



Australian Government
Refugee Review Tribunal

Country Advice

Poland

Poland – POL38332 – Homosexual – State
Protection – Homosexual Rights –
Treatment by Private Actors – Church –
Extremist Groups – UK Comparison

15 March 2011

- 1. Please provide an analysis of the rights of gays and lesbians in Poland and their ability to express their sexuality freely.**

Rights

Gays and lesbians in Poland have legal rights comparable to gays and lesbians in some Western countries. Sexual orientation or sexual intercourse between same sex adults is not illegal in Poland. A paper from Humboldt University in Berlin states that “homosexuality was always legal in Poland”. It contends that “the Polish legal code of 1932, as well as the current code of 1969, are among the most progressive in respect to sexuality”. According to this paper and the US Department of State’s 2010 report on human rights, there are no laws that criminalise sexual orientation or behaviour.^{1 2} Poland’s current criminal legislation does not mention homosexuality or homosexual relations at all.³ Furthermore, the Polish constitution guarantees all persons “the right to equal treatment and prohibits all forms of discrimination in the political, social, and economic spheres”.⁴

Despite this, there have been criticisms of Poland with regard to the rights of homosexuals. In a November 2009 report, the UN Committee on Economic, Social and Cultural Rights expressed concern that despite the existence of a minister-level position for equal treatment in Poland, discrimination continued against several groups including lesbian, gay, bisexual, and transgender (LGBT) persons.⁵

In the same 2009 report, the UN Committee criticised a draft bill of a comprehensive domestic anti-discrimination law aimed at implementing certain EU directives in the area of equal treatment. The UN Committee stated that the bill did not protect against all forms of

¹ Sierzpowska-Ketner, A. 2001, ‘Poland’ in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³ Sierzpowska-Ketner, A. 2001, ‘Poland’ in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁵ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

discrimination.⁶ The draft was also criticised in 2010 by Human Rights Watch (HRW). HRW stated that the draft raised concerns with respect to protection from multiple discrimination or discrimination based on sexual orientation.⁷ In 2011 the draft bill was also said to have been criticised by a coalition of 40 rights groups for “failing to protect against discrimination on the basis of sexual orientation, disability, age, or religion in a variety of spheres, or against gender discrimination in education”.⁸

The European Court of Human Rights (ECtHR) ruled in March 2010 that Poland discriminated unlawfully against same-sex couples by “denying them the same protection in relation to housing and succession rights afforded to unmarried heterosexual couples”.⁹ Gay issues website 365 Gay reported in 2008 that while Poland’s upper house had approved the European Union’s proposed charter of rights, they inserted a provision that could allow the country to ignore EU guarantees of equal rights for gays and lesbians.¹⁰ HRW stated in 2010 that the government controlled Office of the Plenipotentiary for Equal Treatment created in 2008 lacked autonomy, and does not have a mandate to “take complaints or assist individual victims”. The Government had resisted calls to establish an independent anti-discrimination body.¹¹

Ability to Express Sexuality

Reporting suggests that although not at the same level as Western European countries, gays and lesbians in Poland have the freedom to express their sexuality. The aforementioned Humboldt University paper states that Poland has had a homosexual rights movement and organisations supporting the cause since 1985. The years following 1985 were said to have marked the appearance of official organisations and clubs for homosexuals in big cities in Poland. Programs discussing homosexual issues appeared on television and radio. The press published articles about the problems encountered by homosexual persons. Prior to this period, the public had little knowledge of homosexual issues.¹²

In July 2010, Warsaw hosted a “landmark” gay rights rally. It was the first ‘EuroPride’ parade in a former Eastern Bloc country and was said to have been peaceful, despite “strong opposition”.¹³ In June 2009, Warsaw authorities allowed the annual Equality Parade to take place in the city centre for a fourth consecutive year. Approximately 2,000 local and international gay rights advocates participated, reportedly “without serious incident”. In May of the same year an estimated 500 persons took part in Krakow’s fifth annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event reportedly took place without major incident, “due in part to the presence of 450 police officers”.¹⁴ In

⁶ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁷ Human Rights Watch 2010, *World Report 2010 – Poland*, January – Attachment 3

⁸ Human Rights Watch 2011, *World Report 2011 – European Union*, January – Attachment 4

⁹ Human Rights Watch 2011, *World Report 2011 – European Union*, January – Attachment 4

¹⁰ ‘Poland passes EU Charter with provision to ignore gay guarantees’ 2008, 365 Gay website, 2 April – Attachment 5

¹¹ Human Rights Watch 2010, *World Report 2010 – Poland*, January – Attachment 3

¹² Sierzpowska-Ketner, A. 2001, ‘Poland’ in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

¹³ Human Rights Watch 2011, *World Report 2011 – European Union*, January – Attachment 4

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

December 2010, Poland elected its first openly gay official, Krystian Legierski, who was elected to Warsaw's City Council in country-wide municipal elections. It was described as a "historic first for the country considered the most Catholic in Europe".¹⁵

There is, however, said to be a divergence between Poland's relatively "liberal" legislation and the degree to which homosexual persons openly take part openly as homosexuals in public life.¹⁶ It was reported in 2010 that a district court in Bydgoszcz and city authorities had blocked the registration of an NGO which combats discrimination based on sexual orientation. The organisation, LAMBDA, filed a formal complaint against the ruling. The Human Rights Ombudsman intervened in the dispute on behalf of NGO sending a letter to the court, stating that it had violated rules on registering organisations, and "all citizens are equally entitled to participate in public life and to express their views freely". In November 2009 the NGO received its registration.¹⁷ It was reported in 2009 that Lesbian, Gay, Bisexual and Transgender (LGBT) persons are sometimes prevented from donating blood due to the perception that HIV/AIDS is prevalent in the LGBT community.¹⁸

Many of the criticisms of Polish government attitudes towards allowing homosexuals to express their sexuality freely were directed at the former right wing Law and Justice Party ruled Government which lost power in the October 2007 parliamentary elections.¹⁹ This Government was said to have "upset human rights groups and drawn criticism within the European Union by apparent discrimination against homosexuals".²⁰ In 2007 the European Parliament called on Poland to stop public leaders inciting discrimination against homosexuals.²¹ The Law and Justice Party Government had a ruling against it in 2007 by the European Court of Human Rights for refusing to authorise gay rights rallies in Warsaw two years prior. However, despite the ban, the march went ahead, was attended by 3,000 people and protected by the police. The court said the ban violated the organisers' rights to freedom of assembly.²²

2. Please provide an analysis of the treatment of gay men in Poland by private actors.

Extremists

Several groups of private actors in Poland are hostile toward gay men. Acts of violence and harassment are usually perpetrated by extremist, right wing nationalist groups. During the aforementioned Warsaw Equality Parade in June 2010, 30 members of the All Poland's Youth and National Radical Camp staged a counterdemonstration in opposition to homosexuality,

¹⁵ Ireland, D. 2010, 'Warsaw's Black Gay Winner', *Gay City News*, 8 December http://www.gaycitynews.com/articles/2010/12/08/gay_city_news/news/doc4cffedf4eaba6290373378.txt – Accessed 8 March 2011 – Attachment 6

¹⁶ Sierzpowska-Ketner, A. 2001, 'Poland' in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

¹⁷ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

¹⁸ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

¹⁹ 'Country profile: Poland' 2011, *BBC News*, 12 January

http://news.bbc.co.uk/2/hi/europe/country_profiles/1054681.stm – Accessed 8 March 2011 – Attachment 7

²⁰ "Gay" tubbies face government ban – Poland is concerend the Teletubbies promotes homosexuality' 2007, Reuters, 29 May – Attachment 8

²¹ 'Poland urged to halt 'homophobia'' 2007, *BBC News*, 26 April – Attachment 9

²² 'European Court of Human Rights rules against Poland' 2007, *AP*, 3 May – Attachment 10

but there was no direct confrontation. During the aforementioned Krakow March for Tolerance in June 2010, a small counterdemonstration was organised by the All Youth and National Rebirth of Poland activists. The counterdemonstrators threw eggs, tomatoes, and chairs at march participants and shouted anti-gay slogans. In 2009 there were reports of skinhead violence against homosexuals.²³ In December of that year three Polish administrators of right wing website 'Red Watch' were indicted for promoting a totalitarian regime, and inciting hatred and violence. The website was said to have been maintained by the homophobic Blood and Honor group which had published names and personal information of persons from minority groups, human rights NGOs, and local media, "resulting in threats and harassment to at least 385 persons".²⁴ A 2006 report states that two years prior, the Gay Pride March had suffered attacks led by thugs from the far right League of Families.²⁵

In 2005 there was reportedly a 'normality parade' in Warsaw which was said to be "nothing other than an anti-gay demonstration whose main objective was an incitation to hate and intolerance towards LGBT people". The International Lesbian, Gay, Bisexual, Trans and Intersex Association claimed that following this parade, anti-gay violence had risen, culminating in the shooting and injuring of two individuals outside a gay venue.²⁶

In February 2011, Poland's first gay fan club for the national soccer team asked organisers of the 2012 European Championships to set aside separate seating for gays and lesbians for protection. The club stated that homosexual fans were subject to "unpleasantness, harassment and violence" from other fans.²⁷

Church

In addition to extremist groups a large part of the hostile treatment of gay men in Poland is the result of the stance taken by the Catholic Church. Poland is one of the "most Catholic" countries in Europe.²⁸ The Church maintains a restrictive attitude towards homosexuality and described it as a "moral disorder". Homosexual activities are condemned as contradictory to the "procreative purpose of sex" and sexual relations themselves are only "morally right" in marriage. The Church is said to maintain the view that there are "many ways to restrain a person from fulfilling his or her unnatural sexual desire".²⁹ With regard to the aforementioned Krakow March for Tolerance, the Krakow Archdiocese issued a statement

²³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

²⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

²⁵ Ireland, D. 2006, 'POLAND: GAY TOLERANCE MARCH IN CRACOW UNDER THREAT OF VIOLENT ATTACK', Direland website, 24 April http://direland.typepad.com/direland/2006/04/poland_gay_tole.html - Accessed 8 March 2011 – Attachment 11

²⁶ Flamer-Caldera, R. and Kahramanoglu, K. 2005, 'HOMOPHOBIC VIOLENCE IN POLAND; ILGA RESPONDS', International Lesbian, Gay, Bisexual, Trans and Intersex Association website, 23 June <http://ilga.org/ilga/en/article/649> - Accessed 8 March 2011 – Attachment 12

²⁷ 'Gay soccer fans want separate seating in Euro 2012', *USA Today*, 23 February http://www.usatoday.com/sports/soccer/2011-02-23-2117125462_x.htm# - Accessed 8 March 2011 – Attachment 13

²⁸ Ireland, D. 2010, 'Warsaw's Black Gay Winner', *Gay City News*, 8 December http://www.gaycitynews.com/articles/2010/12/08/gay_city_news/news/doc4cffee4eaba6290373378.txt – Accessed 8 March 2011 – Attachment 6

²⁹ Sierzpowska-Ketner, A. 2001, 'Poland' in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

criticising the march as immoral. However, it distanced itself from violence against homosexuals.³⁰

Broader Population

Beyond specific groups, gay men are also said to suffer discrimination from the broader population according to the US DOS and Amnesty International.^{31 32} Organisations representing LGBT persons reported that discrimination is common in schools, the workplace, hospitals, and clinics.³³ In May 2009, the NGO Campaign Against Homophobia reported that the level of hate speech against homosexuals was still high. It called for revisions to the antidiscrimination law to include sexual orientation among the categories of punishable offences.³⁴

Reporting suggests that there were a higher number of attacks on homosexuals and anti-gay sentiment during 2005-2006.³⁵ A 2006 article reports a tense climate, with the walls of the Krakow being covered with posters reading 'Stop Homosexuality!'.³⁶

3. Please provide an analysis of the availability of state protection for gay men in Poland.

Sources suggest that state protection is available for gays in Poland. Gay rights rallies have been protected by police. During the aforementioned 2009 March for Tolerance, the fact that there was no major incident was in part due to the presence of 450 police officers. Of the counterdemonstrators who hurled projectiles at the marchers, 15 were detained by police. Similarly during the Equality Parade in Warsaw, there was reportedly no direct confrontation between the marchers and the far right groups staging a counterdemonstration because of police protection.³⁷ In 2007, a gay rights rally which went ahead despite a Government ban was protected by the police.³⁸

Those harassing homosexuals for their sexuality have been prosecuted. In August 2009 in an unprecedented decision, the Szczecin District Court imposed a fine equalling USD5,260 on a woman who repeatedly harassed a neighbour over his sexual orientation. The court also prohibited the woman from making further disparaging public comments about her neighbour's sexual orientation. Also as mentioned, in December 2009, the Warsaw

³⁰ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³² Amnesty International 2009, *Amnesty International Annual Report Poland 2009 – Poland*, 29 May – Attachment 14

³³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³⁵ 'Gay Soccer Fans in Poland Face Violence Thanks to the Catholic Church?' 2011, South Capitol Street website, 25 February <http://southcapitolstreet.com/2011/02/25/gay-soccer-fans-in-poland-face-violence-thanks-to-the-catholic-church/> - Accessed 8 March 2011- Attachment 15

³⁶ Ireland, D. 2006, 'POLAND: GAY TOLERANCE MARCH IN CRACOW UNDER THREAT OF VIOLENT ATTACK', Direland website, 24 April http://direland.typepad.com/direland/2006/04/poland_gay_tole.html - Accessed 8 March 2011 – Attachment 11

³⁷ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

³⁸ 'European Court of Human Rights rules against Poland' 2007, *AP*, 3 May – Attachment 10

prosecutor's office indicted three Polish administrators of Red Watch for promoting a totalitarian regime, and inciting hatred and violence.³⁹

Despite this, there is the possibility that attacks and harassment of homosexuals goes underreported because of victims not feeling they can approach authorities as a result of negative societal attitudes toward homosexuality.⁴⁰

4. Please provide similar analyses with respect to the United Kingdom, which identifies any relevant differences amongst the four countries of the state, and Poland.

Rights and Ability to Express their Sexuality Freely

The homosexuals in the UK enjoy a high degree of rights in comparison to much of the world. The law prohibits discrimination and harassment based on sexual orientation.⁴¹ UK criminal law has provisions to recognise acts of hatred against persons due to their sexual orientation.⁴² It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation is a motive for the attack.⁴³ No information was found to suggest relevant differences between the countries that make up the UK when it comes to the rights of homosexuals.

The UK has more advanced protections and rights for homosexuals than Poland. While the UN Committee on Economic, Social and Cultural Rights expressed concern regarding discrimination against LGBT persons, no such concerns were found with regard to the UK. Unlike in Poland there were no reports found of gay rights NGOs having difficulty obtaining registration. The US DOS reported that "numerous lesbian, gay, bisexual, and transgender NGOs existed and operated freely" in the UK. Dozens of gay pride marches and other activities took place in locations throughout the UK legally.⁴⁴ However, similar to Poland, the London Pride march was met by a small band of anti-gay Christian protestors.⁴⁵ In 2007, a UK Member of the European Parliament, who is also a member of the Gay and Lesbian Rights Intergroup, lambasted the then Polish Government's record on LGBT rights. She claimed that what she called the "alarmingly homophobic" stance of the Polish authorities was "in blatant contradiction to the human rights obligations of EU membership".⁴⁶

³⁹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁴⁰ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁴¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

⁴² 'Criminal Justice and Immigration Act 2008' 2008, Legislation.gov.uk website <http://www.legislation.gov.uk/ukpga/2008/4/section/74> - Accessed 8 March 2011 – Attachment 17

⁴³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

⁴⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

⁴⁵ Geen, J. 2010, 'Anti-gay Christian groups protest at Pride', *Pink News* <http://www.pinknews.co.uk/2010/07/03/anti-gay-christian-groups-protest-at-pride/> - Accessed 8 March 2011 – Attachment 18

⁴⁶ 'Poland's anti-gay movement now under attack', *New Europe*, iss. 729, 12 May <http://www.neurope.eu/articles/Polands-anti-gay-movement-now-under-attack/73728.php#> - Accessed 8 March 2011 – Attachment 19

Nevertheless, gays in the UK also continued to suffer from some societal discrimination and mistreatment.⁴⁷

Treatment of Gay Men in the UK by Private Actors

Gay men were the targets of attacks by private actors in the UK. A December 2009 report stated that figures from the Crown Prosecution Service (CPS) showed a 10 percent increase in four years in the number people being convicted for homophobic hate crimes. The survey found that 78 per cent of those charged with homophobic hate crimes defendants were “white British”. A 2008 survey of 1,700 gay, lesbian and bisexual people conducted by gay rights NGO, Stonewall, found that 20 percent of lesbian and gay people had experienced a homophobic hate crime or incident in the preceding three years, while one in eight had been a victim in the last year.⁴⁸ Despite this only 1 percent of hate crimes had led to convictions.⁴⁹ Police, however, sought to reassure gays and lesbians that violent incidents were not rising.⁵⁰

Several reports of harassment and attacks in England were found. In 2009 there was the much publicised killing of a gay man in Trafalgar Square for which three teenagers were charged with manslaughter.⁵¹ In February 2011 an 18-year-old man was arrested and subsequently released in connection with Islamic anti-gay stickers posted around London’s East End. The stickers stated “Arise and warn. Gay free zone. Verily Allah is severe in punishment”.⁵² There were allegations that the stickers had been posted by members of Islam4UK, allegedly the front for a banned Islamic group. A gay rights campaigner added that “there have been a series of homophobic threats and assaults by Asian youths on LGBT people in the East End over recent years”. The campaigner himself claimed to have been attacked by Muslim youths three times. He added that LGBT friends who were Muslim were scared to reveal their sexuality as a result. In response, the Muslim Council of Britain had said that it stands “against discrimination and violence against any people”. Rather than Islamic groups, the co-chair of LGBT forum Rainbow Hamlets suggested that the stickers could have been posted by far right groups such as the English Defence League to “forment community tension”.⁵³

Reports were also found of homophobic attacks by private actors in Scotland. A March 2010 report stated that a survey commissioned by Stonewall Scotland found that two thirds of LGBT people had suffered homophobic abuse, while a third had been physically attacked. However, 88 percent of those verbally attacked did not report it to the police and neither did

⁴⁷ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

⁴⁸ ‘Convictions for homophobic hate crime increase’ 2009, *Pink News*, 18 December
<http://www.pinknews.co.uk/2009/12/18/convictions-for-homophobic-hate-crime-increase/> - Accessed 8 March 2011 – Attachment 20

⁴⁹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

⁵⁰ ‘Convictions for homophobic hate crime increase’ 2009, *Pink News*, 18 December
<http://www.pinknews.co.uk/2009/12/18/convictions-for-homophobic-hate-crime-increase/> - Accessed 8 March 2011 – Attachment 20

⁵¹ ‘Convictions for homophobic hate crime increase’ 2009, *Pink News*, 18 December
<http://www.pinknews.co.uk/2009/12/18/convictions-for-homophobic-hate-crime-increase/> - Accessed 8 March 2011 – Attachment 20

⁵² ‘Man Arrested Released over East End Anti-Gay Stickers’ 2009, *Pink News*, 11 March
<http://www.pinknews.co.uk/2011/03/11/man-arrested-released-over-east-end-anti-gay-stickers/> - Accessed 8 March 2011 – Attachment 21

⁵³ ‘Stickers declare Gay-Free Zone in East London’ 2011, *Pink News*, 14 February
<http://www.pinknews.co.uk/2011/02/14/stickers-declare-gay-free-zone-in-east-london/> - Accessed 8 March 2011 – Attachment 22

61 percent of those physically attacked.⁵⁴ In May 2010 a 16 year old boy was believed to have been killed due to his sexuality. His friends stated “there’s a lot of homophobia in Scotland and plenty of people that would take it further”.⁵⁵ It is likely that the higher number of reports in England and, to a lesser extent, Scotland, compared to Wales and Northern Ireland is due to larger populations in the former two.

While religious groups in both the UK and Poland were opposed to homosexuality, the opposition in Poland seemed to be stronger. This was largely due to this opposition emanating from higher levels of the Polish Catholic church.^{56 57 58} The largest church in the UK, the Church of England⁵⁹ does not hold such a strong and consistent view with regard to homosexuality.⁶⁰

Both the UK and Poland had extremist groups which were opposed to homosexuality and were likely to abuse and attack homosexuals. The greater incidence of reporting of such incidents in the UK is likely to be the result of a combination of a larger openly homosexual community, homosexuals being more likely to report attacks to authorities, authorities more likely to record such incidents, and more NGOs actively involved in homosexual issues. It is unlikely that proportionately, the number of attacks on openly gay people in Poland is less than in the UK. Indeed it is potentially higher due to less tolerant attitudes toward homosexuality amongst the general population.^{61 62}

Availability of State Protection

State protection is readily available for gay men in the UK. The US DOS reported in 2009 that UK police forces demonstrated an “increasing awareness of the problem and trained officers to identify and moderate these [homophobic] attacks”.⁶³ With regard to the aforementioned case of the anti-gay stickers, police had arrested a teenager in relation to the matter. While the teenager had been released, police were taking advice as to whether the posting of the stickers was a criminal offence under the Public Order Act and whether the wording of the stickers – ‘gay-free zone’ – incites hatred based on sexual orientation under

⁵⁴ ‘Survey finds most Scottish gay people have experienced hate crime’ 2011, *Pink News*, 23 March <http://www.pinknews.co.uk/2010/03/23/survey-finds-most-scottish-gay-people-have-experienced-hate-crime/> - Accessed 8 March 2011 – Attachment 23

⁵⁵ ‘Scottish teenager may have been killed for being gay’ 2011, *Pink News*, 23 March <http://www.pinknews.co.uk/2010/05/10/gay-scottish-teenager-may-have-been-killed-for-being-gay/> - Accessed 8 March 2011 – Attachment 24

⁵⁶ Ireland, D. 2010, ‘Warsaw’s Black Gay Winner’, *Gay City News*, 8 December http://www.gaycitynews.com/articles/2010/12/08/gay_city_news/news/doc4cffedf4eaba6290373378.txt – Accessed 8 March 2011 – Attachment 6

⁵⁷ Sierzpowska-Ketner, A. 2001, ‘Poland’ in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011 – Attachment 1

⁵⁸ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁵⁹ US Department of State 2010, *International Religious Freedom Report 2009 – United Kingdom*, 17 November – Attachment 25

⁶⁰ Robinson, B. 2006, ‘THE CHURCH OF ENGLAND AND HOMOSEXUALITY’, Religious Tolerance website, 9 June http://www.religioustolerance.org/hom_coe.htm - Attachment 26

⁶¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March – Attachment 2

⁶² Amnesty International 2009, *Amnesty International Annual Report Poland 2009 – Poland*, 29 May – Attachment 14

⁶³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – United Kingdom*, 11 March – Attachment 16

the law.⁶⁴ Police also urged people to report the stickers if they come across them. A spokesperson for Tower Hamlets Council reaffirmed a commitment to combat all forms of discrimination and harassment and stated that they were “appalled by the actions of those who have produced and posted these stickers”. They reassured the community that the Council treated “issues like this very seriously” and that they were being investigated by the borough’s Hate Crime Team who are working alongside the local police”.⁶⁵ The more tolerant approach to homosexuality taken by successive UK governments in comparison to certain recent Polish Governments makes it likely that there is better state protection available for homosexuals in the UK.^{66 67}

Attachments

1. Sierzpowska-Ketner, A. 2001, ‘Poland’ in *The International Encyclopaedia of Sexuality*, vol. 4, (ed) R. T. Francoeur, The Continuum Publishing Company, New York <http://www2.hu-berlin.de/sexology/IES/poland.html#6> – Accessed 8 March 2011.
2. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Poland*, 11 March.
3. Human Rights Watch 2010, *World Report 2010 – Poland*, January. (CISNET – Poland: CX242595)
4. Human Rights Watch 2011, *World Report 2011 – European Union*, January. (CISNET – Poland: CX257273)
5. ‘Poland passes EU Charter with provision to ignore gay guarantees’ 2008, 365 Gay website, 2 April. (CISNET – Poland: CX196937)
6. Ireland, D. 2010, ‘Warsaw’s Black Gay Winner’, *Gay City News*, 8 December http://www.gaycitynews.com/articles/2010/12/08/gay_city_news/news/doc4cffedf4eba6290373378.txt – Accessed 8 March 2011.
7. ‘Country profile: Poland’ 2011, *BBC News*, 12 January http://news.bbc.co.uk/2/hi/europe/country_profiles/1054681.stm – Accessed 8 March 2011.
8. ‘“Gay” tubbies face government ban – Poland is concerned the Teletubbies promotes homosexuality’ 2007, Reuters, 29 May. (CISNET – Poland: CX178194)
9. ‘Poland urged to halt ‘homophobia’ 2007, *BBC News*, 26 April. (CISNET – Poland: CX176191)

⁶⁴ Man Arrested Released over East End Anti-Gay Stickers’ 2009 , *Pink News*, 11 March <http://www.pinknews.co.uk/2011/03/11/man-arrested-released-over-east-end-anti-gay-stickers/> - Accessed 8 March 2011 – Attachment 21

⁶⁵ Stickers declare Gay-Free Zone in East London’ 2011 , *Pink News*, 14 February <http://www.pinknews.co.uk/2011/02/14/stickers-declare-gay-free-zone-in-east-london/> - Accessed 8 March 2011 – Attachment 22

⁶⁶ ‘“Gay” tubbies face government ban – Poland is concerned the Teletubbies promotes homosexuality’ 2007, Reuters, 29 May – Attachment 8

⁶⁷ ‘Criminal Justice and Immigration Act 2008’ 2008, Legislation.gov.uk website <http://www.legislation.gov.uk/ukpga/2008/4/section/74> - Accessed 8 March 2011 – Attachment 17

10. 'European Court of Human Rights rules against Poland' 2007, *AP*, 3 May. (CISNET – Poland: CX176693)
11. Ireland, D. 2006, 'POLAND: GAY TOLERANCE MARCH IN CRACOW UNDER THREAT OF VIOLENT ATTACK', Direland website, 24 April http://direland.typepad.com/direland/2006/04/poland_gay_tole.html - Accessed 8 March 2011.
12. Flamer-Caldera, R. and Kahramanoglu, K. 2005, 'HOMOPHOBIC VIOLENCE IN POLAND; ILGA RESPONDS', International Lesbian, Gay, Bisexual, Trans and Intersex Association website, 23 June <http://ilga.org/ilga/en/article/649> - Accessed 8 March 2011.
13. 'Gay soccer fans want separate seating in Euro 2012', *USA Today*, 23 February http://www.usatoday.com/sports/soccer/2011-02-23-2117125462_x.htm# - Accessed 8 March 2011.
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