



Clement Voule, UN Special Rapporteur for Freedom of Assembly and Association
Mary Lawlor, UN Special Rapporteur on the Situation of Human Rights Defenders
Irene Khan, UN Special Rapporteur for Freedom of Opinion and Expression
Tlaleng Mofokeng, UN Special Rapporteur on the Right to Physical and Mental Health

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson, 52 Rue des Pâquis
1201 Geneva, Switzerland

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Poland: concerns over intimidation, violence and detentions of peaceful protesters

We are writing to you with regards to serious concerns over the repression of ongoing peaceful protests in Poland. Spontaneous protests against the ruling Law and Justice Party (PiS)'s repeated attempts at rolling back on the sexual and reproductive human rights of women and girls in Poland have been held throughout the country since 22 October 2020, prompted by the decision of the Constitutional Tribunal to impose a near-total ban on abortion. However, peaceful protesters have been [met with](#) violence by authorities and have also faced intimidation, arrests and detentions for taking part in protests. Protesters have also [faced attacks](#) from non-state actors which include far-right/neo nazi militia groups.

Violence against protesters and journalists

Peaceful protesters have [been met](#) with the use of excessive force on several occasions during the almost two months of protests. During October, police in Warsaw **used tear gas** and pepper spray against hundreds of people **protesting outside** the home of PiS leader Jaroslaw Kaczynski. Videos **document** how in one instance a police officer dragged a protester by the feet and hit him with a gas cylinder, while a woman trying to stop this was elbowed in the face. Just last week, [video footage](#) on social media captured how a 19 year old protester's arm [was broken](#) in three different places by a police officer while being taken into police custody. Police in the video are heard saying "take them in for disruptions...". This incident demonstrates the extreme levels of police violence used on protesters.

The authorities' use of [kettling](#), pepper spray and physical violence against protesters are extremely concerning as these methods all involve close contact and may lead to [an increase](#) in the risk of COVID-19 infection.

Journalists covering protests have also been subject to violence. Over 600 journalists sent [an appeal](#) to authorities to refrain from deliberately hindering the work of the media during protests. In a recent incident, police violently [detained](#) photojournalist Agata Grzybowska, even after she presented her press card. She was [charged](#) with “violation of a policeman’s physical integrity” for allegedly blinding a police officer with a camera flash and taken to a police station and interrogated for several hours.

These actions are contrary to standards set out in international human rights law, specifically within the [EU Charter of Fundamental Rights](#), which guarantees the right to freedoms of peaceful assembly, expression and information.

Intimidation and detention of protesters

Protesters, including minors, have faced intimidation from the authorities for taking part or freely expressing support, for protests. A 17-year-old [was knocked](#) to the ground by police during a protest and detained overnight; a 14-year-old who [shared](#) a Facebook post about a planned walk-in protest in his neighbourhood was threatened with criminal prosecution. Just last week, a 17 year- old [was called](#) in for questioning by authorities for committing “demoralisation” because she “participated in an illegal gathering”. Some teachers and professors have threatened students with disciplinary action for using symbols of protests and showing support for the [Women’s Strike](#) (Strajk Kobiet) and for participating in protests.

Authorities have also used tactics such as asking protest participants for their identification, [recording](#) their names and threatening protesters who refrain from giving out their personal information. According to Women Human Rights Defenders (WHRDs) on the ground, the names of 900 protesters have been recorded thus far. Close to 70 protesters have been detained by the authorities. Many detainees from Warsaw are being taken to police stations up to 30 kilometres outside of Warsaw, with little or no access to legal representation.

Furthermore, Poland’s national public prosecutor, Bogdan Świączkowski, [has issued](#) an instruction via a letter to his office to bring charges against the organisers of mass protests for “causing an epidemiological threat.”

In addition, WHRDs have faced continuous threats, to the extent where they cannot return to their homes due to fears for their safety. They have reported that their personal details were leaked online by far-right groups which led to many of them being subjected to hate messages daily. Authorities have thus far failed to take any action to address such attacks.

The European Union and its leaders have been closely scrutinising the Polish government for undermining the rule of law, but have thus far failed to effectively address deteriorating civic space and other fundamental rights violations, including violations of the right to peaceful assembly, freedom of expression and information in Poland.

Access to sexual and reproductive health rights

Poland's [abortion laws](#) were already among the strictest in Europe. Under the law currently in force, it is very difficult for women to execute their right of access to abortion even when conditions for statutory abortion have been met. According to the monitoring of the Federation for Women and Family Planning in 2018, only 10% of hospitals in Poland

provided abortion. It is **estimated** that over 120,000 women seek a termination abroad each year to get around the tight restrictions. Less than 40 abortions per year are based on the current legal grounds of endangerment of the mother's life and on the grounds of rape or incest.

The Constitutional Tribunal's ruling to impose a near total-ban on abortion by removing the third ground for legal abortion in Poland, i.e. abortion in case of fatal or severe foetal impairment, is already having far-reaching consequences on women's access to sexual and reproductive health services. Although the ruling is yet to be published, organisations are already reporting that many women have been **denied** access to abortions. Pregnant women are scared, those intending pregnancies are unsure of access to prenatal testing and doctors are confused and apprehensive. The decision also risks exacerbating the vulnerability of women and girls who are already at risk, by widening the socio-economic gap between who can afford access to a safe abortion abroad and those who have no choice but to resort to dangerous underground practices.

The Constitutional Tribunal's decision needs to be seen in the broader context of the ongoing rule of law crisis, affecting judicial independence in Poland. The independence and legitimacy of Poland's CT as an effective constitutional review of legislative acts have been severely undermined by reforms implemented since 2015 by the ruling party, thus raising questions regarding the independence and impartiality of its judgments.

Requested Actions:

We respectfully urge you to condemn violence and repressions against protesters in Poland through a communication, in your individual capacities or jointly with other special procedures, notably by:

- Calling on the Polish government and law enforcement to refrain from the use of excessive force and detention of protesters, who are exercising their right to peacefully assemble, and requesting that police officials who have used excessive force towards protesters must be immediately and effectively investigated and held accountable.
- Calling on the Polish government and law enforcement to uphold the right to peaceful assembly, expression and information and drop ill-founded charges against protesters and journalists trying to document abuse
- Calling on the Polish government and law enforcement to protect, take action to address the intimidation and attacks against WHRDs and to hold perpetrators to account by effectively, impartially and thoroughly investigating the alleged offenses.
- Calling on the EU and its leaders to firmly condemn attacks against protesters and to take urgent action to address fundamental rights violations, including violations of the right to peaceful assembly, expression and information, and the deteriorating civic space in Poland.

Please do not hesitate to contact us should you have any questions. We would be pleased to discuss this matter with you.

Yours faithfully,

Signatories:

[CIVICUS](#): World Alliance for citizen participation is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has over 10,000 members in 175 countries. The [CIVICUS Monitor](#) is an online tool which tracks and rates civic space globally.

International Planned Parenthood Federation ([IPPF](#)) is a global network which champions sexual and reproductive health and rights for all.

The [Observatory for the Protection of Human Rights Defenders](#) (the Observatory) was created in 1997 by [FIDH](#) and the [World Organisation Against Torture](#) (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of [ProtectDefenders.eu](#), the *European Union Human Rights Defenders Mechanism implemented by international civil society*.

[Great Coalition for Equality and Choice](#) is an informal initiative, gathering more than 100 non-governmental organisations and pro-women movements that promote women's rights, especially sexual and reproductive health and rights in Poland.

1. ADDP l'Association Défense de la Démocratie en Pologne (Stowarzyszenie na rzecz obrony demokracji w Polsce)
2. ASTRA Network
3. BABA Lubuskie Stowarzyszenie na Rzecz Kobiet
4. Berliński Kongres Kobiet
5. Black Brussels Balloons
6. Czarny Protest Gliwice
7. Democracy is OK (DOK)
8. Demokratyczna Unia Kobiet
9. Dolnośląskie Forum Kobiet Stowarzyszeń i środowisk Kobietych
10. Dziewuchy Berlin
11. Dziewuchy Dziewuchom Francja
12. Dziewuchy Londyn
13. Dziewuchy Szczecin
14. Dziewuchy Szwajcaria
15. Farsa
16. Federacja na Rzecz Kobiet i Planowania Rodziny
17. Federacja Polskie Lobby Kobiet
18. Femini Berlin Polska
19. Feministyczne Stowarzyszenie Polonijne Elles sans Frontières ASBL
20. Fudacja Klamra

21. Fundacja Cicha Tęcza
22. Fundacja Centrum Praw Kobiet
23. Fundacja Czas Dialogu
24. Fundacja Droga Kobiet
25. Fundacja Edukacja – Równość – Aktywność – Dialog Era Dialogu
26. Fundacja Feminoteka
27. Fundacja Głosuj na Kobiety
28. Fundacja im. Izabeli Jarugi-Nowackiej
29. Fundacja im. Kazimierza Łyszczyńskiego
30. Fundacja Inicjatywa Kobiet Aktywnych
31. Fundacja Kobiety Zmieniają Świat
32. Fundacja na Rzecz Równości i Emancypacji STER
33. Fundacja Nowoczesnej Edukacji SPUNK
34. Fundacja Pozytywnych Zmian
35. Fundacja Prawnikon
36. Fundacja Przestrzenie Dialogu
37. Fundacja Rodzić po Ludzku
38. Fundacja Trans-Fuzja
39. Galeria Inspiracji
40. Grupa nieformalna Równość.info
41. Grupa Ponton
42. Inicjatywa Sto Lat Głosu Kobiet
43. Koalicja KARAT
44. Kobiety w Sieci
45. KOD Kobiety
46. Konferencja Episkopatu Polek
47. Kongres Kobiet Północnej Wielkopolski (Stowarzyszenie „Metropolia Wielkopolska”)
48. Kongres Kobiet w Tomaszowie
49. Kongres Kobiet Województwa Śląskiego
50. Kongres Świeckości
51. Koszalińskie Stowarzyszenie Aktywności Lokalnej Era Kobiet
52. Lambda Warszawa
53. Lubelska Koalicja na Rzecz Kobiet
54. Łódzki Szlak Kobiet
55. Manifa Bydgoska
56. Manfia Koszalin Strajk Kobiet

57. Manifa Lublin
58. Manifa Łódź
59. Manifa Rzeszów
60. Manifa Toruńska
61. Manifest Wolnej Polki
62. Mapa kościelnej pedofilli
63. Marsz Godności
64. Medical Students For Choice Poland
65. Międzynarodowy Strajk Kobiet
66. Nic o nas bez nas. Ruch kobiecy Gliwice i Pyskowice
67. Nieformalna Grupa Czarny Protest
68. Nieformalna Grupa Inicjatywna z Bydgoszczy
69. Obywatelskie Stowarzyszenie "Możemy"
70. Ogólnopolski Strajk Kobiet
71. OSK Gryfino
72. OSK Kielce
73. OSK Lublin
74. OSK Puławy
75. OSK Sanok
76. Plakaciary
77. Polskie Towarzystwo Genderowe
78. Polskie Towarzystwo Prawa Antydyskryminacyjnego
79. Protest kobiet
80. Ratujmy Kobiety
81. Ratujmy Kobiety Tarnów
82. Różowa skrzyneczka
83. Stowarzyszenie Aktywne Kobiety
84. Stowarzyszenie Dolnośląski Kongres Kobiet
85. Stowarzyszenie im. Stanisława Brzozowskiego – Krytyka Polityczna
86. Stowarzyszenie Inicjatyw Kobietych
87. Stowarzyszenie Klucz Stop Społecznym Wykluczeniom
88. Stowarzyszenie Kobiecy Słupsk
89. Stowarzyszenie Kobieta na PLUS
90. Stowarzyszenie Kobiety Piaseczno
91. Stowarzyszenie Kongres Kobiet
92. Stowarzyszenie Koniński Kongres Kobiet

93. Stowarzyszenie Łódzkie Dziewuchy Dziewuchom
94. Stowarzyszenie Nasz Bocian
95. Stowarzyszenie ON/OFF
96. Stowarzyszenie Poprawy Spraw Alimentacyjnych – Dla Naszych Dzieci
97. Stowarzyszenie Pro Femina
98. Stowarzyszenie Prowincja Równości
99. Stowarzyszenie Stan Równości
100. Stowarzyszenie Stop Stereotypom
101. Stowarzyszenie Szlakiem Kobiet
- 102.102 Stowarzyszenie Wszechnicy Oświeceniowo-Racjonalistycznej
103. Tęczowy Tarnów
104. Toruńskie Dziewuchy
105. Trójmiejska Akcja Kobieta
106. Warszawski Strajk Kobiet
107. Warszawskie Dziewuchy
108. Wielkopolski Kongres Kobiet