



Ministerstwo Sprawiedliwości

Departament Współpracy Międzynarodowej i Praw Człowieka

DWMPC-III.850.53.2023

Gender disinformation is the deliberate dissemination of false information to influence gender perceptions of the sexes and promote harmful stereotypes and prejudices. It is a form of manipulation that aims to perpetuate inequality between women and men and social divisions. It can cover various areas, such as biology, psychology, equal rights, etc. While misinformation can have negative social effects and lead to discrimination and violations of individual rights, it is usually an issue that leads to transgression of the legal framework. Human rights include rights and freedoms that are inalienable and universal for all individuals, regardless of the sex. They include the rights to equal treatment, non-discrimination, freedom of expression, among others.

In practice, the fight against sex based disinformation often involves education, strengthening public awareness, promoting gender equality, supporting women and girls, and conducting information campaigns. Of course, if disinformation leads to criminal actions, such as hatred or violence, they are subject to criminal prosecution.

At the Ministry of Justice, a draft law on the protection of freedom of speech in online social networks (UD293) is being processed. According to the draft, disinformation is defined as false or misleading information produced, presented or disseminated for profit or to violate a vital public interest, or that causes personal harm or property damage. The draft does not differentiate disinformation based on its subject matter or the group of people it affects. According to the drafters, any disinformation is equally harmful. The draft law imposes an absolute obligation on social network service providers to remove content that constitutes disinformation. Entities whose content is unjustifiably deemed to be spreading disinformation will be granted appropriate remedies. The bill is currently being processed through the government's legislative process.

A separate problem, which is increasingly prevalent, is actions of an aggressive nature aimed at blurring the natural distinctions that result from the biological nature of the sexes. This is a major obstacle to the realization of human rights guarantees, as it does not allow the principle of equal treatment to be respected, and in fact causes growing tensions in which the rights of the minority are placed above those of the majority. An example of this is the devaluing and even explicit stigmatization of the value of marriage, which is formed by a woman together with a man and their family. The differences that exist between a heterosexual and homosexual relationship are the basis not so much for the possibility of distinguishing rights, but a necessity for that distinction. Marriage, by definition, is open to natural procreation, which provides yet another motive for recognizing that the process involved in conceiving a child, and later raising the child, poses significant challenges for parents, making it necessary for the nature of their relationship to have a legally guaranteed framework of support. In return,

the state becomes a forward-looking beneficiary of efforts on its behalf by future generations.

The mandate of the Special Rapporteur and the accompanying mission provide an excellent opportunity to prevent the role of marriage, understood as a union between a man and a woman, from being relegated to a mere construct that could be equated with other forms of partnership; hence her activities should, as Poland calls for, be focused on eliminating manifestations of hate speech, against this background. Such speech strikes at the freedom of opinion and expression of those who oppose giving special, priority and preferential rights to minority groups like the LGBTIQ+ community.