

Report on Discrimination on the basis of Sexual Orientation in Poland in 1994.

- General Principles and Methodology

The objective of the report was to gather concrete information concerning various types of abuse and discrimination on the basis of sexual orientation. At issue is not only various types of discrimination on the part of institutions (state authorities or legal entities), but also instances of social ostracism which exceed the limits of generally tolerated social norms and are sometimes even in violation of the law. Also listed are instances of pressure which make it difficult for persons of homosexual orientation to function normally in society i.e. revealing their sexual orientation.

The objective of this report is not to describe the situation in statistical or sociological terms. This results in large part from the difficulty of gathering information on various cases, due to the fact that not many people would be willing to reveal their information in a routine sociological study.

The carrying out of a representative sociological survey is impossible due to technical reasons. This is why this report is based on voluntary, anonymous testimony of persons who have experienced discrimination and who found out about the compilation of the report from newspapers and leaflets. The intention of compiling a report was publicised in gay newspapers (monthlies:

Filo, Inaczej and MEN) as well as the mass circulation Zycie Warszawy daily. Leaflets were distributed between January and August 1994 in gay clubs and pubs and among persons associated with LAMBDA. We have also added instances of discrimination reported in the Polish media and resulting from Polish legislation.

- Results

In result of the campaign we received letters, telephone calls and completed surveys. In many cases persons responding to the campaign did not provide all of the data describing a given incident, which will be treated as a lack of data. The time and place of the incidents was usually only approximated (i.e. June 1992 or Katowice province). In order to preserve the confidentiality of the respondents we have changed the names of persons and institutions involved, as well as the profession of the person in question (the profession in question was very rare in Poland).

We did not change any of the data in instances covered by the Polish media. The incidences have been divided in terms of their nature. We will present these instances in the following manner:

Location: _____, Period: _____,

Testimony: _____

Description of

incident: _____

Consequences for person in

question: _____

- Testimony

Instances of Discrimination in Schools and Universities

1. Poznan; Medical Academy; Summer session 1993; student-professor

Piotr, a fourth year student reported for an examination. The professor would not give him the examination saying "I do not tolerate fags. You may leave." Piotr reported his problem to the registrar, where he was told to go to a different professor to request an examination.

Consequence: Violation of the right to privacy, necessity to spend extra time and energy to take care of formalities, feeling of inferiority for having to explain the situation.

2. Warsaw; Academy of Catholic Theology (ATK); Summer session 1992

Kacper, gay activist and fifth year student at the ATK, just prior to beginning writing his masters thesis. Kacper had already passed all of his examinations, but had not yet taken his examination card from the registrar's office. He intended to get the card signed only after passing all of the examinations. The registrar's office refused to issue Kacper an examination card and sent him to the registrar of the Academy. The registrar mentioned that Kacper had participated in a media interview on the topic of the gay movement and that a person such as himself will not complete his studies. Kacper maintains that he made no mention of his studies in the interview.

Kacper launched a complaint with the rector for student's affairs, with whom he discussed the media interview. He received no decision on the matter (the decision of the rector was apparently sent to the registrar). The registrar did not issue Kacper an examination card and in addition told Kacper that he would not be able to defend his thesis. Kacper started looking for a job and did not finish his studies. A year later he requested the registrar to issue a document detailing his studies. He received a document recording 9 semesters of studies. He was refused to right to complete his examinations.

In result of these events Kacper did not finish his studies, and was forced to look for work. He also has limited social benefits at work due to the fact that his last semester of studies was not recognised.

3. Ordinance of the Minister of National Education 18.08.1993 "on the matter of the school programme of education concerning knowledge on the sexual life of a person...". The ordinance defines the programme of sex education in primary and secondary schools. There is no information provided on persons of homosexual orientation.

Consequence: the ordinance is in conflict with the Law of 7.01.1993, on "Family planning and the protection of the foetus", which clearly obliges the Ministry of Education to provide all students with sex education. Students of homosexual orientation or those experiencing difficulty in determining their sexual orientation will not be able to receive any information concerning their sexual orientation and may have difficulty in understanding their orientation.

This discriminates against an entire group of students in terms of their access to information and may limit their psycho-sexual development.

- At Work

1. Warsaw - New York; International legal firm; May 1992; Employer- Employee.

Artur is a young lawyer, with a very good reputation for his legal skills. During the above mentioned period Artur was sent to New York with his boss for a practicum. There he participated in a chat about one of the talented young lawyers in the law firm in the U.S.. In the course of the discussion it was mentioned that the young lawyer was gay (this was a generally known fact; this man lived with his partner and was "out"). Artur's boss commented "Well, unfortunately he has no possibilities for the future of his career."

Consequence: The feeling that his career would be threatened if he were to "come out" as a gay man.

2. Sejm deputy draft law "On the conditions required to hold certain state posts in the Republic of Poland", accepted by the Administration and Internal Affairs Committee (document of the Sejm Speaker nr. 499 dated June 23, 1994).

The draft law foresees checking candidates for higher state posts in terms of morality and whether or not they can potentially be blackmailed due to their past or present "activities". The list of detailed questions is to be compiled by the Prime Minister (regarding state posts). The questionnaire is then to be checked by the Defence Ministry (MON) and the Internal Affairs Ministry (MSW), the Justice Ministry (MS) etc. According to the Sejm deputies proposing the draft the questionnaire should include a question on the sexual orientation of the candidate and a person of homosexual orientation would not be able to hold a top-level state post (including deputy-director up in the entire diplomatic corps etc.)

A consequence of the law may be the dismissal of employees who make public their sexual orientation, who will be discovered by intelligence services or who will decide to quit their posts due to this reason. It may also be stated that the passage of such a law would increase the chances that employees of a homosexual or bisexual orientation could be the victims of blackmail due to threats of being dismissed on the basis of their sexual orientation. The draft law also posits a violation of the private lives of employees.

- In the Armed Forces

1. On the basis of a newspaper article in the "Nowa Trybuna Opolska"; 4-5.06.1994 (comments of a Polish Army officer - a military doctor from Opole on the topic of the present situation of gay reserve soldiers in the Polish military).

"Currently homosexual soldiers are directed to receive psychiatric treatment. They are then usually released to civilian life after being diagnosed as having "personality disorders". But this only in cases when their homosexuality is proven."

In result persons of homosexual orientation are deprived of the right of doing their military service on the same basis as persons of heterosexual orientation. Gay men are faced with having their sexual orientation "checked" using unspecified means which may result in

humiliation and a violation of their privacy. The diagnosis of "personality disorder" is included in their records and this carries the risk of them being further directed for psychiatric treatment and other consequences of having such a medical record. These risks are unnecessary - due to the fact that the World Health Organization (WHO) does not classify homosexuality as an illness. There is also a risk that civilian psychiatrists will make such diagnoses. Nor are the effects of "treatment" on the health and well being of the persons in question evident.

2. The situation of gay officers in the Polish Army was described by a former intelligence officer in the following manner (Nowa Trybuna Opolska, as above): "They were under constant surveillance. They carried the constant threat of being victims of blackmail, and could fall prey to foreign intelligence services."

Consequences: risk of being observed by intelligence services, gross violation of the right to privacy of Polish Army Officers. There also exists the risk that such information would be used in an inappropriate manner. Gay officers may have fewer career opportunities or may be dismissed from the army or given duties requiring less responsibility.

- In the Church

1. Katowice province; a Catholic monastery; within the last four years; priest - superior

Zbyszek was a young priest. His superior found gay literature belonging to him. Zbyszek was thrown out of the monastery on this basis.

Consequences: Zbyszek made no comment. (Likely consequences; stress as a result of being dismissed from the monastery, making him the subject of certain accusations without sufficient evidence.)

2. Diocese headquarters; 1993/1994; Bishop - Priests

The bishop officially stated at a conference of priests that any priest revealing their homosexual identity will not be able to count on advancing in the Church hierarchy.

Consequence: No possibility for advancement, or the necessity of concealing one's sexual orientation.

- Discrimination perpetrated by the Police/Militia

1. The "Hiacynt" action, Warsaw; 15.11.1985; Warsaw resident - Militia.

Leszek was at a local Warsaw gathering place for gay men at Plac Trzech Krzyzy. The militia organised a raid using tear gas and batons. Many persons were arrested. Leszek's fingerprints were taken, he was photographed and registered by the Militia. He was asked the names of his friends and acquaintances and threatened if he would not cooperate.

Consequences: feeling of being threatened, humiliation.

Carrying the risk of the information being used against him. Violation of the right to privacy, detention, fingerprinting and registering without just cause.

- Abuse within the Family

1. Nowa Ruda; September 1993; father-son.

Krzyszek lives with his parents. Not long ago he completed an training course in economy; he gives most of his pay to his mother in order to pay for his food. He invited his friend to his house. His father entered his room by chance and saw Krzyszek and his friend kissing. Next, after trying to convince Krzyszek to change his sexual orientation, his father forbade him to meet with his friend; he began to follow Krzyszek; he would intercept and read Krzyszek's mail and confiscated all the correspondence Krzyszek had received over the past years. During arguments his father threatened to kill Krzyszek and would throw him out of the house.

He also threatened to kill Krzyszek's friend. Krzyszek went to the regional prosecutor's office, but after getting information on the procedure which was to be followed to file a complaint against his father he decided not to take legal measures against his father.

Consequences: Violation of the right to privacy, privacy of correspondence; death threats; making it impossible for him to meet with his friend; leaving him temporarily homeless.

- In the Media.

1. A series of three articles written by Rafal Ziemiewicz in "Gazeta Polska" (One article was titled "Homolewica" or the "homoleft"), April 1994.

The following terms were used to describe persons of homosexual orientation in the article: "pederasts", "homolefties" and "the virus war of the fag-mason mafia against humanity", "the attack of thinking viruses on planet X", "We don't need any pederasts!"

Consequences: insulting and abusing a significant portion of society; inciting intolerance and social hatred, using terms generally regarded as offensive.

2. Polish Television; "Wiadomosci" national television newscast;

19.02.1994; report on boys in an orphanage who were sexually abused by their Swedish and Dutch "guardians".

In a related item it was stated that in Swedish and Dutch homosexual circles there is much talk about how easy it is to bring young boys from Poland. The "Wiadomosci" staff did not broadcast an apology, nor did it respond to an official statement made by LAMBDA on the item. LAMBDA suggested that the statement be broadcast that there is just as much sexual abuse of children in homosexual circles as there is in heterosexual circles, which would mean that the item carried by the news broadcast was making gross generalisations.

Consequences: making public information without sufficient factual backing which put a large portion of the homosexual population (in Poland as well); in a very bad light. Promoting the stereotype of a homosexual as a pedophile (pederast);

Provoking public intolerance towards persons of homosexual orientation; Violation of the right to issue corrections in the media.

- Matters connected with gay bars, cafes

1. Cafe Rose in Warsaw; opened in June 1993.

Cafe Rose was on lease from the Institute of Bulgarian Culture. During the official opening, (2200hrs) the owner of the Cafe received a telephone call from a representative of the Foreign Ministry and the Bulgarian Embassy demanding that the Cafes clients be asked to leave the Cafe and that it be shut down immediately. The claim was made that the request was being forwarded due to the fact that a "homosexual orgy" was taking place at the Cafe. Many witnesses said that the cafe was opened without incident and that there was no behaviour which could be termed as unseemly. The Cafe was opened following a few days, and then closed once again at the end of the year. In an interview with the "Superexpress" newspaper (25.04.1994) the Bulgarian Ambassador said that he tried to shut down the Cafe due to the fact that it was "a gathering place for homosexuals."

Consequences: The Cafes clients were thrown out on the street; the owners incurred financial losses; unequal treatment of homosexual and heterosexual clients.

- Beatings, Physical Attacks.

1. On the street in front of the "Szalanda" restaurant in Gdansk;

April 1991.

A gay man leaving a gay disco was beaten. He was also verbally abused as a fag.

Consequences: no data (physical injuries, sense of being threatened),

2. On the street in front of the "Jambalaya" gay bar in Poznan; June 1993.

A pair of gay men leaving the bar was attacked and beaten by a group of four shouting "fags, poofs". One of the attacked men was able to run away and saw the other man being dragged into a car and abducted. The next day this man was found dumped in another part of town with serious injuries.

Consequences: heavy injuries to his entire body, threat to his life and health; light injuries for the other victim of the attack; sense of being threatened.

3. Warsaw Krakowskie Przedmiescie street close to the Mickiewicz monument; July 1994.

Robert is a Warsaw high school teacher. While returning home from a disco at midnight on a Saturday night he met two of his former students. The students at his school had found out about his sexual orientation by chance. The former student and his friend stopped Robert on the street. When he asked them why they would not let him pass, the former student replied "because you are a fag." Robert tried to pass but was attacked; in the end he was able to run away. At the police office he was told that there was no chance for the perpetrators of the beating to be arrested. Robert only reported the information on the fact that a crime had been committed. Robert has stated that in light of the rather complacent reaction of the police he was afraid that if he would press charges against his attackers they would want to take revenge upon him (they may have had access to his home address).

Consequences: light physical injuries.

- Humiliation and Social Ostracism

1. The "ZIC" Supermarket in Cracow; Two years ago; Manager-Employee.

Jurek's co-worker at the supermarket found out that Jurek was homosexual. He reported this to the manager of the supermarket. The manager called Jurek to see him and verbally abused him. The manager also spread rumours on the topic of Jurek's sexual orientation among the other employees.

Consequences: violation of the right to privacy; humiliation; creating a situation where unequal career opportunities may arise.

2. Warsaw, November 1993.

Tadeusz sent a letter to the "Zycie Warszawy" newspaper in response to an article attacking homosexuals. He signed his full name. The day the article was published Tadeusz's father received two abusive phonecalls from persons known to him.

Consequences: Stress for Tadeusz's father, a feeling of humiliation;

3. Unspecified place and time.

A few employees found out that their colleague was gay. The person in question was ridiculed, and verbally abused and was physically threatened during an argument. The employees also threatened that they would tell the whole firm.

Consequences: humiliation, fear of losing his job, stress over further consequences, violation of privacy.

4. Results of a survey conducted by the Public Opinion Research Center (CBOS) on the topic of homosexuality, published by the Polish Press Agency (PAP) on 25.08.1994.

"79 per cent of respondents feel that homosexuals should not be allowed to be teachers (13 per cent think the opposite), 88 per cent are opposed to homosexuals adopting children (6 per cent think the opposite)." "In the opinion of those polled (28 percent very important, 19 per cent important) homosexuality is as large a factor in the holding of top-level state posts as is former cooperation with the Communist secret police (...)." "Nearly half of those polled (44 per cent) reported that in their circles persons of a different sexual orientation are identified as "homosexuals". A quarter of those polled (25 per cent) replied "fags", the term lesbian was used by 11 per cent, "deviants" by 9 per cent. Remaining terms were stated only intermittantly. The new term "gej" (gay) taken from the English was used by every hundredth respondent."

Consequences: Persons of homosexual orientation are not accepted in higher posts and in professions connected with the education of children. This may give rise to social or legal discrimination against persons of homosexual orientation. Gays are accepted only marginally as close friends or neighbours, which may result in social ostracism of homosexuals. Nor is tolerance reflected in the use of language (often spread by the media) which most often is

reflected in the use of terms with bad social connotations (ie. homosexual, deviant, fag and even the inaccurate pederast). From 34 to 44 per cent of respondents use terms which are generally regarded as being offensive - "deviants", "fags" and so on.

Conclusions

Persons of homosexual orientation have difficulty in functioning freely in society if they make their orientation public. One may conclude that the majority of lesbians and gays do not make their sexual identity public and keep it well hidden (in such cases there is no possibility of discrimination). This then leads to a case where only those who have publicly declared themselves homosexual are visible or those which have broken social norms of behaviour (criminals, pedophile homosexuals) or those behaving in an effeminate manner.

The difficulty in making public one's sexual orientation may cause many problems of a psychological and personal nature (psychological stress, difficulties in establishing their sexual identity, difficulty in interpersonal contacts etc.) This is why it may be said that the very fact that some people must hide their sexual orientation is an instance of discrimination.

Persons who identify themselves as "homosexuals" meet with the following kind of discrimination in their social environment:

- ridicule, teasing, ostracism on the part of friends and family;
- beatings, threats of physical violence or death;
- psychological blackmail on the part of their families, interference in their private lives, violating the privacy of their correspondence, being thrown out of their homes;
- difficulty in renting a flat and running businesses serving the gay community;

The homosexual community also has difficulty as a whole in terms of institutions and legal entities in terms of:

- being under the surveillance of special services (Defence Ministry, Interior Ministry); risk of information being used against them;
- discrimination on the part of the Police; incorrect police procedures;
- limiting of career opportunities (companies, army, Church, State administration);
- difficulty in renting space for discos and gay clubs;
- discrimination in terms of access to sex education and to information on AIDS prevention; discrimination in terms of pedagogical care in schools;
- discrimination in the area of culture (access to works of art created by artists of homosexual orientation) unrepresentative presentation of gay issues in the media;

- offensive language used in the media; public incitement to social hatred of persons of a different sexual orientation;
- disrespect of the right to respond to statements made in the media on homosexual issues;
- making inappropriate diagnoses and ordering inappropriate methods of treatment by health services.

In our opinion in order to change this state of affairs the following steps would have to be taken:

- create and introduce sex education programmes which would include information on the lives of persons of homosexual orientation.
- open the media up to works of art created by persons of homosexual orientation and present homosexual love in the same way as heterosexual love;
- begin campaign fighting instances of intolerance and discrimination of various social groups including persons of homosexual orientation;
- financial support for and the organisation of projects aimed at protecting against discrimination prepared by various government institutions and NGO's;
- encourage the broader more professional academic studies on the topic of persons of homosexual orientation in Poland;
- the adoption of a constitutional guarantee which would prohibit anyone being discriminated against on the basis of sexual orientation in Poland;
- develop the possibility of the introduction of other antidiscrimination rules being introduced (i.e. in accordance with the recommendations of the European Parliament).