

**Question for oral answer O-000042/2020
to the Commission**

Rule 136

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Subject: LGBTI-free zones in Poland within the scope of the *Rete Lenford* case

Since 2019, several municipalities, regions and counties have declared themselves 'LGBTI-free zones', leading to increased scapegoating of LGBTI persons in Poland. In response, local activists created an 'Atlas of Hate' map to highlight which municipal and local governments have made such declarations. Some of these activists are now being sued by local governments for their involvement in the production of the map.

The FRA LGBTI Survey II shows that the situation has turned increasingly dire for LGBTI persons in Poland. The results highlight an increase in intolerance and violence towards LGBTI persons and a complete disbelief by respondents at the government's efforts to effectively combat prejudice and intolerance against them, recording the lowest percentage in the EU (only 4 % deem them effective).

In December 2019, Parliament adopted a resolution calling on the Commission to use all the tools and procedures at its disposal to ensure the full and proper application of Treaty principles and values, including the use of infringement procedures.

On 23 April 2020, the CJEU recognised in the *Rete Lenford* case (Case C-507/18) that homophobic statements could constitute discrimination in employment and occupation when they are made by a person who has or may be perceived as having a decisive influence on an employer's recruitment policy.

In response to these developments:

1. Does the Commission acknowledge that the city, municipality and regional councils that have declared themselves 'LGBTI-free zones' may be perceived as having a decisive influence on the recruitment policy of their administrations?
2. Does the Commission agree that such declarations discriminate against LGBTI persons seeking to access employment or occupation in local or regional administrative bodies?
3. Will the Commission, taking the Court's preliminary ruling into consideration, start an infringement procedure against Poland on the basis of the Directive on Equal Treatment in Employment (2000/78/EC)?

4. What concrete steps is the Commission undertaking at the moment to ensure that LGBTI human rights defenders in Poland, including the activists that produced the 'Atlas of Hate' map, are protected from discrimination within the scope of the Treaty principles and values?

Submitted: 17/06/2020

Lapses: 18/09/2020