

Report 2001

*On discrimination and intolerance
due to sexual orientation in Poland*

Report on discrimination and intolerance due to sexual orientation
in Poland in 2001

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Stowarzyszenie Lambda Warszawa
ul. Hoża 50/40
00-692 Warszawa, Polska
www.lambda.org.pl

Kampania Przeciw Homofobii
ul. Nowolipie 13/15
00-150 Warszawa, Polska
www.kampania.org

The results were gathered and compiled by: Krzysztof Kliszczyński and
Marcin Dudala.

Layout and typography: Piotr M. Dobosz.

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Samotni
Ewa Tatiana Beniak, 1999

1. Introduction

1.1. Organisations preparing the Report

The Lambda Warszawa Association, created in 1997, is an organisation active in Warsaw and its surroundings. Its aim is to develop a positive identity of homosexual or bisexual people, to promote social tolerance for the phenomenon of homosexuality and to prevent HIV/AIDS. The Association runs the Information and Help Centre “RAINBOW”, which offers a help line, legal aid as well as psychological and medical support groups. Part of the Lambda Warszawa Association’s activity is carrying out a programme of HIV/AIDS prevention by promotion safer sexual activity.

Since 2000 the Association has been in charge of monitoring the situation of homosexual people in their professional and private lives, in public services and in the educational system, and has undertaken actions to improve the situation of homosexual people in Poland.

The Campaign Against Homophobia is a Polish national gay and lesbian organisation, created in 2001, with branches in Warsaw, Kraków, Lublin, Rzeszów, Olsztyn, Szczecin, Wrocław and Poznań. The Campaign is a social and political organisation acting mostly through co-operation with other associations, political parties, foundations and individuals for the sake of improving the status of sexual minorities in Poland.

1.2. Aim of the Report

This report is part of a material prepared by the European Region of the International Lesbian and Gay Association (ILGA-Europe) on the situation of homosexual and bisexual people at workplace in countries that are candidates to the European Union.

The aim of the Report is to present the situation of homosexual, bisexual and transgendered people in Poland in various fields of life. Special attention is given to the phenomenon of discrimination at the workplace. The survey

examines symptoms of discrimination and intolerance in the process of recruitment and promotion as well as in the sphere of social benefits for employees.

The conclusions of the Report will be used in a lobbying campaign for full implementation of the principle of non-discrimination found in the state law *Employment Directive* and *Gender Discrimination Directive*, forbidding any form of discrimination, among others due to sexual orientation, at the workplace. Being aware of the scale of the phenomenon as well as of all factors that contribute to it, we are able to provide reasons for the maximum possible protection of gay men, lesbians, bisexuals and transgendered people at the workplace.

1.3. Sociological research on gay men and lesbians

The survey "Attitudes towards homosexual marriages" carried out by the Centre of Public Opinion Research (CBOS) in 2001 showed that as few as 5 per cent of those surveyed claimed that homosexuality is a normal thing. 60 per cent of Polish people were against homosexual marriages, but 24 per cent accepted this possibility. As many as 88 per cent of those surveyed claimed that homosexuality is a deviation from the norm, 47 per cent maintained it is a deviation that should be tolerated, whereas 41 per cent claimed that it is a deviation that cannot be accepted. A great majority, 84 per cent of those surveyed, were against the possibility of the adoption of children by same sex couples. 8 per cent of those surveyed would accept adoption by homosexuals and also 8 per cent were not able to answer this question.

The Polish people's attitudes towards the economic aspect of same sex partnerships are optimistic. 58 per cent agree that same sex couples might have a common property, 31 per cent disagree, 11 per cent cannot provide an answer, 45 per cent of the surveyed claim that homosexual people living together should have the right to tax reduction in the case of joined calculation of due taxes, 44 per cent are against this right, 11 per cent cannot answer this question. Alarming, there is a tendency to limit gay and lesbian freedom to intimacy. As many as 42 per cent of those surveyed claim that homosexual people should not have the right to sexual activity, whereas 40 per cent claim the opposite.¹

On 20 and 21 February 2002 Pentor carried out a survey on the legalisation of concubinage. It was several days after a deputy of the Alliance of the

Democratic Left (SLD), Joanna Sosnowska, publicly announced the willingness to undertake a parliamentary debate devoted to an act on legalised concubinage. The survey was carried out among a representative random group of 800 adult Polish people, who provided their particulars concerning gender, age, education, province and place of residence. The question was: "Should concubinage be legalised?". As many as 49 per cent answered "yes", 41 per cent answered "no", 10 per cent were unable to give an answer. On the other hand, the question "Should the concubinage of homosexual couples be legalised?" was answered positively by only 18 per cent, 75 per cent were against it, and 7 per cent were unable to answer it.²

¹The survey carried out from 6. to 9. April 2001 by CBOS (followed by PAP).

²The survey carried by Pentor (followed by Wprost, 3. March 2002).

2. Methodology

2.1. Methods and description of the survey

The 2002 “Report on discrimination”, like the former surveys carried out in 1994 and 2001, had as its aim collecting data on the discrimination of bisexual, homosexual and transgendered people in Poland.

The basic difference between the present Report and the reports on discrimination due to sexual orientation in Poland prepared in 1994 and 2001 is the period described in them. The two previous reports described all acts of discrimination, not limiting them in time. This Report describes the cases that occurred exclusively in 2001.

The aim of this project is to examine the degree of discrimination of bisexual, homosexual and transgendered people, to analyse the connection between the acts of discrimination and the victim’s coming out to other people, and to present a description of real cases.

The questionnaire that served to create this Report (its full text is included in the annex) and was addressed to gay men, lesbians, bisexuals and transgendered people was based on a questionnaire used in a similar survey in Ireland in 1995 and in Poland in 2000. Before starting the survey the questionnaire was standardised on a group of 20 people.

The Report includes cases of physical and psychological violence experienced by those surveyed at the workplace, in public services, public life and the church.

Chapters concerning the discrimination of homosexual people in the Polish legislation and political life constitute an integral part of this Report.

As already mentioned, the aim of the Report is also to present the sociological statistics emerging from the survey.

This Report describes the cases that occurred exclusively in 2001

Compared to the survey carried out in 2001, the numerical force of the obtained questionnaires increased three times. In 2001 there were 215 copies and in 2002— 646 copies. In the present compilation 632 questionnaires were used, 14 were disqualified for formal reasons.

The survey resulting in the 632 responses, forming the basis of the present conclusion, was carried out throughout Poland from 10 March to 20 April 2002.

The survey was not carried out on the basis of a random group. There are no statistics on sexual orientation of citizens, as those practices are forbidden. That is why a preparation of a survey on the basis of such a group was impossible.

Anonymous questionnaires were distributed by the Lambda Warszawa Association and the Campaign Against Homophobia in homosexual, bisexual and transgendered people's venues, at both organisations' offices, on web pages visited by homosexual, bisexual and transgendered people and through e-mail.

The survey respected the principle of anonymity. Those surveyed might reveal their particulars, but it was not obligatory. The descriptions of particular cases of discrimination included the victims' age and gender (*e.g.: man, 18—25, city up to 500 000 inhabitants, or: woman, 26—40, Warsaw*) and the description of the incident. In the case of physical and psychological violence the reaction of the police was also described if the incident was reported.

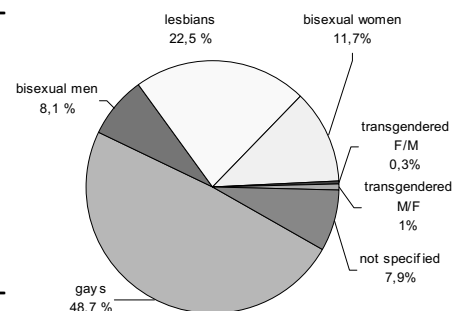
3. Report on discrimination

3.1. Statistics based on questionnaires

During the period of March and April 2002, 646 questionnaires were collected, 14 out of which were rejected for formal reasons. The statistics are based on 632 questionnaires, out of which 359 came from men, 216 from women, and 7 from transgendered people. In 50 questionnaires the surveyed people did not reveal their gender. The statistics are as follows:

| Category | Percent of responses | Number of responses |
|-------------------|----------------------|---------------------|
| Gays | 48,7% | 308 |
| Bisexual men | 8,1% | 51 |
| Lesbians | 22,5% | 142 |
| Bisexual women | 11,7% | 74 |
| Transgendered F/M | 0,3% | 2 |
| Transgendered M/F | 0,8% | 5 |
| Not specified | 7,9% | 50 |
| TOTAL | 100% | 632 |

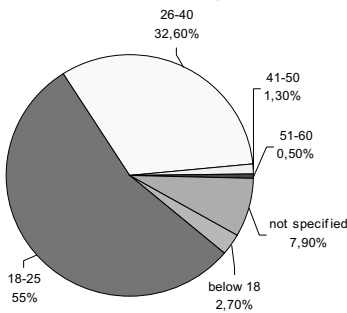
359 questionnaires came from men, 216 from women, and 7 from transgendered people



The age structure of those surveyed showed that almost 90 per cent of them were at the age of 18—40.

The obtained age structure results from the specificity of the places at which the survey was carried out (clubs, discotheques), where mostly young people gather, as well as from the specificity of coming out, which is more often practised by young people.

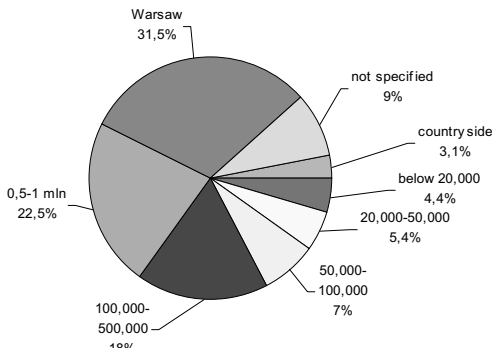
Report 2001



The age structure of the surveyed is as follows:

| Age | Percent of responses | Number of responses |
|---------------|----------------------|---------------------|
| below 18 | 2,7% | 17 |
| 18-25 | 55% | 348 |
| 26-40 | 32,6% | 206 |
| 41-50 | 1,3% | 8 |
| 51-60 | 0,5% | 3 |
| above 60 | — | — |
| not specified | 7,9% | 50 |
| TOTAL | 100% | 632 |

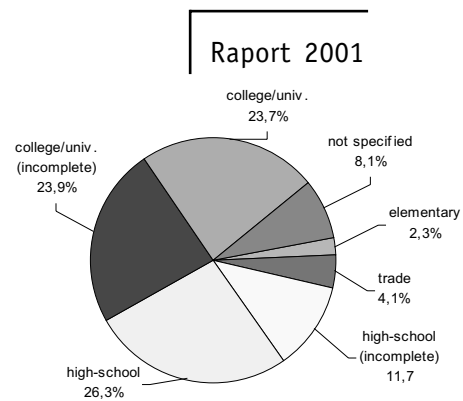
More than a half of those surveyed live in big cities, with over 500 000 inhabitants. As few as 3 per cent of the surveyed live in villages. The structure of the respondents' place of residence results from the specificity of the places at which the survey was carried out (clubs, discotheques), which are mostly situated in big cities, offering anonymity. The obtained data on the place of residence are presented below:



| Residence | Percent of responses | Number of responses |
|--------------------------------|----------------------|---------------------|
| Countryside | 3,1% | 20 |
| City below 20,000 residents | 4,4% | 28 |
| City 20,000-50,000 residents | 5,4% | 34 |
| City 50,000-100,000 residents | 7% | 44 |
| City 100,000-500,000 residents | 17,6% | 111 |
| City 0,5-1 mln residents | 22,5% | 142 |
| Warsaw (1,500,000 residents) | 31,5% | 199 |
| Not specified | 8,5% | 54 |
| TOTAL | 100% | 632 |

Almost half of the surveyed people have higher education. This fact indicates an observable connection between a decision to come out and education. The higher the level of education, the more often bisexual and homosexual people declare their sexual orientation. As few as 2 per cent declare primary education.

| Residence | Percent of responses | Number of responses |
|---------------------------------|----------------------|---------------------|
| Elementary | 2,2% | 14 |
| Trade | 4,1% | 26 |
| High-school (incomplete) | 11,7% | 74 |
| High-school | 26,3% | 166 |
| College/university (incomplete) | 23,9% | 151 |
| College/university | 23,7% | 150 |
| No answer | 8,1% | 51 |
| TOTAL | 100% | 632 |



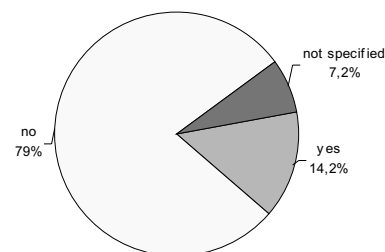
3.2. Physical violence

Physical violence against homosexual people belongs to the most visible cases of discrimination. Every seventh surveyed person has experienced it. Most often it takes the form of beating the victim (this form of violence was marked 45 times) and poking or kicking (34 times). It has to be emphasised that physical violence in the 2001 report was experienced by as many as 14.2 per cent of the surveyed people. This is an alarming number.

Physical violence in the 2001 report was experienced by as many as 14.2 per cent of the surveyed people

Have you ever experienced physical violence?

| | Percent of responses | Number of responses |
|---------------|----------------------|---------------------|
| YES | 14,2% | 90 |
| NO | 78,6% | 497 |
| Not specified | 7,2% | 45 |
| TOTAL | 100% | 632 |



Among those who experienced physical violence, 43.3 per cent (39 people) experienced it once, 25.6 per cent (23 people) twice, and 30 per cent (27 people) more times. 40.5 per cent of all acts of physical violence took the form of beating (45 cases), 30,6 per cent— pushing or poking, punching and kicking (34 cases). The violators were most often strangers (54 cases, 47.8 per cent), family members (16 cases, 14.1 per cent) and acquaintances (13 cases, 11.5 per cent).

Only 22.5 per cent of the attacked (23 people) informed the police

In 74.5 per cent of the cases of physical attack the police was not informed (67 people did not do this); only 22.5 per cent of the attacked (23 people) informed the police.

There is no connection between the fact of coming out and experiencing physical violence

The high percentage of people who do not report the cases of violence to the police is alarming. This situation indicates that homosexual people are afraid of the reaction of the police or doubt their efficiency. Very alarming are situations in which the police, summoned to investigate a crime, condemn the victim's sexual orientation, and thus commit an offence themselves.

There is no connection between the fact of coming out, which was touched upon in question 19: "Did you reveal, or consider revealing your sexual orientation to any people outside your family or friends in 2001?", and experiencing physical violence. In the group that gave a positive answer to the question about coming out (404 respondents, 64 per cent), 15.3 per cent (62 people) reported cases of physical violence.

In the group that answered this question negatively (169 respondents, 26.7 per cent), 14.7 per cent (25 respondents) experienced physical violence.

On the basis of the above data it has to be stated that there is no connection between coming out and aggression against homosexual people.

Experiencing physical violence in the group who gave a positive answer to question 19: "Did you reveal, or consider revealing your sexual orientation to any people outside your family or friends in 2001?" presents the following picture:

| | Percent | Number of responses |
|-------------------------------|----------------|----------------------------|
| Experiences of physical abuse | 15,3% | 62 |

Experiencing physical violence in the group who answered question 19 negatively is described by the following numbers:

| | Percent | Number of responses |
|-------------------------------|----------------|----------------------------|
| Experiences of physical abuse | 14,7% | 25 |

In the light of the obtained data one should remember that— despite the declared non-revealing of one's sexual orientation to other people— the information about the supposed homosexuality or bisexuality of the victim could have reached potential aggressors in some other way or from other sources (e.g. from neighbours).

3.3. Psychological violence

Psychological violence was experienced by almost 35% of those surveyed. Most often it took the form of verbal attacks (this form of violence was marked 179 times), threats (42 times) or blackmail (24 times). The fact that every third respondent in 2001 experienced psychological violence is very alarming— it testifies to a high degree of persecution of homosexual, bisexual and transgendered people.

Psychological violence was experienced by almost 35% of those surveyed

Here is the statistics on psychological violence against homosexual people:

Have you been subject to acts of mental abuse?

| | Percent of responses | Number of responses |
|---------------|----------------------|---------------------|
| YES | 34,2% | 216 |
| NO | 58,2% | 368 |
| Not specified | 7,6% | 48 |
| TOTAL | 100% | 632 |

From among those who experienced psychological violence, 17.6% experienced it once (38 people); 14.3% twice (31 people); 65.8% more times (142 people). Alarming is the fact that two thirds of people who experienced psychological violence were subjected to it time and again.

58.5% of all acts of psychological violence took the form of verbal attack (179 cases); 13.7% were threats (42 cases); 7.8% were attempts to blackmail (24 cases).

The perpetrators of acts of psychological violence were most often unknown people (96 cases, 33.1%), acquaintances (66 cases, 22.75%) and family members (51 cases, 17.6%). Also in this case most of those surveyed (as many as 93.5%) did not inform the organs of prosecution about the fact of persecution.

Most of those surveyed did not inform the organs of prosecution about the fact of persecution

In 93.5% of the cases of psychological attacks the police was not notified about this fact (202 people acted like that), only 4.2% of those attacked (9 persons) notified the organs of prosecution.

Again alarming is the high percentage of people not reporting the cases of violence to the police. This situation indicates that homosexual people fear

There is no significant correlation between the fact of revealing one's homosexuality and experiencing psychological violence

Among persons who revealed their sexual orientation, 37% of those surveyed experienced psychological violence

the reaction of police officials to information about their sexual orientation or do not believe in the efficiency of police action.

Also in the case of psychological violence there is no significant correlation between the fact of revealing one's homosexuality (coming out) and experiencing psychological violence. In the group that gave a positive answer to question 19 "Did you reveal, or consider revealing your sexual orientation to any people outside your family or friends in 2001?" (404 respondents, 64% of those surveyed), 37.3% (151 cases) experienced psychological violence. In the group of those "in the closet" (169 of those surveyed; 26.7%) 36.1% (61 cases) experienced psychological violence.

Experiencing psychological violence in the group of people who have revealed their sexual orientation (404 people) presents the following picture:

| | Percent | Number of responses |
|-----------------------------|---------|---------------------|
| Experiences of mental abuse | 37,3% | 151 |

Experiencing psychological violence in the group of people who conceal their sexual orientation (169 people) is described by the following numbers:

| | Percent | Number of responses |
|-----------------------------|---------|---------------------|
| Experiences of mental abuse | 36,1% | 61 |

The correlation between revealing one's sexual orientation (coming out) and experiencing psychological violence presents itself in the following way:

In the light of the obtained data one should remember that— despite the declared non-revealing of one's sexual orientation to other people— the information about the supposed homosexuality or bisexuality of the victim could have reached potential aggressors in some other way or from other sources (e.g. from neighbours).

3.4. Police

On the basis of the obtained results and analysis of attached descriptions which concerned the reasons for not notifying the police about cases of physical and psychological violence as well as the reactions or action undertaken by appropriate services, one can draw a conclusion that homosexual people do not trust the organs of security.

The obtained results allow one to conclude that those experiencing violence do not notify the police about this fact because, as the questionnaires indicate, they do not believe that the police will take any action and much less that the action will be effective and concrete. This argument is supported by the respondents' statements concerning the reasons for not notifying the organs of prosecution, cited below by way of example:

| | A | B | C | D |
|--------------------------------|-------|-------|-------|-------|
| Cases of physical abuse | 74,5% | 22,5% | 39,1% | 52,2% |
| Cases of mental abuse | 93,5% | 4,2% | 22,2% | 77,8% |

A—Percent of persons refraining from informing the authorities;
 B—Percent of persons who informed the authorities;
 C—Percent of cases when Police responded in a hostile manner;
 D—Percent of cases when Police refused to intervene.

“I can't even imagine how the poor creatures could help me in this respect. They would laugh at me!” (questionnaire no 512);

“I didn't want to reveal my orientation. I feared intolerance and discrimination” (questionnaire no 511);

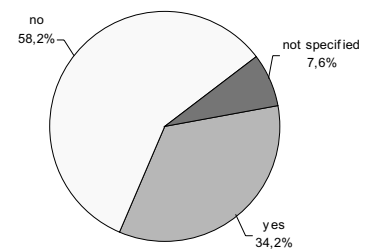
“I was afraid to confess to the police that I'm gay. I have no trust in the police. One day they may use the information against me”, “I don't trust the police” (questionnaire no 502);

“I didn't try to undergo medical examination (obduction) right away, and there were no witnesses to the incident”, “I thought that the police would not help me” (questionnaire no 518);

“It would be connected with revealing my sexual orientation, which in the family environment is not accepted, and with a slight chance of catching the perpetrator”, “An acquaintance of mine who was harassed in this way [i.e. attacked verbally— a note by the authors of this Report] reported the problem to the authorities [the police]. The only reaction was a smile of contempt. The example made me think” (questionnaire no 519);

“Because they would do nothing to this end (as usual, by the way)” (questionnaire no 531);

“From what I know, they don't react” (questionnaire no 520);



Homosexual people do not trust the organs of security

“I didn’t want my family to learn about the assault”, “Because those attacking are family members” (questionnaire no 521);

“They never react anyway, and once they told a friend of mine that apparently she herself provoked the persons who beat her up”, “The police doesn’t like gay men and lesbians” (questionnaire no 533);

“I didn’t believe it could help” (questionnaire no 501);

“I was afraid, I have no trust in the police” (questionnaire no 513).

The above descriptions indicate that the police unfortunately don’t enjoy the confidence of gay men and lesbians.

3.5. Avoidance of behaviour that may cause discrimination

From among the respondents to the 632 questionnaires used in the statistics, 36,7% tried to avoid expressing affection for their partners in public places, and 26,7% respondents avoided telling people from outside their family or circle of friends about their sexual orientation. From the statistics one can infer that the number of people avoiding the expression of affection for their partners and concealing their sexual orientation from people outside the circle of family and friends is still high— this testifies to the prevailing fear of the society’s reaction to behaviours of this type.

Did you consider kissing or holding hands with your partner or a friend of the same gender in public places in 2001?

| | | |
|--------------|--------------|-------------|
| Yes | No | No answer |
| 54,3% | 36,7% | 9% |
| (343 people) | (232 people) | (57 people) |

Did you reveal, or consider revealing your sexual orientation to any people outside your family or friends in 2001?

| | | |
|--------------|--------------|-------------|
| Yes | No | No answer |
| 64% | 26,7% | 9,3% |
| (404 people) | (169 people) | (59 people) |

Most of those surveyed decided to come out and disclose their sexual orientation to their families and heterosexual friends. The interesting thing is that homosexual people definitely more often reveal their sexual orientation to their friends than to family members. Nearly 85% of those surveyed decided to come out to their friends and 61,4% to their families. Probably the lower frequency of revealing one's sexual orientation to family members results from fear about the consequences of such a move.

Do your family and heterosexual friends know about your homosexuality?

Family

| YES | NO | Not specified |
|-------------|-------------|---------------|
| 61,4% | 30,4% | 8,2% |
| 388 persons | 192 persons | 52 persons |

Friends

| Most know | Few know | No-one knows | Not specified |
|-------------|-------------|--------------|---------------|
| 37,2% | 47,6% | 7% | 8,2% |
| 235 persons | 301 persons | 44 persons | 52 persons |

As far as coming out to family members is concerned, those surveyed most often come out to their mothers (306 indications), siblings (241 indications), father (171 indications), and aunts and uncles / cousins (130 indications).

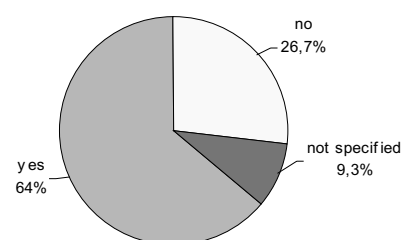
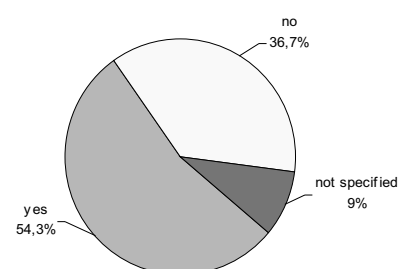
3.6. Discrimination at the workplace

In the light of the obtained results in Poland there is no significant discrimination of homosexual, bisexual and transgendered people at the workplace. Accepting this perspective one should remember, however, that the greater part of those surveyed conceal their sexual orientation from employers and co-workers out of fear of discrimination (see below) and, therefore, they are not discriminated against at the workplace.

The following is the statistics emerging from the questionnaires:

Were you refused employment in 2001 because your homosexuality or bisexuality was known or suspected?

Nearly 85% of those surveyed decided to come out to their friends and 61,4% to their families



| | | | |
|----------------------------|---|------------------------------|--|
| YES 1,1% (7 persons) | I suspect - yes 3,3% (21 persons) | NO 83,7% (529 persons) | Not specified 11,9% (75 persons) |
|----------------------------|---|------------------------------|--|

From among those surveyed, in 2001 60% (379 people) had a job; 31.2% (197 people) were unemployed, and 8.8% of the respondents (56 people) did not provide information concerning employment. Answers to questions 23—35 in the questionnaire were given only by people who had jobs last year. The answers supplied were the following:

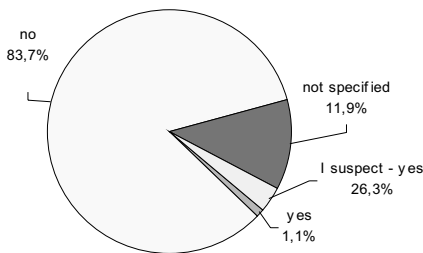
Were you refused promotion in 2001 because your homosexuality or bisexuality was known or suspected?

| | | | |
|--------------------------|---|------------------------------|--------------------------------------|
| YES 1% (4 persons) | I suspect - yes 3,2% (12 persons) | NO 94,5% (358 persons) | Not specified 1,3% (5 persons) |
|--------------------------|---|------------------------------|--------------------------------------|

Were you dismissed or forced to give up your job in 2001 because your homo-sexuality or bisexuality was known or suspected?

| | | |
|----------------------------|------------------------------|--------------------------------------|
| YES 2,4% (9 persons) | NO 95,5% (362 persons) | Not specified 2,1% (8 persons) |
|----------------------------|------------------------------|--------------------------------------|

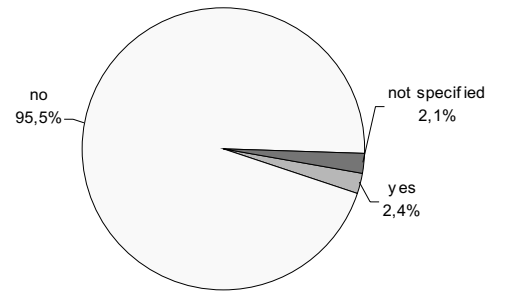
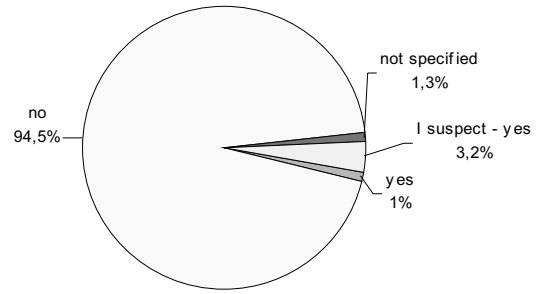
Greater part of those surveyed conceal their sexual orientation from employers and co-workers out of fear of discrimination



The next question— concerning harassment at the workplace— brought less positive results. Such harassment was experienced by 18% of the surveyed; it was not experienced by 82%. In the group of respondents who came out at the workplace (this was inquired about in question 30— see below) such harassment occurred twice less frequently than in the case of people who did not come out—7.6% of respondents. In the group of respondents who stayed in the closet the percentage of harassed people was slightly higher than in the general group— it was 20%.

The obtained result (concerning harassment after coming out) should be subject to more detailed analysis because, on the one hand, it may mean that revealing one's sexuality at the workplace diminishes the risk of harassment. On the other hand, it may mean that homosexual people come out in a friendly environment and coming out has no effect on the degree of harassment.

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Were you harassed at the workplace in 2001 because your homosexuality or bisexuality was known or suspected?

| | Yes | No |
|---|--------------------|----------------------|
| General group (379 people with jobs) | 18% (68 people) | 82% (311 people) |
| Those who came out (91 people) | 7,6% (7 people) | 92,4% (84 people) |
| Those in the closet (285 people) | 20% (57 people) | 80% (228 people) |

Discrimination at the workplace most often took the form of jokes and teasing (60 indications, i.e. 58.8% of indicated forms), aggressive questions (21 indications, 20.6%) and pestering (8 indications, 7.8%).

In the survey there was also a question about avoiding and giving up jobs by gay men and lesbians because of their sexual orientation. The obtained answers are the following:

Did you refuse a job or did you give up trying to get a job in particular circumstances in 2001 because of your homosexual or bisexual orientation?

| Yes | No | No answer |
|---------------------|-----------------------|---------------------|
| 4,2% (16 people) | 92,4% (350 people) | 3,4% (13 people) |

Did you give up a job in 2001 because of your sexual orientation?

| Yes | No | No answer |
|---------------------|---------------------|--------------------|
| 3,4% (13 people) | 95% (360 people) | 1,6% (6 people) |

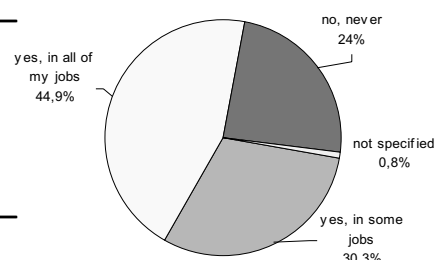
The instances of refusing a job by those surveyed concerned first of all militarised institutions—the army, the police as well as other uniform wearing services— and jobs in church institutions (e.g. as organist). Those surveyed feared the consequences should their sexual orientation be revealed in a uniform wearing service. The respondents derived their opinions on the

risks homosexual people face in uniform wearing services from reports by acquaintances and from the media.

As has been mentioned, a great part of those surveyed concealed their sexual orientation at the workplace— this was done by more than 75% of the respondents. The question concerning this matter was answered in the following way:

Did you feel the need to conceal your sexual orientation or be silent about it at the workplace in 2001?

| Category | Percentage of indications | Number of indications |
|-------------------------|---------------------------|-----------------------|
| Yes, in some jobs | 30,3% | 115 people |
| Yes, in each of my jobs | 44,9% | 170 people |
| No, never | 24% | 91 people |
| No answer | 0,8% | 3 people |



Who did you conceal your sexual orientation from at the workplace?

| Category | Number of indications | Percentage of indications |
|----------------------|-----------------------|---------------------------|
| Customers, clients | 163 | 23,3% |
| Employers, superiors | 235 | 33,6% |
| Other employees | 175 | 25% |
| Children, youth | 93 | 13% |
| Others | 34 | 5,1% |

Only 6.1% of the respondents (23 people) replied that social benefits are available at their workplaces for non-registered couples

A question was also asked about social benefits (health care, refunding of holiday trips, gift parcels, goods coupons, apartment repair fund etc.) available at the workplace for **non-registered heterosexual couples**. Only 6.1% of the respondents (23 people) replied that such facilities exist at their workplaces. 58.3% (221 people) said no; 33.5 (127 people) did not know about their existence, and 2.1% (8 people) did not give an answer to this question.

Only in the case of 9 respondents (2.2%) did such facilities apply also to informal same sex couples. Holiday discounts, double invitations to parties given by firms, small presents, double free trips and offers addressed to the employee and his or her partner were mentioned.

Only in the case of 9 respondents (2.2%) did such facilities apply also to informal same sex couples

3.7. Discrimination in services (public services, health service, etc.)

A. Accommodation

Four per cent of the respondents had difficulties with accommodation. Usually this involved verbal harassment by co-tenants (15 indications) and refusal to lease, rent or sell (10 indication) an apartment. Over half of those surveyed tried to conceal their sexual orientation from co-tenants.

Did you have problems renting, buying an apartment due to your sexual orientation in 2001?

| Yes | No | No answer |
|-------------|--------------|-------------|
| 4,1% | 86,6% | 9,3% |
| (26 people) | (547 people) | (59 people) |

Did you conceal your sexual orientation from your neighbours, leaseholders or tenants because you feared discrimination?

| Yes | I concealed it for another reason | No | No answer |
|--------------|-----------------------------------|--------------|-------------|
| 46,8% | 10,1% | 31,8% | 11,3% |
| (296 people) | (64 people) | (204 people) | (71 people) |

B. Health service

The discrimination of gay men and lesbians in the health service still seems a serious problem. Despite the fact that such discrimination is experienced by not much more than 5% of the respondents, one should emphasise that services called to offering help to others should be entirely free from behaviour of this type.

Very alarming are cases of discrimination in voluntary blood donation centres, where homosexual people are forced to reveal their orientation, which amounts to classifying them to groups commonly considered pathological (drug addicts, alcoholics, prostitutes). Alarming are also cases of denying homosexual people the right to visit a partner in hospital which is justified with the lack of family relationship.

The discrimination in the health service is experienced by not much more than 5% of the respondents

Did you experience discrimination due to your sexual orientation in the health service or medical centres in 2001?

| Yes | No | No answer |
|---------------------|-----------------------|---------------------|
| 5,7% (36 people) | 86,1% (544 people) | 8,2% (52 people) |

C. Discrimination in other public services

Fourteen per cent of the respondents (89 people) reported having experienced discrimination in other public services or utilities. The respondents most often mentioned bars, clubs and means of municipal public transport as places of discrimination. At the same time more than a half of the surveyed concealed their sexual orientation in those places to avoid discrimination.

Did you experience discrimination due to your sexual orientation in public offices / public places in 2001?

| Yes | No | No answer |
|----------------------|-----------------------|---------------------|
| 14,1% (89 people) | 76,7% (485 people) | 9,2% (58 people) |

Did you conceal your sexual orientation in those places fearing discrimination?

| Yes | No | No answer |
|-----------------------|-----------------------|--------------------|
| 54,9% (347 people) | 35,1% (222 people) | 10% (63 people) |

**One fifth of those surveyed
experienced discrimination
in the church**

3.8. Discrimination in the church

One fifth of those surveyed reported that in 2001 they experienced discrimination in the church. A great portion of this group as an example of discrimination adduced public statements by priests and prelates of the church in sermons and other pronouncements.

Did you personally experience any discrimination due to your sexual orientation in the church or during direct contact with its representatives in 2001?

| Yes | No | No answer |
|-------------|--------------|------------------|
| 12,8% | 76,4% | 10,8% |
| (81 people) | (483 people) | (68 people) |

4. The character of discrimination in Polish law

The notion of discrimination, i.e. unequal treatment, has become a permanent element of modern, internal legal systems of the states in the contemporary civilised world. The discovery of discriminatory processes has a fruitful history, which is directly connected with striving to make equal the rights of various social groups in the sphere of broadly understood public life.

An example of such regulations at the international level is Convention No 111 passed by the International Labour Organisation, ratified by Poland in 1961, which accepts the principle of non-discrimination in labour relations. The history of discrimination concerns various spheres of our everyday life, none the less in the world of labour one notes that it is relatively easy to observe symptoms of discriminatory pathologies. It appears that the phenomenon of discrimination changes its character, and the conclusions drawn from the analyses of the changes indicate a constant need to change the criteria of discrimination. Such was the case with the above mentioned Convention No 111 of the International Labour Organisation, which has required constant amendments in places where motives for discrimination are enumerated.

The aforesaid document considers as discriminatory all distinctions, exclusively or in a privileged way based on race, skin colour, gender, religion, political views, ethnicity or social status, which brings about the annihilation or violation of the equality of chances or treatment in the sphere of employment or practising a profession. The Expert Committee, which signalled the need to amend the Convention in the section concerning the catalogue of discriminatory motives, considered it appropriate to add age, state of health and sexual orientation. At the same time many lawyers claim that the weakness of this criterion is the ambiguity of the notion in question.

The United States can boast achievements in this area as, for example, in the light of the definition accepted by the state of Minnesota, “sexual orienta-

After the implementation of the so-called Employment Directive, which prohibits discrimination due to sexual orientation in labour relations, all countries in the European Union and countries that are candidates to it are obliged to introduce appropriate laws prohibiting discriminatory practices

The phenomenon of ignoring homosexuality in the contents of legal acts is a common practice in our country

tion” means emotional, physical or sexual attachment to another person or a notion of oneself that is not identical with one’s biological, masculine or feminine, nature viewed traditionally. Therefore, protection from discrimination includes: homosexual men, lesbians and people with a bisexual orientation. It may include transgendered people, but protection does not include paedophiles. After the implementation of the so-called Employment Directive, which prohibits discrimination due to sexual orientation in labour relations, all countries in the European Union and countries that are candidates to it are obliged to introduce appropriate laws prohibiting discriminatory practices in their own internal legal systems.

In Poland the prohibition of discrimination in labour relations is provided by the law in article 11 of the Labour Code, according to which any discrimination in labour relations— especially due to age, disability, race, ethnicity, convictions, especially political and religious, and labour union membership— is inadmissible. The recent amendments of the Labour Code did not bring in this respect any changes and did not expand the catalogue of discriminatory motives to include sexual orientation, although in the labour department drafts are developed that comply with the implementation duties in this area.

The phenomenon of ignoring homosexuality in the contents of legal acts is a common practice in our country. In the area of protection from discriminatory practices, people with non-normative sexual orientation refer to general laws that lay down the principles of non-discrimination.

Article 32 of the Polish Constitution establishes the principle of equality of the citizens before the law, the principle of equal treatment by public authorities and prohibition of discrimination for any reason in political and social life. Such clauses, because of their great generality (which is an appropriate technique to create entries in a constitution), in the context of the rights of homosexual people are not, however, appropriately implemented at the level of ordinary legislation.

The result of the lack of laws regulating or rather decreeing the rights of homosexual people is that discrimination in this case consists in unequal treatment where sexual orientation becomes a basis for specific rights. This is true of various branches of the law, and the most extreme problems are: — the impossibility to contract formal same sex unions, which has its repercussions, among others, in the law of succession, which deprives partners of a legal basis for the right to inheritance, or in the law of labour in the case of

benefits resulting from a labour contract, e.g. the right to death benefit, to inheriting employee property rights, or the employee's right to a leave to take care of his or her ill partner;

— inequality at the level of the taxation; for example, there is no tax reduction, to which married couples are entitled;

— no legal possibility to represent one's partner before the authorities and private persons;

— no right to decline to testify in legal proceedings concerning one's partner.

The above examples indicate to what extent the enacted law can differentiate the legal situation of people due to their sexual orientation.

In the scope of the issues discussed here, an essential problem is the legal situation of same sex marriages which have contracted their unions abroad and on arrival in Poland expect that the rights provided for married couples by the legal system in force in our country will be respected in their case. The lack in the Polish internal legal system of an institution corresponding to same sex marriages makes it impossible to treat same sex marriages in legal terms applicable to heterosexual unions. Thus, there is no legal possibility to change one's name to the name of one's partner or obtain permission for permanent residence in this country.

4.1. Judiciary

In our country homosexual people very seldom decide to intervene with the administration of justice to defend their sexuality. Filing complaints by homosexual people in which the chief motive is sexual orientation almost never takes place. There are at least two reasons for that. The first one, described at greater length above, is the lack of plain and clear legal rules protecting gay men or lesbians from discrimination in public life and making it possible for them to bring a case to court when their rights are violated. The second, equally essential, reason is the social ostracism experienced by homosexual people and the accompanying fear to reveal their sexual preference. Such people fear an escalation of harassment, and a lawsuit, public by its nature, may become a cause of further persecution. In a Polish court, homosexuality becomes rather an argument that in the opinion of the victim may help in the strengthening of the position in the trial than an independent circumstance prompting one to seek legal protection.

In the scope of the issues discussed here, an essential problem is the legal situation of same sex marriages which have contracted their unions abroad and on arrival in Poland expect that the rights provided for married couples by the legal system in force in our country will be respected in their case

5. Discrimination in social and public life

5.1. Church

It is better to face the problem than to hide the head in the sand. It is easier to fight the evil which has a name than to deal with the nameless vice. Bishop Tadeusz Pieronek, the dean of the Papal Theological Academy, former secretary of Polish Episcopate Conference, during Gazeta Wyborcza chat in response to the question concerning homosexuality and celibacy among priests. Although it is proved that homosexuality is determined biologically, this orientation is a conscious choice of many. It is just now in fashion and it is bound to pass as many other trends.

Bishop Tadeusz Pieronek (the statement cited in Przegląd no.19, 07.05.2001): *“It is like with a contagious disease. No one is going to discriminate against such people [homosexuals], but fearing for one’s safety, everyone will demand certain limitations, some isolation from them. I think that a teacher, an open homosexual, does not fulfill the basic condition for performing this job. (...) It is not about banning from work but it is about excluding them from certain jobs because of the lack of relevant competence.”*

Bishop Tadeusz Pieronek, Gazeta Wyborcza (GW 222.3826), September 22-23, 2001: *“Homosexual marriage and adoption of children by homosexuals”* lead to *“the paralysis of societal order.”*

Archbishop Tadeusz Gocłowski, on the “Radio Z” program when asked by Monika Olejnik (14.11.01) about his attitude to opinions voiced by representatives of Liga Polskich Rodzin (Polish Family League) concerning the building of *“lay and Godless civilization, in which homosexual relationships, killing of unborn children, and euthanasia are promoted.”*: *“Some ways of using personal freedom are condemned by everybody. Freedom is not about doing whatever one likes. Each freedom is limited by freedom of another man. Just imagine a situation in which a teacher, an open homo-*

sexual, walks into school. What can he possibly teach another person? If he, a teacher, is not able to control his weaknesses, how can he demand self-discipline from his students?"

Bishop Tadeusz Pieronek, Dziennik Łódzki, no.9, January 9, 2001: *"Europe is going down. The parades of homosexuals in Berlin resemble a riotous orgy."*

Bishop Roman Andrzejewski during a church fair mass in Licheń, August 15, 2001: *"For some time now people have been losing their minds, but I hope we still have some common sense and it will last long enough."*

Bishop Tadeusz Pieronek, commenting on introducing legal partnership of people of the same sex in Germany: *"The choice of such a political program which assumes the promotion and spread of such freedom in which one man can decide about another is not acceptable for Catholics. Pointing out abortion, equality of the sexes, profitable genetic manipulations, or euthanasia as human progress or tolerance is exceedingly perverse."*

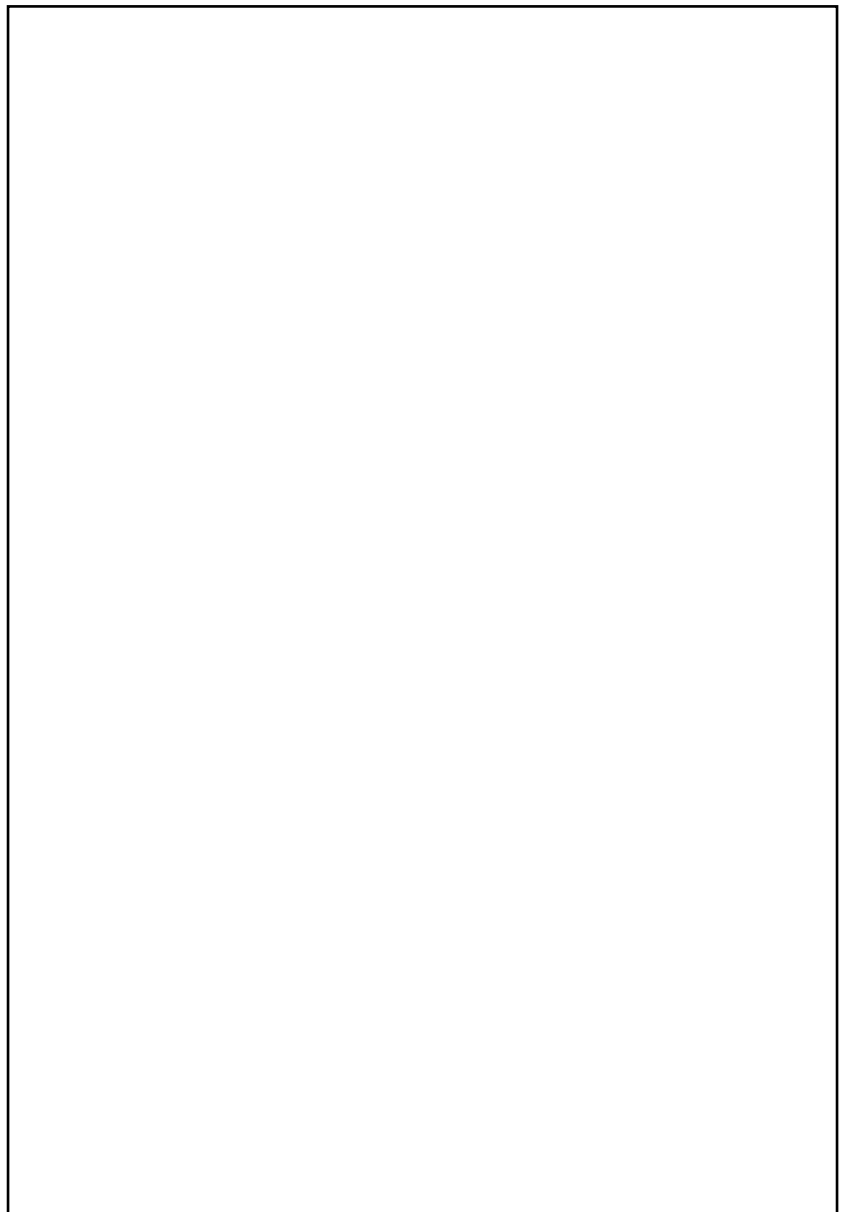
Primate Jozef Glemp August 26, 2001, Jasna Gora: *"Homosexuality, being presented as an alternative to the society built on the foundation of a family unit, in which children are born and grow up, is in reality, a suicidal idea based on human suffering and inadequate to the challenges which homo sapiens is facing."*

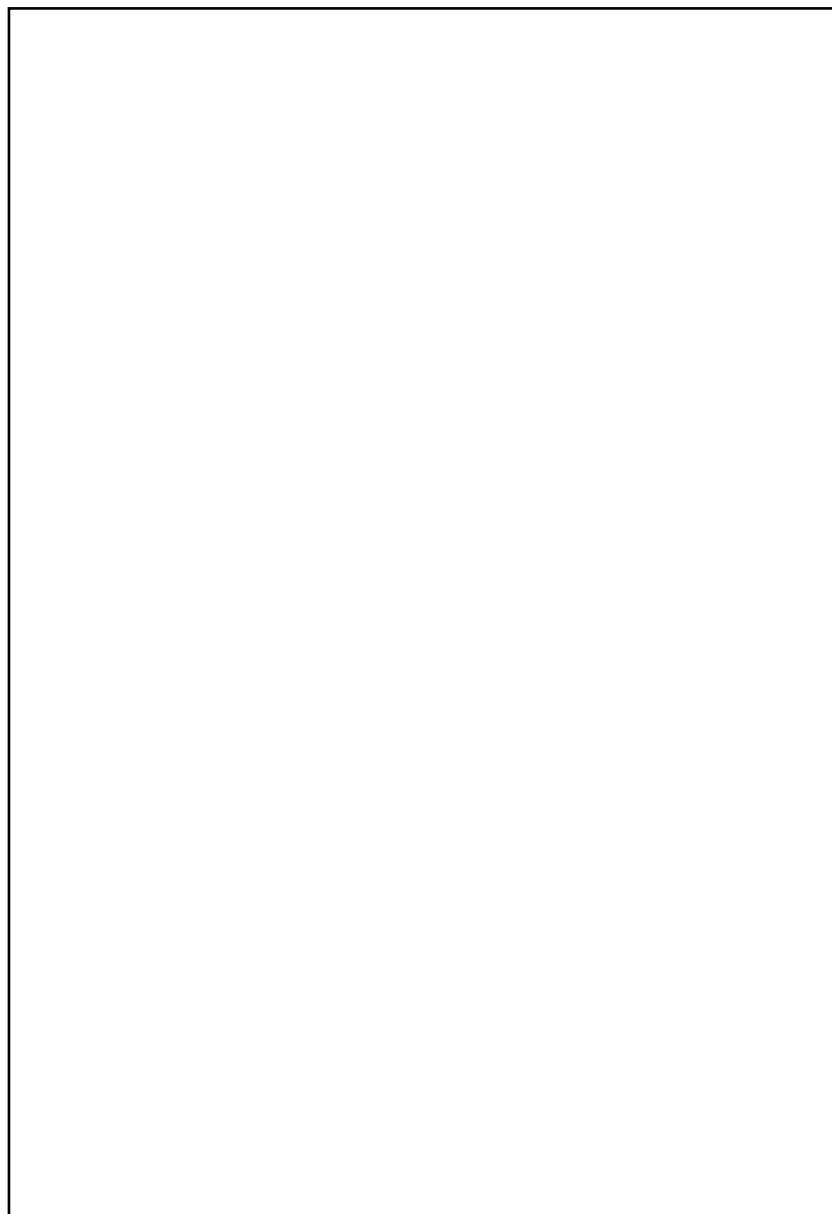
5.2. Media

5.3. Public life

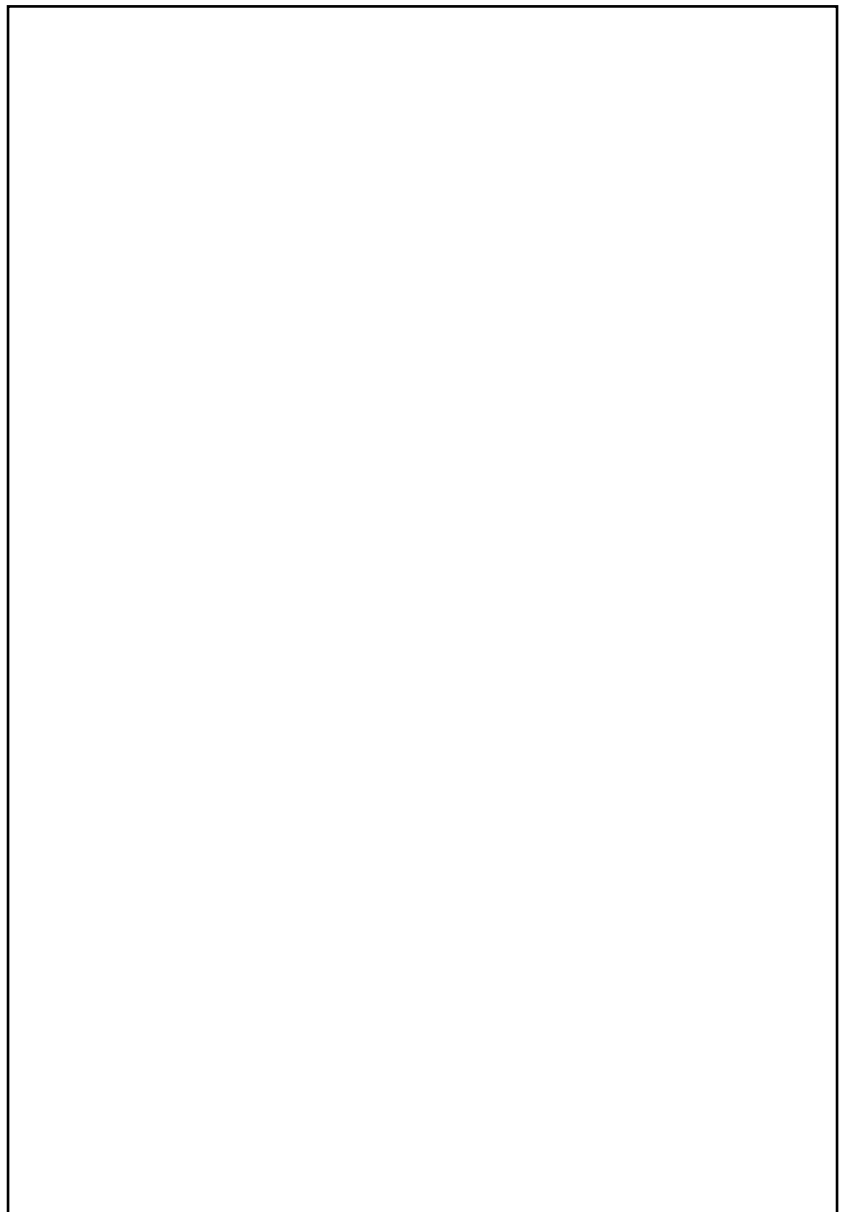
5.4. Politics

Raport 2001





Raport 2001



6. Recommendations

On the basis of the results obtained in the above Report, we recommend that the following practical actions be undertaken with the aim to affect positively homosexual, bisexual and transgendered people as well as the general society:

Employment— changes should be made in the labour law to prevent discrimination due to sexual orientation at the workplace. Employers should be encouraged to take action to prevent discrimination due to sexual orientation at the workplace in the sphere of recruitment, promotion, dismissal, evaluation of the work process, and psychological and physical violence at the workplace.

Health— medical personnel should be educated in the area of homosexuality as well as ways of dealing with homosexual people. One should consider including the above-mentioned matters in the curriculum of medical and postgraduate studies.

Education— teachers and students choosing pedagogical specialisation should be provided with appropriate training in the field of homosexuality as well as in the understanding and skill of opposing homophobia at school as an educational institution. Constant genuine training of teachers and introducing courses presenting **genuine** knowledge in the field of human sexuality into the school curricula is also indispensable.

Physical violence— persons guilty of attacking homosexual, bisexual and transgendered people should be punished with all severity. It is necessary to take action to encourage homosexual people to report crimes committed against them and to train police officials to deal with homosexual people. One should remember about securing appropriate care by trained specialists for homosexual victims of crimes.

Media— the media should actively participate in the realisation of the above recommendations, in particular they should promote a positive picture of homosexual, bisexual and transgender people.

Registered partnerships— one should strive to introduce the possibility to register same sex partnerships (concubinages). The preparation of this new regulation should be accompanied by a campaign promoting tolerant attitudes to homosexual people, presenting them in a positive light.