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PROGRAM

Poland

Country Report for use in refugee claims based on persecution relating to sexual orientation and gender identity

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Introduction

Sexual acts between same-sex partners have never been criminalized under the independent Polish government who came to power in 1918. However, LGBT individuals have faced and continue to face hardships and challenges not experienced by their heterosexual counterparts. Historically, Poland has been relatively ethnically homogenous and the Catholic Church has held a prominent position in Polish society. Thus, Poland has been slow to adopt measures protecting minority rights, relative to neighbouring European countries. Polish society has opened and become more tolerant in recent years, with freedom of expression, association and assembly increasingly guaranteed. Nevertheless, the idea of minority rights protections for LGBT individuals receives limited public support.

There is no legal recognition of same-sex relationships. The Polish Constitution defines marriage as between a man and a woman. There has been ongoing discussion of the legislature creating same-sex civil unions, a measure that has received some public support. However, a bill to create same-sex civil partnerships was narrowly defeated in the legislature in January 2013. Poland has anti-discrimination legislation, but it explicitly defines LGBT individuals as a protected group only for the purpose of employment discrimination and it is unclear whether the legislation can be interpreted so as to prohibit discrimination against LGBT individuals in other areas. Similarly, it is unclear whether Poland's hate-speech laws can be applied to protect LGBT persons.

There is concern that homophobia is intensifying and becoming increasingly politicized in Poland. Academics note an alignment between homophobic politics and rising Polish nationalism. For instance, recent anti-homophobia resolutions by the European parliament were met by angry reactions. Gay pride marches have been attacked by right wing protestors and have, on occasion, been cancelled by conservative city authorities. Although Poland has some LGBT members of parliament, there have also been public homophobic statements by prominent politicians. For instance, Stanislaw Pieta, a Polish Member of Parliament, has expressed support for Uganda's anti-homosexuality bill. In addition, former President Lech Walesa has made

homophobic comments publicly.

II. Legislation

1. *The Constitution of the Republic of Poland*, online: Sejm Rzeczypospolitej Polskiej
<http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

- **Chapter II, Art. 18 defines marriage as between a man and a woman**
- **Chapter II, Art. 32(1) guarantees equal treatment before the law and equal treatment by public officials for all persons**
- **Chapter II, Art. 32(2) prohibits discrimination on any grounds in political, social and economic life**

Chapter II, Art. 18

Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.

* Poland's parliament narrowly defeated a bill to allow same-sex civil unions in January 2013.

Chapter II, Art. 32(1)

All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.

Chapter II, Art. 32(2)

No one shall be discriminated against in political, social or economic life for any reason whatsoever.

* There have been no cases where this article has been applied to cover discrimination on the basis of sexual orientation.

2. *Criminal Code*, online: Internetowy System Aktów Prawnych
<http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970880553>

- **Chapter XXV, Art. 200 defines the legal age of consent to sexual activity as 15 years of age, and there is no separate age of consent for same-sex sexual activity.**
- **Chapter XXXII, Art. 256 prohibits the promotion of hatred in terms of totalitarianism, racism and religious intolerance. Art. 257 defines hate-speech and hate motivation in terms of racism and religious intolerance**

Chapter XXV. Crimes Against Sexual Freedom and Decency

Art. 200. Anyone who has sexual intercourse with a minor under the age of 15, or engages in other sexual acts with such a person, or causes such a person to submit to or perform sexual acts is subject to imprisonment for a period of 2 to 12 years [translated from Polish by students].

Chapter XXXII, Offences Against Public Order

Art. 256. Anyone who publicly promotes a fascist or other totalitarian states, incites hatred based on nationality, ethnicity, race or religion is subject to a fine, restriction of liberty or imprisonment for up to 2 years

Art. 257. Anyone who publicly insults a group or a particular person because of nationality, ethnicity, race or religion or because of religious beliefs or who for such reason violates the physical integrity of another person will be punished by imprisonment for up to 3 years [translated from Polish by students].

* This article has not been interpreted as protecting against hate-speech targeting people on the grounds of sexual orientation or gender identity. See the Article 19 report in Section V.

3. *Act on Equal Treatment*, online: Internetowy System Aktów Prawnych

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20102541700>

English version: <http://www.brpo.gov.pl/en/content/act-3rd-december-2010-implementation-some-regulations-european-union-regarding-equal>

- **Chapter II, Art. 6 and Art. 7 prohibit unequal treatment on the basis of sex, race, ethnic origin or nationality in access to social security, public services, the provision of health care and access to education. However, does not explicitly protect against discrimination on the grounds of sexual orientation or gender identity**
- **Chapter II, Art. 8(1) explicitly protects against discrimination on the grounds of sexual orientation in professional education, business and employment, union membership and access to labour market instruments and services**
- **Chapter II, Art. 8(2) exempts unequal treatment in the application of measures necessary to protect public safety, health, freedom and rights, or necessary for the prevention of crime from the prohibition in Art. 8(1)**

Chapter II. Principle of Equal Treatment and Legal Measures for Its Protection

Art. 6. Unequal treatment of natural persons due to sex, race, ethnic origin or nationality with regard to the access to and conditions of use of social security, services, including residential services, objects and procurement of rights and energy, provided they are offered publicly, shall be prohibited.

Art. 7. Unequal treatment of natural persons due to race, ethnic origin or nationality, in the scope of medical care and education and higher education shall be also prohibited.

Art. 8.1 Unequal treatment of natural persons due to sex, race, ethnic origin, nationality, religion, denomination, belief, disability, age or sexual orientation shall be prohibited in the scope of:...1) professional education... 2) conditions for taking and conducting business or professional activity... 3) joining and acting in trade unions, employers' organizations and professional self-governing associations... 4) access to and conditions of use of labour market instruments and labour market services...

Art. 8.2. Unequal treatment due to religion, denomination, belief, disability, age or sexual orientation in the scope of application of measures necessary in the democratic state for its public safety and order, protection of health or protection of freedom and rights of other persons and prevention of actions subject to penal sanctions, in the scope specified in other provisions, shall not constitute violation of prohibition, referred to in section 1.

III. Case Law

Federal Court of Canada Decisions

1. *Kostrzewa v. Canada (Minister of Citizenship and Immigration)*, [2012] FCJ No 1550

Holding: Refugee claim denied.

- **Board rejected claim based on Krakow being an internal flight alternative (“IFA”)**
- **Kostrzewa is granted judicial review of Board’s decision, but decision is upheld because he does not provide any information that “so squarely and seriously” contradicts it**

Mr. Kostrzewa is a 24-year-old citizen of Poland who fears persecution based on general mistreatment of LGBT-Q individuals in Poland, and on three assaults to which he was personally subjected to while living there. The Board rejected his claim based on a report entitled “Krakow for Everyone,” which observed that Krakow was “a gay-tolerant area.” The Board stated that Kostrzewa could have fled to Krakow as an IFA.

Kostrzewa submits the Board erred by failing to consider additional information contained in “Krakow for Everyone” that paints Krakow in a more negative light. Though the Court admits that the Board did not conduct a fulsome analysis of the document, they conclude that the omitted information does not “so squarely and seriously contradict the Board’s conclusion.” Thus, this decision was not unreasonable. The Court also deems as reasonable the Board’s conclusions regarding the claimant’s lack of subjective fear.

2. *Pitrowski v. Canada (Minister of Citizenship and Immigration)*, [2005] FCJ No 1001

Holding: Refugee claim denied.

- **Claimant’s credibility impugned due to discrepancies in claimant’s narrative and delay in submitting the claim**
- **Warsaw and other larger cities are becoming more accepting to LGBT-Q individuals, as they are “treated with respect...by the police,” and thus the claimant was not found to be a person in need of protection under IRPA**

The claimant was raised in a strict Catholic family and realized he was gay at the age of 15. At age 20, he met his first gay friend. He claimed that they were both attacked physically and verbally on several occasions. They eventually separated because they “had been harassed and beaten up too many times.” The claimant wanted to flee Poland and at 22, arrived in Canada to visit his sister in Mississauga, Ontario. He sought refugee status seven months later.

The Board questions the claimant’s credibility, as his detailed accounts of attacks in Poland are inconsistent. The Board also states that if the claimant was truly in fear of persecution in his home country, he would have made a claim for protection at the first opportunity. Based on documentary evidence, the Board concludes that there is “an increasing tolerance of lesbians and gays”; police assist LGBT-Q individuals who are under attack in Poland, and gay life in Poland is thriving. The Board notes that two million gay and lesbian persons live in Poland and that especially in large cities, the claimant cannot assert a need of protection pursuant to Section 97(1) of IRPA.

Immigration and Refugee Board of Canada Decisions

1. *RPD File No. VB0-03891*, [2011] RPDD No 196

Holding: Refugee claim denied.

- **Claim is rejected based on viable internal flight alternative (IFA) in Poland**
- **Board suggests Krakow as an IFA and decides that it is objectively reasonable for the claimant to seek refuge there**

Claimant was a 24-year-old man who claimed to be afraid to return to Poland because of his sexual orientation of being a gay man. He was physically attacked on several occasions, having his jaw broken on one occasion in 2007. Claimant came to Canada in 2007 but returned to Poland upon facing pressure from family members to finish the school year. He

delayed in leaving Poland and did not arrive in Canada until 2009. He then entered Canada in 2009 on a student visa and did not apply for refugee protection until 2010. The Board raises concerns regarding the allegations of claimant's subjective fear based on his delaying to seek asylum. Board notes that sections 96 and 97 require a *forward-looking* assessment, and therefore past incidents of assault are not relevant.

Board suggests that the city of Krakow is an IFA based on principles established by the Federal Court: if there is a safe place within Poland where claimant can live safely without facing risk, there is an expectation the claimant should move there before seeking refuge in Canada. Board decides that Krakow passes the two-prong test to qualify as an IFA: on a balance of probabilities, there is no serious possibility of persecution, and it is not objectively unreasonable for the claimant to seek refuge there. Board finds Krakow a viable IFA based on documentary evidence, and believes it is not objectively unreasonable for this claimant to relocate there. For this particular claimant, Krakow is a suitable IFA and thus he is neither a Convention refugee nor a person in need of protection.

2. *JOU(Re)*, [2007] RPDD No 18

Holding: Refugee claim denied.

- **Claimant does not provide clear and convincing evidence of the state's inability to protect LGBT-Q individuals**
- **Claimant acted unreasonably in not filing a complaint following the attacks against him**

The claimant was beaten on three separate occasions in 2004 and 2006 but did not complain to the Polish authorities. He claimed that the reason for not reporting was that he would have to reveal that he was homosexual, which would make his situation even more difficult. The Board decides that the claimant's reasons for not appealing to Polish authorities for protection are unsatisfactory. Poland is a democracy and a member of the European Union, and therefore has legal obligations with respect to discrimination based on sexual orientation. It was unreasonable for the claimant not to seek protection; he never gave his country's authorities the chance to protect him. Thus, claimant fails to provide clear and convincing evidence of the state's inability to provide state protection.

4. *KRU(Re)*, [2002] RPDD No 165

Holding: Refugee claim denied.

- **Claimant's credibility and status as an LGBT-Q individual is questionable**

- **Claimant failed to file a report with the police in Poland and therefore cannot demonstrate that state protection would not be reasonably forthcoming**

The claimant grew up in a Catholic household in a small Polish town. She alleged that her father was very abusive towards her and that her community threatened her based on her sexual orientation. Claimant described life in Poland as intolerable, as she was refused entry to shops, excluded from Church, and fired several times from jobs all because of her perceived sexual orientation.

The Board takes issue with the claimant's evidence and is not convinced of her perceived status as a lesbian on a balance of probabilities. The claimant and her sister, who attempts to provide evidence to corroborate the claimant's sexual orientation, contradict each other, and the explanations provided by the claimant are unsatisfactory. The Board believes the claimant has exaggerated the incidents she has experienced. The Board further states that even if the claimant provided sufficient credible evidence to prove she is perceived as a lesbian and that she suffered such discrimination that it amounted to persecution, she fails to establish that state protection would not be reasonably forthcoming. She never complained of alleged incidents to the Polish police and therefore cannot persuade the Board on a balance of probabilities that she would not be protected in Poland.

5. *JQU(Re)*, [2001] CRDD No 90

Holding: Refugee claim accepted.

- **Claimant is found to be credible with regards to LGBT-Q status**
- **Claimant establishes fear of persecution based on his particular circumstances**

The Board finds that the claimant spent 11 months in Canada in 1996-97 without making a refugee claim. Though claimants usually posit that a delay occurred because they did not know they could claim refugee status on the grounds of sexual orientation, this claimant does not duck the question. The claimant acknowledges that he knew he could apply, though he did not know the technical aspects of the process; the Board respects this plausible response, and it reinforces the claimant's credibility. The claimant lived his life in a small town and was beaten down physically and mentally. He wished to remain closeted while in Poland and due to mistreatment suffered there, contemplated suicide. These particular circumstances, along with general evidence concerning Poland that can support either a positive or negative decision, compel the Board to grant refugee status.

6. *RXQ(Re)*, [1999] CRDD No 164

Holding: Refugee claim denied.

- **Claimant does not establish either an objective basis for his claim or a subjective fear of persecution**
- **Claimant does not leave Poland until several months after violent attacks occurred and does not seek asylum in Canada immediately upon arrival, and thus lacks credibility**

Claimant arrived in Canada at age 21. He asserts that at 18, he was physically and verbally assaulted upon being found holding hands and hugging his male friend. In subsequent attacks, he was accosted while coming out of a cinema and while eating in a diner. The Board finds that the claimant does not establish the subjective fear of persecution or the objective basis for that fear. The Board cites documentary evidence to prove that though the situation in Poland is not perfect, it does not amount to persecution. With regards to the claimant's subjective fear of persecution, the Board questions the claimant's credibility. The Board claims that if he truly feared persecution, he would have sought asylum upon arrival in Canada. Claimant responds that he did not know this was necessary, but the Board does not accept this as plausible.

7. *UOD(Re)*, [1999] CRDD No 106

Holding: Refugee claim accepted.

- **Claimant is deemed a Convention refugee based on documentary evidence, and the testimony and demeanor of the claimant**
- **Claim succeeds based on the *particular* circumstances of this claimant**

The claimant is a 25-year-old man from a small town in Poland. He comes from a very religious Roman Catholic family; both of his parents believe that homosexuality is a grave sin and that all homosexuals should be "destroyed." The claimant was under tremendous stress from his family to find a girlfriend and get married, causing him to become very depressed. In his youth, the claimant had a relationship with a classmate, but when his other classmates found out, they stripped his partner naked, and physically and verbally abused his partner. Claimant's family saw the claimant as a sinner who was bringing a curse upon his family. Though the claimant and his partner ended their relationship, they remained close friends. One year later, though, the partner committed suicide, resulting in further strain upon the claimant. For the year following, the claimant became scared to leave the house, would not talk to anyone, and overdosed on pills and alcohol. He did not want to be identified as a homosexual and face the same fate as his partner.

As the claimant grew older, he was continually abused when others discovered his homosexuality. However, he continued to keep his homosexuality a secret from most, especially his family members; he was terrified of them learning of his sexual orientation. The Board decides that the events suffered by the claimant amount cumulatively to persecution. Documentary evidence cited by the Board is mixed and Board concludes that it is reasonable in these circumstances that this particular claimant would not be willing to seek state protection. Claimant is found to be credible and based on his particular circumstances (religious family, lengthy periods of depression, partner's suicide, having to hide his homosexuality) it was found that claimant established a well-founded fear of persecution. Delay in filing for asylum was forgiven based on the claimant's life experiences, upbringing, the fact that he was in a strange country where he did not know the customs and laws, and because he wanted to hide his homosexuality from family members in Canada.

IV. Government Reports

Europe

1. Council of Europe, "Tackling discrimination on the grounds of sexual orientation and gender identity" (7 June 2013)

Online:

<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19779&Language=en>

- **Today, freedom of expression, association and assembly are guaranteed, legislation on civil unions is being discussed, LGBT individuals are active in politics, and a European conference on LGBT rights could take place in the premises of Poland's parliament.**
- **However, as recently as 2005, the then- Mayor of Warsaw refused to authorize a demonstration for LGBT rights.**
- **Reputable politicians, such as former President Lech Walesa, have been widely reported in the media as making negative statements against the presence of LGBT issues in politics and labeling homosexuality as contrary to traditional Polish values.**

United States

1. United States Department of State, "2009 Country Reports on Human Rights Practices – Poland" (11 March 2010)

Online: <http://www.refworld.org/docid/4b9e52ca62.html>

- **According to reports, discrimination against LGBT individuals is common in**

- schools, the workplace, hospitals, and clinics. In 2010, there were some reports of skinhead violence and societal discrimination against LGBT persons.
- **The NGO Campaign Against Homophobia reported that the level of hate speech against persons based on their sexual orientation was still high in Poland.**
 - **In an unprecedented decision, the Szczecin District Court imposed a 15,000 zloty (\$5,260) fine on a woman who repeatedly harassed a neighbor over his sexual orientation. Her public comments prompted other neighbors to harass the plaintiff verbally and physically. The court also prohibited the woman from making further disparaging public comments about her neighbor's sexual orientation.**
 - **Warsaw authorities allowed the annual Equality Parade to take place in the city center for a fourth consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 30 members of the All Poland's Youth and National Radical Camp staged a counterdemonstration, but there was no direct confrontation between the two groups due to police protection.**

V. Reports from International Agencies and Non-Governmental Organizations

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

1. “Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People - 2013: Poland”, May 2013
Online: <http://www.refworld.org/docid/5195f12316.html>
 - **In 2013, Poland’s progress was mixed**
 - **The Government’s Plenipotentiary for Equal Treatment survey showed that 49% of Poles believe gay people are not treated as fairly as straight people.**
 - **23% of Poles were in favour of registered partnerships for same-sex couples.**
 - **A Ugandan asylum-seeker was granted asylum in Poland on the ground of sexual orientation. [We could not find a copy of the decision in this case.]**
 - **A court in western Poland ordered a Danish-owned supermarket chain to pay damages to a former gay employee after he suffered homophobic abuse by a manager.**

Article 19

1. “Responding to Hate Speech against LGBTI people”, October 2013
Online: <http://www.refworld.org/docid/525b9eb64.html>

- **Publication does not believe that Poland’s Penal Code Articles 256 and 257, protecting against hate speech, have been interpreted as protecting people on account of their sexual orientation or gender identity.**

UN Human Rights Council

1. “Report of the Working Group on the Universal Periodic Review: Poland”, 9 July 2012, A/HRC/21/14

Online: <http://www.refworld.org/docid/506d7f262.html>

- **Over the last four years, Poland had made progress towards adopting further international human rights instruments and cooperating with the UNHRC.**
- **Poland had been preparing a National Action Plan for Equal Treatment for persons of the LGBT community for the years 2012–2017, which includes measures to counteract intolerance. It had also engaged in a Council of Europe project “Fighting discrimination based on sexual orientation and gender identity”, to be implemented in 2013. [We could not find a copy of this document.]**

VI. Media Reports on LGBT Rights

1. “Polish MP backs Uganda’s anti-gay law,” *Hope Not Hate*, December 26, 2013.

Online: <http://www.hopenothate.org.uk/international/article/1638/polish-mp-backs-ugandas-anti-gay-law>

- **A Polish MP expressed his support for Uganda’s Anti-Homosexuality Bill and at the same time described the Ugandan population as “kind of wild people”.**
- **Mr Pieta also suggested that gay people in prison should be separated in order to prevent them from having sex. The MP has been criticized for his remarks on Twitter. He previously has linked homosexuality to necrophilia, zoophilia and pedophilia.**

2. “Burning the Rainbow,” *The Economist*, November 18, 2013.

Online: <http://www.economist.com/blogs/easternapproaches/2013/11/poland>

- **Far right rioters burn down a public art installation (a rainbow) which many have been viewed as an affront to locals’ religious beliefs.**
- **The article points out the fragmentation of the Polish political scene (using gay rights as an illustration), but mentions that two LGBT people were elected to the**

Parliament in 2011 and a gay marriage bill only “narrowly” defeated.

3. “Poland: Group blocked by authorities for trying to pass off anti-gay protest as ‘pro-egg’ rally,” *Pink News*, October 4, 2013.

Online: <http://www.pinknews.co.uk/2013/10/04/poland-group-blocked-by-authorities-for-trying-to-pass-off-anti-gay-protest-as-pro-egg-rally/>

- **Wroclaw city hall rejected a request from a far-right group to have an anti-gay protest at the same time as a gay pride march. The far-right’s rally was billed a pro-egg rally, which some believe indicated an intent to throw eggs at the pride march.**

4. “‘The rainbow belongs to God’: Anti-gay US pastor sets sights on Sochi Olympics,” *NBC News*, September 18, 2013.

Online: http://usnews.nbcnews.com/_news/2013/09/18/20546485-the-rainbow-belongs-to-god-anti-gay-us-pastor-sets-sights-on-sochi-olympics?lite

- **The article claims that infamous anti-gay activist Scott Lively, who has claimed credit for Uganda’s anti-gay legislation, has met with Polish lawmakers in the past to discuss methods of curbing gay rights.**

5. “Poland’s only gay Parliamentarian attacked after Pride,” *The Advocate*, June 17, 2013.

Online: <http://www.advocate.com/politics/2013/06/17/polands-only-gay-parliamentarian-attacked-after-pride>

- **Robert Biedron says he was with several friends after participating in Pride festivities in Warsaw when a man approached them, insulted them with homophobic slurs, and physically attacked one of their members.**
- **Biedron goes on to point out that he’s optimistic about LGBT rights in Poland because the Pride parade lacked the usual anti-gay protestors.**

6. “Polish anti-gay ‘fascist’ prevented from attending event at Aberystwyth University,” *Pink News*, May 18, 2013.

Online: <http://www.pinknews.co.uk/2013/10/30/polish-anti-gay-fascist-prevented-from-attending-event-at-aberystwyth-university/>

- **A Polish far-right leader accused of homophobia and anti-Semitism had his invitation to hold a talk at Aberystwyth University withdrawn last week following protests by campaigners.**

7. “Poland: Lawmakers Protest Anti-Gay Comments,” *The New York Times*, March 6, 2013.

Online: <http://www.nytimes.com/2013/03/07/world/europe/poland-lawmakers-protest-anti-gay-comments.html>

- **In response to Lech Walesa’s remarks (see above), two LGBT legislators took the front bench of Parliament.**
8. “Poland's Walesa provokes outrage with anti-gay comments,” *Reuters*, March 3, 2013.
 Online: <http://www.reuters.com/article/2013/03/03/us-walesa-gays-idUSBRE92209N20130303>
- **Nobel Peace Prize laureate Lech Walesa provoked outrage among liberal Poles by suggesting homosexuals in parliament should sit behind a wall.**
 - **He would later refuse to apologize (not in this story).**
9. “Polish parliament rejects gay rights laws,” *Financial Times*, January 25, 2013.
 Online: <http://www.ft.com/cms/s/0/588a70f4-6703-11e2-a83f-00144feab49a.html#axzz2qcSSGUNw>
- **Legislation granting same-sex couples limited rights was defeated in Parliament and splitting the ruling party.**
10. “Anti-gay brigade target kids,” *New Poland Express*, October 15, 2011.
 Online: http://www.newpolandexpress.pl/polish_news_story-3640-anti-gay_brigade_target_kids_.php
- **Anti-gay flyers were handed out to children in front of a Church in Gdansk. The flyers claimed that many of the political parties in Poland supported homosexuality.**

VII. Scholarship on LGBT Rights in Poland
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1. Graff, Agnieszka. “Looking at Pictures of Gay Men: Political Uses of Homophobia in Contemporary Poland.” *Public Culture* (2010)
 Online: <http://publicculture.dukejournals.org/content/22/3/583.full.pdf+html>
- **The essay explores recent trends in homophobia in Poland in light of right-wing rule post-2004 EU accession. Author concludes that contemporary homophobia in Poland cannot be explained as a reversion to a supposed Catholic tradition or as an inherent element of Polish culture.**

The essay looks at angry responses to the three resolutions against homophobia issued by the European parliament in this period, comments on the relevance of the gay/Jew analogy to Poland's debates on sexual tolerance, and examines an incident of March 2008, when Poland's president used images from a gay wedding in a speech meant to account for his skepticism about the EU.

2. Gruszczynska, Anna. "Queer Enough? Contested terrains of identity deployment in the context of gay and lesbian public activism in Poland." Graduate Thesis, Aston University (2009).

Online: http://eprints.aston.ac.uk/10924/1/Grusz2009_540335.pdf

- **Polish Pride marches are used to challenge negative representations of sexual minorities in Poland, despite challenges from right-wing protestors and authorities. The movement-media interaction is extremely important to redefining the meaning of citizenship in Poland.**

Gay and lesbian prides and marches are of crucial relevance to the way in which non-heterosexual lives are imagined internationally despite regional and national differences. Quite often, these events are connected not only with increased activist mobilization, but also with great controversy, which is the case of Poland, where gay and lesbian marches have been attacked by right-wing protestors and cancelled by right-wing city authorities on a number of occasions. This thesis examines how the activists redefined the meanings of citizenship in the post-transformation context, by incorporating the theme of sexual minorities' rights. Specifically, in the context of movement-media interactions, the author examines the ways in which the activists use marches to challenge the negative representations of sexual minorities in Poland.

3. Holzhaecker, Ronald. "National and transnational strategies of LGBT civil society organizations in different political environments: Modes of interaction in Western and Eastern Europe for equality." *Comparative European Politics* (2012)

Online: <http://www.palgrave-journals.com/cep/journal/v10/n1/abs/cep201021a.html>

- **The article focuses on the interaction between LGBT civil society organizations and their political environment. One of the main case studies is Poland. It provides a brief overview of Polish LGBT rights organizations.**

This article focuses on the national and transnational strategies of five LGBT civil society organizations (CSOs) pressing for equality and non-discrimination. It presents three modes of interaction between CSOs and their political environment. The first mode is labeled 'morality politics'. Arcigay in Italy and the Campaign against Homophobia in Poland are seemingly locked in this mode because they are confronted with a hostile and organized opposition, both in terms of public opinion and elite opinion.

4. Selinger, Marta. "Intolerance Toward Gays and Lesbians in Poland." *Human Rights Review* (2008)

Online: <http://search.proquest.com.myaccess.library.utoronto.ca/docview/194793339>

- **This article serves as an introduction to the issues, debates and analysis of LGBT human rights issues in Poland. It begins with a historical overview before proceeding to an analysis of legal protections available and public opinion statistics on the issue.**

Although society has opened dramatically and tolerance has grown recently, the concept of protecting minority rights of gays and lesbians in Poland continues to be weak in public opinion, laws and the top sources of opinion. The ability of Polish politicians to use “moral values” as an election issue continues to be problematic for sexual minorities. Moreover, it raises questions about Polish understanding and commitment to the human rights of freedom of speech and assembly.

5. O’Dywer, Conor. “From Conditionality to Persuasion? Europeanization and the Rights of Sexual Minorities in Post-Accession Poland.” *European Integration* (2010)

Online: <http://www.tandfonline.com/doi/abs/10.1080/07036331003646819#.UuP-gBAo7IU>

- **The paper looks at whether creating external incentives for change in Poland is more effective than ‘social learning’. Through interviews and surveys, the author concludes that “that the EU has yet to develop instruments of social learning that could compensate for the weakening of external incentives.” These external incentives includes the growth of Euro-skeptical parties in Poland and elsewhere.**

Through an examination of sexual minorities’ rights in Poland, this paper compares the effectiveness of ‘external incentives’ and ‘social learning’ as Europeanization mechanisms after EU enlargement in post-communist Europe. The politics surrounding the rights of lesbian, gay, bisexual, and transgender (LGBT) people in Poland raise questions about the EU’s capacity to foster norms of tolerance and non-discrimination now that accession has weakened the tools of external incentives. Through interviews with LGBT activists and political elites in Warsaw in 2007, the author examines the potential of a policy of Europeanization through persuasion, or social learning.

6. Binnie, Jon and Christian Klesse. “Solidarities and tensions: Feminism and transnational LGBTQ politics in Poland.” *European Journal of Women’s Studies* (2012)

Online: <http://ejw.sagepub.com/content/19/4/444.short>

- **Among other conclusions, the article connects anxieties about social and cultural change triggered by EU accession with LGBT organizations’ and European institutions’ demands for equal rights. Homosexuality and Europe became closely connected in the propaganda of Euro-skeptical nationalist politicians and the extreme right.**

This article explores the significance of feminism in transnational activism around LGBTQ protest events, namely equality marches and associated festivals in Kraków, Poznań and Warsaw in Poland. The arguments advanced in this article are based on a multi-method qualitative research project focusing on transnational cooperation in the planning and realization of LGBTQ protest events in Poland, conducted in the years 2008–2009. The authors highlight the decisively coalitional nature of the activist networks around LGBTQ politics.