Some deputies chant: Lie! Lie! Lie!*)

Deputy Speaker Ryszard Terlecki (PiS):

What are you talking about? You are misinforming the public opinion.

Deputy Cezary Tomczyk (KO):

You have defied Polish citizens. This is not only deeply immoral, this is not only scandalous, this is also a serious crime against the nation and against Polish citizens. (*Applause*)

(*Some deputies chant: Lie! Lie! Lie!*)

A serious crime for which you will pay.

You are releasing provokers against the protesters. ABW [Internal Security Agency] agents drive their cars into the crowds of protesters, there are no charges being pressed<sup>1</sup>. At the same time, you are taking advantage of the situation, you want to press charges against the deputies of the opposition? Because they fight against the national television? That they want [to hear] the truth about Poland? Yes, we want truth in Poland, we want truth about the epidemic. (*Applause*) We demand the truth on national television, right here, right now.

Right here, [Deputy] Prime Minister, because you are personally responsible for what is happening in Poland, this is your doing, the blood is on your hands. (*Applause*)

(*Deputy Sławomir Nitras: Why are you not reacting, sir? What's that supposed to be?*)

(*Voices from the room: Ooooh...*)

(*Voices from the room: What's the mode?*)

Deputy Speaker Ryszard Terlecki (PiS):

Why would I [react]?

I want to inform you, Deputy, that as far as I know, the charges against Mister Nitras concern hitting a woman.

The floor is yours.

(*Voices from the room: What's the mode?*)

<sup>1</sup> Reference to an incident from October 26, 2020, when an ABW officer drove his BMW into a crowd of protesters in Warsaw, harming two women, and then drove away. See e.g., Mariusz Jałoszewski, „Oficer ABW wjechał w protestujące kobiety. Miał dostać zarzuty, ale odważnej prokurator zabrano śledztwo,” *OKO.press*, October 30, 2020 (<https://oko.press/oficer-abw-wjechał-w-protest/>).

Vice-President of the Council of Ministers

Jarosław Kaczyński (PiS):

As a member of the government, I have the right to speak.

*(Voices from the room: What's the mode?)*

The mode is that members of the government have the right to speak at any time.

*(Voice from the room: We can't hear you, sir.)*

Well then, I will have to take this thing off...

*(Voice from the room: You have no right.)*

*(Voice from the room: No.)*

*(Voice from the room: You can't.)*

*(Voice from the room: Put on your mask.)*

*(Chatter in the room, bell)*

So...

*(Deputy Krystyna Skowrońska: Somebody take the Prime Minister down a peg or two.)*

Deputy Speaker Ryszard Terlecki (PiS):

Madam Deputy, please calm down.

Vice-President of the Council of Ministers

Jarosław Kaczyński (PiS):

Mr. Speaker! Honorable Members! A series of scurrilous accusations have been made, and they have been made by completely turning away from the truth. *(Applause)*

*(Voice from the room: That's not true!)*

*(Voice from the room: Lie!)*

Today, Honorable Members, we are in a serious state of danger due to the pandemic.

*(Voice from the room: ...mask.)*

*(Deputy Paulina Henning-Kloska: It's your fault.)*

Ladies and Gentlemen, you are the ones claiming that you cannot hear me that is why I am speaking without the mask.

Well, the [current] state does not allow for *(Bell)* public gatherings of over five persons. Because of your goading...

*(Deputy Paulina Henning-Kloska: Yours.)*

...hundreds and thousands of demonstrations are happening now. At the same time, you are proclaiming those idiotic...

(*Voice from the room*: You coward, you.)

Sure, you can insult me, but you are not able to. (*Applause*)

(*Deputy Sławomir Nitras*: How long are you planning to talk, sir?)

I repeat...

Deputy Speaker Ryszard Terlecki (PiS):

Mr. Nitras, I'm warning you.

(*Deputy Sławomir Nitras*: Sir, you have no right to warn.)

And you, sir, can be sure that it will take more than one penalty.

(*Applause*) Don't count [on it]. Later you will cry and beg me for forgiveness.

Vice-President of the Council of Ministers

Jarosław Kaczyński (PiS):

Ladies and Gentlemen, I think that what is happening in this room right now demonstrates the level of your political culture, one might say – national. You, in the name of your own interests, dirty little interests, Nowak's<sup>2</sup> interests (*Applause*), you are demolishing Poland in the name of those interests, you are putting many people at the risk of death. You are criminals.

(*Deputy Monika Wielchowska*: That is a lie.)

You are criminals. In Poland, there is... (*Commotion in the room*)

Yeah, you can scream, you can scream all you want...

(*Deputy Adam Szłapka*: You are a traitor to the Polish people.)

There is a crime of causing a common danger. By encouraging demonstrations, you are causing that kind of danger. And you will pay for it.

(*Some deputies rise, applause*)

(*Voice from the room*: Bravo!)

(*Voice from the room*: Shame!)

(*Voice from the room*: Leave! Leave! Leave!)

<sup>2</sup> Reference to Sławomir Nowak, former deputy of the Civic Platform, former Minister of Transport, and former chief of Ukrainian transport agency. Nowak was arrested in July 2020 by the Central Anticorruption Bureau on the suspicion of corruption and money laundering. He was released in April 2021 and, as of this publication, is under police supervision.

## CHAPTER SEVEN

# President Andrzej Duda's October 30 Statement

Warsaw, October 30, 2020

Ladies and Gentlemen!

The Constitutional Tribunal's ruling of October 22, which declared one of the three premises for legal abortion to be inconsistent with the Constitution, has caused huge social emotions. I personally share the opinion that so-called eugenic abortion is inconsistent with the Constitution, and I have mentioned this publicly on numerous occasions. The right to live is a virtue that needs to be protected at all costs and it cannot be graded in any way – by differentiating between abled and disabled children, e.g., children with Down syndrome. This follows directly from the Constitution – Art. 38. The Republic of Poland guarantees each human being legal protection of their life.

But the Tribunal's ruling has also led to a situation of abortion in cases of the so-called lethal defects of the fetus when it is known that the child will not be able to live after being born. This is an extremely delicate and painful situation for every mother, every parent. In case of lethal defects, the death of the child is inevitable. Protecting its life is outside of human powers.

I understand women and the fears that result from this situation. In recent days, I have talked about this with many of them, as well as with experts, doctors, and lawyers.<sup>1</sup> After these consultations,

<sup>1</sup> Since Polish is a gendered language, it is important to notice that nouns “experts, doctors, and lawyers” are used here only in their masculine form. Similarly, the word “Poles” appears in the statement in the masculine form “Polacy.”

I decided to submit to the Polish Sejm a proposal of changes to the legal act on family planning, the protection of fetuses, and grounds for permitting the termination of a pregnancy. Taking into consideration the Tribunal's judgements, this project is meant to introduce a new premise that brings back the possibility to terminate a pregnancy in a way consistent with the rules of the Polish Constitution only in the case of the so-called lethal defects when the prenatal screening or other medical premises point to the high probability of giving birth to a dead child or one that is stricken with an incurable disease or defect, which inevitably and directly leads to the child's death, regardless of all therapeutic efforts taken.

After this legal act is passed, three premises for legally terminating the pregnancy will remain in the Polish law: the case of a threat to the mother's life and health, the case of rape or incest, and the case of severe and irreversible fetal damage that leads to the child's death. This accounts for the essence of the so-called abortion compromise of 1993 and is consistent with the rulings of the Constitutional Tribunal. I hope for a broad political consensus on this matter, especially since the representatives of many political parties – including the United Right and the opposition – have publicly declared their support for this solution. This is also a solution that the majority of Poles support.

Regardless of the legal changes, we need to take special care of the families and single mothers who raise children with disabilities. Giving birth to and raising a child with disability is a grand act of parental love on part of each mother, each parent. The state cannot leave such persons on their own. It has to offer them a lot of support. I will demand that the government and the parliament find additional resources to offer financial, medical, psychological, and legal support to these persons.

I appeal to all politicians, public persons, and millions of Poles for a mutual respect for our views and for de-escalating the social emotions. We are different and we will differ, but we need to learn how to talk to one another.

President of the Republic of Poland  
Andrzej Duda

## CHAPTER EIGHT

# The Council of Ministers' December 1 Statement

### STATEMENT ON THE DATE OF PUBLICATION OF THE CONSTITUTIONAL TRIBUNAL'S RULING ON CASE REF. NO. K 1/20

December 1, 2020

In recent weeks, the Chancellery of the Prime Minister has received a number of petitions and questions from citizens, nongovernmental organizations, and media representatives which all concerned the ruling of the Constitutional Tribunal on case Ref. No. K 1/20.

The Constitutional Tribunal's verdict on case Ref. No. K 1/20 was reached on October 22, 2020. It stated that one of the premises for terminating a pregnancy, as regulated by the Act of January 7, 1993 on Family Planning, the Protection of Fetuses, and Grounds for Permitting the Termination of a Pregnancy (Journal of Laws, item 78, with later changes) is inconsistent with Article 38 in conjunction with Article 30 in conjunction with Article 31(3) of the Constitution of the Republic of Poland. After the ruling was announced, numerous protests and other public expressions of opinion were noted and involved numerous groups of citizens. In face of the epidemic and global problems with the mass circulation of Covid-19, illegal public gatherings are organized in the streets of Polish cities, which puts peoples' health and lives in danger.

The current situation bears the marks of a state of utmost necessity. There is no doubt that the Constitutional Tribunal's ruling is to be published in the Journal of Laws. At the same time, the reality of extremely serious social tensions requires a consideration of an adequate date of the publication. The Prime Minister cannot decide not to publish the Constitutional Tribunal's ruling, which was reached according to effective procedures. There is also no regulation that would oblige the Prime Minister to publish the ruling of the Constitutional Tribunal on a deadline with a determined number of days or even on a specific date.

In that state of facts and laws, the Council of Ministers expresses their belief that the Constitutional Tribunal's ruling on case Ref. No. K 1/20 should be published immediately after the Constitutional Tribunal delivers the justification. The ruling will be published in the Journal of Laws of the Republic of Poland and, on the same day, its justification [will be published in] *Monitor Polski*, the Official Gazette of the Government of the Republic of Poland. Publishing the ruling together with its justification will allow the minimization of the doubts that citizens have on the motives and legal consequences of the verdict, which is particularly important in such a socially decisive matter, in the times of an epidemic. Moreover, the Constitutional Tribunal in the oral justification of its ruling has already signaled the validity of implementing legislative changes with respect to the ruling. Analyzing the extent of possible changes is all the more so necessary.

## CHAPTER NINE

# Committee on Administration and the Interior, December 9, 2020

Editorial Note: The main subject of the Committee's meeting is police action during the protests that resulted from the Constitutional Tribunal's ruling of October 22, 2020. The Committee Chair is Wiesław Szczepański (Left) and the Deputy Committee Chair is Zdzisław Sipiера (Law and Justice). Minister of the Interior and Administration Mariusz Kamiński, Chief of the Police Jarosław Szymczyk, and Deputy Ombudswoman Hanna Machińska are present.

The first pages of the transcript are dedicated to formal matters. First, following Deputy Adam Szłapka's (Civic Coalition) suggestion, the Committee debates whether Jarosław Kaczyński should be present or not during the session. Then the Committee debates on the meeting's agenda, wondering whether Deputy Ombudswoman should speak before the Minister. In the end, Committee Chair lets Kamiński speak first. Before that, Deputy Konrad Fryszak (Civic Coalition) delivers an introductory speech.

Deputy Konrad Fryszak (KO):

Hello and welcome, Ladies and Gentlemen. I welcome everyone who wanted to attend today's meeting of the Committee on Administration and the Interior and those who are not with us, who prefer to sleep until noon on December mornings, and they regret it later.<sup>1</sup>

<sup>1</sup> Reference to Jarosław Kaczyński and to the events of December 13, 1981, i.e. the night when martial law was introduced in Poland. While many other members of Solidarity, including his brother Lech Kaczyński, were arrested on the night from December 12 to December 13 by the Citizens' Militia and Security Service, Jarosław Kaczyński had not been detained. He learned about the introduction of martial law only after attending church later during the day.

Ladies and Gentlemen, on October 22, the Constitutional Tribunal of Julia Przyłębska ruled that the current abortion compromise is, one could say, illegal, and this sparked demonstrations all over the country. At the peak of these demonstrations, there were over 400 of them, but today's meeting is devoted primarily to how the rulers and how the chiefs of the Polish Police, how police officers, commanders, and those who serve on the streets of our country treat journalists and minors. As a journalist, I identify with my colleagues. I think that there are at least a few or a dozen cases in which the rights of journalists in our country have been broken.

Ladies and Gentlemen, I would like to quote one of the statements of a distinguished officer, the head of the police trade unions, Mr. Rafał Jankowski, who several weeks ago, during the deliberations of our committee, deigned to say that it was not the police who shot a photojournalist – he just got hit. It shows how Polish police officers know the regulations and how they treat their service weapons.

Ladies and Gentlemen, it is clear that each police officer who joins the force must go through training. Each police officer also takes an oath. I will quote the words of this oath: "I, a citizen of the Republic of Poland, aware of my duties as a police officer, vow to serve the nation faithfully, to protect it and the legal order as established by the Constitution of the Republic of Poland, to guard the safety of the state and its citizens, even at the risk of my own life. In carrying out the tasks entrusted to me, I vow to diligently observe the law, to be faithful to the constitutional organs of the Republic of Poland, to observe professional discipline and to carry out the orders and instructions of my superiors. I vow to keep secrets related to my service, honor, dignity and the good name of the service, and to follow the rules of professional ethics."

In recent weeks, for many officers, and perhaps for their superiors who gave the orders, this oath was unfortunately only a piece of printed paper. In Poland, the police are so manipulated that the orders they receive violate the rights of citizens.

At this point, Ladies and Gentlemen, I would like to turn to the events of November 11, when the police, the policemen on duty at the Warszawa-Stadion PKP [train] station were beating journalists with batons. For me, as a native of Radom, it evoked the worst

memories related to my town's past. I mean the so-called health lines.<sup>2</sup> This is exactly what it was like. Stairs leading to the underground station, policemen in a tight formation, not the one that you changed when Joachim Brudziński was the minister, but in a real formation, at a hand's distance, they used batons to pacify journalists. Of course, a few weeks later, the spokesman of the Capital Police Headquarters, Mr. Marczak explained that there had actually been a misunderstanding and sincerely apologized for it. It is not enough. Ladies and Gentlemen, you have to take professional consequences, I just wonder how you will do it, since [you do not respond] when I ask you in an interpellation [we also discussed this at a Committee meeting] about the use of name tags or identifiers – without them in such a crowd it is not possible to prove who was using direct coercion measures. However, this was only a digression.

The next situations are related to the riots in the city center that were directly caused by the police. Ladies and Gentlemen, what do you call a man who wears a face mask, is not in uniform, and uses an expandable baton? I will cite the 2013 Act on Coercive Measures and Firearms. The Act specifies that the means of direct coercion include batons. The use of an expandable baton is determined by a regulation of the Council of Ministers from September 17, 1990 on the determination of cases, conditions, and methods of using this direct coercion measure by police officers. The police officer has the right to use the following means of direct coercion: batons, regular, multifunctional and expandable batons. The same provision is contained in the ordinance of the Minister of the Interior and Administration of November 15, 2000: "Police officers are armed with a baton – ordinary, expandable, assault, and incapacitating."

Ladies and Gentlemen, the problem is not the baton itself, but who is using it. One must clearly say that a baton may only be used against a person who poses a threat. This is regulated by another legal act, I have already mentioned it, namely by the regulation of

<sup>2</sup> A form of torture used in Communist Poland by MO (Citizens' Militia), ZOMO (Motorized Reserves of the Citizens' Militia), and SB (Security Service). A health line is formed by two parallel lines of armed officers – the detained person is made to run in between them as the officers beat the detainee with batons. The practice was commonly used against the citizens in the June 1976 protests; the state conducted the most notorious "health line" in Radom.

September 17, 1990. According to it, the baton may be used in the case of repelling an active attack, overcoming active resistance, and counteracting destruction of property. It is forbidden to use a baton against persons who are passively resisting. It is forbidden to use the police baton to inflict blows and thrusts in the head, neck, abdomen, and non-muscular and particularly sensitive parts of the body, and to block or use a lever on these body parts.

Ladies and Gentlemen, those policemen who used direct coercion measures – measures that, I would like to emphasize, were inadequate to the situation – these police officers were not in uniform. In many cases, they did not have any emblems showing that they were officers of the Polish Police, and those who put on such emblems after the start of the action, they had armbands like these, Ladies and Gentlemen. I bought this armband yesterday on an auction website for 39 PLN. I also have a second armband, which I got just in case Mr. General decided that the former was incorrect, for all of 12 PLN. You can become a policeman in Poland for 12 PLN, or for 39 PLN if someone likes the reflective band with yellow elements more.

Ladies and Gentlemen, Mr. General and Mr. Minister, the forces and means employed by the Polish Police have to be adequate to the situation. A policeman cannot use direct coercion measures, including physical force and expandable batons, whenever he pleases.

We have a situation related to Tomasz Gutry, a photojournalist, as I have already mentioned. The head of the police unions says no one shot the photojournalist, he just got hit. We have a situation with Agata Grzybowska, whom the police officers took to the police station solely because she had taken a photo of one of the officers. The Polish Police under the rule of Law and Justice have no control over the emotions of their officers. The goldenmouthed spokesman also apologized for the incident with Tomasz Gutry, also after a couple of weeks, but these apologies will not make up to this man the experience of the surgery he had to go through.

Another thing. Under the rule of Deputy Prime Minister Kaczyński, the head of security in our country and you, Minister Kamiński, the police are so determined to suppress any act of opposition to your authority that they detain minors: a fourteen-year-old in Olsztyn, a seventeen-year-old was detained for 24 hours. Do you think those actions are adequate to the situation? You arrested these people because they

clicked on social media that they will take part in a gathering, in a walk, just because they are young people, and as representatives of a young society they are active.

Over the last several years, we have built a civil society in our country, a responsible one, the kind that has the ability to express its emotions, has its own opinion and its own rights. Meanwhile, you want everything to be in accordance with the line of your party. Thank you.

*For the next couple of pages, the MPs debate in what order the meeting should proceed and who should speak when. Eventually, the Chair of the Committee gives the floor to Minister Kamiński.*

## Minister of the Interior and Administration Mariusz Kamiński:

Ladies and Gentlemen, I warmly welcome you to the Committee's meeting. Ladies and Gentlemen, I am just a guest here and you are the hosts so please do not expect from me any intervention on who should speak, when, and in what order. I am at your service, and so is the Chief of Police. It is you who decide when we are supposed to speak.

Thank you for allowing me to speak. I think that, after this peculiar and emotional speech by the deputy-mover [i.e., Konrad Frysztak] we should finally start to calmly discuss the facts, the situation, which is indeed difficult. The most important thing for me, and I want to stress it, is the key information for public opinion, namely, that you, Ladies and Gentlemen, are introducing a false, fake narrative according to which the government uses pandemic restrictions as an excuse to suppresses the citizens' critique, suppresses the expression of views oppositional to those of the ruling party, etc. This is nonsense, of course, and this is not true. Police actions are only caused by pandemic-related restrictions which exist in all of Europe, in the whole European Union which is so dear to us all. In the entire civilized world, extreme rigors are being introduced. Social distancing and avoiding large gatherings are basic rules that are supposed to protect our citizens from the spreading of the pandemic. These are simple facts. All actions taken by the police in the last couple of weeks have to do with the escalating pandemic; that is the reason.

Ladies and Gentlemen, the situation is serious, and we should not close our eyes to it. Every day, we receive news on subsequent deaths. 400, 500, 600 citizens of our country die. They might be our neighbors, and sometimes even our friends and family members. These people are dying. The hospitals are overcrowded, [they are] in a difficult situation. Every day we hear about thousands of new infections, thousands of people who have been diagnosed with the virus. Every responsible government that takes the responsibility for the health safety of its citizens, has to take action, and those are not easy or pleasurable actions.

In general, I do not know any European country that has not introduced a restriction on public gatherings. Lately, Denmark introduced such restrictions, as one of the last governments in the European Union – 10 people can gather in one place. In some countries of the European Union, a curfew has been introduced. Starting at 9 pm, sometimes 10 pm, to 6 am, the citizens of those countries cannot go out onto the street.

Ladies and Gentlemen, to make you realize the absurdity of your accusations and their untruthfulness, I want to give an example, a very hot one. It is treated a little bit humorously, since it contains an element of humor. I am thinking about the infamous case of the gay club in Brussels. I am not talking about the Euro-deputy, or any other politician or diplomat who took part in the party, or about that event's form. I am referring to the intervention of the Belgian police. What caused that intervention? Was it a raid on a homosexuals' club [sic] and an act of police brutality against sexual minorities? Of course not. Only pandemic-related reasons made the Belgian police intervene in that place. The same thing is happening in Poland, but not in the context of homosexual clubs, but in the context of public gatherings. This is the essence of police actions taken in that respect.

I want to clearly tell you, Ladies and Gentlemen, that the standard of the right to gather freely, to freely express any democratic view, whether it is a pro-government or anti-government view, is a holy standard. For over a year, just for over a year now, I have been the Minister of the Interior, but I had held that function when the parliamentary campaign was happening a year ago. I think that you recall the LGBT marches. They were organized every weekend, every Saturday and Sunday. Each such march was protected by the police

and protected successfully. I will give you an example where we had been just a step away from a tragedy. I am thinking of the manifestation in Wrocław, when a madman with a knife started to run towards the demonstrators shouting “Allah akbar.” This was a mentally unstable person. They were subdued by police officers in civilian clothes who were among the demonstrators to ensure their safety. Just before a tragedy happened, that man has been successfully arrested, and the Minister of the Interior, that is I, rewarded the police officers with high financial awards, because I am convinced that these police officers in civilian clothes were protecting the health, if not the life, of the people who took part in that manifestation. That is how the standard looks like and it is a holy standard for me and a standard that this government fulfills and will continue to fulfill, and only due to the pandemic and only temporarily there are some restrictions and rigors.

Due to those restrictions and rigors, clashes between police officers and groups of citizens who do not want to abide by those restrictions happen all over Europe. Last weekend brought dramatic events in France. Sixty-seven police officers were injured and one of them was set on fire by the protesters. This is not the first manifestation in France that takes such a dramatic turn. Almost every week, every weekend, serious clashes happen there. Italy – several dozen cities, Spain – three weeks ago, all-night riots in several dozen cities, dozens of injured police officers. Of course, this happens for numerous reasons, due to epidemic restrictions being violated but also with respect to other subjects, such as emigrants [sic]. That was the problem we saw in France. Tragic situations happen, but democratic countries and democratic governments have to enforce a certain standard of social discipline.

In these times, it is an extremely vital standard and it is the only reason for the actions of our police. It does not matter what kind of views are expressed by the people who form illegal gatherings. It does not matter for MSWiA [Ministry of the Interior and Administration] and the Police. It does not matter if somebody is there due to abortion, which always heats up the social atmosphere, and the prospective changes to the law in that respect, or if the gathering happened due to the interests of specific occupational groups that want to articulate their problems. It does not depend on any other issues, any kind of

issue, for instance, whether to wear a mask or not to wear a mask. The citizens have the right to demonstrate their views, but in those difficult times they cannot form gatherings of over five people, because those are the regulations that we have right now.

Ladies and Gentlemen, I hope – and I said this yesterday during the press conference with Prime Minister Morawiecki – that a light in the tunnel has appeared, a light that is the coronavirus vaccine. I think that they [the vaccines] will reach Poland on a mass scale in the upcoming weeks and we will be able to vaccinate our citizens on an equally mass scale. The government is already announcing that those citizens who will get vaccinated will not be subject to pandemic regulations, because they will no longer pose a threat to other people. We have a light in the tunnel, and I would like very much – I am convinced that this expectation is shared by the Chief of Police and all the officers of the police – we [would like to] resign from current regulations and restrictions as quickly as possible so that our citizens can again freely manifest their views, freely gather in one place. This is the essence of democracy and nobody is questioning that. Nobody is fighting any kind of worldview under the banner of stopping the pandemic. This kind of action is, however, in our mutual interest because the virus does not choose. President Duda got sick, and President Komorowski got sick as well. Anybody can come into contact with the virus. In some sense, it is a lottery, but social distancing, restrictions on gatherings are the basic component of protecting the society from the spreading of the virus.

Ladies and Gentlemen, I want to firmly protest, because in their emotional, political discussions, some politicians make an attempt, and an attempt that is extremely intellectually and morally disappointing, to compare Poland's situation with that in Belarus. I know that this is, on the one hand, a result of absurd emotions, but it can also be – I do not want to use strong words – an attempt to cynically manipulate human emotions. Please do not do that. People in Belarus are fighting for freedom, in Belarus, people are being murdered for freedom, in Belarus, people who protest in the streets are sentenced to 2, 2.5 years of maximum-security penal colony. Any attempt to compare the situation in a democratic country like Poland to the situation in Belarus is an offense to the Belarusians who fight for their freedom. Not to the government, because the government is ready to

face any, even unfounded, critique. This is your right as the opposition. In this way, you are nevertheless offending the people who are fighting for freedom in Belarus, who are risking their lives and their personal liberty.

What do the illegally protesting persons face in our country and what is being enforced by the police? Well, those are fines. They result from the fact that the persons who are taking part in illegal gatherings during the pandemic are committing an offense. Do not be surprised then, that police officers enforce those kinds of restrictions. They need to enforce them. This is the risk that a person who illegally protests in Poland must face. This person has a holy right to manifest their views, but they must change the form of expression. They need to change the form of presenting [those views] and resign from gathering during the time of a pandemic. Otherwise, those persons will expose themselves to the risk of getting fined. The police identify those persons and they are punished with fines. If somebody is consciously putting at risk not only themselves, but also others, their close ones and their neighbors, the people on the bus, then... I am begging you for a bit of common reason and calm. Yes, the state is acting accordingly, but this is not the time for public gatherings and one must find other forms of manifesting one's political views, one's worldview, other than public gatherings. This is obvious.

I am asking you, as deputies, as responsible persons, since you actively take part in those events, I am asking you for responsibility. Not only for promoting yourselves and your groupings during those gatherings, but also for taking responsibility for the health and safety of our citizens. Give a good signal of that responsibility. I appeal to you as the Minister of the Interior, but also as a politician who sees not only an aggressive, often crude form of protests, but who also sees people who authentically want to present their own views and their own ideas. I stress once again, they have the holy right to do so, just not like that. This is not a time for this.

Dear Deputies, when I appeal to your common reason and to your responsibility for health – maybe not your own health, since it is your business what you do with it, but for the health of others – when you take part in the manifestations, I ask you to not take advantage of your parliamentary mandate, which is what happens. You are not there for deputy intervention. Parliamentary interventions are described in

Art. 20 of the legal act on deputy and senator's mandate. I kindly ask you to read the law.

Ladies and Gentlemen, a parliamentary intervention cannot be about offending state officials, such as police officers. It cannot be about wrestling with the officers. It cannot be about preventing them from doing their statutory tasks. A parliamentary intervention is, by definition, an intervention in state administration bodies, local government bodies; it is not an intervention [directed] at an employee or an officer.

Voice from the room:

Article.

Committee Chair Deputy Wiesław Szczepański (Left):

I would ask you to refrain from discussions right now. There will be an opportunity to ask questions later.

Minister of the Interior and Administration  
Mariusz Kamiński:

Ladies and Gentlemen, I would ask you to familiarize yourselves with relevant, effective legal regulations and with the analyses...

Deputy Adam Szłapka (KO) – not a member of  
the Committee:

It wasn't me who was convicted.<sup>3</sup>

Minister of the Interior and Administration  
Mariusz Kamiński:

...of the Bureau of Sejm Analyses on that matter. I encourage you to do that, because it is your duty to know what you are allowed to do when realizing a deputy's mandate. You cannot prevent other officers, such as the police, from doing their statutory tasks. You

<sup>3</sup> Mariusz Kamiński was sentenced to three years in prison for an abuse of power but was pardoned by President Andrzej Duda in 2015.

have no right to insult police officers or break police cordons, and those are the instructions that you get from some of the female organizers of those illegal protests, as we could see on online videos. A group of deputies, with Mr. Szłapka in the lead, are standing there and the female organizer is telling them that now it is time to break the police cordon.

Voice from the room:

That's what we're for.

Minister of the Interior and Administration

Mariusz Kamiński:

No, you're not.

Deputy Adam Szłapka (KO) – not a member of  
the Committee:

I wasn't the one who got sentenced to three years in prison,  
Mr. Deputy.

Minister of the Interior and Administration

Mariusz Kamiński:

This is not what you are for.

Committee Chair Deputy Wiesław Szczepański (Left):

Please do not engage in polemics.

Minister of the Interior and Administration

Mariusz Kamiński:

Ladies and Gentlemen, I would also ask you to pay attention to what kind of emotions you are capable of stirring and what you are participating in. Apart from the protests, we also face situations that require our deepest concern.

Ladies and Gentlemen, if statues are profaned, not only religious ones, but also those that function as national symbols, if such statues like the Home Army monument that stands near the Sejm are being

painted, if the statue of our country's friend, President Reagan, which is also close to the Sejm, is being destroyed, if even the statues of Piłsudski and Kościuszko get painted on, then this is really something you should watch over. The same goes for attacks on places of religious worship, on churches, places extremely important for many of our citizens. Stop this. Do not take the responsibility for tolerating such incidents. This is my appeal to you, for common sense and for being responsible not only for your own political careers, but also for the health of other citizens.

This is as far as introductions go. I will probably respond to questions. I don't know, does Mr. Commissioner want to add something to my speech?

Committee Chair Deputy Wiesław Szczepański (Left):  
Mr. Commissioner?

Chief of the Police, Inspector General Jarosław Szymczyk:  
Yes, Mister Deputy Chair.

Committee Chair Deputy Wiesław Szczepański (Left):  
The floor is yours, General.

Chief of the Police, Inspector General Jarosław Szymczyk:  
Mr. Deputy, Honorable Committee, Mr. Minister, Madam Ombuds-woman, Ladies and Gentlemen, the year 2020 is inevitably coming to an end. This has been, and still is, a very difficult year for the Polish police. It started in a very difficult way; when the first wave of the pandemic reached Poland, points of sanitary control had to be established and the borders had to be closed. Back then, police officers took part in this process with extreme dedication. Then, we got the additional duty of controlling persons in quarantine and since that time, that is, since March, when that duty was designated to the Polish police, we checked 37.5 million<sup>4</sup> people in quarantine. Later

<sup>4</sup> This is the number that appears in the transcript, even though it would suggest that the police have checked almost the entire population of Poland.

on, due to new restrictions, we also had to control many places, means of public transport, and we made almost 1.5 million of such checks. In general, when it comes to the violation of restrictions, the Polish police have revealed and accounted for a half million such cases. We also conducted a whole array of other actions related to pandemic restrictions, actions that – let’s be real – from the public’s perspective, did not put us in a very good light, because those kinds of measures are never popular, as we have to repress people for breaking additional restrictions, when citizens’ freedoms are being curbed, because that is how you have to look at it.

When it comes to the police officers’ engagement, then since the beginning of the pandemic almost five million officers<sup>5</sup> of the Polish police repeatedly and on numerous occasions took part in actions designed to fight the pandemic. The aim of these actions was primarily to reduce the number of infections, to reduce the number of lethal cases, to maximally unburden those who are on the first fronts of the battle, that is, the representatives of healthcare services – I would like to bow my head to them one more time and pay my utmost respects for everything that they do each day.

Ladies and Gentlemen, as a result of those actions over 12,000 officers of the police have contracted the coronavirus. Over 2,000 civilian workers of the police have contracted the coronavirus. Twelve police officers and three civilian workers died of Covid.

Then we had the [presidential] campaign, which took a long time, and which required the officers of the Polish police to work on many difficult securities; we might not remember about that today, but that was a lot of work for Polish police officers. And when, after the campaign, we thought the worst was already behind us, the worst was just to arrive, that is, the second wave of the epidemic [arrived] and with it, the huge numbers of infections and deaths, an unprecedented strain on medical services, and the introduction of new restrictions. The weight of obeying the latter was delegated to the Polish police and, if that was not enough, on October 22, the Constitutional Tribunal’s ruling appeared, making hundreds of thousands of people

<sup>5</sup> The website of the Polish police estimates that, as of December 31, 2020, there have been 97,899 police officers in Poland. “Five million” that appears in this passage perhaps refers to the number of actions undertaken by police officers and not to the total number of officers.

step into the streets and, with that, Ladies and Gentlemen, the new tasks of securing those gatherings and demonstrations have fallen on the shoulders of the Polish police. The Polish police have always been at the very heart of the events that are happening on Polish streets.

Despite 12,000 infected police officers, despite 25,000 police officers going on quarantine, despite the fact that we still have approx. 7,000 vacant posts even though nobody has resigned from their duties, since crimes are still committed, [despite all that] we still make approx. 15 interventions each day, there are still accidents happening on Polish roads and we are still saving people's lives, often by putting our own life and health in danger, we still eliminate potential killers and we still bust out very dangerous organized crime groups, we still arrest drug dealers and we withdraw tons of drugs from the market. This is happening this entire time.

I will tell you more. The year 2020 is another year in a row when in Poland...

I don't know if I should continue, because it appears Mr. Deputy wants to say something.

Committee Chair Deputy Wiesław Szczepański (Left):

Please continue, Mr. Commissioner.

Chief of the Police, Inspector General Jarosław Szymczyk:

The year 2020 is another year in a row when crime rates in Poland decrease and traffic safety increases even though police officers have been designated with all those additional responsibilities. This is happening because we are so efficient in ensuring that the law is obeyed in Poland, because we have been building our professionalism for years and our approach has not changed in years. If somebody is breaking the law, we do not care what political option they represent and what views they express.

Today, I face the Honorable Committee as the Chief of Polish Police. I am ready to explain the actions of my people as much as the regulations, the Art. 241 of the Penal Code, and the function of disciplinary supervisor allow me to. I am ready and I stand before you like always, Ladies and Gentlemen, because, as their Chief, I bear the weight of responsibility for the Polish police. I have never avoided that

responsibility. I stand here as the Chief of Polish police. For years – and I have been wearing this uniform for 30 years – I have heard from the lips of many ministers of various governments that the police are the spine of the Polish state, and the state relies on that spine in each difficult situation that happens in Poland. And I have to say honestly, I do not know a single difficult situation in our country in which the Polish police would not be involved.

I am here today to address, as far as I can, all your concerns and answer your questions. I have been in this room and in this company more than once, and that is why I do not expect a thank you, even though my people deserve a huge thank you for everything they do for the safety of Poland and Polish citizens. But I do expect you, Ladies and Gentlemen, to respect my people for what they do every day for the safety of Poland and Polish citizens. On my part, I declare a very objective explanation of every situation that raises doubts. This is what the legally regulated tools are for, to make every Polish police officer have penal and disciplinary liability. In the first case, the administration of justice plays a crucial role, while in the second case it is the disciplinary supervisors that play the crucial role. The responsibility of the Polish police officer is strictly regulated according to the rules of law made by the constitutional bodies of the Republic of Poland. We do not, Ladies and Gentlemen, run away from that responsibility because we are directing those materials for an investigation and it is I who took over a big part of those cases that raise doubts, for adequate units of the Police Headquarters to be investigated. I send all dubious materials to the prosecutor's office because that is what the tools and institutions are for.

Ladies and Gentlemen, I promise and declare that we will not run away from any legally defined responsibility, but I cannot allow for my people to be publicly lynched. This has nothing to do with a democratic, lawful state. In Poland, even the biggest criminals have legal protection, have name protection. Meanwhile, in our country, first and last names of police officers are publicly announced, which puts them and their families at the risk of a huge attack and hate from hundreds, if not thousands of people. As Chief of the Polish police, I cannot agree to that. I repeat once again – every uncertainty will be explained, every case of proven fault will be accounted for, but I definitely cannot allow for a public lynching of my people, the heroes in

the times of peace who risk their health and lives every day, who go out onto the streets of Polish cities and villages to ensure that every one of us, our close ones and our friends, have their basic need met, the need for safety. Judging from the public opinion polls that are conducted thoroughly and professionally each year, for many years Poland has been gradually becoming – thanks to my predecessors, but mostly thanks to the people who go out onto the Polish streets in their dark blue uniforms – a safer country and I do not think anybody will try to negate that.

Ladies and Gentlemen, we are not a side of this conflict, even though we have found ourselves at the very heart of an increasing social divide. I assure all of you and I assure all Polish people that we are still your police and we are still protecting your safety and we are protecting the law made by the constitutional bodies of the Republic of Poland. Everybody who breaks that law has to face the consequences.

This is as far as introductions go. If I may, I would like to briefly address Mr. Deputy Konrad Frysztak's speech. I am thinking about a couple of points that I heard in Mr. Deputy's speech. First, Mr. Rafał Jankowski, the president of the labor union is an extremely experienced policeman, he is a person whom I greatly respect for the way he presides over the Independent Self-Governing Trade Union [NSZZ] of Police Officers, but, Ladies and Gentlemen, the voice of Mr. Jankowski is not the official voice of the Polish police leadership, because, as the name suggests, NSZZ is an independent union. Mr. Rafał Jankowski speaks as the president of that union, but, Mr. Deputy, you may get to know the statement of police leadership by issuing an interpellation to me or by asking me a question during today's meeting.

Mr. Deputy was kind enough to read the text of the police vows. I am happy he did that in its entirety and not selectively. I would like to point your attention to the extremely important words that resound in that vow: "Even at the risk of their own life." Yes, Mr. Deputy, one has to utter these words in order to become a police officer and it is not enough to use the Internet and buy an armband for 12 PLN. In the meantime, to prove my own ability to find products on the Internet, do you know what I found, sir? A uniform of a Polish officer for 375 PLN, but I assure you that even after such an expense the person who buys this uniform will not become a police officer and you should know that, Mr. Deputy.

My dear Mr. Deputy, if you think that some police officers had broken the police vows, then please point to them individually and I declare once again that this person will get accounted for and each information of this kind will be verified, but please use individual examples. Then we can work on the case. General statements, like that extremely negative one, in my opinion, of the silver-tongued spokesman raise my objections. Although, compared with another utterance that I heard in this room off-microphone, I quote: “Shut up,” then, excuse me, but the phrase silver-tongued spokesman acquires a whole different meaning now.

Moving on to specific things... Using an expandable baton. Mr. Deputy, since 2014, the legal act on measures of direct coercion enumerates in detail the cases of using direct coercion measures and I assure you, sir, that when it comes to that singular, individual case of using an expandable baton, a control procedure is being held in the Control Bureau of Police Headquarters and the materials are additionally in the prosecutor’s office, and the incident will be also investigated by the public prosecutor’s office.

Ladies and Gentlemen, when it comes to journalist Tomasz Gutry, this is an extremely unpleasant case for me. I am very sad and I think that all police officers are sad that a situation like that occurred. It is not true that we apologized for that only after a couple of days. We were apologizing and expressing our regret from the very beginning. It was a really tragic image of a photojournalist hit by a police bullet. Luckily, the effects were the way they were, even though they could have been much more serious. I am regretful, Mr. Deputy, but, just like in the previous example, the materials from this case have been immediately sent to the prosecutor’s office and the administration of justice is now investigating this case in preparatory proceedings. I am convinced it will get investigated thoroughly. The task of the administration of justice is to establish why this had happened. The fact in itself is not subject to discussion. The journalist was injured, but we have to establish why this had happened. Let the administration of justice calmly investigate this issue.

Mr. Deputy said that in the case of Ms. Agata G. – I am not saying the last name, because charges have been pressed against this lady – the policeman lost control over his emotions. I would encourage you, Deputy, to watch the video from this event. You can see that the

flash is used right in front of the police officer's eyes two times, basically right next to his face, but he does not react and just turns his head away. But at the moment when the police officer gets kicked, he commences the procedure designed to arrest the person suspected of infringing the inviolability of an officer of Polish Police. The sequence of events that follow results from this fact.

Dear Mr. Deputy, even if a person who is being carried away to the police wagon, a person who is suspected of committing a crime, shows their press ID, it does not oblige an officer of Polish Police to stop the action that has been undertaken in connection with a suspicion of committing a crime and with detaining this person. If you will find an article in the Polish law that would oblige a police officer to release such a person because they have shown their Press ID, then I will personally go and apologize to Ms. Journalist.

When it comes to detaining minors, whom Mr. Deputy was kind to mention, even if we are discussing the case of a 14-year-old lady, a girl from Olsztyn, then – to put it really simply – this person was leading a gathering down a road that was not closed to traffic. She was asked to leave the road. She refused and that is why she was asked to show her ID. That person was wearing a hoodie and a mask on her face, and her looks did not suggest in any way that she was a minor. Because the person refused to identify herself, she was led to the police wagon when she eventually did identify herself. When it turned out she was a minor, she was immediately handed over to her grandmother, who was on the spot. I will tell you more, sir – this person has not been punished in any way, she was just cautioned, and the court only received materials from this intervention. That is the standard procedure whenever minors are involved.

When it comes to the 17-year-old, Mr. Deputy, I encourage you to read the law, more specifically, the code of penal procedure. According to the rules of that code, a 17-year-old person, one that has turned 17, in the light of Polish penal law is of age and is subject to normal legal liability. Thank you very much.

*Deputy Ombudswoman Hanna Machińska speaks next. She expresses the concern that recent events are an infringement of basic human rights. Based on the cases investigated by the National Mechanism of Torture Prevention, she mentions violations such as: brutal*

*treatment of detained persons, usage of expandable batons by police officers wearing civilian clothes, usage of tear gas, excessive usage of handcuffs, not informing detained persons about their rights, restricting access to lawyers, “kettling” protesters (i.e., containing them within a small area by forming police cordons) and keeping them kettled even when they are willing to disperse.*

*Machińska mentions the opinion of Omega Research Foundation which states that tear gas must not be used during peaceful protests. Machińska also references medical research according to which using tear gas during protests facilitates the spreading of coronavirus (she does not cite the source).*

*Machińska also recalls a couple of personal testimonies, including that of a man who claims he was taken to a police wagon, handcuffed, thrown on the ground and beaten for more than an hour by police officers.*

*Another example is that of a 16-year-old Maksymilian who, as video evidence suggests, was standing peacefully while holding a sign that said “My freedom is not your sin,” but was accused of obscene behavior and property damage.*

*Machińska mentions a poll conducted by Kantar Millword and commissioned by the Office of the Ombudsman according to which 88 percent of Poles think that police officers are responsible for torture.*

*The next three pages after Deputy Ombudswoman’s speech are dominated by Deputy Arkadiusz Czartoryski (Law and Justice) who expresses his respect for police officers, mentions police officers who contracted Covid-19 and those who died from it, including officer Marek Swędrak from Warsaw Police. Czartoryski also expresses his regret that, by supporting the protests, the deputies of the opposition allow the citizens to break the law and to offend the police officers.*

**Deputy Arkadiusz Czartoryski (PiS):**

I deeply regret that the parliamentarians did not pay any attention whatsoever to the fact that the law is being broken, and it is the deputies above all who should pay attention to the law, which they themselves constitute. Please note that we are dealing with a situation in which a young policeman was vulgarly insulted during a demonstration, we have all seen it on TV screens; unfortunately, he was not defended by the opposition deputies who participated in these demonstrations and who even entered an expressway, instead of

urging people to leave this route as soon as possible for safety reasons. It turned out that the MPs were there in order to hinder the intervention of the police and this is probably obvious to anyone who in any, even minimal way, can judge what these manifestations look like. They are first and foremost [an act of] breaking the law and they are illegal.

*After the rest of Czartoryski's speech, the Chair of the Committee calls a 15-minute break.*

*After the break, Deputy Marek Rząsa is the first one to speak.*

Deputy Marek Rząsa (KO) – not a member of the Committee:

Thank you, sir. Honorable Committee, Mr. Minister, Mr. Commissioner – Mr. Minister, regarding your statement about what a Polish deputy can and cannot do, I will say this: The place of a deputy is always beside those people who are getting hurt, whose rights are being broken, no matter where and when that harm occurs and [where and when] the rights are broken. I do not know about you, sir, but this is how I see my mandate.

Mr. Minister, on November 19, around 6 pm, I was coming back from Sejm to my apartment and, by accident, I found myself in a police kettle on Piękna Street. Together with a group of several dozen persons I could not get out of this very tight cordon of officers. Unfortunately, the police announcements [booming] from the loudspeakers contradicted police actions and, as a result, they were completely inconsistent. On the one hand, there was an order to immediately disperse, but on the other hand, nobody could cross the tight police cordon. Such actions of the police are a complete contradiction to your statement that suppressing protests results only from pandemic restrictions. Because of the police, people have been standing in a crowd in a tight space and getting exposed to infection. The police officers did not have any IDs on their uniforms and they could not state the legal basis for kettling. To those who were asking, they said to consult the spokesperson of the Warsaw police via the Internet. Not a single officer could point to the commanding officer in that area. After I showed my Deputy ID, I was kindly allowed to leave the kettle, but I did not take that offer. If I stepped outside the police

cordon, I would show that I am placing myself above the law, because everybody else who was in that area could not leave it.

I therefore ask Mr. Minister and Mr. Commissioner if, according to you, a Deputy of the Polish Sejm is supposed to stay in the kettle in a situation like that or are they to leave that place on their own, therefore placing themselves over the law and in contrast to those people who cannot do so. Second question. Mr. Commissioner, some police officers are equipped with hand-held guns of tear gas or some other substance. As we could see, they use them gladly, especially against women. My question is the following: What do some of the police officers who take part in street actions carry on their backs? This device resembles a gas tank. Unfortunately, I doubt that those tanks contain oxygen for Covid patients or for the protesters, or even for the officers. I ask: What substance is inside those bottles and can it have any side effects when used, for instance, on pregnant women, persons with asthma, persons with vision problems, or other diseases? Thank you.

Committee Chair Deputy Wiesław Szczepański (Left):

Thank you for staying on time.

Deputy Rafał Adamczyk, the floor is yours.

Deputy Rafał Adamczyk (Left):

Minister, I will not ask you a question about the situation in France, Italy or Spain, which you mentioned earlier, because Polish women and men are interested in the current situation in Poland. I have the following question: How many times since October 22 have you, the Minister of the Interior and Administration, formally met with Mr. Deputy Prime Minister Kaczyński and Mr. Commissioner to discuss the police intervention in relation to the demonstrators starting from October 22 till today? Thank you.

Committee Chair Deputy Wiesław Szczepański (Left):

Thank you. Mr. Deputy Jarosław Zieliński, Law and Justice.

Deputy Jarosław Zieliński (PiS):

I would like to recall the most important context for the issues that we are talking about today, and this context is the epidemic situation and the threat it entails. Mariusz Kamiński, Minister of the Interior and Administration, spoke about it and we should not lose the context, because if we forget about it, then everything else will have false tones. This is the basic context.

Before any major meeting, based on the information available, and based on the identification of potential threats, the police prepare a detailed security plan for a gathering. Appropriate documents are prepared for this purpose. I would like to ask the Chief of Police what the basic assumptions are for preparing plans to secure these gatherings, especially in the context of their illegality and unlawfulness in the conditions of the pandemic and the spreading of the coronavirus, when the health and life of participants and of other people whom they contact was endangered, as well as the [health and life of] Police officers themselves.

The Commissioner certainly knows what implications my question has, because it applies both to the gatherings organized by the Ogólnopolski Strajk Kobiet right after the ruling of the Constitutional Tribunal, also to the Independence March and to the subsequent gatherings that took place in the following weeks. Of course, I am aware, we all are, that the situation on the spot is always dynamic, so the security plans are revised during the congregation. It was a question for Mr. Commissioner, and by the way, if I still have time, I would like to ask the applicant deputy Konrad Fryszak and all those who use such wording that they would not do so. My point is that the phrase Julia Przyłębska's Constitutional Tribunal is being used. This is an attempt to depreciate the Tribunal.

Committee Chair Deputy Wiesław Szczepański (Left):

Mr. Deputy, this is off topic.

Deputy Jarosław Zieliński (PiS):

Mr. Chairman, please do not censor my speech. I have the time that has been given to me, so... Please deduct this remark and the polemics from my time. As I said, this is not Julia Przyłębska's tribunal. We are

dealing with an attempt to depreciate the tribunal and the president herself. This is the Constitutional Tribunal of the Polish state, of the Republic of Poland. Please do not use this [phrase] as it says something really bad about people who use such phrases. They have very bad intentions. Let us respect the Polish state and let us respect its organs.

In addition, Mr. Deputy referred to the police oath. These are very important words that every police officer utters. However, as Mr. Commissioner already mentioned in his speech, you have not given any examples of how police officers are breaking this vow. I think it can be said that it was quite the opposite, i.e., police officers fulfilled the oath by undertaking security actions. Special cases that raise doubts are investigated and explained, and therefore please do not generalize that which concerns the behavior of specific officers in specific situations and please do not make judgments until everything is carefully examined and screened. Such cases must be investigated and assessed. Neither the Commissioner, nor the Minister should avoid it, but please do not do it a priori, because...

Committee Chair Deputy Wiesław Szczepański (Left):

Mr. Deputy, time is up.

Deputy Jarosław Zieliński (PiS):

One can intentionally assess something this or that way, but this is not...

Committee Chair Deputy Wiesław Szczepański (Left):

Madam Deputy Henryka Krzywonos.

Deputy Jarosław Zieliński (PiS):

This is not good and please refrain from that. Thank you very much.

Committee Chair Deputy Wiesław Szczepański (Left):

Madam Deputy Henryka Krzywonos, the floor is yours.

Deputy Henryka Krzywonos-Strycharska (KO) –  
not a member of the Committee:

Good morning, Ladies and Gentlemen, I will begin by saying that all of you speak of the pandemic and I would like to tell you about the march on Krakowskie Przedmieście. There was no pandemic back then and that march was legal. A 6-month-pregnant woman walked in that march and she was battered by policemen. To make sure you will not accuse me of speaking idly let me just say that I am not prepared today to discuss the details of this case, but I have this woman's phone number and I have a video of the incident. I do not know what happened, but today, I should probably say: I told you. I have warned you, Ladies and Gentlemen, that this is what is going to happen.

We know that the police can do a lot, but the police have brains of their own and know how to use them. Ladies and Gentlemen, I lived through the 80s. I am a signatory of the August Agreements<sup>6</sup>, I had been beaten and kicked, and I know how the militia officers treated us. But even some of the militia had a heart in the right place. There were those who said: Thank you, I will not get involved in that. Some made dodges and others projected all their frustrations from their own homes onto us. Today, it is exactly the same.

I take part in those demonstrations together with the protesters, because just like my colleagues I think that it is my duty, as a Polish Deputy, to be together with those who are being harmed. I remember a demonstration in Gdynia during which the police protected the people and behaved in such a way that, at the end of the demonstration, the participants would applaud the police officers and thank them for being with them. Nobody behaved in a manner comparable to what we have seen from some police officers in other cases. I will put it bluntly: in a boorish manner.

You claim, Ladies and Gentlemen, that we are persecuting you, but in the meantime, these are our IDs they are tearing apart and we are the ones getting beaten. Before I even get to take out my Deputy ID, I already hear some words that even I, a mother of 12 children, do not say.

I have to tell you, Ladies and Gentlemen, that I do not know if you understand the threat at all. Today, children who go to primary school

<sup>6</sup> 1980 agreement signed in Gdańsk that led to the creation of Solidarność.

already want to attend demonstrations. They see what is happening to their parents. I really am asking you to come to your senses. Do not lie, because literally every single word is a lie. You blame everything on the pandemic. And what does the pandemic have to do with us being decent to one another or not?

A colleague spoke here about the oath of the Police...

Committee Chair Deputy Wiesław Szczepański (Left):  
Madam Deputy, time is up.

Deputy Henryka Krzywonos-Strycharska (KO) – not  
a member of the Committee:

Just a second, I have the voice and I will use my three minutes.

Committee Chair Deputy Wiesław Szczepański (Left):

You have been talking for three minutes and ten seconds. I am just informing you.

Deputy Henryka Krzywonos-Strycharska (KO) – not  
a member of the Committee:

A colleague spoke about the oath of the Police. Follow this oath. We respect you. I want to tell you, Commissioner... You said you have been in the Police for 30 years, so, as I understand, you were also a militia officer. I am absolutely not going to comment on this but, sir, there were also people back then who had their hearts in the right place. Let people live in peace. Do not blame everything you do on the pandemic. See what is really going on in the streets. Young people are walking...

Committee Chair Deputy Wiesław Szczepański (Left):

Madam Deputy, I would kindly ask...

Deputy Henryka Krzywonos-Strycharska (KO) – not  
a member of the Committee:

Young people walk calmly, singing and dancing. What are you even talking about? What are you basing all this on? You should really

calm down and then you will see the demonstrators going home as they should, and there will be no manifestations during which a police officer gets beaten. Plus, give at least one example of a time when a policeman was so badly battered or beaten up. The people are beaten. Thank you very much.

Committee Chair Deputy Wiesław Szczepański (Left):

Thank you. I am asking you kindly, Ladies and Gentlemen, to stick to the time regime. Madam Deputy Monika Falej, Left.

Deputy Henryka Krzywonos-Strycharska (KO) – not a member of the Committee:

I hear that Mr. Commissioner was not part of the militia, so I apologize and give you your honor back, sir, but still, there were people back then, too.

Committee Chair Deputy Wiesław Szczepański (Left):

Madam Deputy Falej, the floor is yours.

Deputy Monika Falej (Left) – not a member of the Committee:

Thank you, Mr. Chairman. Ladies and Gentlemen, I will be asking specifically for specific things, because my doubts are raised by the behavior of police officers during their use of direct coercion measures against participants of the protests related to the statement issued on October 22 this year by Jarosław Kaczyński's Constitutional Tribunal.

Voice from the room:

What kind of terminology is that, Madam Deputy?

Deputy Monika Falej (Left) – not a member of the Committee:

In particular, great indignation was caused by the conduct of the officers of the Central Counter-Terrorist Police Unit of the BOA [Anti-Terrorist Operations Office] during the protest in Warsaw on

November 18, 2020. The officers were in civil clothing. One of the officers used an expandable baton. It was a service baton, I think, but I will ask about that in a moment.

According to the ordinance of the Council of Ministers of September 17, 1990 concerning people protesting in different ways... I would like to mention that all the information on how all this happened is on social media. Now, anyway, I move on to the Act on Coercive Measures and Firearms, which clearly specifies the use of coercive measures, in a few articles, of course, but I will allow myself to list only those things that interest me.

Well, Ladies and Gentlemen, means of direct coercion, including batons, are used only if they are necessary to achieve the goal of realizing the statutory tasks of the entity in which the officer serves or which hires them. Coercive measures are used only in the manner necessary to achieve the purpose they serve, and in proportion to the degree of threat, always choosing the measure with the least possible discomfort.

Of course, you can go on to cite more articles that talk about which direct coercive measure should be used, but I will move on to the questions. What kinds of batons are part of the equipment of the police and other authorized uniformed services? Are they equipped with batons that have hard or heavy tips? How many and what kind of batons do the police and other authorized uniformed services have in stock? Are these service batons, or maybe private? Are these batons classified as melee weapons? What are the procedures of deciding to use a baton by police officers and other uniformed services? Were the expandable batons used by BOA officers on November 18 part of their official or private equipment? Who gave BOA officers the order to use these batons? Was not the use of expandable batons by officers of BOA a clear violation of the law of May 24, 2013 on measures of direct coercion and firearms?

Committee Chair Deputy Wiesław Szczepański (Left):

Thank you, Madam Deputy, time is up.

Deputy Monika Falej (Left) – not a member of the Committee:

Thank you very much.

Committee Chair Deputy Wiesław Szczepański (Left):  
Deputy Adam Szłapka, Civic Coalition, the floor is yours now.

Deputy Adam Szłapka (KO) – not a member of  
the Committee:

Thank you, Mr. Chairman. First, I want to refer to the words of the Minister who was kind enough to accost me, so to speak, based on information from public television. I understand that the Minister is talking about the events that took place in Powstańcy Warszawscy [Warsaw Insurgents] Square.

Minister, I was actually there. A few more deputies were there too and I advise you to check at the source, Mr. Minister and Mr. Commissioner, because I have arranged personally, together with other deputies, and with the police officer who was in charge of the action, when the protesters were there locked in the kettle, [we arranged] that we will talk to the protesters and, together with the commanding officer, we will designate places where the protesters will approach [police officers] one by one so that they can be identified and then go home safely. We did it to defuse the whole situation without any major escalation after we had arrived in that place. We did it together with the police officer in charge of this action. That is how it was. Please ask the other deputies or the commanding officer about it.

However, earlier, Minister, a police officer in civil clothing actually used an expandable baton, which can be treated as a provocation. I do not believe that any officer would use an expandable baton against demonstrators by his own initiative. He must have been instructed by someone. This is Art. 231 of the Criminal Code, i.e., exceeding powers. This is exactly the same article, Mr. Minister, under which you were sentenced to three years in prison by the Polish court. Let me repeat it again – the Polish court of first instance declared you a criminal and sentenced you to three years of imprisonment. Today you supervise the police, you come here and have the courage to instruct us. This is a scandal. This was my first point, *ad vocem*.

Secondly, both the Minister and the Commissioner talk a lot about what terrible things are happening in the streets, how pandemic restrictions are being broken, etc. However, a provocation happened, that is, the ruling of Julia Przyłębska's Tribunal and that is why people

protest, but I would like to ask you a different question. Mr. Minister and Mr. Commissioner, what fine did Jarosław Kaczyński get after April 10, when he was without a mask and broke current restrictions? What fine did Ms. Elżbieta Witek get?

Commissioner, I would also like to ask how many people have been fined and how many applications were sent to the Department of Health after Tadeusz Rydzyk's business party in Toruń last week? I am asking specifically: How many people? Gentlemen, I hope you will answer this question. You shed crocodile tears over restrictions being broken in the streets. So what, Rydzyk can break the restrictions? Specifically, how many people were punished by a fine? I hope you will tell us in a moment.

The last question. I would like the Minister and the Commander to explain, what is the aim of the police tactics that have been used to suppress the demonstrations until one point...

Committee Chair Deputy Wiesław Szczepański (Left):

Please conclude, Mr. Deputy.

Deputy Adam Szłapka (KO) – not a member of the Committee:

...I am talking about closing off the demonstrators in kettles, about announcing that the gathering is illegal and urging the protesters to disperse and then not letting the protesters go, but rather waiting to identify them. When those demonstrators say they want to go home, why are they not allowed to do so, but rather they are being kettled? I have been to several places like that. We were asking to set the protesters free, since they wanted to disperse. What is the logic behind such actions?

*The discussion continues. Since the deputies are raising similar arguments and questions, we provide summaries of their speeches. We provide translations of excerpts that bring something new to the table.*

*Magdalena Biejat (Left) addresses police brutality. She starts by pointing out that kettling is a practice that does not allow for social distancing and hence it is inconsistent with pandemic restrictions.*

*Biejat also delivers a personal account on the behavior of police officers in civilian clothing.*

Deputy Magdalena Biejat (Left):

Dr. Machińska [Deputy Ombudswoman] mentioned a witness who described how police officers in civilian clothing were identified by the protesters as a group of criminals. I would like to confirm this, since I was there when police officers in civilian clothing attacked the protesters and I could hear people scream “The Neo-Nazis are beating us” and “Where is the police.” These people were calling the police for help not knowing that it was the police who attacked them.

*Next, Monika Rosa (KO) addresses kettling, beating, and use of tear gas by the police. She brings up the practice of transporting detained protesters to police stations in different cities and recalls the story of an unnamed 14-year-old boy who made a Facebook post on the protests and whose apartment was later invaded by the police. Rosa talks about citizens’ fear of the police and a lack of trust. We quote the relevant fragment:*

Deputy Monika Rosa (KO):

Ladies and Gentlemen, you say that the police are supposed to be the spine of our state. They should be, but, unfortunately, the politicians break that spine for current political gains. We are afraid of the police. It is as simple as that. People are afraid of the police. When they see police officers, they wonder whether they will have to show their IDs, whether they will get detained or fined, whether gas or a baton will be used. People are afraid of police officers and that is the problem. You do not build trust in the police.

*Andrzej Rozenek (Left) quotes statistics according to which the Police noted a 20% decrease in trust during Minister Kamiński’s time in office. Rozenek also mockingly states that he was deeply moved by the Chief of Police’s speech, his care for police officers, and all the stories of police heroism. He then adds:*

I have a problem, Mr. Commissioner, because if you really want to defend ordinary police officers who do bravely serve in the streets, then it is probably time to start refusing to take political orders that have nothing to do with security.

*Rozenek also addresses Minister Kamiński to ask him how a citizen is supposed to know whether they are dealing with a police officer in civilian clothes or a regular criminal who beats them with an expandable baton.*

*Konrad Fryształ (KO) asks the Chief of Police about who is responsible for sending anti-terrorists against the protesters and the journalists, and who ordered police officers to wear civilian clothes and to use batons.*

*Agnieszka Dziemianowicz-Bąk (Left) recalls the events of October 26 when an officer of the ABW [Internal Security Agency] drove his car into a crowd of protesters and injured two women. She notices that no charges have been pressed against the officer. She also recalls events related to protesters writing in spray-paint on statues and buildings both in the October protests and the earlier protests of August 2020. We quote the relevant fragment:*

Deputy Agnieszka Dziemianowicz-Bąk (Left) –  
not a member of the Committee:

As for the questions for Mr. Commissioner, the first one concerns a very fresh situation that happened yesterday. Yesterday at 6 am the police entered the apartment of a twenty-year-old woman from Warsaw. This young woman was dragged out of her bed, detained, and taken to the police station on Wilcza Street. As we already know, the arrest was connected to the words “Abortion is OK” that appeared on the night from Friday to Saturday on one of the monuments in Warsaw. Of course, I know that for the present government, the “feelings” of statues are more important than the health and safety of Polish women, but we are talking here about the police, not about politicians. Pulling young people out of bed, demonstrative detentions, and transporting them [detained persons] to police stations are clearly attempts to intimidate and show strength. The police and the prosecutor’s office should know about it and not so much from

anywhere, but from the court. When the same methods of detention were used in August and October, then it was...

Committee Chair Deputy Wiesław Szczepański (Left):

Please conclude soon, Madam Deputy, four minutes have passed.

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

I am almost done. Back then, it was about hanging rainbow flags and about the writings on the MEN [Ministry of National Education] building that listed the names of the victims of systemic homophobia in Poland. After those arrests, when surprised young people had been dragged out of their beds in the morning, the court ruled this method of detainment to be unfounded. Why then do the police continue to use these methods? Who orders you to do so? Are you really being politically pressured to intimidate and brutally detain young people?

*After Dziemianowicz-Bąk finishes her speech, Minister Mariusz Kamiński is the next one to speak.*

Minister of the Interior and Administration  
Mariusz Kamiński:

Mr. Chairman, Ladies and Gentlemen, I intend to firmly protest against the way this Committee is organized, against the form represented by many deputies. What you are doing here is completely unacceptable. You speak for several minutes, delivering political manifestos full of *ad personam* attacks that are offensive to me, to the Chief of Police, to specific officers of the police and to the police in general. What is the aim of all this? For me, this is something unheard of. We have no chance of providing an answer. The deputies arrogantly pose aggressive, rude questions and then they leave. Just look how many deputies have been here in the beginning. This lady or that lady delivers a manifesto and then leaves because she has more important duties, and she does not even wait for a response.

Deputy Agnieszka Dziemianowicz-Bąk (Left) –  
not a member of the Committee:

Minister, but we are patiently awaiting your responses.

Minister of the Interior and Administration  
Mariusz Kamiński:

I would kindly ask you to change the way you run the Committee. Let us not transform the sitting of the Committee into a several-hour-long spectacle of offensive attacks on the officers of the Polish police, on specific people who came here with good will to talk to you, the representatives of the opposition, and to appeal also to common sense and to exchange arguments. We want to hear your arguments, but let them be arguments, not insults. What is this supposed to mean? What is this behavior?

It has been going on for several hours. This is some complete nonsense.

Voice from the room:

Mr. Minister, are you joking?

Deputy Agnieszka Dziemianowicz-Bąk (Left) –  
not a member of the Committee:

Minister, it is you who is being offended by the elements of your own biography, this is really not the parliamentarians' problem.

Minister of the Interior and Administration  
Mariusz Kamiński:

The elements of my biography do not offend me, and you are not able to offend me, but if a deputy, one or the other, calls a policeman by his name and makes some ironic remarks about him, it is highly inappropriate and unsightly. So I ask you to control yourself and cut the ironic remarks about the golden-mouthed spokesman of the police, as mentioned by his first and last name.

Deputy Konrad Fryszak (KO):

You have reacted after an hour and a half. I understand you were so shocked you could not speak.

Committee Chair Deputy Wiesław Szczepański (Left):

I am kindly asking you to end this discussion.

Minister of the Interior and Administration

Mariusz Kamiński:

This is how you set up the whole discussion.

Commission Chair Deputy Wiesław Szczepański (Left):

Minister, I will...

Minister of the Interior and Administration

Mariusz Kamiński:

If this is supposed to be a conversation, a dialogue, an exchange of arguments, then I ask for speaking without emotions, without insults, I ask for the possibility of me and the Chief of Police to address your statements, because we just sit here patiently for several hours, listening to your insults, manipulations, and false information that the public opinion receives from you and that require to be firmly denied. The most annoying practice that you employ, Ladies and Gentlemen, is that this room is almost completely empty. A deputy takes the floor, they say silly things for a couple of minutes and...

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

Mr. Minister, by delivering this speech you are wasting the precious time that you should devote to answering our questions.

Minister of the Interior and Administration

Mariusz Kamiński:

It is you, Ladies and Gentlemen, who waste our precious time.

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

But we are here to ask questions and you are here to answer them, sir, and not to scold us.

Minister of the Interior and Administration  
Mariusz Kamiński:

You are doing this all the time. I am here for the public opinion and I would like that the public opinion receives a rational message, and the way this Committee is run makes it impossible to do so.

*The discussion continues on a similar note, with everyone trying to establish who is wasting whose time and who is being disrespectful to whom. Piotr Kaleta (PiS) and a couple of deputies from the opposition engage in an exchange on who is more politically related to the Polish United Workers' Party (PZPR) – the Left or Law and Justice (due to its recycling of former prosecutors and PZPR members like Stanisław Piotrowicz, currently a member of the Constitutional Tribunal – an argument raised by Adam Szłapka from KO).*

*The Minister delivers one more meta-comment on the Committee saying that he is not willing to waste his time listening to insinuations and personal attacks on the police. Kamiński accuses the politicians of the opposition of using the Committee to “lynch the Polish police” and states that the deputies of SLD [Democratic Left Alliance] and PO [Civic Platform] engage in political rivalry, trying to win the electorate over. We cite that fragment:*

Minister of the Interior and Administration  
Mariusz Kamiński:

This is, as Mr. Commissioner has already mentioned, an attempt to lynch the Polish police, it is a political lynch made by people who behave in a scandalous and inappropriate way. The examples of their behavior connected to the so-called parliamentary interventions – because those are not real parliamentary interventions – boil down to taking part in illegal gatherings and fighting for influence over a specific electorate. Ladies and Gentlemen, you have noticed

a certain social emotion around the subject of abortion, which is understandable, and now the deputies of SLD and PO are competing with one another.

*The following exchange between Kamiński and Dziemianowicz-Bąk is also interesting due to the dynamics of gender and age:*

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

Mr. Chairman, would you please inform the Minister what his role at today's meeting of the Committee is and that it is not the role of a teacher trying to discipline the deputies?

Minister of the Interior and Administration  
Mariusz Kamiński:

Excuse me, I have not finished yet. Unfortunately, maybe as a more experienced parliamentarian, and not as a minister, I must tell you, Madam, that I will not participate in such a spectacle.

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

Thank you very much, but I really do not want to learn from your experience, Mr. Minister. Thank you for these instructions.

Minister of the Interior and Administration  
Mariusz Kamiński:

Why do you interrupt me, Madam? Why do you interrupt me again?

*Deputies from the Left and KO again raise arguments on police brutality. Kamila Gasiuk-Pihowicz (KO) connects the increase in police brutality with Jarosław Kaczyński's speech and compares the situation in Poland to the situation in Belarus. We cite relevant fragments:*

Deputy Kamila Gasiuk-Pihowicz (KO) – not a member of the Committee:

Kaczyński told us we are going to have a second Budapest, but what you did on the streets of Warsaw – this is a second Minsk, and you have to face this reality, sir. Older generations openly say that when they look at the streets of Warsaw today, it reminds them of the Citizens' Militia, they associate it with ZOMO and other formations of Communist Poland. But what can we expect from PiS who gave all the respectable positions to former martial law prosecutors? (...)

When it comes to police behavior, at a breakthrough moment there appeared the call of Jarosław Kaczyński, so full of aggression, and it was this call that led to a dramatic radicalization of the activities of the services. Before that, we did not observe the scenes in which masked bandits suddenly emerge from the crowd and beat the peacefully demonstrating people with expandable batons.

*Since members of the opposition use similar examples and arguments, it is possible to skip part of the transcript and go directly to the first voice of Law and Justice in that sequence:*

Deputy Zdzisław Sipiera (PiS):

Thank you, Mr. Chairman. Honorable Committee, Mr. Minister, Mr. Commissioner, we are debating on the motion to dismiss Vice-Prime Minister Jarosław Kaczyński, but I see that...

Voice from the room:

Wrong commission.

Deputy Zdzisław Sipiera (PiS):

But it is almost in this context.

Deputy Konrad Fryszak (KO):

Mr. Chairman, wrong commission. You are afraid for Prime Minister Kaczyński, but this is not yet that commission.

Deputy Zdzisław Szipera (PiS):

No, Mr. Deputy, I am not afraid one bit. As I said, this is a conjunction of certain events. Today, you are attacking the Minister of the Interior and the Commissioner of the Police. This is an intended action. There is no coincidence here. Everything is carefully thought out.

The Minister says that he and the police guarantee the right of citizens to manifest and to express their views, and that is a fact. Nobody prevents anyone from doing this, but Ladies and Gentlemen, you, as opposition deputies, cannot forbid the official bodies of the state to act in accordance with the law and the Constitution. After all, this would be anarchy. This is obvious that the police and the Minister who supervises them must do this.

Finally, there is a third point which concerns the way the Committee works, and which was mentioned by Minister Kamiński. Ladies and Gentlemen, this is not a committee of inquiry. I have a feeling that you have a ready-made thesis that you want to prove at the meeting of this Committee, and I repeat – this is not an investigative committee. This is a normal committee whose existence results from the rules of the Sejm and it has its own rules. So Minister Kamiński was absolutely right that there should be a different formula for conducting the deliberations of this Committee. If questions are asked, these should be specific questions, not some political manifestos, accusations, expressing oneself in a manner that is unacceptable to me, i.e., by offending the government services and offending the state.

I will remind you of a person to whom you often refer, that is President Tusk [i.e., the president of the PO party], who has once officially stated in his speech on the Day of the Police that whoever attacks the police, attacks the Polish state. Was it not so? Is it no longer valid? Is it out of date?

I understand that you may not like Law and Justice, Minister Kamiński or Chief of Police, you may not like our formation at all, but Ladies and Gentlemen, we live in the Polish state and we all have the same rights and obligations today. Please, do not set Poland on fire, because in my opinion it crosses a line. Here the issue is not a specific matter such as the behavior of a police officer. Mr. Commissioner has already said that every action will be accounted for but imagine the situation that Mr. Chairman Kaleta mentioned, when you are seated at your desk in a warm room and when you are not part of police

action, when you do not know the intentions of the citizens on the streets. If the intentions are, as we often observe it, we often hear the following statement in such a situation: “Madam Deputy, you stole our show.” So are we fulfilling the parliamentary mandate or is it about the fact that we are doing a show here, and then we hold the police accountable?

Committee Chair Deputy Wiesław Szczepański (Left):

Mr. Deputy, please conclude.

Deputy Zdzisław Szipera (PiS):

This is the last statement. Ladies and Gentlemen, the results of the elections are determined at the ballot boxes, not on the street. If there is such a situation and the nation to which you refer frequently, for example, Ms. Gasiuk-Pihowicz often says “Constitution, constitution,” then respect this constitution. The election is in three years and then you will have a chance to find out whether you are doing the right thing or not. Until then, however, respect the law and the Constitution, or at least respect the Polish police and the Minister who supervises it, because it is the responsibility of us all. There is only one Poland. There is no this or that police, no this or that court or one ministry or another. It is all one unity, and that is why I am asking you to talk about specifics and not heat up the atmosphere, because that makes absolutely no sense. As a long-term local government official, I was also a voivode, I can see that today everyone is drawn into these games, including local governments. Opinions are expressed, statements, etc. Everyone is only supposed to take the only right stance. What is this for? Who is it for? This is a road to nowhere. Thank you very much.

*The Chairman of the Committee announces that he will allow for questions until 11:45 am. Then the Committee will take a break so that the deputies can attend the meeting on the vote of confidence for Jarosław Kaczyński which begins at 11:45.*

*Mariusz Kamiński protests that he and the Chief of Police have other important duties to attend to, and that he does not like how the Committee is run. He says:*

Excuse me, Mr. Chairman, but Mr. Commissioner and I really have important state affairs. We have been patiently listening to the insults, the calumnies...

*and*

At 11:45 am a new Committee session starts and you expect us to take a break so that we can finish the discussion later and waste our entire day by listening to insinuations and insults. No, Mr. Chairman.”

*An argument erupts between the Minister and the Deputies who are once again dissatisfied with the Minister trying to discipline them.*

*Marek Rutka (Left) asks a question about the incident during which police officers entered the premises of the Department of Chemical and Process Engineering of the Warsaw University of Technology.*

*Tomasz Szymański (KO) repeats the question that has already been asked, about the involvement of BOA in the protests.*

*Wanda Nowicka (Left) also addresses the police action on Warsaw University of Technology premises.*

*Dariusz Joński (KO) mentions the incident during which Deputy Barbara Nowacka was sprayed with gas by a police officer and asks about the consequences this officer faced afterwards.*

*Joanna Scheuring-Wielgus (Left) asks about the officers in civilian clothes who beat people and recalls two cases: that of a 24-year-old Adam Królikowski who was hit in the stomach and genitals by police officers during the protest under TVP building [Polish National Television] on November 18 and the arrest of 22-year-old Kuba from Toruń that happened the previous night.*

*Klaudia Jachira (KO) asks why the services of police mediators and anti-conflict units are not used during the protests. Deputy Jachira also poses a question on the costs of using police forces to protect Jarosław Kaczyński’s private home. She calls out the Minister for caring more about statues than people. “Even the prettiest monument, even the prettiest church does not matter more than the health and life of people,” she says.*

*Anita Kucharska-Dziedzic (Left) recalls her personal encounter with police officers in civilian clothes attacking two male protesters on October 30 who were later fined for not wearing anti-Covid masks.*

*Since similar arguments, examples, and questions are used by all deputies of KO and the Left who speak for the next six pages, we will now skip to the fragment where Minister Kamiński addresses all these questions.*

Minister of the Interior and Administration  
Mariusz Kamiński:

Mr. Chairman, Honorable Committee, I must admit that I am surprised how this commission is held, how it is organized. I hold my accusation that a spectacle was organized here in which the deputies gave minute-long manifestos, in fact, after some time it started to get a bit boring, and it was difficult to notice any questions being asked. I think we have a pattern here. For me, the statement by Ms. Krzywonos was symbolic, and that statement followed that pattern, that is, she was not prepared to present the case in more detail, but she talked about a six-month pregnant woman who had been beaten up by police officers during the manifestation. Then Madam Deputy asked her questions and left.

Honestly, I am very upset. If a woman who is six-months pregnant is beaten up by police officers during a demonstration, it is a shocking thing. I have a question for Madam [Deputy] Ombudswoman. Has the Ombudsman received a case in which a six-months pregnant woman was beaten with batons by police officers?

I have the impression that we are dealing here with total confabulation. You say, Ladies and Gentlemen, that a Rafał was arrested at 6.00 am. However, we do not know who Rafał is, why he was arrested, what is the case, but the public opinion receives the message...

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

The name of that gentleman was mentioned.

Minister of the Interior and Administration  
Mariusz Kamiński:

Please do not interrupt me. Patience...

Committee Chair Deputy Wiesław Szczepański (Left):  
Madam Deputy, please do not interrupt the Minister.

Minister of the Interior and Administration  
Mariusz Kamiński:

Please firmly enforce my right to freedom of expression, Mr. Chairman.

Committee Chair Deputy Wiesław Szczepański (Left):  
Mr. Minister, I have admonished Madam Deputy. You have the voice now.

Minister of the Interior and Administration  
Mariusz Kamiński:

I have shown you respect, Ladies and Gentlemen, by sitting here for several hours and listening to things that are...

Committee Chair Deputy Wiesław Szczepański (Left):  
Mr. Minister, you have the right to speak now. I am asking the deputies not to interrupt.

Minister of the Interior and Administration  
Mariusz Kamiński:

...and please enforce it firmly.

Voice from the room:  
Or else what?

Minister of the Interior and Administration  
Mariusz Kamiński:

Or else it is inelegant, and I would even say embarrassing. That is what I would say – your behavior, Madam, is very embarrassing.

Going back to where I was, as I said, we have the example of Madam Deputy Krzywonos who gave us some information, an extremely outrageous one, one that casts a huge shadow over the police. I assume

that Madam Ombudswoman does not know this case, right? So what are we even talking about?

I also have a question for Madam Ombudswoman. One of the deputies, probably this active female deputy, noticed that I bridled during your speech. It was only because Madam Ombudswoman was telling some scary story about a young man who, after being arrested, was beaten with an expandable baton for an hour in a police wagon. You said something like that, Madam.

Deputy Ombudswoman Hanna Machinska:

No...

Minister of the Interior and Administration  
Mariusz Kamiński:

That he was beaten with a baton?

Deputy Ombudswoman Hanna Machinska:

In a police wagon...

Minister of the Interior and Administration  
Mariusz Kamiński:

Madam, I do not know anything about it and I haven't heard anything about it. Please provide the information because I doubt it. You are referring to someone else's account which is, as I understand it, unverified, and this is the method of creating the right atmosphere.

Ladies and Gentlemen, the second issue, fundamentally important and I will also refer to the example...

Voice from the room:

Please don't interrupt.

Committee Chair Deputy Wiesław Szczepański (Left):

Ladies and Gentlemen, please do not interrupt Mr. Minister's speech.

Minister of the Interior and Administration  
Mariusz Kamiński:

I will refer to the example that has been often mentioned, that is, to the recent events concerning Madam Deputy Nowacka. Ladies and Gentlemen, once again, [I repeat] what I said at the beginning. Of course, I understand your political interest in implying that police actions are somehow connected to the views expressed by the participants of the demonstrations. No, these things are not connected. They [the actions] only have to do with the pandemic, and I emphasize this once again.

I want to emphasize once again that you have adopted the method of operation that you define as parliamentary intervention, a method that is completely unlawful. A parliamentary intervention is described in the law and it is clearly stated that such an intervention takes place against the authority, that the authority has 14 days to inform the intervening deputy about the status of the matter or that matter being completed, and if the deputy is not satisfied with the result of the intervention, they may ask the Marshal of the Sejm for help.

Ladies and Gentlemen, there are expert opinions of the Bureau of Sejm Analyses which clearly state that the intervention is directed at a body, and not at an employee or officer, and hence you, Ladies and Gentlemen, are committing things no-one has ever heard of before.

Voice from the room:

Art. 19.

Committee Chair Deputy Wiesław Szczepański (Left):

Ladies and Gentlemen, please do not interrupt. Now Mr. Minister is speaking.

Minister of the Interior and Administration  
Mariusz Kamiński:

Now I return to a specific matter, which is very shocking, and which you have been often raising here, namely the case of Madam Deputy Nowacka and her parliamentary intervention. In fact, this is a case

of two lady deputies. One of them is with us today. Madam Deputy Dziemianowicz-Bąk.

In fact, after the last demonstration had ended, a group of protesters stormed onto Trasa Łazienkowska [Łazienkowska Route]. Dozens of people completely blocked the Łazienkowska Route in Warsaw, the most important communication artery. This can be seen in the photos broadcast by news stations. Some of these people had lain down in front of cars, some of these people sat down on the road, and those are precisely the reasons why police officers intervened on Łazienkowska Route. It was another arrogant, purposeful, and well-thought-out action by a group of demonstrators – to block the Łazienkowska Route. Blocking the Łazienkowska Route even for a short time results in a kilometer long traffic jam. Everyone knows it perfectly well. Even a small road accident on the route makes people get stuck in traffic jams for hours. This is a unique act of arrogance and insolence to block such an important communication artery for Warsaw residents. Just when these people started to lie down in front of the cars and sit on the road, Warsaw residents waited in traffic jams that extended straight to the horizon and it was in the residents' name that the police officers intervened.

On the side of the demonstrators sat Madam Deputy Dziemianowicz-Bąk. You were sitting in the street, weren't you, Madam Deputy?

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

I will be happy to address your statement in a moment, Mr. Minister.

Minister of the Interior and Administration  
Mariusz Kamiński:

Very well. What was your parliamentary intervention? Madam, you just took part in the illegal blocking of the Łazienkowska Route and made life difficult for the residents of Warsaw.

On the other side of the Łazienkowska Route was Madam Deputy Nowacka. As a human being, I clearly regret that anyone comes into contact with pepper spray, but the situation, which is also perfectly visible in the broadcasts of television stations, looked like this: Madam Deputy stood between the police cordon that was approaching the

demonstrators and the demonstrators who sat in the street. The group of people who allegedly surrounded Madam Deputy Nowacka were photojournalists who accompanied her and wanted to take pictures, and behind them was a group of demonstrators in the street. First, the most reasonable thing that Madam Deputy could do to serve the public interest would be to appeal to the people sitting in the street [and convince them] to let the inhabitants of Warsaw pass, because it is not the government that they are harming that way, but them [the people of Warsaw]. Second, if she really wanted to participate in this event as a witness, and not as a side, she should stand on the side of the street and not in the middle of the road, especially when she saw the police cordon approaching.

When right in front of him, 10 centimeters in front of his face, the policeman saw an outstretched hand holding something, I regret that he did not notice that it was a parliamentary ID card. In all that noise, when slogans were chanted, the police officer had no way of knowing who was raising their hand 10 centimeters away from his face. Ladies and Gentlemen, you cannot behave like that, you must not intervene this way, this does not represent the public interest. This is getting involved in illegal pandemic protests and a fight for political influence. Yes, you are fighting for political influence among the potential electorate. I am talking about the [Civic] Platform, I am talking about SLD and the organizers who probably want to create some new left-wing political movement. This is what it looks like from my perspective as a politician...

Voice from the room:

You're afraid of Marta Lempart.

Minister of the Interior and Administration  
Mariusz Kamiński:

...and this is how it looks from my perspective as a minister.

Voice from the room:

Awesome, I'll let Marta know.

Committee Chair Deputy Wiesław Szczepański (Left):  
Madam Deputy...

Minister of the Interior and Administration  
Mariusz Kamiński:

These are the incidents. Ladies and Gentlemen, next issue. You are loudly stating that the autonomy of a university has been violated.

Voice from the room:  
What about that policeman?

Minister of the Interior and Administration  
Mariusz Kamiński:

Yes, the university's autonomy has been violated. There was an unpleasant incident, I emphasize – incident. At one point, on one side of a fence of a property belonging to one of the departments of the Warsaw University of Technology, a cordon of police officers was set up. It turned out it was the side of the fence belonging to the Warsaw University of Technology. Once the police officers received the information that this was university grounds, they immediately moved to the other side of the fence. So there was no intrusion into the university buildings, no intentional act, and the police, knowing how important the issue of university autonomy is, apologized to the university authorities and informed about the unpleasant incident. It was, however, only a minor incident. Nothing happened there, there was neither intrusion into the premises nor any intentional act.

That is it when it comes to violating the autonomy of universities in our country. It was not intentional, and I emphasize that it was only a minor incident that has been already explained and the police expressed their regrets towards the university authorities, and this is all there is to tell.

Ladies and Gentlemen, as far as the examples you use are concerned, I am asking for honesty and for specific cases. Each of these cases, if it is confirmed – I still do not know with which six-months-pregnant woman Ms. Krzywonos spoke and when she was allegedly

beaten by the police, but this outrages me, and I would like to learn more about this case.

I am also not familiar with the case that Madam Ombudswoman spoke about, but I am also very interested in an incident during which someone was beaten by police officers while being transported in a police wagon. Please let us know. Both me and the Chief of Police will certainly look into this case and see if we are dealing with confabulation, slander, and exaggerating things that did not happen. Please, however, be reliable and provide us with materials on this specific case.

When it comes to polls, you are very excited about one poll that has been published. I do not know what methodology was used for this survey, but you know very well, Ladies and Gentlemen, how often your groups go up or down in polls and you keep saying that one poll is not a poll. So let us wait. There is indeed a lot of propaganda and bad PR around police officers who carry out their duties [being propagated] by politicians and some media that favor the opposition. Yes, there is such a wave, but I hope it will be temporary. However, it is you, Ladies and Gentlemen, who – by taking part in these protests, by intervening, by making it impossible for other state officials, such as police officers, to perform their tasks – extremely politicize these protests and show a complete lack of responsibility towards people for whom you create a false sense of security. You provide them with a political umbrella of impunity, and you allow them to violate epidemic regulations with impunity.

Deputy Paulina Henning-Kłoska (KO) – not a member of the Committee:

*(speaking off the microphone)*

Committee Chair Deputy Wiesław Szczepański (Left):  
Order, please.

Minister of the Interior and Administration  
Mariusz Kamiński:

I want to make it clear that this severe repression that affects people participating in illegal assemblies consists of getting fined. The police patiently identify those people and write tickets. Some of the demonstrators refused to identify themselves, some of them absurdly

jumped over fences and broke their arms while doing that. Such situations had happened. That someone is silly enough to jump over a fence for no reason whatsoever.

Ladies and Gentlemen, if someone decides to break the law, the consequence of which is being punished with a fine, they must be consistent. They should identify themselves, instead of running away, jumping over fences and pretending that some great harm is happening to them, that some great repressions had befallen them. Ladies and Gentlemen, it is you who exaggerate the events and who organize attacks on the police for political reasons.

That is all I have to say to you. In the future, I expect a good organization of the Committee's work.

**Committee Chair Deputy Wiesław Szczepański (Left):**

Mr. Minister, please keep that last remark to yourself. I am not telling you how to do the job of the Minister of the Interior and Administration. Please do not address the parliamentarians when it comes to the organization of the Committee's work, because this entity is independent from you, Mr. Minister.

*After a short discussion on who should speak next, Szczepański gives the floor to the Chief of Police. Jarosław Szymczyk starts by listing the following statistics [please note that we present these as Szczepański presented them. We do not seek to verify these statistics or understand how the speakers define their concepts, e.g. "gatherings" of people or injuries to police officers, etc.]:*

*3,650 gatherings have been organized in Poland since October 22, amounting to 1,372,000 protesters total. 19,847 Polish citizens were identified by showing their IDs to the police officers. 140 crimes have been noted, 11,996 misdemeanors, 1,730 persons were reprimanded, 2,592 fines were issued, 7,650 applications for penalties in connection with the suspicion of committing an offense were sent to the courts, 3,703 notes were addressed to the State Sanitary Inspection, and 167 persons were arrested.*

*56 police officers were injured, 35 of which during the demonstration on November 11, 2020, the day of Polish Independence, when it is already a tradition for right, far-right, and nationalist environments to march through the streets of Warsaw.*

*165 cases of property damage regarding churches and 56 incidents of damaging deputies' offices and private property of the parliamentarians were noted.*

*After the statistics, the speech continues:*

Chief of the Police, Inspector General Jarosław Szymczyk:

How was the approach of Police officers towards the demonstrators shaped? It was very firmly defined on the day of the first gathering, there can be no doubts here that it was a spontaneous gathering that took place on October 22, immediately after the decision of the Constitutional Tribunal had been announced. On that day, while securing the place of residence of the Deputy Prime Minister of the Polish government [i.e., Jarosław Kaczyński] on Mickiewicza Street in Warsaw... One of the deputies asked if I had videos in my desk drawer. I have a lot of them, and I analyze them very carefully. I have one video from that day, or should I say night, that speaks volumes to me. In it, you can see police officers securing the place of residence of the Polish Deputy Prime Minister of the government and wearing that kind of uniform that I am wearing now, with only forage caps on their heads. At some point, stones and bottles come flying from the tracks at those police officers. There is a beautiful picture, of course beautiful in quotation marks, when these police officers run to police wagons and take their helmets out, put them on their heads, pull out their shields and come out dressed in such a way in order to defend themselves against stones and bottles flying towards them. Ladies and Gentlemen, the night of October 22 strongly defined how police officers approach today's forbidden, I stress, gatherings.

In fact, we were all aware of the great social emotions that have been triggered by the Constitutional Tribunal's ruling. We saw it in the streets, and as police officers, we knew very well how great the people's agitation is, and therefore the cornerstone of our activities in those first days was primarily participants' safety. In the following days, I underscore it, it was difficult to talk about spontaneous gatherings. They were planned, organized, invitations were sent out, and hence we were dealing with participation in forbidden gatherings. Nevertheless, police officers focused mainly on the safety of the participants and on the possible – thank you, Madam Deputy, for these

words – de-escalation of conflicts, because that is a priority. These are our two absolute priorities: safety of participants and de-escalation of possible conflicts.

I want to say that the first change in the tactics of the policemen was related to the criminal attacks on various types of objects, where property was damaged and where families of parliamentarians were intimidated – I have received many letters on this matter from the deputies. Other residents were also intimidated. Ladies and Gentlemen, you do not even know how many requests for protection and help I have received from priests who felt threatened. For them, those were really difficult moments and difficult situations. The police officers had to act to protect these facilities and these people, because for us, I repeat it again, it does not matter what profession a person has or what ID card they carry in their pocket. If their life or health, or any other right protected by law, is endangered, the police will intervene.

I would now like to tell you what the turning point was. This moment, Ladies and Gentlemen, was the first road blockade in Warsaw. Until then, we were actually focusing on the safety of the gatherings' participants, but then, for the first time, demonstrators blocked the roads in Warsaw, leading to a few-hour-long traffic paralysis on a Monday afternoon. Initially, when it all ended and everyone left, unfortunately – I emphasize this word – without any intervention by the police, for which I had a great deal of resentment against the Commissioner of Warsaw Police, and I do not hide it; anyway, when everyone parted ways in the late hours of the night, the crisis seemed to be under control. It seemed so until the next day when I checked my email and the phone at my police station was getting red hot from all the calls from Warsaw residents. Allow me to list only three examples. A lady who called said it was on that day, in these hours, she received a call from her very ill mom who said these might be her last moments and she would like to say goodbye, this lady was going to her mother and got stuck in a gigantic traffic jam on Łazienkowska Route. She was not able to get there.

Madam Deputy, I have been really quiet all this time.

*Szymczyk is interrupted two times by Deputy Paulina Henning-Kłoska (KO), but her voice is not registered by the microphone and is thus missing from the transcript.*

Chief of the Police, Inspector General Jarosław Szymczyk:

The next example concerns directly a situation with a police officer. A man was driving to get to the hospital for his next chemotherapy and he did not arrive for his treatment. He asked a policeman, who was standing nearby, why he would not let him pass, so he could make it to chemotherapy. Then he heard from the policeman something that is unacceptable in my opinion, because the policeman was supposed to say, "I cannot let you go, because there is a protest going on."

Ladies and Gentlemen, there were a lot of signals from the inhabitants of Warsaw, really. In one email that was of particular interest to me, a citizen asked if the police are protecting illegal protesters because they care more about their [the protesters'] right to gather more than about his right to free movement.

As I said, every person is important to me and equally important is each person's right as protected by law. After that Monday, it is precisely why we decided that there will be no tolerance for roadblocks. Yes, from this point on started more...

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

*(speaking off the microphone)*

Chief of the Police, Inspector General Jarosław Szymczyk:

Sorry?

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

I've said that it is a very comfortable decision after November 11.

Chief of the Police, Inspector General Jarosław Szymczyk:

Madam Deputy, are you engaging in polemics with me or am I allowed to continue?

Deputy Chair Zdzisław Sipiera (PiS):

Please let Mr. Commissioner continue.

Deputy Paulina Henning-Kłoska (KO) – not a member of the Committee:

*(speaking off the microphone)*

Chief of the Police, Inspector General Jarosław Szymczyk:  
But it was Madam Deputy who interrupted me first.

Deputy Chair Zdzisław Sipiera (PiS):

Please continue, Mr. Commissioner. Madam Deputy apparently cannot contain herself and that is why she keeps interrupting.

Chief of the Police, Inspector General Jarosław Szymczyk:

Ladies and Gentlemen, as I said, this was the first moment we decided that there is absolutely no further consent to this behavior. Another one involved a situation when participants of the protest, I emphasize again – a forbidden protest – blocked the Sejm, that is the place of your work, one of the most important places when it comes to the centers of power in Poland. Demonstrators prevented parliamentarians from leaving.

Can you imagine any democratic country where the Chief of the Police tells his people: “Whatever, let the demonstrators block the parliament”? Probably not, and that is why I indeed gave the order to unblock communication routes.

Ladies and Gentlemen, you are asking about the turning points and why everything has changed. This is why. Besides, we have entered a time when the number of Covid-19 infections increased significantly in Poland, when the number of deaths in Poland increased significantly, when – let us be real – a huge wave of infections washed over the police officers who secured the gatherings. One of the officers, to whom we paid our last respects on Friday, died of Covid. He had no accompanying diseases. Mr. Deputy Czartoryski mentioned him, for which I am very grateful. It was a 50-year-old police officer. He joined the forces in the same year as me and he was born also in the same year. Perhaps that is why I am so emotionally connected to this event. I think about the late Marek Swędrak, the Deputy Commander of the Prevention Units of the Warsaw Police Headquarters, with great respect. Condolences to his family.

Ladies and Gentlemen, you often refer to what Minister Niedzielski [Minister of Health] said in his speech, that these gatherings... Personally, I read this statement by the Minister differently, but when it comes to the intentions of the Minister, it is hard for me to explain. Of course, I spoke with Minister Niedzielski at the moment when the Council of Ministers' regulation was modified in respect to restrictions concerning gatherings, and the Minister said very clearly then that gatherings are generally sites where virus transmission occurs. Beyond any doubt experts are also talking about it. One of the experts, whom I respect very much, openly said that the participants of the assemblies are potential sowers of death.

Deputy Paulina Henning-Kłoska (KO) – not a member of the Committee:

*(speaking off the microphone)*

Committee Chair Deputy Wiesław Szczepański (Left):

Madam Deputy, I would kindly ask to...

Deputy Piotr Kaleta (PiS):

They are the consequences of your female...

Committee Chair Deputy Wiesław Szczepański (Left):

Mr. Chairman, please do not engage in polemics.

Deputy Piotr Kaleta (PiS):

*(speaking off the microphone)*

Deputy Konrad Fryszak (KO):

Mr. Deputy Kaleta, what you are saying does not suit a member of the presidium of this Committee. I call you to order as a member of this Committee. At least...

Deputy Piotr Kaleta (PiS):

If there was no strike, there would not be any consequences.

Committee Chair Deputy Wiesław Szczepański (Left):  
Mr. Chairman... Please continue, Mr. Commissioner. Order, please.

Chief of the Police, Inspector General Jarosław Szymczyk:  
Thank you, Mr. Chairman. Ladies and Gentlemen, I have already talked about it in the first part of my speech but let me repeat that the police operate on the basis of provisions of the law and within the law, and this law is created here in the Polish parliament. When it comes to changing the situation regarding the protests, the solution is really simple. You just need to change the law that is in force today. This law says clearly that no gatherings of more than five people are allowed.

Ladies and Gentlemen, I often come across the accusation that the regulation of the Council of Ministers is inconsistent with the Constitution, but this Constitution indicates the binding acts of law, which are legal acts, international agreements and, among many others, regulations. The same Constitution makes it very clear that a published legal act is presumed to be consistent with the Constitution and other laws. The ordinance has been published and therefore, Ladies and Gentlemen, it is binding, and therefore it also applies to all Polish policemen. Each of them, joining...

*Commotion interrupts the session, the Chief of Police ends his speech, several deputies want to speak, but Szczepański decides to give the floor to Dziemianowicz-Bąk and Czartoryski.*

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

As I said, I was called by the Minister who has been persistently scolding us throughout the whole meeting of the Commission; he instructs us and avoids answering questions, and he basically demands, probably out of habit, a pardon from this Commission. Minister, you asked for reliable and specific questions, but unfortunately you did not answer those reliable and specific questions. You did not answer my question, among others.

Minister, I am talking to you and I would very much ask for your attention. Mr. Minister, can I have your attention now? Thank you kindly.

You did not answer a very specific question about an ABW [Internal Security Agency] officer who, on October 26, drove his car into two protesters. I will remind the Minister that my question was: Did the Minister draw any professional or disciplinary consequences from this officer, or do you believe that an ABW officer has the right to drive his car into female protesters?

One more issue that involves me. The Minister teaches us that parliamentary intervention, or the work of parliamentarians, should be limited to the Sejm, parliamentary committees and possibly governmental or self-governmental bodies. You are very wrong, Minister, but you probably know it very well.

Claiming that a deputy may intervene only in the Sejm or in the organs of the government or local government is just... I suspect you are not being truthful on purpose. In the resolution of February 16, 1994, the Supreme Court unequivocally indicated that the execution of a parliamentary mandate may also be related to the performance of duties on external terrain. Each time at the beginning of the term of the Sejm, the deputies take a vow, and we certainly vowed at the beginning of this term that we would protect the well-being of citizens. I say with deep regret that in recent weeks protecting citizens is more and more often about protecting them from the representatives of a formation that was created to protect these citizens.

You ask what I was doing on Łazienkowska Route. In addition to parliamentary intervention, the deputies also have the right to carry out checks. I was with the protesters from the beginning, when the pseudo-Constitutional Tribunal issued this shameful ruling. Taught by experience, by what I see and what I encounter at these demonstrations, I take part in them to inform young people about the rights that they are entitled to in the event of a possible detention by the police. Why am I doing this? Because I have seen too many times that the officers do not do it when they detain people. I did the same on Łazienkowska Route. Seeing that a group of protesters had sat down on the road and that policemen were approaching this group, I walked over, crouched down, and informed the protesters of what to do and what rights to demand in the event of an arrest. I took these activities with a deputy ID card taken out, which was noticed by the commander, who informed the officers that I was an MP. The officers, however, ignored the information from their commander and they

forcibly removed me from that place, which is evident on the recording that was made available to make things clear...

Deputy Arkadiusz Czartoryski (PiS):

Asking to leave...

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

No, that's the thing, without asking to leave.

Committee Chair Deputy Wiesław Szczepański (Left):

Please do not engage in polemics right now. Madam Deputy, please conclude your speech.

Deputy Agnieszka Dziemianowicz-Bąk (Left) – not a member of the Committee:

This is documented on Police Twitter. The police made a self-denunciation. I have of course issued an immunity breach complaint, but Minister... I understand that for you controlling bodies such as the police means turning on the TV and watching what is going on in the streets, but for the deputies who actually see what is happening in the streets, the control of the police is about being there, it is about checking if the actions are carried out in accordance with the law, and if the officer does not fulfill his obligations, such as presenting the rights of a detained person, the deputies are there to, first of all, inspect these actions, and second, to fulfill the duties that the officer does not fulfill.

Committee Chair Deputy Wiesław Szczepański (Left):

Thank you very much, Madam Deputy.

*The final pages of the transcript are mostly devoted to deputies pointing out that the Chief of Police and the Minister did not answer their questions. Szymczyk is asked to answer the questions in written form. The meeting of the Committee officially ends.*

## CHAPTER TEN

# Ministry of the Interior and Administration: Information on Police Action

Editorial Note: On the day that the Committee on Administration and the Interior met, the following overview of the main points raised by Minister Mariusz Kamiński and Chief of Police Jarosław Szymczyk was posted to the website of the Ministry of the Interior and Administration.

Today (December 9), Minister Mariusz Kamiński informed the Sejm Committee on Administration and the Interior about police actions that had been undertaken during the protests against the Constitutional Tribunal's ruling.

Minister Mariusz Kamiński said that all actions undertaken by the police in the last few weeks with regard to the protesters have been prompted solely by pandemic-related restrictions, which are in force not only in Poland, but also across Europe. The Chief of the Ministry of the Interior and Administration (MSWiA) reminded that social distance and avoiding public gatherings are the basic rules which prevent the spreading of the virus. As he noticed, in the opinion of MSWiA and the Police, the views expressed by the protesters are irrelevant. The government is not against assemblies as such. They are a part of democracy and nobody is questioning that.

“The citizens have the right to protest, but in those difficult times they should not form groups of more than five persons,” the Minister said. He added that every government is responsible for the safety of its citizens and it needs to take actions that are not always easy. “The

virus does not choose. Anybody can come into contact with it,” he observed. Minister Mariusz Kamiński also addressed the police intervention on Łazienkowska Route in Warsaw on November 28 when the protesters blocked road traffic. He also reminded everyone how the intervention on the grounds belonging to Warsaw University of Technology really looked like – he said that the officers left the square once they had received the information that they were on university premises.

The Minister stressed that the protests happening in Poland should not be compared to those in Belarus. “Comparing the Polish situation to the situation in Belarus is an offense to the Belarusians. People are fighting for freedom there and they are being murdered for it,” said the Minister. He noticed that fines are the only consequences that [Polish] protesters face. “I am begging you for a bit of common reason and calm. The state is acting accordingly, but this is not the time for public gatherings and one must find other forms of manifesting one’s political views,” he added.

The Chief of MSWiA asked the parliamentarians who participate in the assemblies to take responsibility for the health and safety of citizens. “When you participate in the manifestations, I ask you not to take advantage of your parliamentary mandate. You are not on a parliamentary intervention there,” said Minister Mariusz Kamiński. He added that parliamentary intervention is not about offending police officers, wrestling with them, and preventing them from doing their lawful tasks. He explained that a parliamentary intervention is, by definition, an intervention in state administration bodies, local government bodies; it is not an intervention [directed] at an employee or an officer.

## POLICE ACTION DURING THE PROTESTS

Chief of Police Inspector General Jarosław Szymczyk addressed the attacks on police officers. Such attacks had been committed by the people protesting in the streets. “In Poland, even the biggest criminals have name protection. Meanwhile, first and last names of police officers are publicly announced, which puts them and their families in danger,” said the Chief of Polish Police. “I expect that my people

are respected for what they do for Poland's safety," he added. As he observed, the police attitude remains unchanged, and the officers continue to protect all manifestations. "If somebody is breaking the law, we do not care what political option they represent and what views they express," said the Commissioner. He underlined that all doubts concerning police officers' actions can be objectively explained. Every police officer is subject to criminal and disciplinary liability for their demerits, and the police is not running away from that liability. The Commissioner explained which regulations define the possibility of using direct coercion measures by the officers.

Inspector General Jarosław Szymczyk said that since the ruling of the Constitutional Tribunal (October 22) the police have noted 3,650 gatherings in the whole country. The number of protesting persons amounted to over 1.3 million, and 19,847 persons were identified (i.e., 1.4% of people who participated in the gatherings), which amounts to around 0.1 per mil of all participants. 56 police officers were injured in action (30 of whom on November 11), 165 instances of damage to property (churches) and 56 incidents of destroying deputies' offices and private apartments of parliamentarians had been noted. The Commissioner pointed out that during the protests, rocks and bottles were thrown at police officers (e.g., when they were securing the manifestation on Mickiewicz Street in Warsaw).

The Chief of Polish Police admitted that this year has been and still is very difficult for the entire force due to the coronavirus pandemic. Since spring, police officers have been performing a new duty which pertains to monitoring people in quarantine (they have made 37.5 million [*sic*] audits); they monitor public transport and reveal instances of regulations being violated. Since then, over 12,000 police officers and 2,000 civilian employees have contracted COVID-19. "No-one has exempted us from other duties, too," the Commissioner stressed. He underlined that police officers are still making around 15,000 interventions each day. They assist in road accidents, they bust criminal groups and arrest drug dealers. 2020 is another year in a row when crime rates in Poland are decreasing and road safety is increasing.

## CHAPTER ELEVEN

# 23<sup>rd</sup> session of the Sejm, December 16, 2020

### Point 9 of the Agenda: Questions on Current Issues

Editorial Note: This fragment of the Sejm's proceedings features a discussion on protests. Barbara Nowacka, who was sprayed with tear gas on November 28, addresses the Secretary of State in the Ministry of the Interior and Administration, Maciej Wąsik.

Deputy Speaker Małgorzata Gosiewska (PiS):

We now move on to the next question, next issue.

The question has been prepared by the deputies of the Civic Coalition (KO): Barbara Nowacka, Monika Rosa, Monika Wielichowska, Klaudia Jachira, Michał Szczerba, Urszula Zielińska, Katarzyna Lubnauer, Dariusz Joński, and Aleksandra Gajewska, and it concerns the repressions against the participants of protests for women's rights and the costs of securing these protests by the police and the forces in the whole country, particularly [the costs of securing] the statues on Piłsudski Square [i.e., the Victims of the Smolensk Tragedy Monument and the statue of Lech Kaczyński] and Jarosław Kaczyński's home. The question is addressed to the Minister of the Interior and Administration.

Madam Deputy Barbara Nowacka will ask the question.

The floor is yours, Madam Deputy.

Deputy Barbara Nowacka (KO):

Ms. Speaker! Honorable Members! Mr. Minister! Since October 22, a wave of protests in defense of women's rights, their dignity and

safety, is washing over Poland. These are peaceful protests, numerous and joyous protests, but we have observed, especially since mid-November, a significant brutalization on part of the authorities, on part of the police. We also see bigger measures being taken, including public measures, of course, and the securities are getting more and more peculiar. Unsightly barriers obstruct the traffic in the center of Warsaw, you can hardly reach the Sejm, and even when there are no protests, police wagons are being dispatched to protect statues. To protect Mr. Kaczyński's house, 80 police wagons had been used a couple of days ago. All across Poland, police forces are called up to stand guard, to check people's IDs, to act against citizens who are peacefully protesting within the limits of legal regulations. The police invade houses, they take away and requisite flags with the lightning bolt [symbol of the Women's Strike], and the Polish society is paying for all this.

Mr. Minister! We expect information about the costs of securing peaceful protests in the country, we also expect information on who had been issuing these decisions. Who decides about those safety measures being taken, who decides that one house is protected by 80 police wagons and that wire entanglements and barriers have been standing on Wiejska Street for almost a month? How much does it cost? Whose decisions are those? Do you think, sir, that all this is adequate to the level of danger caused by peacefully protesting women and teenagers? Thank you. (*Applause*)

Deputy Speaker Małgorzata Gosiewska (PiS):

Thank you, Madam Deputy.

The Secretary of State in the Ministry of the Interior and Administration, Maciej Wąsik, will now respond.

The floor is yours, Mr. Minister.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

Ms. Speaker! Honorable Members! I would like to address this question in a complete and precise manner, but first I need to clarify one thing. Madam Deputy was deigned to say that these are peaceful protests within the limits of the law. I would like to notice that the Polish law

does not allow for gatherings of over five persons in the times of the pandemic. These regulations are in power, they have been passed by the Honorable Sejm, and there can be no doubt about it. So, the first thing is: The gatherings do not have a legal value, even though I understand the basic democratic freedom of assembly, but not in the circumstances of the pandemic. Every expert will tell you, Madam...  
(Deputy Barbara Nowacka: Spontaneous gatherings.)

Ms. Speaker, I would appreciate it if Madam Deputy did not interrupt me.

(Deputy Barbara Nowacka: I would appreciate it if you told the truth, sir.)

Deputy Speaker Małgorzata Gosiewska (PiS):

Madam Deputy, are you still insisting on hindering the session?

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

Madam, if you are not interested in my answer, you can leave.

(Deputy Barbara Nowacka: You go first...)

Deputy Speaker Małgorzata Gosiewska (PiS):

Then why even ask a question?

Mr. Deputy, please continue.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

I wanted to say that the police are fulfilling their basic tasks. All actions of the police that have been undertaken since October 22 are their statutory tasks – which include protecting the Sejm, protecting the citizens, protecting the protesters, because situations when two different groups of protesters clash had happened. The police were always there, splitting up the protesters and mitigating the situation. That is what happened on October 28 near the de Gaulle Roundabout where, if it had not been for the police, blood would be spilled, bloody fights would ensue. I also think that Mr. Deputy Sienkiewicz, who is absent today, could attest to that situation.

I would like to stress, Madam Deputy, that the police have not increased their budget due to the tasks performed in the last months, and there was no need to increase the police budget. Everything was financed from the resources planned for this year. If you are worried about the protection of statues, there have been costs, but those were covered by local governments and used to clean the statues that had been desecrated. I am talking about the statue of the Home Army, which had been soiled with inconsiderate slogans, I am talking about the statue of Ronald Reagan which had been desecrated in a particularly vulgar way, I am also talking about the statue of the victims of the Smoleńsk catastrophe – 96 victims, Poland in a nutshell, who died in Smoleńsk – on which two masked persons wrote: “Abortion is OK.” I need to assure you, Madam Deputy, that these persons have been detained by the police and they will be brought to court to pay for their actions.

I would like to stress that in the opinion of the Ministry of the Interior and Administration (MSWiA), the actions of the police are adequate and all controversial situations in which the police are met with charges of exceeding their power by direct use of force are thoroughly investigated. Those proceedings are in process, some of them have already ended, some have not. I would like to note, Madam Deputy, that both the administration of MSWiA and the police want to see all these cases being solved completely and thoroughly, just like the case of battery committed by two policemen on a homeless person in Tychy has been solved. Today morning, two policemen from Tychy city police headquarters were arrested by the office of Police Internal Affairs. Such actions will be undertaken in all cases where power is exceeded. I would like to stress that when it comes to the measures taken since October 22, I did not find a single situation in which the police would have exceeded their power. Thank you. (*Applause*)

(*Deputy Michał Szczerba: What about the broken arm?*)

(*Voice from the room: And what about the tear gas used against Madam Deputy, Mr. Minister?*)

Deputy Speaker Małgorzata Gosiewska (PiS):

Mr. Deputy, please calm down.

Thank you.

(*Deputy Barbara Nowacka: Can I speak ad vocem?*)

Madam Deputy Monika Rosa with a supplementary question.

The floor is yours, Madam Deputy.

(*Deputy Barbara Nowacka*: I would like to address this, too.)

Excuse me...

(*Deputy Barbara Nowacka*: Ms. Monika Rosa is entering. May I ask for an *ad vocem*?)

Deputy Speaker Małgorzata Gosiewska (PiS):

There is no such mode.

(*Deputy Barbara Nowacka*: There is.)

The floor is yours, Madam Deputy [Rosa].

(*Deputy Barbara Nowacka*: There is. Mr. Minister has called on me.)

(*Voice from the room*: The mode exists...)

Madam Deputy Monika Rosa.

Please.

(*Voice from the room*: The regulations...)

Deputy Monika Rosa (KO):

Ms. Speaker! Mr. Minister! Honorable Members! First of all, the Constitution gives us the right to gather – Art. 57 of the Constitution. Art. 31 of the Constitution says that limitations of rights and freedoms can be only regulated by a legal act. You, Ladies and Gentlemen, made an ordinance, you did not introduce a state of emergency. These are legal, peaceful gatherings. Do you, sir, think that using force is a measure of adequate proportion? Is it not an abuse of police power when a protesting girl's arm is broken in three places? A strong policeman breaks a harmless teenage girl's arm in three places. Do you think that it is right – and please tell me whose order that was – to use police officers from the Bureau of Antiterrorist Operations who, while not wearing uniforms, used expandable batons during the gathering in Warsaw? Do you think that it is right when police officers enter a private apartment, an apartment of a private person, and, in the presence of that person's children, they take down the flag just because they think that this flag is against the law?

Do you think that all these repressive measures that the demonstrating persons are faced with (*Bell*), being forced to show their IDs, being caught in a kettle, are legal actions, Mr. Minister? (*Applause*)

Deputy Speaker Małgorzata Gosiewska (PiS):

Thank you, Madam Deputy.

Minister Maciej Wąsik will respond now.

The floor is yours, Mr. Minister.

(*Deputy Dariusz Joński*: Mr. Minister, address the case of the tear gas.)

Mr. Deputy, a question has been asked, an answer is to be delivered. Silence, please.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

Ms. Speaker! Honorable Members! I would like to say this: Measures of direct coercion are regulated by the law, by a legal act, and the police use these measures of direct coercion according to those legal regulations.

(*Deputy Dariusz Joński*: No, they are breaking the law. Come on, Mr. Minister...)

Deputy Speaker Małgorzata Gosiewska (PiS):

Mr. Deputy...

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

Mr. Deputy Szczerba has brought my attention to the situation that had taken place in front of the police station, in front of the police precinct...

(*Deputy Michał Szczerba*: On Wilcza Street.)

...on Wilcza Street, where, in the course of applying measures of direct coercion, a 19-year-old girl, a 19-year-old person broke an arm. I will say this: As a minister, as a vice-minister of the Interior and Administration, I am deeply saddened by that situation. A situation like that can happen when direct coercion is applied, a situation when bodily harm occurs, and it makes me sad. This situation is being cleared up. Just yesterday, knowing that I will be speaking in front of you, Honorable Members, I asked the Chief of Police to describe this situation for me. And I will say: The investigation is underway. This young lady, this young woman will be interrogated in

that investigation, if she turns up and if she wants to testify, her statement will be an important part of the investigation. At this moment, at this stage, there are no reasons to believe that police officers used measures of direct coercion against the rules. It was a situation of street blockade, that lady was sitting on the street, on Wilcza Street, and the police officers were using physical force...

*(Voice from the room: Yeah, they were.)*

...and, indeed, while using this leverage or grip, this thing happened, which troubles me deeply. I wish that did not happen. Unfortunately, I need to inform you, Ladies and Gentlemen, that since July 22 over 50 police officers have been injured by the protesters. Over 50 police officers.

*(Voice from the room: Including November 11?)*

Unfortunately. And I am deeply troubled by that, too.

*(Deputy Katarzyna Lubnauer: So you do include November 11, sir?)*

Deputy Speaker Małgorzata Gosiewska (PiS):

Madam Deputy, please remain calm.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

Including November 11. But that is not to say that most of them [injuries] are from November 11. They are from November 11 and from women's strikes.

*(Voice from the room: November 11 had 36 [injuries], so that means the majority is...)*

Ms. Speaker...

Deputy Speaker Małgorzata Gosiewska (PiS):

Madam Deputy, I am asking you once again to remain calm.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

...some lady deputy who has just arrived... You should have arrived earlier, Madam Deputy.

Deputy Speaker Małgorzata Gosiewska (PiS):

Madam, you haven't been interested in the answer before and now you suddenly want to speak.

(*Deputy Katarzyna Lubnauer*: First of all, I've been listening, second, I am also the author of this question.)

Please continue, Mr. Minister.

Secretary of State in the Ministry of the Interior and Administration Maciej Wąsik:

I will stress one more thing: I am deeply saddened by each (*Bell*) instance of bodily harm suffered by police officers and by the persons who participated in the gatherings. Thank you. (*Applause*)

(*Voice from the room*: What consequences...)

Deputy Speaker Małgorzata Gosiewska (PiS):

Mr. Deputy Szczerba...

Thank you very much, Mr. Minister.

We now move on to the next question.

The question has been prepared by the deputies...

(*Deputy Michał Szczerba*: *Ad vocem*.)

There is no *ad vocem* in this mode.

*At this point in the transcript, the Sejm moves on to the next issue on its agenda.*

## CHAPTER TWELVE

# Andrzej Duda in Interview with Bogumił Łoziński (*Gość Niedzielny*), December 24, 2020

Editorial Note: The transcript of the interview is publicly available on the website of the President of the Republic of Poland.

**Bogumił Łoziński, *Gość Niedzielny*:** A difficult year of the pandemic and pandemic-related problems is coming to an end, but first I wanted to ask you, Mister President, what was the most positive event of 2020 in your opinion?

**President Andrzej Duda:** In my personal life, that event would be having my fellow countrymen's [*sic*] support in winning the presidential election. I am grateful for that support. It was a positive evaluation of my work in the first term, especially since, compared to five years ago, 2 more million Polish people voted for me this time.

On a national level, it was important that we managed to organize presidential elections despite the pandemic and that none of the candidates got sick during the quite dynamic campaign.

I think that we all enjoyed Iga Świątek's grand victory in the Roland Gaross [French Open] tennis tournament in Paris. It was a huge, historical success for Polish tennis and for this very young, promising player. I am certain that she will have a career at least as successful as that of Agnieszka Radwańska.

**Łoziński:** Conservative environments were satisfied with the ruling of the Constitutional Tribunal which stated that eugenic abortion is

not consistent with the Constitution. Mister President, what is your opinion on that ruling?

**Duda:** As a human being and as a lawyer, I reacted positively to that ruling. Essentially, no other [verdict] could have been reached; many lawyers, including Professor Andrzej Zoll, had been questioning the regulation that enabled eugenic abortion. Personally, I have always said that eugenic abortion, which allows to murder children with Down syndrome or other medical conditions, children who could still live despite disabilities, is absolutely against my conscience or against any principles of humanism, not to mention religious principles. I have always been against eugenic abortion, that is why I think the Tribunal's ruling is good.

**Łoziński:** But after the oral announcement of the ruling you submitted to the Sejm a project of a legal act that allows a pregnancy to be terminated when “prenatal screenings or other medical premises point to the high probability that the child will be born dead or will suffer from an incurable disease or a defect that unavoidably and directly leads to the child's death.” Sir, this is eugenic abortion.

**Duda:** I am the President of the Republic of Poland and that obliges me to analyze what is happening in Polish society and to listen to the problems, and not only to follow my personal convictions. I have listened to many women who are seriously concerned with the ban on eugenic abortion. The project that I proposed is, in some sense, a response to some of those fears, since some of them were unfounded. For instance, it is not true that the Tribunal's ruling deprives a woman of her right to abortion when her life or health is in danger.

**Łoziński:** So your project was created under the gun of women's street protests?

**Duda:** I would not say under the gun, because I do not submit to such actions. I listen to the voices of the society and I analyze them calmly. [I listen] not only to the demands that are made in the streets during manifestations, but also to the opinions expressed in other places and in other ways, for instance, via letters. I have talked about this in person with many women and girls. My proposition concerns only children with lethal defects, that is, defects that lead to death. Please remember that this is only a project, it has been consulted with

specialists, but the Sejm is the place where the project can be developed, where experts can be impaneled, where discussions can be held.

**Łoziński:** But no parliamentary group has supported this project and the President of the Episcopate Archbishop Stanisław Gądecki claimed that, in comparison with the Tribunal's ruling, the project diminishes the scope of life protection, so a Catholic cannot support it.

**Duda:** My project restricts eugenic abortion to the case in which a child's death is inevitable. It is an exceptional situation, the only one which I can reconcile with my conscience.

**Łoziński:** Expressions used in the project, such as "high probability" or "inevitably," are not precise. It might happen that a child with a lethal defect lives for some time.

**Duda:** According to me and to the experts whom I consulted, the expressions used in the project mean a child's inevitable death right after the birth or before. But the medical doctors and the lawyers can make them more precise in the course of Sejm proceedings, be my guest.

**Łoziński:** Have you been surprised by the scale of the protests caused by the Tribunal's ruling and by the postulates that were raised?

**Duda:** I think that many factors came into play here, the case of the ruling was only a fuse. In general, the society is now anxious due to various pandemic-related restrictions. To protect the life and health of Poles, we had to temporarily introduce some restrictions of liberty. These are limitations concerning work, plus the children do not go to school, many events in which the youth participated got canceled, such as concerts or parties. There are no public gatherings, no sports competitions in front of an audience, you cannot always go abroad. This plethora of restrictions causes frustration, a civil dissent. Of course, the Tribunal's ruling fell on hot ground. There are environments whose emotions have been sparked by this issue, especially left-wing or lefty even. Taking into consideration all these circumstances, it is hard to be surprised that such a decisive social mobilization occurred. Plus, we also had purposeful disinformation that accompanied these protests. But all that is happening right now shows there is no political basis for a pro-abortion movement.

**Łoziński:** The aggression of the protesters turned against the Church. How can you explain that?

**Duda:** There are environments that have a very hostile attitude toward the Church and that incite young people. Their rage against the Church and their impact on our society is disturbing. It shows the many different ways in which the creeping propaganda is effective and how it gets more and more aggressive. All in all, those were just individual situations caused by small groups. Individual persons provoked people praying in the church. I can only thank those Catholics who had been exposed to such behavior and who remained calm and did not allow themselves to be provoked.

**Łoziński:** The leftist groups whom you pointed out are formulating a number of postulates based on, for instance, the agenda of LGBT environments. During the presidential campaign, you submitted to the Sejm two projects of legal acts designed to stop some of these environments' aims. I am talking about the change to the Constitution that would state that a person in a same-sex relationship cannot adopt a child and about the change to the law on education according to which nongovernmental organizations could not be active on school grounds without the directors or the parents' consent, for instance, when it comes to matters of sex education. What happened to those projects?

**Duda:** I submitted them to the Sejm and now their fate is in the hands of the Marshal of the Sejm and the parliamentary majority.

**Łoziński:** But, Mister President, you come from an environment that has the parliamentary majority, so it seems that your political colleagues are blocking these projects.

**Duda:** Yes, I do come from this environment, but there are sometimes differences between us. The so-called "Five Points for Animals"<sup>1</sup> can serve as an example here, since we varied drastically in our evaluation of that project, and consequently, [in our evaluation] of Polish

<sup>1</sup> "Piątka dla zwierząt" [Five Points for Animals], an amendment to the animal rights' protection law that was passed by the Sejm in September 2020. The law – which banned fur farming and ritual slaughter for religious communities outside of Poland (i.e., for export) – raised controversies in the United Right. As a result, the amendment has not been yet brought into effect.

farmers' interests that have been targeted by this legal act. I would like to stress that I also am in favor of caring for the well-being of animals, but that project had some inappropriate solutions. I hope that there are no such differences with respect to the matters that you have asked about and I am looking forward to sign those two legal acts as the President of the Republic of Poland once they are accepted by the Sejm. Please remember that we are currently focusing on fighting the coronavirus and we had to postpone the realization of many points of our program.

**Łoziński:** What form of address would you use when talking to Michał Szutowicz aka Margot who says he is a non-binary person, thinks of himself as a woman even though he is a biological male, and expects others to address him with feminine pronouns?

**Duda:** If this person's documents say that he is a man, then I would address him per "sir." If it said he is a woman, that would make him a lady. When I was a parliamentarian and had a deputy office, me and Anna Grodzka, the then-deputy of Palikot's Movement, shared the same building, and her documents said she was a woman. That was the decision of the court, and hence the official decision of the state, even though we all know she used to be a man. But since she went through the sex change [*sic*] procedure and since the court has given her the status of a woman, I addressed her per "Madam Deputy." My stance on those matters has not changed, quite the contrary, as the President of the Republic of Poland I am virtually obliged to abide by the law administered by state authorities.

**Łoziński:** You mentioned differences within the environment of the ruling camp. Recently, these differences have been taking on such a violent form that it looks like the ruling camp is about to split. For instance, United Poland is criticizing the Prime Minister for the arrangements that tie law-abidingness to the European Union's budget, and they are threatening to leave the government. Will the United Right last until the 2023 elections?

**Duda:** The United Right is a political camp created by three groupings, not one. Plus, there are varying views inside each of these groupings. It is important to agree on program matters, but there does not have to be such a consensus on matters that are not part of the program.

United Poland voted if they should leave the government and this option lost, so we can see that this grouping still wants to be part of the United Right. I am happy with that decision, because I would like the ruling camp to contour [*sic*] their mission which has been largely halted by the pandemic. The circumstances in which we are now living have surely disturbed normal functioning of the United Right and the realization of our program. Today, the government's main task is to protect the life and health of Poles, to bring the state and economic functions back to normal, and to beat the coronavirus. I hope that this will be made possible thanks to the vaccination. I believe that once we beat the pandemic the government will get back on track and realize the prosocial, pro-developmental politics. The United Right's existence guarantees that, and I am certain that it [the United Right] will still work on these goals together.

**Łoziński:** Will you get the Covid-19 vaccine?

**Duda:** Because I have already been sick with Covid-19, I am immune, I have the antibodies, I donated plasma, so if I am to get vaccinated, then I will be the last in line. I think that vaccinations should not be mandatory, but after listening to the experts, I think that it would be good if the majority of the population became immune to the coronavirus. If that can safely happen through the use of a vaccine, then I encourage getting one.

**Łoziński:** We are talking during the Christmas season. Mister President, may I ask you to give your Christmas greetings to the Poles?

**Duda:** I would like to wish my countrymen [*sic*], and the readers of *Gość Niedzielny* in particular, a lot of health this Christmas season, as well as on the New Year and in the whole year 2021. I hope that the coronavirus pandemic will leave us alone and that as few of you as possible will suffer from it. I also wish you a lot of luck. Let 2021 be a better year, let us take a breather from health issues, social issues, and economic issues, let us get back on the road to dynamic progress, let there be jobs and money in the families, health and financial security, let us follow our dreams again. In the upcoming days, I wish everyone a Merry Christmas and the warmth of a family home.

## CHAPTER THIRTEEN

# Andrzej Duda in Interview with Krzysztof Skórzyński (TVN 24), January 22, 2021

Editorial Note: The transcript of the interview is publicly available on the website of the President of the Republic of Poland. The interview aired on January 22, 2021 on TVN24. In his program *Sprawdzam* [in English, it is literally “I check”], Krzysztof Skórzyński interviewed President Andrzej Duda on recent events on both international and national level. We provide selected fragments of that interview.

The conversation starts with the victory of President Joe Biden, Duda’s friendly relations with Donald Trump, and Polish-American alliances. The subject of protests appears for the first time when Duda and Skórzyński discuss the Capitol riots. This is where we begin the translation.

**Krzysztof Skórzyński, TVN24:** Mister President, to finish the topic of presidential change in the United States, I wanted to ask you about what happened on the day of the counting of electoral votes, I am talking about the Capitol events. Would you comment on these events the same way you did before? That time, you wrote: “The events in Washington are an internal affair of the United States, a democratic and law-abiding country.” Knowing what you know today and observing all this – i.e. both direct and indirect consequences of what happened at the Capitol – would you still write such a sentence, or would you make a stronger statement?

**President Andrzej Duda:** I do not think I would write any other statement because I do think it is an internal affair of the United States. American democracy has shown its strength – the riots had been very quickly suppressed and things went back to normal. Such

a huge country like the United States needs to show how efficient it is and how it deals with these kinds of problems. Because it is also a matter of USA's prestige. I care very deeply for the USA's prestige on the international scene. The United States is the biggest member of the North Atlantic Treaty, a defense treaty which guarantees our safety, together with other guaranties that we make on our own. They are the owners of the biggest army in the world, [they are] the biggest power, so they cannot show weakness. And all efforts, especially media efforts, of creating any weakness in the US are not beneficial from the point of view of our interests.

**Skórzyński:** Then haven't we, as a country, shown weakness when our President did not expressly condemn the Capitol events?

**Duda:** There are various emotions, it is terrible that people have died. I think that at that moment, when all this was happening, nobody expected such tragic results. But the mere fact that demonstrations or riots exist? Yeah, they take place in many democratic countries and nothing bad ever happens. Demonstrations and protests are normal in a democracy. I can only express my surprise with regard to just one thing. I was in the US in June when Black Lives Matter protests were happening. I remember the security around the White House. All kinds of security measures had been taken – dozens, hundreds, thousands of police officers, bodyguards, abatis, fences, etc. There was no problem with defending the White House. I was surprised that the demonstrators managed to get into the Congress so easily. That was really astounding for me, I must admit I was shocked.

**Skórzyński:** How are we to understand this suggestion, Mister President?

**Duda:** As I said, I was shocked that they managed to invade the building of the Congress so easily, that was indeed shocking. Especially since I clearly remember the previous level of security, all these defenses we got to observe last time. I have to say I was really surprised.

*Krzysztof Skórzyński and President Duda then discuss various current events in Poland, including: delays in the deliveries of Covid-19 vaccines, slow vaccination rates, technical problems with the registration system, pandemic restrictions and the difficult financial situation*

of business owners under lockdown. We omit these fragments and move on to that part of the interview where the two discuss the Constitutional Tribunal's ruling on abortion, the protests that followed, and the instances of police brutality that occasionally accompanied them.

**Skórzyński:** Mister President, after the ruling of the Constitutional Tribunal, you proposed a legal act which mitigated that ruling a little bit. I have the impression that it has been put *ad acta* by the deputies of the Sejm. Did you give up or do you plan to fight for that legal act?

**Duda:** The Sejm is right now the host of this subject and the deputies will make a decision according to their own conscience, their own reason. I presented a proposition because I saw a huge civil concern. I mainly saw the concern – an unfounded concern, in my opinion – of women who were afraid for their health and life. Let us be frank, the ruling of the Constitutional Tribunal had no influence whatsoever on women's lives.

**Skórzyński:** The tribunal *de facto* banned abortion in Poland.

**Duda:** Of course, if a woman's life is threatened, abortion is possible, and the decision is up to the woman. Nothing has changed in this respect. But we are talking about a different issue here. We are talking about eugenic abortion. And here, sir, I have to say this: As you know, it is not a mystery, and I have never made a mystery out of it, I am against eugenic abortion. I think it should not exist. I think that in the situation when the fetus, the child has a malfunction...

**Skórzyński:** We are talking about fetal malfunctions.

**Duda:** ...that causes a disability, for instance, a child has Down syndrome or some other defect, then it should not be the case that a child is murdered by an abortion. I am against letting situations like that happen.

**Skórzyński:** I am familiar with your views, Mister President.

**Duda:** Ah, there you go. And because I am not only Andrzej Duda, a man of his own opinions, but I am also the President of the Republic of Poland chosen by the Polish society...

**Skórzyński:** You are also the President of those people who did not vote for you.

**Duda:** ...I prepared a project that is not consistent with my personal views. I proposed that project because I thought that the President of the Republic of Poland should do precisely that. I presented this project also to show those women who had been afraid that there is going to be no [health] care, or that their lives will be in danger, or that their health will be at risk, I wanted to show these women – it is not the case that no one is thinking about you, ladies. Do not be afraid, the finger is on the pulse, and hence I submitted the project.

**Skórzyński:** Do you want the project to be proceeded? Because it might be a good moment to address the politicians of Law and Justice.

**Duda:** The decision, as I said, belongs to the Polish parliament. This is where the politicians will decide on the matter. It is a question of their responsibility, it is a question of their conscience, it is a question of their worldview, and also a question of the Republic's future.

**Skórzyński:** In your opinion, Mister President... Since you mentioned the intense emotions in the streets, in the society, that have been ignited by this ruling, as it was to be expected, was it not? What is your opinion on the actions taken by the police against the persons who had been protesting? Or even on the activities of the police today, when teenagers are being dragged from police station to police station for attending the Women's Strike, for encouraging others to take part in the Women's Strike. Is that okay?

**Duda:** I have to tell you that I think our police are behaving in an extremely professional way. Please notice that nobody has been killed in any intervention in our country. In France, in the United States nobody is surprised...

**Skórzyński:** With all due respect, Mister President, I do not think that the police not killing anyone is an argument for positively evaluating their actions.

**Duda:** It should be an argument for positively evaluating police actions because the task of the police is to maintain order. And the police are doing their task. If they are doing it in a way that leads to no casualties, then they are doing it exemplarily.

**Skórzyński:** Mister President, not far away from here, on [Warsaw] Insurgents Square, on one day of the protests, Dantean scenes

happened when police officers without uniforms were pulling people out of the crowd and treating them really brutally. Is this the reaction you would like to see from the country's armed forces, the police being one of them after all?

**Duda:** The police acted professionally, and it is their duty to sometimes act very firmly, especially when it comes to persons who are causing disturbance and danger. Let us be frank here. This is also happening for the sake of their [the protester's] own safety, to keep them out of such places, to defuse the emotions, to make them leave such places.

**Skórzyński:** And what about female deputies who, while holding their deputy IDs, get shot in the face with tear gas – I am sorry for speaking colloquially, but is this something that really should be evaluated in a positive way?

**Duda:** One should never evaluate such situations in a positive way. But we know very well that, as they say, you can't make an omelet without breaking some eggs. And, sadly, if somebody gets inside this kind of a mosh pit where violent things are happening, where emotions are present, where there is physical violence, then a situation like that can happen too. Luckily, nobody got seriously hurt. This also shows the professionalism of our police.

**Skórzyński:** Mister President, to change the subject and to approach the end of this conversation, even though I have five hundred more questions, but I cannot possibly...

**Duda:** Please look at how the police react in France, how rough they act there. We have seen numerous TV images of suppressing the protests of the yellow vests.

**Skórzyński:** We know that. I am a Pole, and we are talking about the police in Poland.

**Duda:** I think that our police are acting in a very professional and extremely responsible manner.

*The interview ends on a non-political note when Krzysztof Skórzyński and President Duda speak about Henryk Chmielewski (1923–2021) aka Papcio Chmiel, a well-known Polish comic book artist who died the previous night.*



PART THREE

VOICES OF SCHOLARS



## CHAPTER FOURTEEN

# The Fight for Women's Rights Continues: Protests Against Abortion Restrictions in Poland

*By Karolina M. Gilas*

*Universidad Nacional Autónoma de México*

Looking at Poland from distant Mexico is striking. Mexico is a complex society, deeply unequal, with high levels of violence (both criminal and against women) and a populist government that frequently raises suspicions about its commitment to democratic ideals. However, Mexico has adopted gender parity in candidacies (2014) and in elected and government positions (2019 Constitutional amendment). Since 2018, it achieved balance in gender integration of legislatures; after the recent 2021 elections, there is the same number of female and male representatives in the Chamber of Deputies. Also, more women than men hold seats in state's Congresses.

Moreover, in September 2021, the Mexican Supreme Court issued two critical rulings on women's reproductive rights. In the country where 28 states established criminal penalties for voluntary abortion and allowed it only under particular circumstances (rape, non-viability of the fetus, danger to the woman's life)<sup>1</sup>, the Supreme Court declared it is unconstitutional to criminalize abortion (September 7, 2021, unconstitutionality ruling 148/2017).

Two weeks later, the Court ruled on conscientious objection in health care. The decision (September 20, 2021, unconstitutionality ruling 54/2018) stated the federal entities could not establish definitions of this nature since this power belongs exclusively to the

<sup>1</sup> Only four states (Mexico City, Oaxaca, Veracruz, and Hidalgo) recognized the right to free termination of pregnancy before the Court's ruling.

Federation. The Court ordered the Federal Congress to adopt a law that set the conditions and modalities so that conscientious objection of health professionals does not interfere with the duties of availability in health matters, especially with women's human rights and the right to free termination of pregnancy.

The Mexican Supreme Court and other institutions, at times, take more liberal positions than the society-at-large<sup>2</sup>. From this perspective, Poland is a sad, clear, and brutal reminder that any advancement is fragile and under siege. Even the "compromise" adopted in 1993 that allowed for minimal access of Polish women to legal abortion<sup>3</sup> was too much for an undemocratic, populist, right-wing, and nationalist government. In Mexico, as it is in Poland, the fight for women's rights is far from over.

Since 1993, there were at least four legislative intents to ban abortion in Poland (Majewska, 2018; Hussein et al., 2018); in the most recent case, in April 2020, the Sejm discussed a citizens' initiative that proposed to further restrict legal access to abortion (Podgórska, 2020). A few months later, in October 2020, the Polish Constitutional Tribunal issued a ruling on a query pending since 2019 whether the 1993 "compromise," especially the rule that allowed for abortion in case of fetal impairment, was valid under the Constitution that "ensure[s] the legal protection of the life of every human being" (Article 38).

The Tribunal's decision, issued on October 22, banned abortion in case of fetal impairment, stating that "legalization of the termination of pregnancy, when prenatal tests or other medical indications point to a high probability of severe and irreversible fetal impairment or an incurable disease threatening its life, has no constitutional justification" (K 1/20).

This decision raised substantial doubts about its validity (Pichlak, 2020) and triggered massive protests around the country. Polish

<sup>2</sup> Mexican society is strongly divided on abortion: 53% considers that women should have a right to the free termination of pregnancy and 45% is against (Moreno, 2021). On the other hand, 87% strongly believes that men and women should have equal opportunities to participate in all areas of government and only 5% that men are better leaders than women (INEGI, 2020).

<sup>3</sup> Under the 1993 law, abortion in Poland was allowed only in cases of: 1) serious threat to the life or health of the pregnant person, 2) rape or incest, and 3) serious and irreversible damage to the fetus as confirmed by prenatal tests.

women organized against the Tribunal and the government, demanding full respect for their autonomy and the right to decide whether and when to have children. They protested fiercely on streets and plazas, in front of churches and public buildings, in rain and snow, in the biggest protests since the democratic transition. Protesters were of all ages, along with their friends, sisters, mothers, and grandmothers. Often, they were accompanied by their male friends, boyfriends, brothers, and fathers who do not share the traditional vision of society that subjugates women. The marchers included also non-binary individuals, transgender persons, gays, lesbians, and many other people who identify as belonging to the LGBTQ+ community. The diversity of protesters against the TK ruling stands in stark contrast to the PiS' traditionalist, patriarchal vision of society. The diversity also shows that the fight for women rights is intertwined with the fight for LGBTQ+ rights (Binnie and Klesse, 2012; Graff, 2003).

The protests faced heterogeneous responses from public institutions, political parties, and the international community. The government took a hard line against the protesters, issuing a ban on public gatherings (under the pretext of the pandemic restrictions) and sending police and military forces to pacify the protesters (and “protect the churches, Poland, and patriotism,” “at all costs,” as PiS leader Kaczyński has said). The Polish Ombudsman, together with national and international feminist and human rights organizations, denounced the excessive use of police force against the protesters, the arbitrary detentions, and the difficulties protesters faced in access to lawyers (Amnesty International, 2020). Despite the repressions and pandemics, the protests lasted into 2021.

The outrage and rebellion of Polish women should be understood in a broader context of three social and political phenomena in the last 30 years. The democratic transition did not result in greater equality for Polish women (Bystydzienski, 2001; Heinen, 1992). On the contrary, the complexities of a double transition – political and economic – implied that gender equality, at first, was subsumed within the concerns of economic development and social equality (Buckley, 1997). Therefore, public policies favored single provider (male) household models, encouraging women to limit themselves to family activities (Brush, 1999) and patiently wait for a better time to articulate their demands (Fodor, 2002). Women faced multiple

obstacles when engaging in economic and political activities, especially in terms of labor access, unequal wages, or difficulties in conciliation (Ingham et al., 2001), as new social and economic conditions (high unemployment, longer workdays, limited access to daycare, maternity leave in the absence of paternity leave, etc.) reinforced traditional role models and women's responsibility for carrying out caregiving tasks (Desperak, 2013; Borchorst and Siim, 2002; Koven and Michels, 1993).<sup>4</sup>

At the same time, Poland experienced a resurgence of family values, Catholicism, and nationalism (Einhorn, 1991), which were intended to replace communist ideology. The actions of religious and conservative political groups began to shape and limit reproductive practices and sexuality through legislation (Gal and Kligman, 2000), reestablishing an essentialist view of women and their role in society (Desperak, 2013; Funk and Mueller, 1993).

Second, political representation proved insufficient or incapable of articulating and materializing women's demands for gender equality in various spheres, including equal access to decision-making spaces, or reproductive rights, which conservative groups contested over the last decades. Although Polish women participated extensively in opposition organizations, they did not necessarily succeed in articulating a gender agenda (Jancar 1985; Caldeira 1990; Feijoó 1989). The struggle for equality was subsumed in the struggle for democracy. It was hoped that with the arrival of democracy, spaces would open up for the articulation and materialization of feminist demands. As a result, despite having contributed significantly to the struggle against the authoritarian regime, women had little impact on the transition processes (Waylen 2007, 2003; Bystydzinski, 2001).

<sup>4</sup> Among determinants of inequalities on labor market in post-transitional Poland, Łobodzińska (2000) mentions: selecting types of education allowing women to combine full-time employment with family responsibilities; hiring practices giving priority to male workers, inherited from the pre-1989 linkage between executive positions and political party; legislation "protecting" women from hard work; stereotypes of women's alleged lack of leadership and organizational talents, flaws in inventiveness and technical skills, ineptitude in meeting challenges, incompetence in solving conflicts, inability to cope with stress; and insufficient statistical reporting in regard to the developing free market and gender-related division of the workforce.

After the transformation, many women opted out of politics and turned toward other areas of influence, like newspapers and non-governmental organizations (Fuszara, 2005, 2019). Although many women's and feminist organizations surged in 1990 and 2000, their impact on politics and policies was limited, as they experienced "backlash *before* feminism" (Graff, 2003: 104),<sup>5</sup> facing blatant resistance from the Catholic Church and conservative political forces and movements. Their presence in legislative and executive branches was also limited, and, therefore, women's interests have not been "well represented" through institutional politics (Fuszara, 2019). Later on, Poland's EU accession raised high hopes of women's rights advancement, but their demands once again were silenced and left unattended (Graff, 2003).

The dissatisfaction with institutional representation channels led to the emergence of *Strajk Kobiet*, a grassroots feminist organization established in 2016, who have been dissatisfied and disappointed with the functioning of democratic institutions and called for nationwide protests. The weakness of women's substantive representation brought women to the streets in these "Black Protests" of Fall 2016, mobilizing them against the attempt to restrict access to abortion and leading them to exercise representation and articulate their voice in extra-institutional spaces (Gwiazda, 2019; Król and Pustułka, 2018).

The recent events are one more reflection of the process of de-democratization orchestrated by Law and Justice since the party came to power in 2015. As in other countries (Hungary, Croatia, Russia, the United States, or Brazil), the coming to power of populist forces implied the restriction of women's rights. The populist right wing is openly against women's rights (Kantola and Lombardo, 2019) and uses various institutional avenues to achieve the return of a traditional society in which women patiently and silently fulfill their roles as

<sup>5</sup> Graff (2003: 105) explains double rhetoric behind the rejection of feminist agenda: "The Polish version of backlash rhetoric relies on a blatant contradiction. Our culture is said to be unique for two mutually exclusive reasons: women's rights are a luxury we cannot afford, and we have no need for women's rights, because we live in a patriarchy. The two statements clearly cannot both be true, and yet many people – including politicians, journalists, and intellectuals – appear to entertain them simultaneously. It is an ideology which both obscures and justifies the fact of inequality, while asserting a vague sense of national pride in the face of an equally vague external threat."

mothers and caregivers. The destruction of democratic institutions and the capture of the judiciary is a crucial strategy for constructing the new state and, as evidenced by the Polish case, for the containment of women's rights.

The future does not look bright for the struggle for women's rights in Poland. Democratic erosion weakens institutional mechanisms, while the authoritarian government ignores citizens' demands and imposes a traditional vision of the society, where women belong to the private sphere and contribute to the Nation by giving birth to faithful and Catholic Poles.

Today, as it was in the past, the feminist struggle is strongly linked to the fight for the re-establishment of full democracy. The democratic transition failed Polish women in many ways. It failed to guarantee their rights and equal participation in decision-making. It did not transform gender relations into more equal ones. However, the autocratic regression poses a major threat to women's rights as it reverses the modest gains achieved over the past decades. Polish women must fight for democracy, again, and once again hope that when democracy wins, feminism wins. For this to happen, they will have to fight to establish a parity democracy that recognizes their voices and realizes their demands for full equality.

## REFERENCES

- Amnesty International. 2020. "Poland: Authorities must protect peaceful protests against abortion restrictions." October 29, 2020. <https://www.amnesty.org/en/latest/press-release/2020/10/poland-authorities-must-protect-peaceful-protests-against-abortion-restrictions/>
- Binnie, Jon, and Christian Klesse. 2012. "Solidarities and Tensions: Feminism and Transnational LGBTQ Politics in Poland." *European Journal of Women's Studies* 19 (4): 444–59.
- Borchorst, Anette, y Birte Siim. 2002. "The women-friendly welfare states revisited." *NORA – Nordic Journal of Feminist and Gender Research* 10 (2): 90–98.
- Brush, Lisa D. 1999. "Gender, Work, Who Cares?! Production, Reproduction, Deindustrialization, and Business as Usual." In *Revisoning Gender*, edited by Beth Hess, Myra Marx Ferree y Judith Lorber, 161–189. Thousand Oaks: Sage.
- Buckley, Mary. 1997. *Post-Soviet Women: From the Baltic to Central Asia*. Cambridge: Cambridge University Press.

- Bystydziński, Jill M. 2001. "The feminist movement in Poland: Why so slow?" *Women's Studies International Forum* 24(5): 501-511.
- Desperak, Izabela. 2013. *Plać zmiany. Zjawisko transformacji w Polsce z perspektywy gender*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
- Einhorn, Barbara. 1991. "Where Have All the Women Gone? Women and the Women's Movement in East Central Europe." *Feminist Review* 39: 6-34.
- Fodor, Eva. 2002. "Gender and the experience of poverty in Eastern Europe and Russia after 1989." *Communist and Post-Communist Studies* 35: 369-382.
- Funk, Nanette, and Magda Mueller, eds. 1993. *Gender Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union*. Nueva York: Routledge.
- Fuszara, Małgorzata. 2019. "Poland: Regime Transformation and Women's Political Representation." In *The Palgrave Handbook of Women's Political Rights*, edited by Susan Franceschet, Mona Lena Krook y Netina Tan, 689-698. Londres: Palgrave Macmillan.
- Fuszara, Małgorzata. 2005. "Between Feminism and the Catholic Church: The Women's Movement in Poland." *Sociologický časopis / Czech Sociological Review* 41 (6):1057-1075.
- Gal, Susan, y Gail Kligman. 2000. *Politics of gender after socialism: A comparative historical essay*. Princeton: Princeton University Press.
- Graff, Agnieszka. 2003. "Lost between the waves? The paradoxes of feminist chronology and activism in contemporary Poland." *Journal of International Women's Studies* 4(2): 100-116.
- Gwiazda, Anna. 2019. "The Substantive Representation of Women in Poland." *Politics & Gender* 15 (2): 262-284.
- Heinen, Jacqueline. 1992. "Polish Democracy is a Masculine Democracy." *Women's Studies International Forum* 15 (1): 129-138.
- Hussein, Julia, Jane Cottingham, Wanda Nowicka, and Eszter Kismodi. 2018. "Abortion in Poland: politics, progression and regression." *Reproductive Health Matters*, 26 (52): 11-14, DOI: 10.1080/09688080.2018.1467361
- INEGI. 2020. *Encuesta Nacional de Cultura Cívica*. Instituto Nacional de Estadística y Geografía. <https://www.inegi.org.mx/programas/encuci/2020/>
- Ingham, Mike, Hilary Ingham, and Henryk Domański, eds. 2001. *Women on the Polish labor market*. Budapest: Central European University Press.
- Kantola, Johanna, and Emanuela Lombardo. 2019. "Populism and feminist politics: The cases of Finland and Spain." *European Journal of Political Research* 58: 1108-1128. doi: 10.1111/1475-6765.12333
- Koven, Seth y Sonya Michel, eds. 1993. *Mothers of a New World*. London: Routledge.
- Król, Agnieszka, and Paula Pustułka. 2018. "Women on strike: mobilizing against reproductive injustice in Poland." *International Feminist Journal of Politics* 20 (3): 366-384, DOI: 10.1080/14616742.2018.1460214
- Łobodzińska, Barbara. 2000. "Polish women's gender-segregated education and employment." *Women's Studies International Forum* 23 (1): 49-71.

- Majewska Ewa. 2018. *Kontrpubliczności ludowe i feministyczne. Wczesna „Solidarność” i Czarne Protesty*. Warszawa: Książka i Prasa.
- Moreno, Alejandro. 2021. “Derecho al aborto divide al país: 53% en contra; 45% a favor.” *El Financiero*. September, 8, <https://www.elfinanciero.com.mx/nacional/2021/09/08/derecho-al-aborto-divide-al-pais-53-en-contra-45-a-favor/>
- Pichlak, Maciej. 2020. “Abortion, Constitution and the Role of Constitutional Court: Lessons from Poland.” *Constitutionalism and Politics EUI Working Group Blog*, <https://blogs.eui.eu/>
- Podgórska, Janina. 2020. “W szczycie pandemii Sejm zajmie się projektem Kai Godek.” *Polityka*. April 7, 2021. <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/1951894,1,w-szczycie-pandemii-sejm-zajmie-sie-projektem-kai-godek.read>
- Szczygieł, Przemysław. 2019. “Mężczyźni uczestniczący w czarnych protestach w Polsce. Ujęcie andragogiczne.” *Rocznik Andragogiczny* 26: 33-50. doi:<http://dx.doi.org/10.12775/RA.2019.002>
- Waylen, Georgina. 2003. “Gender and Transitions: What do we Know?” *Democratization* 10 (1): 157-178.
- Waylen, Georgina. 2007. *Engendering transitions: Women’s mobilization, institutions, and gender outcomes*. Oxford: Oxford University Press.
- Żuk, Piotr, and Paweł Żuk. 2017. “Women’s health as an ideological and political issue: Restricting the right to abortion, access to in vitro fertilization procedures, and prenatal testing in Poland.” *Health Care for Women International* 38 (7): 689-704.

## CHAPTER FIFTEEN

# From Anguish to Anger: Struggle for Women's Reproductive Rights in Poland

*By Elżbieta Korolczuk*

*Södertörn University*

Mass mobilization of Polish women prevented the introduction of a blanket ban on abortion in 2016, but even then it was clear to all that the struggle for women's reproductive rights is far from over (Korolczuk et al 2019). In mid-April 2020, amid rising concerns over health, security, and economic survival on a global scale, the Polish government decided to discuss two controversial citizens' legal proposals related to reproduction and sexuality. The first proposal aimed to tighten abortion laws even further. Poland has already banned the termination of pregnancy, except for cases of rape, incest, danger to the woman's health, and serious irreversible malformation of the fetus. It was the last exception that the new law aimed to eradicate. The diagnosis of birth defects had been the justification for the vast majority of the 1,000 or so legal terminations taking place in the country each year, thus the proposed bill would almost completely end lawful abortions.<sup>1</sup> The second piece of legislation that was debated in Polish parliament at the same time was the citizens' project "Stop pedophilia." If passed, it would introduce a penalty of

<sup>1</sup> According to official statistics published by the Ministry of Health, 1,110 abortions were performed in Polish hospitals in 2019, including 1,074 due to severe and irreversible damage to the fetus. However, according to the Federation for Women and Family Planning, one of the oldest and most prominent pro-choice organizations in Poland, almost 90% of public facilities do not provide access to abortion due to conscience clause and lack of trained personnel (Federation, 2020).

up to 5 years of prison for individuals who “encourage youth to start sexual life.” While the initiators stated that their goal was to protect children from sexual abuse, in practice the law targeted sex educators and anti-discriminatory workers, who – according to ultraconservative activists – use sex education to “groom” and familiarize children with homosexuality in order to turn them into gays and lesbians.

After a turbulent debate both bills were sent to parliamentary commissions for further work, but President Andrzej Duda already declared that he would sign a law that introduces further restrictions on abortion if it reached his desk. He didn't have to. The final blow to women's reproductive rights came from the judiciary. In October the same year, the Constitutional Tribunal issued a ruling stating that abortion due to fetal defects is unconstitutional. The Law and Justice party shun political responsibility for this decision, hoping that the restrictions related to Covid-19 pandemic would prevent mass protests. That this decision was made by the court rather than the parliament is symptomatic to a broader trend towards reducing complex societal issues to legal debates, and using legislative powers to curtail the rights of women and minorities (Gliszczyńska-Grabias and Sadurski 2021). Since 2015, the government has continued its attacks on the judiciary, aiming to curtail the independence of judges and prosecutors. These attacks have included not only problematic judicial reforms, but also smear campaigns and the prosecution of representatives of judiciary, who spoke up against the changes (Human Rights Watch 2020, Szuleka 2017).

Those developments are a continuation of decade-long global anti-gender campaigns that include: opposition to the ratification of the Istanbul Convention and to the implementation of gender mainstreaming in national and transnational regulations, fervent efforts to limit access to contraception, abortion, and sex education, and serious assaults on LGBTQ+ rights and reproductive technologies (Buss and Herman 2003, Case 2011, Duda 2016, Graff and Korolczuk 2021). Poland's case may seem extreme given the strength of the local Catholic Church and the legacy of gendered nationalism, but struggles concerning gender equality and sexual democracy are equally intense in many other contexts (Kuhar and Paternotte 2017). Using Covid-19 to curtail women's reproductive rights and to stifle dissent is not a Polish specificity either. In the US, Republican

governors of six states – Indiana, Iowa, Mississippi, Ohio, Oklahoma, and Texas – took advantage of the pandemic and issued orders prohibiting abortion, with an exception to protect the life or health of the woman, under the pretense that this move will help saving necessary resources, such as hospital beds and the time of medical staff, for those in need. The politicians claimed “that medical abortions are not defined as medical emergencies and, thus, are not allowed during coronavirus-related restrictions on medical procedures” (Boyer 2021: 425). This decisions were part of a broader wave of anti-choice activism in the US, making 2021 the worst legislative year ever for abortion rights in the country, according to the Guttmacher Institute (Nash and Nadi 2021).

Preventive measures against the spread of the virus, including full lock-down, made protesting extremely difficult, but many Polish women decided to take a stand against the harmful law proposals submitted by ultraconservative groups, just as they did in 2016 and 2017 (Korolczuk 2019). Even under the shelter-in-place order, people managed to voice dissent, to protest, and to cooperate with others. Already in April, feminist organizations and networks, especially Polish Women's Strike (Ogólnopolski Strajk Kobiet), decided to mobilize people by engaging them in alternative forms of protests, which defied the public-private divide and evoked creative ways to circumvent state imposed restrictions during state socialism. People placed banners and slogans on private balconies and in windows, blocked the centers of major Polish cities in cars, and took part in the small-scale protests, which entailed standing in “queues” at stores located in central squares or in the vicinity of the Polish parliament with banners and flags (Rejczak 2020, Ambroziak, Kubis and Piasecki 2020). Together with Akcja Demokracja (Action Democracy), Polish Women's Strike promoted a campaign of sending emails to the members of parliament to protest the ruling.<sup>2</sup> Individual people and groups produced memes, videos, songs, and artworks, which were later widely shared online. A group of young people – Zuza Karcz, Klaudia Borkowska, and Kacper Parol – initiated a protest action on Twitter and Instagram under the hashtag #falasprzeciwu

<sup>2</sup> [https://dzialaj.akcjademokracja.pl/campaigns/816?fbclid=IwAR2nuT0TGVFkY5Bpev5s\\_8K3k7fO1qxKoHFjDWZdlEhnwSVvFrqG6wPFVc](https://dzialaj.akcjademokracja.pl/campaigns/816?fbclid=IwAR2nuT0TGVFkY5Bpev5s_8K3k7fO1qxKoHFjDWZdlEhnwSVvFrqG6wPFVc)

(#waveofprotest), which successfully mobilized their peers: in the course of days the hashtag generated over 40,000 tweets (Dryjańska 2020). Many participants of this campaign also posted photos with a red zigzag resembling a lightning bolt – the symbol of the protest – to openly express their political views and convictions, and mobilize others.

The ruling of the Constitutional Tribunal was met first with incredulity and anguish, and next with frustration and anger, especially in the case of young people. The demonstrations that erupted after the ruling was announced were the largest mass mobilizations since Solidarity. According to the media, over 100,000 people took to the streets of Warsaw on October 30 (Ambroziak et al 2020). Their emotional undertone was clear. One of the most popular slogans was a simple “Fuck off!” aimed at conservative politicians and the Church hierarchy. Protests organized in front of churches and parishes sent a clear signal that the young generation no longer accepts the symbiotic relationship between the Catholic Church and the state, and that the youth shuns the religious fundamentalism embraced by their grandparents. They also reject gender conservatism and homophobia imposed by the ruling coalition and the anti-gender movement. The overwhelming presence of rainbow flags during protests and the crucial role of queer activists in mobilizing young people reflect not only close cooperation between the women’s movement and the LGBTQ+ community, but the fact that for the new generation issues concerning gender identity and sexuality constitute key markers of their political identification. Contrary to the wishes of Episcopate and the right-wing populists, the broad political agenda which comes under the umbrella of “gender,” including reproductive rights, minority rights and sexual democracy, has become a rallying cry uniting various groups and movements against the power holders.

While the protests could not reverse the ruling, the mass mobilization of 2020 reflected and solidified a seismic shift in the attitudes of the young generation of Poles with regard to the authority of the state and the Church. The representatives of these institutions still have power and control over resources, and voice, but they irretrievably lost authority. Max Weber defined legitimate authority as the use of power or coercion that is considered appropriate by society and rooted in the institutional order either due to tradition or a set of laws

and rules that the rulers and the ruled both see as just. By protesting in front of the churches, using radical language and occasional acts of destruction, including painting graffiti on state- or Church-owned buildings, young people gave voice to the rebellion against the twin powers of the Church and the right-wing populist regime. The state responded with an unprecedented level of violence: during the protests in November 2020 police were using physical force, teargas, and telescopic batons, blocking people's exit from demonstrations and detaining dozens (Tilles 2020). While Weber stressed that the monopoly over the use of violence is one of important prerequisites of modern states, the situation when politicians deploy police or military forces to brutally crush protests, marks the process of de-democratization that Poland currently experiences. Looking at young persons of all genders protesting on the streets, marching together, dancing and shouting "Fuck you!" at right-wing politicians and priests, it appears that the state's brute power – persecution, police brutality and threats (Human Rights Watch 2021) – may stifle the youth's voice for now, but won't stop them from pursuing freedom, solidarity, and equality in the years to come.

## REFERENCES

- Amboziak, Anton, Agata Kubis, and Maciek Piasecki. 2020. "Maseczki Mamy, Ust Nie Zamykamy". *Niezwykły Protest Ostrzegawczy w Centrum Warszawy [ZDJĘCIA]*. OKO.Press, April 14.
- Amboziak, Anton, Maria Pankowska, Dominika Sitnicka, Piotr Pacewicz, Maciek Piasecki, and Agata Szczęśniak. 2020. "100 Tys. Ludzi u Kaczyńskiego. Kibole i Narodowcy Atakowali Marsz Kobiet". OKO.Press, October 30.
- Boyer, Cynthia. 2021. "Abortion Restrictions During a Pandemic at the Intersection of the 13th Amendment and Electoral Legislation." *University of New Hampshire Law Review* 19(2):423–49.
- Buss, Doris and Didi Herman. 2003. *Globalizing Family Values: The Christian Right In International Politics*. University Of Minnesota Press.
- Case, Mary Ann. 2011. After Gender the Destruction of Man-The Vatican's Nightmare Vision of the Gender Agenda for Law. *Pace L. Rev.*, 31, 802.
- Dryjańska, Anna. 2020. "Czas, aby politycy usłyszeli głos młodych". Ta 17-latką stoi za Falą Sprzeciwu wobec projektu Godek." *naTemat.pl*, April 15.
- Duda, Maciej. 2016. *Dogmat płci. Polska wojna z gender*. Gdańsk: Katedra Wydawnictwo Naukowe.

- Federation for Women and Family Planning. 2020. "Annual Report 2020 by Federation for Women and Family Planning."
- Gliszczyńska-Grabias, Aleksandra, and Wojciech Sadurski. 2021. "The Judgment That Wasn't (But Which Nearly Brought Poland to a Standstill): 'Judgment' of the Polish Constitutional Tribunal of 22 October 2020, K1/20." *European Constitutional Law Review* 17(1):130–53. doi: 10.1017/S1574019621000067.
- Graff, Agnieszka, and Elżbieta Korolczuk. 2021. *Anti-Gender Politics in the Populist Moment*. London: Routledge.
- Human Rights Watch. 2021a. *Poland: Escalating Threats to Women Activists*. New York and Washington: Human Rights Watch.
- Human Rights Watch. 2021b. "Poland: Events of 2020." in *World Report 2021*. New York: Human Rights Watch.
- Korolczuk, Elżbieta, Beata Kowalska, Claudia Snochowska-Gonzalez, and Jennifer Ramme. 2019. *Bunt kobiet: czarne protesty i strajki kobiet*. Europejskie Centrum Solidarności.
- Kuhar, Roman, and David Paternotte, eds. 2017. *Anti-Gender Campaigns in Europe: Mobilizing against Equality*. London and New York: Rowman & Littlefield Publishers.
- Nash, Elisabeth, and Sophia Naide. 2021. *State Policy Trends at Midyear 2021: Already the Worst Legislative Year Ever for U.S. Abortion Rights*. New York and Washington: The Guttmacher Institute.
- Rejczak, Martyna. 2020. "Walcz z wirusem, nie z kobietami! Protest przeciw zakazowi aborcji." *gazetapl*, October 21.
- Szuleka, Małgorzata. 2017. *The Situation of the Civil Society Organizations*. Warszawa: Helsińska Fundacja Praw Człowieka.
- Tilles, Daniel. 2020. Clashes at abortion protest in Warsaw as police use tear gas and force against demonstrators. *Notes From Poland*. November 19, 2020. <https://notesfrompoland.com/2020/11/19/clashes-at-abortion-protest-in-warsaw-as-police-use-tear-gas-and-force-against-demonstrators/>

## CHAPTER SIXTEEN

# Tip of the Wave? New Forms of Intersectional Feminist Mobilizations in Poland

*By Magdalena Grabowska*

*Institute of Philosophy and Sociology, Polish Academy of Sciences*

In the Fall of 2020, near-total de-legalization of abortion was to be predicted, given the current political climate in Poland. The conservative government, however, did not expect that the Constitutional Tribunal's decision to further restrict access to legal abortion will trigger massive dissent amongst millions of Poles. The unprecedented wave of social mobilizations around women's and LGBTQ+ rights surprised and confused many, including liberal and left-wing political commentators. Many analysts, sociologists included, who focused on anti-systemic or anti-PiS character of the protests, seemed to be perplexed by the fact that recent mobilizations (among the largest in decades) were centered around "gender and queer justice" framed as political and not "cultural issue." These commentators also refused to see the 2020 protests as feminist protests emerging from a longer history of emancipation struggles in Poland.

Feminist research provides evidence that gender and sexuality are, in fact, a "symbolic glue" that holds together an ongoing political project that has been unfolding in recent years. The war on "gender and LGBTQ+ ideology" has escalated since 2015, when the Law and Justice party first won parliamentary elections, or even since 2012, when the Istanbul Convention was questioned by Jarosław Gowin, then Minister of Justice in the Civic Platform government (Graff and Korolczuk 2017).<sup>1</sup> Similarly, feminist scholars demonstrated that the

<sup>1</sup> Some examples of anti-equality activities included a threat to officially withdraw from the Istanbul Convention, announced by the Polish Minister of

horizon of possibilities for new activist pathways to fight “gender and LGBTQ backlash” was set in 2016, when the Parliament’s attempt to further limit legal abortion was stopped by women’s strikes and mass street demonstrations known as the Black Protests (Król and Pustułka 2018, Majewska 2017).

We now know that the new wave of protests that took place in late 2020 attracted, by far, the most people<sup>2</sup> in the history of modern feminism in Poland. Importantly, demonstrations were organized also in smaller cities, notably in regions known as the ruling party’s political base, such as the northeast region of Podlasie and the south region of Podkarpacie. The 2020 protests were unique in many other ways. First, the resistance to the Tribunal’s ruling was not only massive but also directed at various causes; it was truly intersectional in character.<sup>3</sup> Intersectionality and solidarity emerged as key feminist values already in 2016, during the Black Protests. The 2016 protests took on a form of “connective action” – they were based on scattered but connected mobilizations (on the streets and online) that were not rooted in a unified “feminist identity” (e.g. Korolczuk et. al 2018, Król and Pustułka 2018). These new forms of “being a feminist” gave participants a sense of belonging regardless of their previous affiliations and convinced them that feminism is for everybody, including for “ordinary women” (Ramme and Snochowska-Gonzalez 2018). While building on the experience of the Black Protests, the 2020 mobilizations went a step further. At the discursive level, they managed to overcome the hegemony of two dominant ways of articulating gender justice demands in Poland: liberal feminism, which continuously represents Eastern European feminisms as delayed in

Justice Zbigniew Ziobro in July 2020, and President Andrzej Duda’s famous statement that LGBTQ+ is “ideology not people” made during his campaign for reelection in the summer of 2020. The government’s actions become more severe with time, leading to the police attack on and the arrest of LGBTQ+ activists in Warsaw in August 2020. As of late June 2020, approximately 100 Polish municipalities adopted resolutions declaring themselves “LGBT-free zones.”

<sup>2</sup> On October 26, 2020, police noted that 350 gatherings against the Tribunal’s ruling took place all over the country. The biggest gathering took place on October 30, when over 100,000 people participated in the “blockade of Warsaw.”

<sup>3</sup> It is worth remembering that one of the main slogans of the protesters, “You will never walk alone,” referred directly to the arrest of LGBTQ+ activist Margot (from the anarcho-queer *Stop Bzdurom* collective) earlier during the year.

comparison with the West, and femonationalism, which co-opts and appropriates feminist demands to exclude trans persons, migrants, ethnic and religious minorities, and restricts access of certain groups to political participation, decision-making, and social life (Farris 2017). They also attempted to destabilize hegemonic feminist narratives that centered on women as the only subjects of reproductive policies and feminist struggles. While making a case for fighting internal queer- and transphobia within the movement, these new formations continuously relied on a set of new feminist values, including “radical empathy,” “responsibility,” and “care.” At the level of practices, these mobilizations instantiated an ongoing shift away from “pedagogical,” top-down feminism towards activist connectivity between diverse social struggles – through networking, active involvement, and active learning about various engagements (e.g. environmental activism, urban activism, rural or older women’s activism, LGBTQ+ movement), particularly at the local level.

Second, a massive, collective, and overwhelming sense of women’s fury that can be perhaps compared to what we know from the #metoo movement (Grabowska and Rawłuszko 2020) drove the protests. Recent mobilizations are examples of activism that arise from an intense emotional experience, an affective response; a vivid sense that “something is wrong” (Ahmed 2017). They thus represent a case of “politics of emotions” that has the ability to transform the seemingly private into the publicly debated (Ahmed 2004). Anger, fury, and outright rage were manifested in protest slogans, including the two best-known ones: “Get the fuck out” (“Wypierdalać”), and “Fuck PiS” (often transcribed in censored format as \*\*\*\*\* \*\*\* which stands for “Jebać PiS”). The strategy of “radical rudeness” that used public insult and introduced “subversive vulgarity” to mainstream debates in order to challenge patriarchal structures of power (Nyanzi 2013, Iwasiów 2021) brought unexpected results. As the writer and academic Inga Iwasiów put it: “The moment we started to be vulgar, the other side started to listen.”<sup>4</sup> Indeed, the political debate in Poland shifted almost overnight; women’s groups, such as All-Poland Women’s Strike (the co-organizer of the protests, demanding full abortion rights, and

<sup>4</sup> <https://www.tokfm.pl/Tokfm/7,103087,26451380,prof-iwasiow-odkad-uzywamy-wulgaryzmow-to-druga-strona-zaczela.html>

the leader of the Consultative Council, created in November 2020 to systematize protest demands in areas of women's and LGBTQ+ rights, labor rights, the separation of Church and state, and judicial independence, among others)<sup>5</sup> and Abortion Dream Team<sup>6</sup> (informal referral collective that helps to manage abortion at home by providing access to information and services), previously deemed “too radical” even by some feminists, became proper partners in mainstream political debates and drew the attention of media outlets. As a result, the major oppositional party Civic Platform changed their position on legal abortion, and now advocates for changes to the law to allow abortion on demand under certain conditions.<sup>7</sup>

But it was the massive mobilization and determination of youth that allowed for the protests to last for weeks. The persistence of young protesters was a surprise since this age group is often deemed apolitical and disengaged. For the younger generation of demonstrators – members of queer groups, climate justice activists, and others – intersectionality seemed to be a self-evident and obvious matter, both as a strategy that developed together with activist trajectories and as a consequence of the necessity to fight various forms of oppression. Young people also seem to be immune and indifferent to the castigating rhetoric of threat and fear expressed by the Minister of Education Przemysław Czarnek who warned that students and teachers might be prosecuted for taking part in the protests. The young protesters' determination and persistence was a novelty and it made everybody think. For the ruling party, it might have been a bitter lesson on how much their educational methods and nationalistic rhetoric have worn off, and how very out of touch they are when it comes to young people – their future potential electorate. The extent of social protests might also suggest that the right-wing narrative – that LGBTQ+ and women's rights are an “outside ideology” and thus are an attack on Polish “traditional values” – has reached its limits. For the liberal opposition and commentators who persistently cast LGBTQ+ rights and abortion issues as marginal “cultural” affairs, the new wave of

<sup>5</sup> <https://www.facebook.com/ogolnopolskistrajkkobiet/>

<sup>6</sup> <https://aborcyjnydreamteam.pl/>, <https://www.facebook.com/aborcyjnydreamteam/>

<sup>7</sup> <https://www.reuters.com/article/us-poland-abortion-civicplatform-idUSKBN2AI24K>

protests, their slogans, and their aesthetic should be a clear signal that the strategy of “little steps” in the area of basic human rights in Poland is simply outdated.

While the massive wave of street protests came to its natural end once the Tribunal’s ruling came into force on January 27, 2021, the long term results of these mobilizations are yet to be seen. What these protests teach us as scholars is that centering on the institutions as crucial actors of political processes often leads to misunderstanding the role that social movements play in shaping historical political events through mobilizations and protests. Mainstream literature on democratization processes in Poland usually focuses on institutional critical junctures, i.e. defining moments of fracture that pave new paths, and patterns of “doing democracy” without paying much attention to the citizens’ struggles that accompany them. Importantly, the omission of social movements’ role in struggles for democracy often correlates with almost complete disregard of the impact that mobilizations of marginalized social groups have on the shape of grand political processes. Incorporating social movement protests into the debate on democratization, examining their capacity to trigger contentious and subversive political practices and leading the social change requires paying close attention to how momentous social mobilizations suddenly begin (or “crack”), how they reproduce through repetition, and how they create a long-lasting legacy, memory, and sometimes also institutional change (DellaPorta 2018). Shifting the focus away from institutions and towards social mobilizations can help us see movements such as feminism as crucial actors who build political responses to the democratic backsliding (Dimitrova 2018) and push forward re-democratization processes (Verloo 2018).

The 2020-2021 mobilizations against the Constitutional Tribunal ruling were, without a doubt, momentous. These protests provided a space for experimental politics, for testing new tactics, and new practices of collective action. They made claims for greater inclusiveness in the political process, and challenged normalized social and political structures by building a link between social movements and institutional representative democracy. Even more importantly, through an emphasis on democracy within their own structures – and by developing open, horizontal, and egalitarian organizational structures – they supported the re-democratization processes outside of

institutional politics. Emerging new activist studies demonstrate that these mobilizations are a part of a broader process of dislodging existing patterns of social justice activism in Poland (Grabowska and Rawłuszko 2021), within a new paradigm of “everyday intersectional feminism, and queer activism” that emerges far from coordinated campaigns, feminist elites, and sometimes even afar from the feminist movement as such (Grabowska and Rawłuszko 2021).

Practical feminism – carried out by a number of local groups, organizations, and collectives – focuses on particular problems of communities. It is practiced in private or semi-public spaces by “ordinary people,” it is a device to reach out to the immediate community and to re-organize a specific aspect of their ordinary practices (Ahmed 2017, Mansbridge 2013). While these tasks may seem mundane and limited in scope, “everyday activists” are aware that, by being in tune with everyday struggles of various groups, they can tailor their actions to the multilayered and complex social reality in which violence, exclusion, and inequality prevail. Central to these new struggles are thus grand issues related to bodily autonomy, reproductive justice, care, and economy. These struggles also center on fundamental questions about what is defined as woman-ness in a context in which women/persons marginalized on the basis of ethnicity, gender, and physical and intellectual ability have been excluded from the conversation. New activist formations understand radical solidarity as a way of connecting and communicating across differences and from the bottom up. Intersectional at its core, radical solidarity allows feminist and queer activists to ultimately fight physical, institutional, and symbolic oppression of various marginalized groups.

## REFERENCES

- Ahmed S. (2004). *The Cultural Politics of Emotion*, Edinburgh: Edinburgh University Press.
- Ahmed S. (2017). *Living a Feminist Life*. Durham, NC: Duke University Press.
- Dimitrova A.L. (2018) “The uncertain road to sustainable democracy: elite coalitions, citizen protests and the prospects of democracy in Central and Eastern Europe”. *East European Politics*, 34:3, 257–275.
- Farris, Sara R. (2017). *In the Name of Women’s Rights: The Rise of Femonationalism*. Durham, NC: Duke University Press.

- Grabowska M. (2018). *Zerwana genealogia. Działalność społeczna i polityczna kobiet po 1945 r. a współczesny ruch kobiecy*, Warszawa: Wydawnictwo Naukowe Scholar.
- Grabowska, M. and Rawłuszko, M. (2020) „Polish #MeToo: When concern for men’s rights derails the women’s revolution.” In: Ch. Gitti, Erlingsdóttir, I. (ed.) *The Routledge Handbook of the Politics of the #MeToo Movement*, New York, London: Routledge, 284–302.
- Graff, A. and E. Korolczuk. (2017). “Gender as ‘Ebola from Brussels’: The Anticolonial Frame and the Rise of Illiberal Populism.” *Signs: Journal of Women in Culture and Society* 43 (4): 797–821.
- Iwasów, I. (2021). „Słowa oporu – wulgaryzmy wywrotowe.” In: P. Kosiewski, ed. *Język rewolucji*, Warszawa: Fundacja Batorego, 19–21.
- Korolczuk, E., B. Kowalska, J. Ramme, C. Snochowska-Gonzalez, eds. (2018). *Bunt kobiet. Czarne Protesty i Strajki Kobiet*, Gdańsk: ECS.
- Korolczuk E. (2016). „Bunt kobiet AD 2016: skąd się wziął i czego nas uczy?” In: A. Czarnacka, ed. *Przebudzona rewolucja, Prawa reprodukcyjne kobiet w Polsce. Raport 2016*, Warszawa: Fundacja Izabelli Jarugi-Nowackiej.
- Król A., Pustułka P. (2018). „Women on strike: mobilizing against reproductive injustice in Poland. *International Feminist Journal of Politics*, 20 (3): 1–19.
- Mansbridge, J. (2013). “Everyday Activism.”, In: David A. Snow, Donatella Della Porta, Bert Klandermans and Doug McAdam, eds. *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, Hoboken, NJ: Wiley-Blackwell, 437–39.
- Nyanzi, S. (2013). “Dismantling reified African culture through localised homosexualities in Uganda.” *Culture, Health & Sexuality*. 15 (8): 952–967.
- Ramme, J. I. C. Snochowska-Gonzalez (2018). „Nie/zwykłe kobiety. Populizm prawicy, wola ludu a kobiecy suweren.” In: Korolczuk, E., B. Kowalska, J. Ramme, C. Snochowska-Gonzalez, eds. (2018). *Bunt kobiet. Czarne Protesty i Strajki Kobiet*, Kraków: ECS, 83–117.
- Verloo, Mieke. 2018 (Ed.) *Varieties of Opposition to Gender Equality in Europe*. New York: Routledge.

## CHAPTER SEVENTEEN

# The 2020 Protests and the Lord-Boor Division in Poland: Intricacies of Challenging the Roman Catholic Church

*By Dorota Hall*

*Institute of Philosophy and Sociology, Polish Academy of Sciences*

On the fourth day of protests, young girls of Szczecinek, a town of 40,000 inhabitants in northwestern Poland, surrounded a local priest and shouted: “Show your uterus,” “Go back to your church,” and “Fuck off somewhere else.” The recording of this confrontation appeared on various TV channels and was widely shared on social media. The demonstrators’ supporters, along with protesters from large cities, were in praise that an anti-clerical, strike-related reaction had reached a small town. Opponents highlighted the vulgarity of the insult directed at a priest and the danger of “gender ideology” that is capable of inciting anti-Church protests beyond metropolitan centers.

It was the Constitutional Tribunal – a judicial organ now controlled by the ruling party Law and Justice – that issued the verdict which tightened the abortion law. Still, the protesters had good reasons to confront not only the Tribunal’s judges and the politicians, but also the Roman Catholic Church (RCC). The “Show your uterus” slogan, as used in Szczecinek, was meant to delegitimize this highly patriarchal institution, together with its attempts to control female bodies and its long-standing promotion of the total ban on abortion. The attack on the Church was an expression of dissent against the excessive influence that RCC’s officials had on the policymakers in the past and in recent times. Under the pressure from the RCC, since 1993 access to abortion had been severely limited by law (Grzymała-Busse 2015). The 2020 restrictions had a lot to do with the continued vitality of the

Church-state alliance. When the women from Szczecinek told the local priest to go back to his church, their voices expressed a decisive objection to such a status quo.

For the last thirty years, the tight connection between the Roman Catholic religion and the Polish nation has been a crucial component of the right-wing political articulation. The religion-nation cluster has been confronted by cosmopolitan liberals who readily ridicule the backwardness and parochial irrelevance of right-wing actors. Struggles between the two political formations have drawn on the lord vs. boor division [in Polish: *pan vs. cham*]. Typical for Poland, this post-feudal binary provides civic frameworks, establishing a division between good and bad citizens (Zarycki, Smoczyński, and Warczok 2021). In the course of the 20<sup>th</sup> century, the “lord” figure, earlier associated with the presence, and then the decline, of the landed gentry, became associated with “intelligentsia,” that is, a separate social class characteristic for Central and Eastern Europe. Meanwhile, the “boor” part of the dichotomy was used by intelligentsia members as a discursive tool that delegitimized the rival visions of proper citizenship. The figure of the boor also retained its previous connections with those from the lower social strata who had little civic and other forms of education. During the post-communist economic transformation, the lord-boor distinction manifested itself as a division between entrepreneurial individuals and those presumably incapable of taking advantage of the “free market” model. Other oppositions followed: pro-European vs. nationalist and xenophobic, open-minded vs. closed-minded, metropolitan vs. rural, secular vs. religious, rational vs. superstitious (Buchowski 2006). The paternalistic approach of the “intelligentsia” to the “people” and an attitude of moral superiority have been adopted by the emerging upper middle class composed of managers, bureaucrats, and other winners of the systemic change who represented the pro-European liberal standpoint in political struggles. The liberals enjoyed a particularly strong position in the political field of the Polish semi-periphery due to their commitment to neoliberal ideals that prevailed in the Western core. Hence it was them who managed to impose the definitions of the lord and the boor as dominant.

In recent years, the right wing has been empowered by international developments resulting from the 2008 economic crisis: the

dismissal of neoliberal projects and the enhancement of populist discourses. The right-wing populists' fight with liberal and cosmopolitan "elites" has grown in support, significant enough to ensure the electoral success, in 2015 and 2019, of the Law and Justice party. Under their rule, that which the liberals reproached as backward or "boorish" has translated into claims made from a position of power. The ruling politicians exposed their commitment to the image of the nation laced with Roman Catholic religion, underpinned by fantasies of Poland as the bulwark of Christendom. "A hand raised against the Church is a hand raised against Poland" – Jarosław Kaczyński, leader of Law and Justice, authoritatively declared right after the party's 2015 victory. Simultaneously, the ruling politicians followed the well-established nationalist patterns of strengthening patriarchal structures and male dominance (cf. Yuval-Davis 1997). Their approach to gender rights – a "boorish" one, according to liberal definitions – aligned them with transnational populism that incorporated the war with "genderism" into its agenda (cf. Graff and Korolczuk 2022). Right-wing populism in Poland has encouraged the proliferation of "anti-gender" NGOs and "anti-gender" statements made by RCC officials and politicians at the highest level. In 2016, the Polish Bishops' Conference issued a call for action to put a total legal ban on abortion (Konferencja Episkopatu Polski 2016), and this call was heard by many eager supporters who have recently gained in political power.

The ruling politicians, when following what the liberals label as "boorish," tend to perceive their liberal opponents as boor. In their eyes, the liberals have nothing to do with proper intelligentsia, it is they themselves who stick to civic responsibility by implementing the "patriotic" policies that empower the nation. Who is a lord and who is a boor is a question that cannot be settled on the political ground. It is exactly for this reason that the culturalist lord-boor division has informed and organized the social imagery for years (Zarycki, Smoczyński, and Warczok 2021). Politicians, public intellectuals, civil society organizations, the media, and factions within the RCC – all have played the lord-boor game. Still, for years the liberal definitions have greatly influenced dominant approaches.

In line with these approaches, within the Church, the "lord" part of the dichotomy has been represented by the "Catholic intelligentsia," a milieu arisen from the Clubs of Catholic Intelligentsia that were

set up in several Polish cities during communism. The Clubs drew on the ethos of intelligentsia and felt responsible for the complex education of those who belong to the lower social strata. In particular, they promoted the Second Vatican Council's concept of *aggiornamento*, which stands for the adjustment of the Church's message to contemporary cultural conditions. After the fall of communism, the loose network of "Catholic intelligentsia" centers has embraced the Łagiewniki sanctuary that strongly supported Poland's accession to the European Union and then the European integration against much more cautious approach of the majority of Polish bishops (Leszczyńska 2009). The "boor" part has been represented by the Toruń-based media holding established by Father Tadeusz Rydzyk (*Radio Maryja*, *Trwam* TV station, *Nasz Dziennik* newspaper) and its audience. Father Rydzyk's enterprise cultivates traditional forms of religiosity and nationalist sentiments, both of which the "Catholic intelligentsia" and a broader liberal milieu confront (Grotowska 2009). The split between the "Łagiewniki Church" and the "Toruń Church" has secured the vitality of the Roman Catholic religion in Poland: believers of various degrees of religious commitment and various political affiliations could cultivate their Catholic identity in a chosen safe space situated on the Łagiewniki-Toruń axis. In the media, the lord-boor division has informed the coverage of a multitude of issues of public importance: from economic inequalities and policies that address them, to various forms of discrimination, including homophobia (Gressgård and Smoczynski 2020). In the Parliament, the struggle between the "progressive" and the "backward" has overshadowed the fact that both competing formations considered the RCC as a highly valued reference point. Both the "backward" politicians and their opponents contributed to tightening the abortion law in 1993, and over the subsequent years, many liberals gave in to the Church's perspective, especially on gender-related and biopolitical issues.

Long before the Tribunal's verdict, feminist circles recognized the Church-State alliance as an arch factor of Polish social imagery that is an impetus of, and an extension beyond, the right wing's political power today. Coming to the same realization, the 2020 protesters attempted to diminish the power of the RCC, an institution that they recognized as the main wrongdoer in the realm of gender rights. Although direct confrontations like the one in Szczecinek were rather

rare, demonstrators shouted anti-Church slogans during many rallies and used social media to encourage various forms of resistance, such as apostasy or signing kids out of religion classes at school. Surveys like those by the Public Opinion Research Center that show the youth's retreat from the Church (CBOS 2020) and the growth in negative perceptions of the RCC's activity (CBOS 2021) were also quoted. This morally empowered the protesters and gave them hope for the nation's upcoming secularization in near future.

A question remains, though: Can secularization be achieved without deconstructing the lord-boor dichotomy? The Szczecinek protest had a potential to weaken that dichotomy by mobilizing solidarity across the division line that separates large cities (seen as pioneers in secular progress) from small towns (seen as a repository of backwardness). However, the dominant reactions to the protest, both condemning and friendly ones, exoticized the town as a site of traditionalism in which anti-clericalism is an alien element. The RCC keeps benefiting from the vitality of old patterns that organize the Polish discursive space. Without challenging the Church's overall stance on abortion, the "Catholic intelligentsia" criticized the Tribunal's verdict as inspired and supported by those who are not properly educated in civil rights. This critique was followed by "progressive" believers who joined the protests without withdrawing their support for the Church, at least for some of its factions.

The lord-boor opposition is extremely difficult to dismantle because of its strong naturalization and its connection with the post-feudal model of citizenship, established and preserved due to the semi-peripheral position of Poland (Zarycki, Smoczyński, and Warczok 2021). As long as this dichotomy is at work, it hinders the struggle for gender rights in Poland in at least two aspects. First, it distracts the attention of Roman Catholic believers and makes them inclined to invest more into their own positioning on the lord-boor axis and less into questioning the Church's doctrine in issues they do not fully agree with. The dichotomy offers a space for accommodating various kinds of religious commitment, and hence secures social support for the RCC. This upholds politicians' tendency to rely on the Church's perspective, including on gender issues, to form their agendas. Second, the lord-boor division, and more specifically, the strength of liberal definitions of the lord and the boor feeds "boorish"

reactions that draw on the combination of nationalist sentiments and gender rights restrictions. These reactions perfectly correspond with – and hence are additionally empowered by – the transnational “anti-gender” drive by populists against neoliberal “elites.”

## REFERENCES

- Buchowski, Michał. 2006. The spectre of Orientalism in Europe: From exotic other to stigmatized brother. *Anthropological Quarterly*, 79(3): 463–482. <https://doi.org/10.1353/anq.2006.0032>
- CBOS. 2020. *Wpływ pandemii na religijność Polaków*. Report available at: [https://www.cbos.pl/SPISKOM.POL/2020/K\\_074\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_074_20.PDF) (18.10.2021).
- CBOS. 2021. *Oceny działalności instytucji publicznych*. Report available at: [https://www.cbos.pl/SPISKOM.POL/2021/K\\_038\\_21.PDF](https://www.cbos.pl/SPISKOM.POL/2021/K_038_21.PDF) (18.10.2021).
- Graff, Agnieszka and Elżbieta Korolczuk. 2022. *Anti-Gender Politics in the Populist Movement*. London: Routledge.
- Gressgård, Randi and Rafał Smoczyński. 2020. Noble Polish Sexuality and the Corrupted European Body. *Intersections* 6(3): 13–32. <https://doi.org/10.17356/ieejsp.v6i3.656>
- Grotowska, Stella. 2009. Dyskursywne wytwarzanie tożsamości: Radio Maryja w polskiej prasie opiniotwórczej, in: M. Libiszowska-Żółtkowska (ed.), *Tożsamości religijne w społeczeństwie polskim*, Warszawa: Difin, pp. 205–226.
- Grzymała-Busse, Anna. 2015. *Nations under God: How Churches Use Moral Authority to Influence Policy*. Princeton: Princeton University Press.
- Konferencja Episkopatu Polski. 2016. *Komunikat Prezydium KEP w sprawie pełnej ochrony życia człowieka*. Available at: <https://episkopat.pl/komunikat-prezydium-kep-w-sprawie-pelnej-ochrony-zycia-czlowieka/> (18.10.2021).
- Leszczyńska, Katarzyna. 2009. *Cztery wizje Europy. Analiza wypowiedzi Jana Pawła II i duchownych Kościoła rzymskokatolickiego w Polsce*. Kraków: Nomos.
- Yuval-Davis, Nira. 1997. *Gender & Nation*. London: Sage.
- Zarycki, Tomasz, Rafał Smoczyński and Tomasz Warczok. 2021. Cultural citizenship without state: historical roots of the modern Polish citizenship model. *Theory and Society*, published online on 30 October 2021. <https://doi.org/10.1007/s11186-021-09465-x>

## CHAPTER EIGHTEEN

# Gender, Body Politics, and State-Induced Violence: A Philosophical Analysis of Polish Politicians' Responses to the 2020 Protests against the Abortion Ban

*By Adrianna Zabrzewska*

*Institute of Philosophy and Sociology, Polish Academy of Sciences*

In dominant discourses on gender, the human body and its reproductive potential are used to regulate the power dynamics between dichotomously understood men and women on both micro- and macro-political level – starting from people's personal lives, their interests, values, and goals, all the way up to the systemic level of institutions and movements (Connell 2009). At the same time, non-feminist approaches to politics often overlook the political aspect of the personal. They can do so due to the paradigm of separate spheres and the (false) assumption that women are carnal, hormone-driven, irrational creatures whose sole objective is to bear children. In the eyes of the patriarchy, women do not have man's ability to make use of a rational mind to transcend their bodily condition. They cannot focus on grand intellectual goals that extend beyond the immediate environment of the household. That bias prevents women – and issues relevant to women – from entering politics. While feminist activism, including pro-abortion activism, has been restlessly repeating that the personal *is* the political, feminist philosophy informs us that the divide between public and private, masculine and feminine is simultaneously reflected in and constituted by the body/mind dichotomy. That dichotomy is not gender-neutral (see, e.g., Lloyd 1984, Grosz 1994, Cavarero 2002, Young 2005, Butler 2015). Quite the contrary,

it presumes the privileged position of men over women. The rational mind and its state-making capacities belong to the realm of the masculine and preside over the supposedly natural and private body. As a concept, the body is ascribed to a subordinate, feminine position precisely due to corporeality and femininity's association with nature, reproduction, and emotion. As an actual entity, it is only the cisgender male body that has the privileged position of a transparent, default body that can go about its business without being scrutinized or branded as "other" – and it can do so precisely due to masculinity's pretense to a rational, impartial mind.

The Cartesian body/mind dualism continues to haunt modern societies and dictate the ways in which we think about politics and political agency. The status of the body in political discourse is quite controversial even when it comes to terms and figures of speech that pertain to human anatomy, as it is the case with the centuries-old metaphor of body politic. The practice of describing the state in anatomical terms dates back to ancient Greece, but continues through the Middle Ages, then famously comes up in the 17<sup>th</sup> century in Thomas Hobbes's *Leviathan* and has its echoes in contemporary discourses on democracy. But the corporeal imagery that it draws on is, in fact, quite superficial and built on patriarchal bias. In the body politic metaphor, a rational soul permeates the body of the state and rules that body with the help of a rational mind. In the times of absolute monarchies, the head of the state could be framed as the locus of reason, adding up to a coherent metaphor in which the head contained the mind, but in various forms of democratic rule the "mind" of the state is distributed across different branches of power and their multiple organs. The metaphor does not accurately reflect human anatomy but, more importantly, it relies on a concept of the mind as an incorporeal entity that transcends physiology. As the Italian feminist philosopher Adriana Cavarero writes in her discussion of the ancient concept of body politic: "the human body, despite its role as the implicitly foundational metaphorical referent, is nearly obscured if not negated by the centrality of the soul" (2002, p. 101) – just like femininity is obscured and negated by the centrality of the default masculine subject of Western philosophy. It is thus not surprising that (1) the mind is always positioned as superior to the body in the body politic metaphor and (2) the feminine corporeal element

is present in that metaphor, but only to be controlled by masculine reason.

These conceptual schemata have a direct impact on contemporary social reality. Laced with sexism and misogyny, mainstream philosophical paradigms translate directly into structural gender inequality. They contribute to the disadvantaged position of women as political actors and to oppressive policies on reproductive rights.

This chapter is designed to provide insights into how body and mind surface in political documents on the 2020 reproductive rights protests in Poland and how the discourses used in those documents intersect with gender stereotypes. The analysis is based on selected source texts provided in this book. These include the transcript of the Sejm Committee on Administration and the Interior held on December 9, 2020 and the Committee on Social Policy and Family held on October 26, 2020. References to other documents such as TVN24 interview with Andrzej Duda from January 22, 2021 and Jarosław Kaczyński's Sejm speech of October 28, 2020 are occasionally used to reinforce the argument.

## THE BODY OF THE STATE IS A RATIONAL BODY (OR SO IT THINKS)

When confronted with questions on police brutality, Minister of the Interior and Administration Mariusz Kamiński stresses that “all actions undertaken by the police (...) have to do with the escalating pandemic.” He repeatedly appeals to the deputies of the opposition – and to the protesters – to suppress their emotions and approach the issue in a calm and rational manner. Right from the beginning of his speech, the Minister positions himself as a force of reason that needs to counter the opposition's irrational arguments.

Thank you for allowing me to speak. I think that, after this peculiar and emotional speech by the deputy-mover [i.e., Konrad Frysztak] we should finally start to calmly discuss the facts, the situation, which is indeed difficult.

– Minister Mariusz Kamiński

Appeals to “common sense” and “reason” come back again and again throughout the Minister’s speech. He criticizes the opposition for manipulating and escalating peoples’ emotions by supporting the demonstrations (which, according to Kamiński, take on an “aggressive” and “crude” form) and for comparing the situation in Poland to that in Belarus.

Ladies and Gentlemen, I want to firmly protest, because in their emotional, political discussions, some politicians make an attempt, and an attempt that is extremely intellectually and morally disappointing, to compare Poland’s situation with that in Belarus. I know that this is, on the one hand, a result of absurd emotions, but it can also be – I do not want to use strong words – an attempt to cynically manipulate human emotions. Please do not do that.

– Minister Mariusz Kamiński

Kamiński, speaking on behalf of himself, the government, and the ruling party, frames his voice as the calm voice of reason that comes directly from the mind and reflects a silent thought that claims a pretense to objectivity and rhetorical finesse. Deputies of the opposition and the protesters are made to represent “absurd emotions” and the raucous voice of the body. Like an average woman in the eyes of the patriarchy, that body and its voice are made to stand for irrationality. In right-wing discourse, the protests are presented as a site of uncontrolled, scandalous hysteria. They are framed as a threat to democratic procedures and to the health of citizens.

This is not an uncommon vision of Strajk Kobiet-led protests. Polish politicians, most often from Law and Justice (but not exclusively so), lament the protesters’ obscenity, loudness, and audacity at crossing boundaries that have not yet been crossed – which includes interrupting Catholic masses or painting churches, monuments, and statues with spray paints. As the transcript of the Committee on Social Policy and Family demonstrates, some deputies of Law and Justice perceive the protests as “regular brawls during which public property is being destroyed” (Deputy Anita Czerwińska), as a “fun party during which politicians are insulted and property is damaged, including private property” (Deputy Katarzyna Sójka), or as a site of “aggression, vulgarity, ‘dirtiness,’” where young women “deny human dignity, culture, good upbringing” (Deputy Teresa Wargocka). Seeing

other women show up in public to speak loudly and openly about their bodies and the right to abortion, to shout strong anti-government messages or make sex-related jokes, and to block the streets even at the cost of being forcibly removed by the police, makes many right-wing female deputies uncomfortable because all these things defy the traditional, patriarchal vision of femininity that they themselves had been conditioned to embrace.

Perceiving the state as a site of reason and the protests as a site of irrationality makes it easier for officials to rationalize violence against the protesters. In that configuration, police brutality becomes a reasonable act of suppressing unreasonable emotions. In a TVN24 interview that aired on January 22, 2021, Andrzej Duda praised the Polish police for their professionalism. According to the President of the Republic of Poland, what makes the Polish police professional is that “nobody has been killed in any intervention in our country.” When journalist Krzysztof Skórzyński (TVN24) asks the president about an incident during which a female deputy was pepper-sprayed by a police officer (which most likely refers to the incident with Barbara Nowacka; see Gera 2020), Andrzej Duda responds:

But we know very well that, as they say, you can't make an omelet without breaking a few eggs. And, sadly, if somebody gets inside that kind of a mosh pit where violent things are happening, where emotions are present, where there is physical violence, then a situation like that can happen too. Luckily, nobody got seriously hurt. This also shows the professionalism of our police.

– President Andrzej Duda

In the president's argument, the heated atmosphere of a street protest and the emotions of its participants are used to absolve the police from acts of brutality, from kettling,<sup>1</sup> and from pacifying the protesters with measures of direct coercion such as tear gas and batons.

<sup>1</sup> Kettling is a police tactic in which protesters are contained within a limited area by a police cordon.

## PROTESTERS AS EMBODIED VOICE

Usually, with a body comes a voice – a distinctive, musical sound created in and by the human vocal tract. When the concept of voice is reclaimed by feminist philosophers, the voice can reveal the speaking person's embodied uniqueness and announce the self as a political agent of speech and action (Cavarero 2005; see also: Zabrzewska 2019, Zabrzewska 2020). But traditionally, the voice was gendered as the feminine, bodily aspect of rational masculine speech. On a conceptual level, the voice was a bodily (and therefore uninteresting) medium through which rational thought had to travel in order to reveal itself to others. That perceived transparent quality of vocal transmission made it easier to ignore vocal gender bias present in socio-political practice. We know that people's voices are gendered based on frequency codes. The pitch of the voice impacts its social function. Low-pitched voices (attributed to men) are read as a sign of assertiveness, confidence, and authority, while high-pitched voices (attributed to women) are associated with subordinacy and politeness (Ohala 1995).

Based on the quotes that I cited so far, we can already tell that the right wing's opinion on the protests and its participants has a lot to do with how the protesters' voices transgress stereotypical aural codes. That women's voices can be loud, angry, assertive, or obscene is something that is difficult for the conservatives to understand and accept. But what else do the analyzed transcripts reveal when it comes to voice?

Even though the voices of protesters express ideas – and very assertively formulated ones – the authorities choose to ignore them. During the Committee on Administration and the Interior, both Mariusz Kamiński and Chief of Police Jarosław Szymczyk claim that the protesters' views are not relevant – the only thing that matters is that citizens form large assemblies during the Covid-19 pandemic, which is technically forbidden in the light of regulations on social distancing.

It does not matter what kind of views are expressed by the people who form illegal gatherings. It does not matter for MSWiA [Ministry of the Interior and Administration] and the police. It does not matter if somebody is there due to abortion, which always heats up the social

atmosphere, and the prospective changes to the law in this respect, or if the gathering happened due to the interests of specific occupational groups who want to articulate their problems.

– Minister Mariusz Kamiński

and

If somebody is breaking the law, we do not care what political option they represent and what views they express.

– Chief of Police Jarosław Szymczyk

Statements like that allow state officials to disregard abortion as a topic of public debate and to ignore the protesters' demands. If Adriana Cavarero (2005) is right, the split between body and mind is inscribed within an analogous divide between rational masculine speech and irrational feminine voice. The first one comes from the mind, the second one from the body. In patriarchal logic, only meaningful masculine speech can belong to the political arena. Even though the protesters are making valid claims, their voices are ignored and subdued because they represent corporeality. Everything that is corporeal would be implicitly marked as feminine, but these protests directly expose the stereotypical, gendered logic of the body/mind, voice/speech dichotomies since they concern abortion – an issue directly tied to the bodies of cisgender women and other persons who can get pregnant.

That those who vocalize this particular issue are ignored speaks volumes about gender stereotypes and misogyny in Polish politics. The protesters are not treated as equal partners in conversation, but rather as a brutal, primal, bodily force that screams incoherently on the streets, leaving respiratory droplets in its wake and spreading the virus. By claiming a pretense to impartial objectivity, the authorities discredit the protesters by reducing them to an embodied voice patriarchally understood.

## THE SPINE, THE ARTERY, AND THE GOVERNING ORGANS

While actual bodies of citizens and their embodied voices might be neglected by Polish politicians, bodily metaphors still permeate political discourse – just like they permeate language in general, since humans understand the world and name its various phenomena by

relating them to the materiality of their own body. This in itself is nothing unusual, but what perhaps stands out about the statements cited in this section is the way in which they subject the body to a supposedly impartial, rational mind that has a clear and unbiased look into moral matters. In the following quote, Jarosław Szymczyk compares the Polish police to the country's spine:

I stand here as the Chief of Polish Police. For years – and I have been wearing this uniform for 30 years – I have heard from the lips of many ministers of various governments that the police are the spine of the Polish state, and the state relies on that spine in each difficult situation that happens in Poland. And I have to say honestly, I do not know a single difficult situation in our country in which the Polish police would not be involved.

– Chief of Police Jarosław Szymczyk

Spine is an interesting choice due to its ethical undertones. “Moral spine,” as we know, is used to describe a person of great integrity and uncompromising attitude. When framed like that, the police are not an armed hand of the state that engages in senseless violence against the citizens, but a backbone that protects the spinal cord of democracy. Since the spinal cord connects to the brain and makes up the central nervous system, the police are thus subjected to the realm of reason. In actual human anatomy, injury to the spine results in restricted movement, paralysis, or death. Deputy Monika Rosa (Civic Coalition) plays with that imagery to show how the integrity of the police is broken by Law and Justice:

Ladies and Gentlemen, you say that the police are supposed to be the spine of our state. They should, but, unfortunately, politicians break that spine for current political gains. We are afraid of the police. It is as simple as that. People are afraid of the police.

– Deputy Monika Rosa

Corporeal imageries are evoked directly whenever different types of governing bodies are mentioned, since it so happens that various administrative and legislative institutions are commonly referred to as bodies and organs. This kind of nomenclature is not in itself telling, but it is telling that operations of all these bodies fall into the governance of a rational mind. During the meeting on December 9, 2020,

a lot has been said about parliamentary interventions. Those deputies of the opposition who take part in the protests perceive themselves as carrying out interventions to which they feel entitled by their parliamentary mandate. The deputies inform citizens about their rights and negotiate with the police. Minister Kamiński, however, insists that those are not parliamentary interventions, because such interventions are to be directed at administrative and government bodies, and not at individuals such as police officers. According to the Minister, the actions of the opposition are illogical and lacking in seriousness. Apparently, a deputy should not soil the gravitas of their profession by stepping out into the crowd of citizens. They should not put their own body in between the citizens and the police officers, because “wrestling with police officers” is something that the Minister considers rather frivolous.

Ladies and Gentlemen, a parliamentary intervention cannot be about offending state officials, such as police officers. It cannot be about wrestling with the officers. It cannot be about preventing them from doing their statutory tasks. A parliamentary intervention is, by definition, an intervention in state administration bodies, local government bodies; it is not an intervention [directed] at an employee or an officer.

– Minister Mariusz Kamiński

In that vision of the state, all legislative and judiciary organs need to run smoothly and individual bodies of deputies need to be controlled and contained. Procedures have to be obeyed. Roles cannot be transgressed. Parliamentary interventions are meant to happen within the limits of governmental bodies, and not on the streets. All actions of the state and within the state need to fall under the rule of the rational, masculine mind.

Within the constantly shifting, inconsistent frame of the body politic metaphor, the streets of a city immobilized by protests begin to look like arteries or veins of the state – which is not at all surprising, given that “artery” is a common synonym for “road”, but it is nevertheless significant that the authorities of the state get to decide who has the right to use those arteries and who should be removed. Chief of Police Jarosław Szymczyk describes the aftermath of a protest in Warsaw when Trasa Łazienkowska, one of the city’s main routes, was blocked for several hours. Commissioner Szymczyk lists several

complaints that he received from Warsaw citizens who had been stuck in traffic that night. He recalls a story of a woman who could not visit her terminally ill mother and that of a man who could not get to the hospital for chemotherapy. He concludes:

Ladies and Gentlemen, there were many signals from the inhabitants of Warsaw, really. In one email that was of particular interest to me, a citizen asked if the police are protecting illegal protesters because they care more about their [the protesters'] right to assemble than about his right to free movement.

– Chief of Police Jarosław Szymczyk

Even though Szymczyk otherwise appeals to common sense and tries to speak in a calm, matter-of-fact manner, he still uses evocative and, indeed, unpleasant illustrations from Warsaw dwellers who found themselves in difficult situations due to the side-effects of street protests. As such, the Commissioner sneaks in some emotional content into his speech and draws an interesting yet problematic contrast between two groups of citizens: (1) the “regular” inhabitants of the city who do not take part in the protests and who want to go on about their lives, and (2) the protesters whose presence disrupts the peace of “ordinary” people. That divide is also a hierarchy – the protesters are presented as citizens who are morally lesser because they pose a threat to other people’s life and well-being. They are also perceived as a threat to democracy. In both cases, they need to be removed, even if it results in violence. Here is how Commissioner Szymczyk comments on the protesters blocking the building of the Sejm on Wiejska Street:

Another one involved a situation when participants of the protest, I emphasize again – a forbidden protest – blocked the Sejm, that is, the place of your work, one of the most important places when it comes to the centers of power in Poland. Demonstrators prevented parliamentarians from leaving.

Can you imagine any democratic country where the Chief of Police tells his people: “Whatever, let the demonstrators block the parliament”? Probably not, and that is why I indeed gave the order to unblock communication routes.

– Chief of Police Jarosław Szymczyk

To present the protests as a threat, the authorities need to appeal to emotion – these supposedly “absurd” emotions that are allegedly used by the opposition to manipulate people and polarize the society. Suddenly, such appeals become appropriate. As long as it is the state and forces empowered by the state that rationalize which emotions are legitimate, understandable, and good to express, and which should be suppressed, this kind of shift in discursive framing is permissible.

### PROTESTERS AS A VIRUS?

Since all 2020 demonstrations happened during the Covid-19 pandemic, the questions of safety reappear in all discussions on the protests. The bodies of protesting persons, just like the bodies of police officers delegated to contain the protests, are susceptible to harm. They are vulnerable, finite organisms that a virus can attack, weaken, and even kill. As mentioned earlier, right-wing authorities claim that pandemic-related restrictions are the only reason why the protesters are fined and urged to disperse. According to Law and Justice, police actions have no ulterior political motive. They say that political affiliations or sympathies of the protesters are irrelevant since all protests would have been met with similar actions during the pandemic. Deputies of the opposition, on the other hand, say that the pandemic provides a convenient excuse for the authorities to use repressions against demonstrators who protest the changes in abortion law.

Representatives of the police and right-wing politicians often underscore the threat posed by the protesters. They claim that the protests facilitate Covid-19 transmission. They accuse deputies of the opposition of egoism, irrationality, and lack of moral integrity that makes them encourage the citizens to, dangerously, protest during the pandemic. These kinds of accusations have been expressed in the Sejm by Jarosław Kaczyński who on October 28 addressed the deputies of the opposition in the following way:

You are demolishing Poland in the name of [your own dirty little]<sup>2</sup> interests, you are putting many people at the risk of death. You are criminals. (...) There is a crime of causing a common danger. By encouraging demonstrations, you are causing that kind of danger. And you will pay for it.  
– Deputy Prime Minister Jarosław Kaczyński

Deputies of the opposition sometimes use similar arguments to attack Law and Justice and other parties of the United Right coalition. They accuse the right wing of posing a public health threat by having the Constitutional Tribunal issue the ruling on abortion during the second wave of the pandemic. Sometimes, the deputies of the opposition present (and perhaps aggrandize) the protesters' activity as a heroic act – the protesters accept the potential risk of contracting Covid-19 in exchange for protecting reproductive rights. During the meeting of the Committee on Social Policy and Family, one of the deputies of the Civic Coalition put it in the following way:

We want to show solidarity with the people who are there on the streets protesting, even in the face of the pandemic. They are risking their lives and health, but they know that women's rights are basic citizen rights, and you cannot violate them, even in the times of pandemic, in the times of the highest risk, when we should concentrate on saving the lives and the well-being of Polish women and men.

– Deputy Ewa Kołodziej

Two types of health are used interchangeably in those discussions: (1) the health of cisgender women and other persons who can get pregnant whose access to abortion has been significantly restricted and (2) the general population's health. Right-wing politicians ascribe more value to the latter, while deputies of the opposition prioritize the former.

In right-wing discourses, Strajk Kobiet protests are framed as potential sites of Covid-19 transmission and hence are said to pose a threat to the nation's health. Some authorities describe this threat in particularly dramatic terms, stating that the protesters act as

<sup>2</sup>The bracketed fragment is still a direct quote from Jarosław Kaczyński that appears just before the cited fragment. I am using it to contextualize the cited excerpt which otherwise would speak of "those interests." For the unaltered quote please see page 96 of this book.

unwitting agents of the Grim Reaper whenever they step out to the street:

(...) the Minister [of Health] said very clearly then that gatherings are generally sites where virus transmission occurs. Beyond any doubt, experts are also talking about it. One of the experts, whom I respect very much, openly said that the participants of the gatherings are potential sowers of death.

– Chief of Police Jarosław Szymczyk

It was possible to make such strong claims because back then not much had been known about the implications of street protests for Covid-19 transmission. Without adequate knowledge and with a general atmosphere of uncertainty enveloping the whole world, outdoor gatherings were often perceived as potentially harmful. For instance, Black Lives Matter 2020 protests, as well as Donald Trump's political rallies or demonstrations against Covid-19 restrictions were also met with similar expressions of concern or disapproval. Those who expressed them the loudest were usually those who opposed a given type of gathering based on their own ideological stance – which shows how the argument on the potential harmfulness of public gatherings during Covid-19 is a shifting frame that can be used for different political ends. As of then, and as of the publication of this book, there seems to be no scientific evidence that outdoor assemblies lead to an increase in the transmission of the virus. The Black Lives Matter protests did not lead to a noticeable increase in Covid-19 cases in the United States. As studies show, the demonstrations entailed a decrease in social distancing behavior among the protesters but had an overall positive impact on the general population, because the non-protesters were more likely to stay at home and avoid indoor public spaces such as bars, restaurants, and stores where the risk of viral transmission is far greater (Dave et al. 2020).

As Polish right-wing politicians know very well, the protests for reproductive rights were accompanied by calls to bring down the government and end the rule of Law and Justice. As one of the deputies of Law and Justice said during the meeting of the Committee on Social Policy and Family:

I have never imagined that I will live to see the day when deputies of the Sejm, those who represent the opposition, will lead people to the streets despite the increase in infections only to fulfill their own goals. Notice how many slogans that we have heard in the last couple of days end with the conclusion, I quote, “our goal is to overthrow this government.”

– Deputy Joanna Borowiak

The stress that right-wing politicians put on two distinctive threats – to the health of the general population and to the government (i.e. to their own political well-being, since they are the ruling majority) – begs the question whether these politicians perceive people protesting on the streets as a sort of disease, a bodily defect, or, indeed, a virus. When presented as “sowers of death” who wreck Polish cities, disrupt their functions, and hurt their “normal” dwellers, or as a violent, obscene, illogical force that wants to overthrow the rightfully elected government, the protesters and the politicians of the opposition become a virus that attacks the body of the state – a body defined and regulated by Law and Justice.

## CONCLUSIONS

For the right-wing facilitators of the anti-abortion law in Poland, the actual bodies of cisgender women and other persons who can get pregnant matter as long as they can reproduce and be in service to the Church and the State. Otherwise, they are of very little importance. While it is common for supporters of abortion to focus on issues of bodily autonomy and on personal accounts of people’s experiences of abortion, anti-abortion agents tend to avoid these subjects. A woman’s idea of what she wants to achieve with her body, how her current career plans, life aspirations, economic status, psychological and/or medical condition, or any other personal and structural factors influence her individual, embodied existence – all this seems irrelevant to the proponents of the anti-abortion law. Bodies surface in right-wing discourses on a more symbolic level. The protesters, their specific, unique bodies that appear on the streets in mass numbers can be ignored because they are reduced to a patriarchal understanding of the body as something flawed, irrational, nature-bound, and hence symbolically feminine. The state

might be described in anatomical terms, but that body is subservient to the mind. Similarly to how things were in ancient Greece, civil strife is conceptualized as a disease that attacks the state, but “the body politic is articulated only to the extent of distinguishing the head, as seat of authority, from the rest of the body” (Brock 2013, p. 70). This, as we know from feminist philosophy, is only possible because of the gendered nature of the body/mind dichotomy. The theme of protests as a disease does not surface explicitly in right-wing discourses. Law and Justice politicians do, in fact, underscore that protests are rightful and guaranteed by the Constitution. They believe there is a right time and place to protest. According to them, street protests during the Covid-19 pandemic are neither the right time nor the right place. However, the way that they describe the 2020 events – and how they tie them to the actual threat brought on by the Covid-19 pandemic – opens itself to a reading in which the protesters are framed as a viral-like danger not only to “national health,” but also to the right-wing government.

Among the many reasons why the authorities might resent the demonstrations is that whenever people – and particularly women and members of other underserved groups – assemble in public, they install a finite, fragile, and inherently flawed human body in a political space that the body has been traditionally barred from. Bodies’ presence on the streets contests the divide between the public and the private – which is simultaneously the divide between the masculine and feminine. At the same time, embodied presence sends a message that does not have to be vocalized or written to put “livable life at the forefront of politics” (Butler 2015, p. 18). That these are the bodies of women and persons with uteri whose gender identity cannot be easily classified in binary terms aggravates the patriarchal Polish state. What is perhaps optimistic is that aggravation also testifies to the immense transformative potential that women’s and LGBTQ+ movements can have on Polish politics and the overall socio-political and cultural landscape in Poland.

## REFERENCES

### Primary sources (featured in this book):

- Transcript of the Committee on Social Policy and Family, October 26, 2020  
Transcript of the Committee on Administration and the Interior, December 9, 2020  
Transcript of the 20<sup>th</sup> Session of the Sejm, October 28, 2020  
Transcript of President Andrzej Duda's Interview with Krzysztof Skórzyński, TVN24, January 22, 2021

### Secondary sources:

- Brock, Roger. "The Body Politic." *Greek Political Imagery from Homer to Aristotle*. Bloomsbury, 2013, pp. 69-82.
- Butler, Judith. *Notes Toward a Performative Theory of Assembly*. Harvard University Press, 2015.
- Cavarero, Adriana. *Stately Bodies: Literature, Philosophy, and the Question of Gender*. Translated by R. de Lucca and D. Shemek. The University of Michigan Press, 2002.
- . *For More than One Voice: Toward a Philosophy of Vocal Expression*. Translated by P.A. Kottman. Stanford University Press, 2005.
- Connell, Raewyn. *Gender in World Perspective*. Polity Press, 2009.
- Dave, Dhaval M., Andrew I. Friedson, Kyutaro Matsuzawa, Joseph J. Sabia, Samuel Safford. "Black Lives Matter Protests and Risk Avoidance: The Case of Civil Unrest During a Pandemic." *National Bureau of Economic Research*. Working Paper 27408. June 2020.
- Gera, Vanessa. "Police call tear-gassed Polish lawmaker a protest threat." *AP News*. November 29, 2020. <https://apnews.com/article/international-news-poland-barbara-nowacka-police-3a78f2f29a10c057b2721c8c3f623473>
- Grosz, Elizabeth. *Volatile Bodies: Toward a Corporeal Feminism*. Indiana University Press, 1994.
- Lloyd, Genevieve. *The Man of Reason. "Male" and "Female" in Western Philosophy*. University of Minnesota Press, 1984.
- Ohala, John J. "The Frequency Code Underlies the Sound-Symbolic Use of Voice Pitch." *Sound Symbolism*, edited by Leanne Hinton, Johanna Nichols, and John J. Ohala. Cambridge University Press, 1995, pp. 325-347.
- Young, Iris Marion. *On Female Body Experience: "Throwing Like a Girl" and Other Essays*. Oxford University Press, 2005.
- Zabrzewska, Adrianna. "Voice, Body, and Gender Quota Politics in Poland." *Gender Quotas in the Post-Communist World: Voice of the Parliamentarians*. Edited by Joshua K. Dubrow and Adrianna Zabrzewska. IFiS PAN Publishers, 2020, pp. 223-261.
- . „Przyjemność gardła i śliny. Wokalna ontologia niepowtarzalności Adriany Cavarero." [Pleasure of the throat and saliva: Adriana Cavarero's vocal ontology of uniqueness] *Teksty Drugie* 5, 2019, pp. 279-296.



## About the Editors

**Joshua K. Dubrow** is a Professor of Sociology at the Institute of Philosophy and Sociology, Polish Academy of Sciences (IFiS PAN), co-editor of the book *Gender Quotas in the Post-Communist World: Voice of the Parliamentarians* (IFiS Publishers, 2020), and has recently guest edited issues of the *American Behavioral Scientist* (2020) and the *International Journal of Sociology* (2021). He is PI of a National Science Centre, Poland grant (2016/23/B/HS6/03916) on political voice and inequality.

**Adrianna Zabrzewska** is a Fulbright Scholar, translator, and feminist interdisciplinary researcher affiliated with the Institute of Philosophy and Sociology, Polish Academy of Sciences. She received her PhD in philosophy from the Graduate School for Social Research. She published on Adriana Cavarero's philosophy of voice (*Teksty Drugie*), feminist methodologies of children's literature research (*Avant*), and gender in American and Polish children's literature publishing (*International Research in Children's Literature*, forthcoming). Dr. Zabrzewska is also the co-editor of *Gender Quotas in the Post-Communist World* (IFiS Publishers, 2020).

## About the Contributors

**Karolina Monika Gilas** is an Associate Professor at the Political and Social Science Department of the Universidad Nacional Autónoma de México (UNAM). She holds a PhD in Political Science from UNAM and an MA in Political Science from the University of Szczecin (Poland). She is a member of the National System of Researchers (SNI), level I. Her research covers political representation (particularly of women and underrepresented groups), democracy, and elections. She is also a member of the “Observatorio de Reformas Políticas de América Latina” and director of the “Representación simbólica de las mujeres en América Latina” Project (UNAM). Before joining UNAM, she held senior advising positions at Mexico’s Electoral Tribunal of the Federal Judiciary. Member of the Red de Politólogas – #NoSinMujeres.

**Magdalena Grabowska** is an Associate Professor at the Institute of Philosophy and Sociology, Polish Academy of Sciences, and the author of the book *Broken Genealogy: Women’s Social and Political Activism Post 1945 and Contemporary Women’s Movement in Poland* (in Polish; Scholar, 2018). She does research on history of women’s movement in Poland, sexual violence against women in Poland, and women’s political activism after 1989. She collaborated with various international institutions (including European Institute for Gender Equality and Fundamental Rights Agency), as well as with local governmental and non-governmental organizations (including Polish Association for Antidiscrimination Law, Federation on Women and Family Planning, and STER Foundation).

*About the Contributors*

**Dorota Hall** is a cultural anthropologist and sociologist, Associate Professor at the Institute of Philosophy and Sociology, Polish Academy of Sciences, and President of the International Study of Religion in Eastern and Central Europe Association (ISORECEA). Her main study areas are religion and sexualities. In 2016, she published a book *Searching for a Place: LGBT Christians in Poland* (in Polish; IFiS Publishers). She has also published in English in various academic journals and edited volumes.

**Elżbieta Korolczuk** is a sociologist, commentator, and women's rights activist working at Södertörn University in Stockholm and at the American Studies Center, University of Warsaw. She analyzes social movements, civil society, reproduction, and gender. Recent books include a co-authored volume *Bunt Kobiet. Czarne Protesty i Strajki Kobiet* (European Solidarity Centre, 2019) and a monograph *Anti-Gender Politics in the Populist Moment*, with Agnieszka Graff (Routledge, 2021).

**Natalia Zakrzewska** received her MA in philosophy from the University of Warsaw and is currently a PhD candidate at the Graduate School for Social Research (Institute of Philosophy and Sociology of the Polish Academy of Sciences). Her research interests focus on the intersection of philosophy of mind, philosophy of technology, and Hegelian dialectics.

In autumn 2020, as the second wave of the Covid-19 pandemic began, the Constitutional Tribunal issued a ruling that severely restricted access to abortion. Massive street protests, led by Strajk Kobiet (Women's Strike), quickly followed.

This sourcebook presents the voices of activists, politicians, and academics on the 2020 protests in Poland after the Constitutional Tribunal's ruling. Sources include press conferences, interviews, public speeches, and parliamentary committees and debates, translated into English and commented on by Polish feminist scholars.

We designed this book to generate insights into the relationship between inequality, street protest, institutions, and violence, for use in research, teaching, journalism, and activism.

This book was funded by the National Science Centre, Poland (project no. 2016/23/B/HS6/03916).

