



Poland



Progress in Poland was mixed. The Parliament rejected proposals (i) to protect LGBTI people from hate speech; (ii) to introduce same-sex partnership; and (iii) to allow trans people to have their gender being legally recognised without medical intervention. On the other hand, (i) the Minister for Equal Treatment stated that curricula for nurses and midwives referring to homosexuality in a pathological way are unacceptable and replaced them with new ones; (ii) a court awarded the highest compensation ever paid to a victim of homophobic abuse in employment; and (iii) an asylum seeker was granted asylum on the basis of his sexual orientation for the first time in Poland.

Asylum

- In August, a Ugandan asylum-seeker was granted asylum by administrative decision, on the basis of his sexual orientation. This was the first time that asylum was granted on the ground of sexual orientation in Poland.

Bias motivated violence

- In June, the biggest party in the governing coalition, Civic Platform, announced that it intended to introduce amendments to the country's hate speech legislation to add the grounds of sexual orientation and disability to the law on incitement and hatred. Currently the law only covers nationality, race and religion. However, in December, the Civic Platform announced that it only plans to include "personal trait" as a motive. The proposal also mentions the creation of a "Council of Experts" which would determine if the victim actually possesses this "personal trait". This amendment would not allow for a clear protection of victims on the basis of their sexual orientation or gender identity.
- In July, Polish Catholic bishops reacted angrily to the news that Poland would sign the Council of Europe *Convention on preventing and combating violence against women and domestic violence*, claiming that it will lead to the promotion of "non-stereotypical gender roles".
- In December, Poland signed the above mentioned Convention.

Education

- In September, the Campaign against Homophobia (KPH) published a report on homophobic and transphobic bullying in schools and on attitudes of students and teachers, entitled *The Lesson of Equality*. The findings revealed widespread homophobic and transphobic violence. Following the publication of this report, the Plenipotentiary for Equal Treatment sent a letter to the Ministry of Education pressing for a reaction from the Ministry on this issue and suggesting consultation and cooperation with KPH.

Employment

- In December, a court in western Poland ordered the Danish-owned supermarket chain Netto to pay damages to a former gay employee after he was called a 'faggot' by a manager. The employee suffered homophobic abuse and on one occasion was called a 'male bitch' and a 'whore' in front of staff and customers and was finally dismissed. He was awarded €4,400 in damages as well as court costs. Monika Wieczorek, a lawyer who represents the Polish Society of Anti-Discrimination Law (PTPA), said that the ruling is significant and noted that, "The sum of compensation is one of the highest that Polish courts have granted to victims of discrimination based on sexual orientation."

Equality and non-discrimination

- In June, the EU Observer found that the Polish Members of the European Parliament (MEPs) are the least 'gay-friendly' of all MEPs, showing that less than 20% of Polish MEPs voted in favour of five different resolutions over the last six years calling for support of LGBT issues.
- In June, the Euro Pride House in Warsaw opened its doors to LGBT sports fans searching for a safe venue to watch the Euro 2012 football tournament. Organised by the European Gay and Lesbian Sports Federation, the initiative aimed to tackle homophobia and other forms of discrimination through sport. Activists, Members of Parliament Iwona Guzowska, Robert Biedroń, Adam Hoffman and Ryszard Kalisz, and representatives from the football world Suzi Andreis and Maciej Szczesny as well as supporters, attended the official launch in the capital.

Family

- In June, two bills on registered partnership proposed by the liberal Palikot Party and by the Democratic Left Alliance were rejected by the Legislative Commission of the Lower House of Parliament. The bills would have given legal recognition to both same-sex couples and unmarried cohabiting heterosexual couples. The rejection means that the bills will not be discussed further by Parliament.

- In September, the Civic Platform proposed a new bill for the issuance of civil partnerships with many of the legal rights enjoyed by married couples despite fears that it could open up divisions in the party. The bill, drafted by MP Artur Dunin, would give those involved in civil partnerships a broad range of rights including registration in the same registry office where marriages are registered, the right to joint rental of real estate and power of attorney if their partner is medically incapacitated.

Freedom of assembly

- In November, despite protests from civil society, the Polish President and the Parliament passed a new bill on public gatherings following violent incidents during the marches on Independence Day in November 2011. The bill significantly limits freedom of assembly by providing that public gatherings can be moved or cancelled by the authorities if there is more than one happening at the same time in one place and there is a threat to public safety. Also, the organiser of the gathering will be held financially responsible for any damages that may occur during the event (including those caused by counter demonstrations).

Health

- In June, KPH highlighted that textbooks in Polish schools for nurses and midwives refer to homosexuality in a pathological way. The subject often comes under a section of 'sexual problems and illnesses', where references to rape and prostitution are also made. The Minister for Equal Treatment, Agnieszka Kozłowska-Rajewicz, stated that the course content was "unacceptable", and asked the Ministry of Health to ensure that those textbooks would no longer be used. As a result, in November and December, KPH worked with the schools authorities and developed a new curriculum that should be in use from 2013.
- In November, the Polish Ombudsman Irena Lipowicz showed significant interest in discrimination based on sexual orientation and gender identity and reached out to KPH to carry out joint research on the situation of LGBT patients in the healthcare system.

Legal gender recognition

- In May, a *Gender Recognition Bill*, drafted by Trans-Fuzja with the help of other civil society NGOs, was submitted to the Parliament by the Palikot Party. The draft states that gender recognition should be accessible without medical interventions such as hormonal therapy or surgery. In order to obtain a legal change of the gender marker, one would need to submit a statement that their gender identity is different from their legal gender, confirmed by two professionals. In November, this draft legislation was rejected by the Legislative Committee of the Parliament and was dropped. The Committee stated that it would violate the constitutional definition of family and marriage.

Police and law enforcement

- In December, following several meetings between the Ministry of Internal Affairs and KPH, a textbook on diversity was drafted for the police academies and a manual on homophobic and transphobic hate crimes was drafted for the General Prosecutor's Office.

Public opinion

- In July, a study, carried out by the Government's Plenipotentiary for Equal Treatment, showed that 49% of Poles believe gay people are not treated as fairly as straight people. The same study also indicated that only 23% of Poles were in favour of registered partnerships for same-sex couples.
- According to Eurobarometer 2012, 42% of Poles believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%); 35% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Poles scored 5.8 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Poles scored 5.6 on a similar scale when asked about a transgender/transsexual person in the highest elected political

position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

A.W.R. Softpress
www.polgej.pl

Campaign Against Homophobia
www.kph.org.pl

Fundacja Równości (Equality Foundation)
www.rownosc.blogspot.com

KdT Fundacja Kultura dla Tolerancji – Culture for tolerance Foundation

Lambda Szczecin Association

Lambda Warszawa Association
www.lambdawarszawa.org

LGBT Business Forum
www.lgbt.biz.pl

Trans-Fuzja Foundation
www.transfuzja.org