

LAMBDA
WARSZAWA



kampania
przeciw
homofobii

Submission to ODIHR Hate Crime Reporting 2015

Warsaw, April/November 2016

Aim of the report

The aim of this report is to present data on homophobic, biphobic and transphobic hate crimes committed in Poland in 2015. Information about each case comes from the monitoring of hate crimes performed by two NGOs working in the field of equal treatment of LGBT persons in Poland: Lambda Warsaw and Campaign Against Homophobia.

About Lambda Warsaw

Lambda Warsaw is a nationwide association that was established in 1997 in the form of an association.

Lambda's mission is to create a social space to construct a positive identity of the LGBT community as well as to provide independent, professional and expert assistance in difficult and crisis situations.

Lambda Warsaw collects data on discrimination on the ground of sexual orientation and gender identity in Poland. Cooperating with public institutions (the police, legal institutions, the labour police), association tries to improve LGBT equality within the scope of their domains of activity. Lambda Warsaw also provides information and counselling, related to anti-discriminatory laws in Poland and the European Union to all those interested, especially for LGBT bias motivated crimes victims and domestic violence LGBT survivors. Lambda's help includes psychological, sexological, legal, crisis individual and group counselling services and also safe emergency shelter for victims.

Work on hate crime

Lambda Warsaw's is Poland's most experienced organization providing support services for victims of anti-LGBT hate crimes.

Their experience and activities related to hate crime include, i.a.:

1. **Carrying out research, collecting data and monitoring cases** of discrimination and hate crime based on SOGI in Poland;
2. **Building capacity of first-point of contact professionals and victim support service providers** – they train public administration, social workers, police and civil society organizations in responding to discrimination and hate crimes based on SOGI
3. **Conducting advocacy and cooperate with relevant stakeholders** (ombudsman, police, prosecution, government; IGOs).
4. **Providing victim support services for LGBT victims** of discrimination, hate crime and domestic violence. Lambda's help includes psychological, sexological, legal,

crisis individual and group counseling services and also safe emergency shelter for victims.

5. **Running the only emergency hostel for LGBT people who experience domestic or bias-motivated violence in this part of Europe.** Hostel guests benefit from a complex recovery programme which includes psychological counselling, coaching and other forms of support, leading to full recovery.
6. **Coordinating the work of the Coalition Against Bias-Motivated Crimes.**

Campaign Against Homophobia (KPH)

The Campaign Against Homophobia (KPH) is the leading, nationwide LGBT organization in Poland. Founded in 2001 as the first LGBT advocacy organization, KPH focuses on education, awareness and lobbying in such areas as family rights, safety from hate crimes, access to healthcare and the formal education system.

To advance rights of LGBT persons and their families KPH uses variety of working methods, including lobbying and strategic litigation, development of educational programs for professionals and nationwide social awareness campaigning. KPH's vision is to change Poland into a country wherein human rights and equality are recognized regardless of sexual orientation and gender identity and in respect to social, economic and faith differences.

Work on Hate Crime

KPH has been cooperating with the police and prosecutors to ensure adequate treatment of LGBT people who have been victims of hate crime.

Their activities, related to hate crimes include:

- 1) **Conducting quantitative and qualitative research** about the needs of LGBT victims of the hate crime;
- 2) **Providing trainings to law-enforcement bodies;**
- 3) **Publishing and disseminating national and international toolkits** for law-enforcement entities to support them in adequately responding the needs of hate crime victims;
- 4) **Monitoring the implementation of the European Union Victim's Rights Directive**, which is the first pan-European legislation that also involves sexual orientation and gender identity;
- 5) **Doing strategic litigation and providing legal and physiological counselling;**
- 6) **Monitoring hate crime cases through media;**
- 7) **Carrying out periodical nationwide research on social situation in Poland;**
- 8) **Working on extending the list of bias motivation in the criminal code**, so that LGBT hate crime victims are protected.

Methodology of data collection

Data on hate crime cases for this report were collected in a number of ways. Most of them come from direct reports from victims/witnesses who contacted Lambda-Warsaw's and KPH's hate crime victim support team for either psychological or legal counselling. Some come from participant observation, media monitoring or information received in other ways. Each case description provides information about the source of information.

Structure of the report

The report is divided into two sections. First one presents data collected by Lambda Warsaw and KPH, which were included in the annual OSCE report on hate crimes committed in Poland in 2015. Second one presents incidents motivated by homophobic, biphobic and transphobic prejudice committed in Poland in 2015 which were not included by OSCE in the annual report but are worth taking into account as they show the scale of this category of hate crimes in Poland.

List of 2015 hate crime cases collected by Lambda Warsaw and KPH and included in OSCE report

1. Case

January, 2015, Warsaw. Gay man was physically assaulted by his co-worker. After the 1st legal counseling, the contact discontinued.

Source of information: victim

2. Case

February, 2015, victim's home. 20 years old lesbian woman has been repeatedly blackmailed, insulted and threatened by family members because of her same-sex relationship.

Source of information: victim reported to the KPH's lawyer

3. Case

February, 2015, Kielce. A transman was attacked by a group of neighbours with a knife and called names "perverted" and "dyke".

Source: Victim. Interview with Lambda-Warsaw psychologist.

4. Case

April and May, 2015, village in mazowieckie voivodeship. 35-year-old gay man was bullied, harassed and terrorized by his brother-in-law (a policeman) with a gun and beaten several times in his family house after the perpetrator realized about our client homosexuality. The incidents were reported to the police. After that the attacks became even more severe.

Source: Victim. Interview with Lambda-Warsaw psychologist.

5. Case

April, 2015, Łódź. Teenage gay came out at home and since then, his mother started bullying him. She continuously beats him and uses homophobic language towards him. After the 1st legal counseling offered the victim's partner, the contact discontinued.

Source of information: partner of the victim

6. Case

30 May 2015, Gdańsk. A group of people tried to disturb LGBT equality march organized by LGBT organization Tolerado. A few eggs and two firecrackers were thrown onto the demonstrators. A group blocked the route of the march (which was legal) by sitting on the street for several minutes, after which they were physically removed by police. The situation repeated further down the street. A police officer securing the Pride participants was physically assaulted. The protesters shouted slogans like "homosexuality is a manifestation of moral decline and personal fancy". They addressed police officers with a request: "Make an order not with us but with those faggots". They held banners "ban of faggoting", "This is Poland, not Brussels – no support for deviations". Police were investigating, charges were pressed against those who blocked the road and a person who assaulted the police officer.

Source: Lambda hate crime team were eye witnesses to the blockage; media reports (firecrackers and eggs, assault on police officer <http://www.tvn24.pl/pomorze,42/kara-za-zaklocanie-marszu-rownosci-w-gdansku,547470.html>).

7. Case

May 2015, Biezuń. A 14-year old boy committed suicide after long-lasting harassment and physical abuse in his school. In his last letter addressed to his mother he admitted he felt like "nothing". He also made a list of his "friends" and "enemies" naming few of his class mates. His mother reported that her son had experienced school bullying and violence. He was humiliated as "faggot" and mistreated/harassed because of his well-groomed hairstyle and way of dressing. The school teachers known about violence but took little or no action at all. The suicide was reported to the police. The Minister of Education condemned, for the first time, homophobia in school.

Source: media reports.

8. Case

June, 2015, Warsaw. Two lesbians were orally insulted with homophobic slurs when the perpetrator suspected that they were lesbian. One of the girls was physically assaulted by

the perpetrator. The incidents were reported to the police. The proceedings were discontinued because of the unknown offender.

Source: Victims, phone conversation with Lambda-Warsaw lawyer.

9. Case

July, 2015, Location unknown. After leaving a gay club, the man and his male friend got attacked by 5 strangers. They were asked if they were gay and then got beaten up. A friend of the man who reported the case got his belongings stolen by the perpetrators. KPH supported the victims by providing them with the lawyer representing them pro bono. The perpetrators were identified by the police. The case is in progress.

Source of information: victim

10. Case

July, 2015, Warsaw. A gay man with Huntington Disease was physically assaulted and verbally abused in his neighbourhood by two unknown perpetrators. One man slapped him in the face, and another man called him “faggot”, “queer”, a “junkie” and “freaky”. According to the victim, the attack was at least partially caused by the uncoordinated movements caused by the disease, which the perpetrators found “abnormal” and “freak-like”, and may have associated them with alcohol or drug abuse.

Source: Victim. Interview with Lambda-Warsaw psychologist.

11. Case

August, 2015, Online. Teenage gay man has been continuously beaten by his brother after his coming-out. After the 1st legal counseling, the victim was referred to LGBT intervention hostel and used it's services.

Source of information: a friend of a victim

12. Case

August, 2015, small town, podkarpackie voivodeship. 18-year-old man was beaten by his older brother in their family house after the perpetrator overheard the victim's conversation with his boyfriend. The victim tried to run away from the house on a bicycle while the perpetrator threw a stone at him.

Source: Victim. Interview with Lambda-Warsaw psychologist.

13. Case

September, 2015, lubelskie voivodeship. 19-year-old man was attacked physically by his father after the perpetrator noticed the son's social media conversation with his boyfriend. After that both parents threw the gay son out of the house.

Source: Victim. Interview with Lambda-Warsaw psychologist.

14. Case

October, 2015, Kraków. A couple of gay men were attacked by two men in a street outside a night store. The assault started after one of the gay men asked the other “Honey, do you have change?”, which sparked a question “Are you faggots?” and subsequent severe physical assault of one of the victims. The incident was reported to the Police, they called from the place of incident but there was a problem with the compatibility with the number 997 and 112 and the police arrived to a different location. At the beginning, when the victims came to the Police Office they did not find anybody who might take the report (see the link: <https://www.youtube.com/watch?v=fMsbgbGkjEU>). The later cooperation between the victims and the investigator was better.

Source: Victim, phone conversation with Lambda-Warsaw lawyer.

15. Case

November, 2015, dolnośląskie voivodeship. A young Roma man was verbally abused with homophobic slurs by his family after he came out. What is more the family damaged and burned down his clothes and shoes. According to the victim, they believed that it is impure or poisoned, HIV-infected, etc.

Source: Victim. Interview with Lambda-Warsaw psychologist.

16. Case

December, 2015, Warsaw, shopping mall. Two young men holding hands were called homophobic slurs (“fags”, “faggots”) and were beaten by a group of unknown perpetrators near the main door to the shopping centre. They tried to fight back. The incident was not reported to the police.

Source: Victim. Interview with Lambda-Warsaw psychologist.

17. Case

The incident took place outside the gay club, where a group of people were called names “you fucking faggots, dykes, bitches, cunts” and were beaten up by 3 perpetrators. One of the victims notified manager of the club, but he responded that he could not have done anything. Due to the lack of evidence the incident was not reported to the police.

Source: victim contacted KPH.

List of 2015 hate crime incidents collected by Lambda Warsaw and KPH

1. Case

January, 15, Żywiec. A pro-LGBT mural by Klamra Foundation was covered with “zakaz pedałowania” (ban fagottry) slogan. Authors used the legal counseling offered by KPH.

Source of information: Fundacja Klamra

2. Case

January, 2015, Koszalin. Lesbian couple got discriminated in the hospital. One of the women attempted suicide. Her partner took her to a hospital to stitch the wounds. A surgeon at the hospital was rude and made fun of them, due to their relationship. He ignored requests to be acting normal, made by the women. After the 1st legal counseling, the contact discontinued.

Source of information: victim

3. Case

January, 2015 Warsaw. 27 years-old gay man was brutally beaten by unknown man when he was leaving the workplace. As a consequence he was taken to the hospital and his wounds had to be stitched. The victim claimed that the perpetrator was sent to beat him up by his friend. KPH offered legal counseling. Due to insufficient wounds the perpetrator could only be persecuted privately. A follow-up is unknown.

Source of information: victim

4. Case

February, 2015, Online. 2 gay men became victims of hate speech after their coming out on Facebook group for people passionate about railway. Some of the comments on their profiles were: "We'll throw all the gayness out of the passion for railways" and "when a guy fucks another guy in the ass, it's horrible". Users of the portal, known by their names, were working in border patrol. A follow-up is unknown.

Source of information: victim wrote to KPH.

5. Case

February, 2015, town near Warsaw, mazowieckie voivodeship. A transwoman, wearing female clothes, was insulted with the words "queer" and "perverted" by football fans on her way to school.

Source: Victim. Interview with Lambda-Warsaw psychologist.

6. Case

February, 2015, Online. Young gay man received hateful comments, such as "you warm faggot", "death to a faggot", "degenerate cunt" after taking part in a public LGBT event.

Source of information: victim

7. Case

March, 2015, location unknown. A gay man was verbally abused on the street with homophobic slurs by two men living in the neighbourhood. No further information available.

Source: Victim, by e-mail correspondence with Lambda-Warsaw lawyer.

8. Case

April, 2015, Wrocław. Ex-partner of the victim started stalking her. She would put flyers around the neighborhood with the private information about the victim. She outed her, by putting information about her sexual orientation on the door of her apartment, by sending a letter to her supervisors at work, informing them about possibility of contracting HIV, as well as by publishing private correspondence on Facebook. The victim contacted KPH's lawyers and was assisted with reporting the case to the Police. The case is ongoing. Thanks to police intervention, the stalking has stopped.

Source of information: victim

9. Case

April, 2015, Warsaw. 39-year-old transwoman, wearing female clothes, was verbally harassed by unknown perpetrators on the street. They called her names using words like "queer", "perverted" or "faggot".

Source: Victim. Interview with Lambda-Warsaw psychologist.

10. Case

May, 2015, Online. In one of the portals with the information on candidates for presidency a quote from one of the candidates was published. The quote stated that homosexuals were deviants.

Source of information: 30-years-old lesbian women

11. Case

May, 2015, Warsaw. Foundation Pro Prawo do Życia initiated the Campaign "stop pedophilia", placing billboards around the city, which were associating homosexuality with pedophilia, suggesting that homosexuals (defined as individuals committing rape towards children raise by them) intend to conduct sex education infringing the rights of the child in Polish schools. The Commissioner for Human Rights was notified. The Commissioner took up the case, but decided that in the current legislative circumstances cannot take any legal action.

Source of information: media

12. Case

June, 2015, Online. A number of Facebook pages have been set up, which glorified the suicide death of 14-years-old Dominik from Biezuń, who had committed suicide after homophobic bullying from his schoolmates. The profiles were homophobic, suggesting that this should happen to homosexual teens like Dominik. A person who reported the pages was outraged by insensitivity of them and turned to KPH for intervention. The pages were removed by Facebook.

Source of information: an anonymous person outraged by the Facebook pages.

13. Case

June 2015, Warsaw. A young woman, a volunteer during LGBT Pride, was raped by an unknown man on the evening of the Pride upon leaving the Pride party. There is no further information as to the bias motivation (it is unclear whether the assault was a 'corrective' rape). The case was not reported to the police.

Source: Victim reported the crime to Lambda-Warsaw psychologist.

14. Case

June, 2015, Online. Gay man received messages with threats and insults from a fake account, such as: "you fucking fag, watch your back when you're leaving your workplace, you'll get your face beaten up, you lame guy", or "your lover is dead too", "you'll see, how we boys will greet you tomorrow, people like you should be hanged and you bet this is happening to you, you fag". The victim contacted KPH for legal advice. After counseling and after the announced attack did not happen, the contact with the victim discontinued.

Source of information: victim

15. Case

June, 2015, Television. In one of the right-wing TV station, during the news broadcast the presenter called people taking part in Warsaw pride "sodomites". After the 1st legal counseling, the contact discontinued

Source: an anonymous person wrote to KPH.

16. Case

July, 15, Online. On the Internet profile of an LGBT activist and a politician racist and homophobic comments have been published. The comments have been removed before KPH's intervention.

Source: An anonymous person outraged by the content

17. Case

July, 2015, Warsaw. A gay man was verbally abused on the street with homophobic slurs by unknown perpetrators. No further information available.

Source: Victim. Interview with Lambda-Warsaw lawyer.

18. Case

July, 2015, Bielszki, Lithuania. During the electoral Action of Poles in Lithuania, Association of Poles in Lithuania t-shirts were given to the participants with a slogan "Wilno na rowerach bez pedałów" (Vilnius on bikes without faggots). Polish Ministry of Foreign Affairs was notified, but no response was issued.

Source of information: Lithuania Gay League

19. Case

July, 2015, Online. After the death of a known LGBT activist one of the right-wing news portal published an article about her stating that “God works in mysterious ways. We ask Good God to mercy her soul and forgive her for all the bad deeds that she has done in her life”. KPH supported the victim by providing her with the lawyer representing her pro bono. The case is in progress.

Source of information: victim (partner of the deceased)

20. Case

July, 2015, Opole. A lesbian was orally abused by the neighbour because of her sexual orientation. No further information available.

Source: Victim, phone conversation with Lambda-Warsaw lawyer.

21. Case

August, 2015, location unknown. A gay man was verbally abused on the street with homophobic slurs by unknown perpetrators. No further information available.

Source: Victim, phone conversation with Lambda-Warsaw lawyer.

22. Case

September, 2015, Location unknown. After legal sex adjustment, transsexual person's (F/M) neighbours who are conflicted with the victim's family, frequently and purposefully used the female form, despite multiple requests from the victim to be using male form. After the 1st legal counseling, the contact discontinued.

Source of information: victim informed KPH.

23. Case

September, 2015, Wrocław. A lesbian woman was verbally abused by her colleagues at work because of her suspected homosexual sexual orientation. No further information available.

Source: Victim, phone conversation with Lambda-Warsaw lawyer.

24. Case

September 2015, mazowieckie voivodeship. A gay man with his partner have been continuously harassed because of their sexual orientation by their parents (illegal entrances to domestic premises, repeated phone calls and sending text messages).

Source: Victim, e-mail correspondence with Lambda-Warsaw lawyer.

25. Case

September, 2015, pomorskie voivodeship. A man was verbally abused by an unknown perpetrator because of his suspected homosexual sexual orientation of the victim. The incident happened when the man was standing inside a gay club. Further details unknown.

Source: Victim, phone conversation with Lambda-Warsaw lawyer.

26. Case

September, 2015, Perzów, during the lesson, teacher (priest) used hate speech, claimed that “Homosexuals are mentally sick and should be removed from the society. It’s a type of disease that threatens humankind. It hasn’t existed before and this idea originated only recently.”

Source: Student reported to KPH

27. Case

October 2015, small town in dolnośląskie voivodship. RaXen (not-LGBT). A foreigner (a young man from SEE) was physically assaulted (punched in the face) by a stranger outside a dance club. There was no apparent cause of the attack except for the foreign origin of the man. The police were informed and secured a video footage. Even though the victim and witnesses perceived the attack as nationality/ethnicity-related, the assault was not recorded as xenophobic by the police. The police officer advised the victim that if he wanted to stay safe, he should avoid the dance club and that he should have not reported the incident to the police.

Source: Witness reported the case to Lambda Warsaw’s hate crime team.

28. Case

October, 2015, Internet. Rapper Wuem Encecha released a song - “Zakaz pedałowania” (ban fagottry), and lyrics clearly call upon violence towards homosexuals. Two NGOs have filled notice of offense to the prosecution. The prosecutor's office refused to initiate an investigation. The complaint was sent to the court about the prosecutor's office decision, however the court found the complaint unfounded - the song is still available online.

Source: Otwarta Rzeczpospolita – a friendly NGO

29. Case

October, 2015, Location unknown. Gay man has been under verbal attack by his fellow students in the dormitory after his coming out. On the door to his room there was a sign “ban fagottry” (zakaz pedałowania), “fuck the faggots” and similar others. After receiving a complaint, administration of the building advised the student to move out as soon as possible. After the 1st legal counseling, the contact discontinued.

Source of information: victim’s friend wrote to KPH.

30. Case

October, 2015. Threat. An unknown perpetrator impersonated a man on the Internet dating website for men who have sex with men - fellow.pl, and transmitted information about the fake user account to the group of friends, family of the victim. On the fake account there was information about the alleged homosexual sexual orientation of the victim, including details about his sexual preferences. The incidents were reported to the Police who decided that the incidents were not a crime.

Source: Victim. E-mail correspondence with Lambda-Warsaw lawyer.

31. Case

October, 2015, Warsaw. The victim got bothered in one shop of the big chain supermarket. Two perpetrators used homophobic invectives, such as “fuck of you fucking faggot”. The cashier, security and the manager of the shop when asked to react were indifferent towards both the victim and the perpetrators. The meeting was held with a representative of the Polish department of the chain. As a result the public apology was issued and training programme was offered to the employees of the shop.

Source: the victim.

32. Case

October, 2015, Warsaw. Two gay men were verbally abused on the street with homophobic slurs by unknown perpetrators. No further information available.

Source: Victim’s Interview with Lambda-Warsaw lawyer

33. Case

November, 2015, Online. After coming out, gay man started receiving messages and comments on Facebook, such as “you should hope I never meet you – for your own good, how can a person get in the ass like you, you fucking fag, people like you should be hanged”, or “you’re fucked up, if I knew before that you’re a faggot, I would have beaten you up every time I saw you...”, or “you’re fat, faggot”, “fat fag”. After the 1st legal counseling, the contact discontinued.

Source of information: victims’ partner

34. Case

December 2015, Gdańsk. Threat. An offensive note was attached to the notice board in the building where the office of the LGBT organization Tolerado (organizer of Trójmiasto Equality March) is. According to Tolerado activist, the note read that ‘Tolerado are dicks and sluts’ and that ‘O.N.R. was here’. O.N.R. is an acronym for National-Radical Camp, an extreme right organization known for its homophobic stance. The case was immediately reported to the police. The investigation was dropped, perpetrators not found.

Source: Victim. Information provided by Tolerado to Lambda Warsaw.

35. Case

December, 2015, Warsaw. A man came up to office of the “Campaign Against Homophobia” (KPH) and used homophobic invectives towards the employees standing in front of the office. The case was reported to the police, but it was disregarded due to inability to identify the perpetrator.

Source of information: victims

36. Case

December, 2015, town in lubuskie voivodeship. A gay man living with his aunt was verbally harassed and cast out after the aunt learned about his homosexuality. She told him “Pack up your things you fucking fag” and then, after he moved out, she called him asking “Have you hanged yourself yet, fag?”

Source: Victim. Interview with Lambda-Warsaw psychologist.

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