

# Racism in Poland

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## **Report on Research Among Victims of Violence with Reference to National, Racial, or Ethnic Origin**

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## **Abstract**

According to official statistics, the number of crimes committed in Poland with reference to race, nationality or ethnicity is small. However, some of these acts may not be reported to law enforcement, or not recorded in statistics for other reasons. Therefore, this research focused on the attitudes, experiences and opinion of racist crime victims to learn their motivations in reporting (or not reporting) the crimes to law enforcement. It sought to discover what other institutions, if any, the victims reported these crimes to, whether these provided assistance, and the nature of relevant contacts with police. Because it was the goal of this research to develop recommendations regarding how to help victims of racism, respondents were asked their opinions in this regard.

The research included twenty-five interviews with 24 individuals from Africa, Asia, and Europe. All research participants had been victims of crimes proscribed by articles 119 and 257 of the criminal code, except three women, who talked about racist acts committed against children of foreigners or from mixed marriages.

The most frequently encountered forms of racism are public insults and invectives based on origin, and nearly all individuals taking part in the research have experienced such. Fourteen have been attacked physically, of which at least seven were hospitalized or required medical assistance. Further, three respondents described the situations of juvenile victims of physical aggression at school. Nine individuals reported violations of their physical inviolability, and two had been threatened. Interviewees described other forms of demeaning treatment or expressions of enmity demonstrated through gestures and words, as well as provocations to fight.

“Monkey,” “black monkey,” “asphalt,” “Bambo,” “gorilla” are the types of invectives that nearly all interviewees of African origin reported hearing. Individuals who stand out for their darker skin and/or are of Asian origin reported hearing insulting epithets such as “black”, “nigger” or “yellow.” Foreigners frequently hear comments that they are not welcome in Poland and should go back to their countries. These types of words accompanied physical aggression, including beatings, hitting, and pushing. The attacks usually occur in public places, frequently in the presence of third parties – in public transport or at bus stops, on the street, during walks, or public events. Witnesses rarely assist victims. The perpetrators are generally young men, usually acting in a group. The perpetrators and victims are usually strangers, people passed on the street or sharing public transport. However, in the case of aggression against juveniles, the aggressors are

school classmates. Schools do not always react appropriately to acts of racist aggression on school grounds.

Victims inform their friends and family in first order about a racist incident. These conversations frequently determine their subsequent decisions, including whether or not to report the crime to law enforcement. The desires to punish the perpetrators and to prevent similar situations in the future are the motives for reporting these crimes to the police. Those individuals that act are determined and often turn to several places for assistance, including embassies, NGOs, schools, companies organizing their studies, or the media. These people feel racist behavior is impermissible and are extremely surprised to find that such occurs in Poland; this is especially true of people who came to Poland from other European states. Largely, this stems from their expectations toward the state and society, which, in their mind, should react appropriately to these situations by punishing the perpetrators and offering prevention. Sociocultural aspects also drive attitudes of those who do not report racist crime to law enforcement, because police do not deal with such in their countries of origin, where cases of this sort are handled “in a manly way.”

The most frequently cited reason for not reporting racist crime is the belief that police are ineffective. Here, however, respondents also cited issues, out of police officers’ control, as when victims cannot describe the perpetrators. In such cases, the law enforcement would be unable to do anything, and this did not lead respondents to a critical opinion of the police. With respect to reasons within police control, respondents described shortcomings in officers’ skills and attitudes: lack of foreign language skills, a disrespectful attitude toward foreigners, insensitivity toward racism, avoiding taking any action, and inefficacy. Prior experiences with Polish police, whether personal or secondhand, significantly affect the decision whether to report racist crime to law enforcement. Out of all respondents who had contacts with the police, only two evaluated them as positive. Interviewees reported the officers were not interested in hearing their case, were rude, and treated them in a disrespectful way. Several interviewees claimed police officers did not treat racist aspects of the crime seriously.

Other reasons given for not notifying law enforcement of racist crimes include the victims’ own limitations, such as a language barrier, unfamiliarity with the reporting procedure, and lack of knowledge about which acts are illegal. Victims also fear that reporting a crime may cause problems with their residency or asylum application. Individuals illegally or temporarily in Poland did not report crimes to the police, the former for fear of legal consequences and the latter because they would not be in the country to see the case through.

Assistance to victims of racist violence should cover three aspects: practical help in seeking justice, psychological as well as moral support. Practical help should include information about existing legal means, but also advice in specific situations, assistance in handling a case, and translation help. Victims assistance must go hand-in-hand with activities that cover other aspects of life and be directed to various target groups. This especially refers to law enforcement officers, who should be equipped with practical and cultural skills enabling them to recognize racist acts and work with victims from other cultures. Research participants felt it important to conduct public campaigns and education activities to help Poles become familiar with ethnic diversity, shape model behavior in contacts with people from other cultures, attenuate xenophobia and denounce acts of racism. In their minds, primarily public authorities, but also the media and NGOs should conduct such activities.



## List of Content

Abstract .....	3
List of Content.....	7
Introduction – briefly about the project.....	9
I. Introduction .....	11
1. A Multinational Poland .....	11
2. State efforts to prevent racism.....	13
3. Legal protections .....	19
4. Poles’ attitudes toward people of different origins.....	21
II. Research results.....	29
1. Research methodology .....	29
1.1. Research assumptions and scope.....	29
1.2. Selection of sample and research method.....	29
2. Cases.....	32
2.1. Invectives, insults, violation of physical inviolability and other demeaning treatment....	33
2.2. Physical attack – situations and circumstances .....	35
2.3. Perpetrators.....	38
3. Attitudes toward the occurrences .....	39
3.1. Witness reactions.....	39
3.2. Schools .....	41
3.3. Victim reactions.....	41
3.4. To report or not report? Victims’ motives.....	42
4. Contact with police – satisfaction and disappointment .....	44
5. Case epilogues .....	47
6. Contacts with other institutions/organizations – motives for reporting and satisfaction with the assistance received.....	47
7. At the margin of research .....	50
8. Remedies – expectations and ideas .....	51
8.1. Victim assistance .....	51
8.2. Activities for the police .....	53

8.3. Activities for the general public .....	53
9. Summary and recommendations .....	55
Bibliography.....	60
Annex 1. ‘Temida’: Crimes ascertained through proceedings. ....	63
Annex 2. Interview Script.....	66
Annex 3. List of responders.....	69

## **Introduction – briefly about the project**

This report is part of the *Victims' survey and information on hate crimes in Poland* project made possible with funding from the German “Remembrance, Responsibility, and Future” Foundation [Stiftung “Erinnerung, Verantwortung und Zukunft”]. The project consisted of two main components: (1) research among victims of violence with reference to national, racial, or ethnic origin (a so-called *victims' survey*); and (2) preparation and distribution of informational leaflets for people at risk of hate crimes. Project plans include a meeting to present and discuss the research report as well as deliberations on possible future activities. Project duration: March-December 2010.

### **Research**

Driving the research is a conviction that official statistics do not reflect the actual scale of hate crimes. Several reasons contribute to this state of affairs including present legislation, forms of collecting and processing official statistics, law enforcement officers' improper statistical qualification of crimes (by leaving out the racial component), and victims' failure to report such incidents to law enforcement agencies. We are especially interested in victims' failure to report hate crimes. However, our intent is not to establish the actual scale of hate crimes committed, but rather victims' attitudes and principal motives. As such, we are interested in what happens when a person encounters violence referencing their ethnic, national, or racial origin. Do victims inform anyone that such an incident occurred, and if so, who? Do they receive any assistance? Do they report the crime to the police, and if not, why not? Finding answers to these questions is not the ultimate aim; research conclusions will help formulate the best ways to assist hate crimes victims. Giving voice to the chief stakeholders is therefore a material research element. The goal is to learn hate crimes victims' expectations respecting assistance and support from the state and community. In addition to a focus on victim assistance, this research includes inquiries into the circumstances and perpetrators of racist violence to shed light on possible modes of prevention.

This report presents research results and conclusions. It also offers recommendations for persons, institutions, and organizations dealing with racism issues, concerning activities to decrease racism's scale, improve prevention, and nullify its effects. The report includes an introduction, which describes state activities to combat racism, recent relevant legal changes, as well as Poles' attitudes toward foreigners.

## **Leaflet**

Publishing a leaflet for people at risk of racism constituted a complementary element to the research conducted in the *Victims' survey and information on hate crimes in Poland* project. The flier contains information that Polish law deems racial crimes aggravating circumstances, instructions on reporting racial crimes to the police, and a description of the relevant procedure. It includes a list of institutions and organizations assisting victims. The idea to prepare flier stems from the conviction that in at least some cases victims of racial crime do not report such to law enforcement because they do not know how to do so, are not familiar with the law in this regard, or have no idea who to turn to in this matter. The leaflet's intent is to limit situations where lack of information hinders prosecution of justice. Written in English, French, and Polish, the fliers were distributed to locations frequented by foreigners – private language schools teaching Polish for foreigners, university Polish language for foreigners departments, and NGOs according to the quantity and language a given institution requested. The distribution process revealed companies employing foreigners were not interested in receiving leaflets, explaining that they had few foreigners on staff and that their employees do not encounter racist violence.

## **Acknowledgments**

This project would not have been possible without the kindness and commitment of numerous individuals. They include all who assisted in the search for interviewees and/or conducted the interviews: Aleksandra Chrzanowska and Katarzyna Wencel from the Legal Intervention Association, Katarzyna Kubin from the Social Diversity Forum, members of the Never Again Association, and Ewa Grabowska, Gabriela Chodura as well as others working with the Helsinki Foundation for Human Rights. Dorota Hall, Ph.D. (Philosophy and Sociology of the Institute of the Polish Academy of Sciences) and Witold Klaus, Ph.D. (Legal Studies Institute of the Polish Academy of Sciences, Legal Intervention Association), provided invaluable assistance, where Dr. Hall provided project and report consultations respecting sociological aspects while Dr. Klaus focused on legal aspects. Most importantly, however, the anonymous respondents of our interviews deserve the greatest gratitude for extending us their trust and agreeing to tell their often difficult stories.

The *Victims' survey and information on hate crimes in Poland* is financed with a grant from the Foundation "Remembrance, Responsibility and Future" (EVZ). Sonja Bohme, Frederike Niemann and Timm Köhler provided direct project oversight and assistance, for which we sincerely thank them.

## I. Introduction

### 1. A Multinational Poland

A short walk in Warsaw or Wrocław suffices to disabuse one of the notion of an ethnically homogenous Poland. Immigrants began flowing into Poland shortly after its systemic transformation. These immigrants originated mainly from Poland's neighbour states, like Ukraine, Belarus, Russia, but also included the Vietnamese and Armenians. Over time, greater numbers of Turks and Africans settling in Poland became visible, with a continuing influx of asylum seekers, mainly Chechens. The last five years have seen an increasing number of immigrants from the Far East seeking employment in Poland. Poland's ethnic and cultural diversity includes citizens of other European Union states, some of whom have non-European origins, an issue of import when considering the problem of racism.

It is impossible to provide the current actual number of foreigners living in Poland. Estimates available of the number of immigrants, formulated using various indicators and methods, differ significantly<sup>1</sup>. According to Poland's Central Statistical Institute, 200,000 foreigners resided in Poland as of December 2006. Meanwhile, the Office for Foreigners Affairs lists 92,574 individuals holding a Polish residency permit as of 2009, which does not include citizens of other EU states and asylum seekers<sup>2</sup>. The above figures include only legal immigrants, excluding these undocumented.

Figures from the years 2007-2010 on work, residency and settlement permits show a growing trend in the number of issued work and temporary stay permits granted to individuals from outside the European Union, with fewer permanent residency permits being issued. That tendency reverses with respect to nationals of other EU states: the number of people receiving permanent residency in Poland is growing, with fewer registering for temporary stay permits. Numbers of temporary residency permits issued by year: 2007 - 23 240, 2008 - 28 865, 2009 - 30 563, with the greatest number going to Ukrainians, Belarusians, Vietnamese, Chinese, Russians, and Armenians (in descending order). Settlement permits follow a similar pattern, with the highest number going to Ukrainians, Belarusians, Vietnamese, Russians, and Armenians (in descending order). The largest cohorts of EU nationals living in Poland, by citizenship, are Germans,

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<sup>1</sup> M. Polakowski, *Imigranci z krajów trzecich na polskim rynku pracy [Immigrants from Third Countries on the Polish Labour Market]*, Centrum Stosunków Międzynarodowych, available at: [http://csm.org.pl/fileadmin/files/Biblioteka\\_CSM/Raporty\\_i\\_analizy/2010/CSM%20Raporty%20i%20Analizy%20Integracja%20a%20Rynek%20Pracy%20Projekt%20iMAP.pdf](http://csm.org.pl/fileadmin/files/Biblioteka_CSM/Raporty_i_analizy/2010/CSM%20Raporty%20i%20Analizy%20Integracja%20a%20Rynek%20Pracy%20Projekt%20iMAP.pdf)

<sup>2</sup> K. Iglicka, M. Ziólek-Skrzypczak, *EU Membership Highlights Poland's Migration Challenges*, Migration Policy Institute, available at: <http://www.migrationinformation.org/Profiles/display.cfm?ID=800>

Bulgarians, French, Britons, and Italians (also in descending order). In 2007-2009, 28,731 European Union citizens filed residency applications in Poland (2007 – 14 687, 2008 – 7538, 2009 - 6506), and 2,397 applied for documents confirming their right to permanent residency in Poland (2007 – 186, 2008 – 614, 2009 – 1,597)<sup>3</sup>. Ministry of Labour and Social Policy statistics for 2008 evidence the granting of 18,022 work permits and 29,392 for 2009<sup>4</sup>. This represents significant growth and applies across the board to all immigrant groups. The growth was double or triple with respect to some Asian nations, especially the Chinese, Vietnamese, Indians, Thais, Filipinos and Nepalese, there has also been a material increase in the number of work permits issued to Moldavians, Turks and Ukrainians. It may be assumed that the influx of workers from Asia will continue in coming years.

Further enhancing Poland's emerging cultural mosaic are national and ethnic minorities traditionally residing in Poland, whose minority status stems from historical and political processes<sup>5</sup>. Causes include upheavals where a given geographical area came under the control of another state resulting in e.g. a Polish minority in Lithuania or a German minority in Poland. Another such process is migration of people in centuries past, leading to the presence of e.g. Tatars, Jews, and the Roma in Poland. Poland affords these national and ethnic minorities special status, providing guarantees to maintain cultural, religious, and linguistic identities. The following groups have this legal status: Belarusians, Czechs, Karaims, Lithuanians, Lemki, Armenians, Germans, Slovaks, Roma, Russia, Tatars, Ukrainians, and Jews. According to the 2002 National Census, 253,273 people qualify as the above minorities, constituting 0.7% of all Polish citizens. It seems however, that these figures are underreported and minorities' actual share of the Polish population totals 2-3%.

Poland's increasingly multiethnic makeup poses a set of challenges for authorities and the whole of society. With respect to this report, one of those challenges is to formulate and implement social policy assuring all people present in Poland, irrespective of citizenship and ethnic origin, observance of human rights, including protection against violence and racism.

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<sup>3</sup> Office for Foreigners Affairs, *Dane liczbowe dotyczące postępowań prowadzonych wobec cudzoziemców za lata 2007 – 2009 [Quantitative Data on Proceedings Conducted in Re Foreigners in 2007-2009]*, Tables 25 and 30, available at: <http://www.udsc.gov.pl/Zestawienia,roczne,233.html>

<sup>4</sup> Foreigners' work permits, statistical tables: <http://www.mpips.gov.pl/index.php?gid=1286>

<sup>5</sup> Polish law defines the concept of national and ethnic minority with extreme precision. The definition contains two key elements, decisive in whether a given group is to be recognized as a minority. For one, the group must have resided on Polish lands for at least 100 years, and two, its members have Polish citizenship. National minorities are groups stemming from nations that have their own state (e.g. Germans, Lithuanians, Ukrainians), while ethnic minorities are those groups that do not have their own state (the Roma, Lemki, Karaims, Tatars).

## 2. State efforts to prevent racism

Experiences of other European states show there is no ideal way of managing a multicultural society. For many years, Western European states implemented various policy models in this regard, ranging from assimilation, integration, to policy of multiculturalism. Today, practically all are dealing with some degree of racism or discrimination against residents with immigrant backgrounds. Growth of this problem was noted in the 1990s, resulting in the institutionalization of racism and xenophobia and leading to establishment of institutions to monitor the situation in that regard. In 1993, the Council of Europe established within its structures the European Commission against Racism and Intolerance (ECRI). In 1997, the European Union established a separate and independent body, the European Monitoring Centre on Racism and Xenophobia (EUMC), transformed in 2007 into the Fundamental Rights Agency (FRA<sup>6</sup>)<sup>7</sup>. The European Union adopted directives requiring member states to implement specific legal solutions in this respect, as expressed in Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>8</sup>, and anti-discrimination directives, especially Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>9</sup>. The UN intensified efforts against racism as expressed in the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban with a review held in Geneva in 2009. The Organization for Security and Cooperation in Europe (OSCE) also takes efforts against racism and intolerance.

Poland's membership in the Council of Europe, UN, OSCE, as well as its European Union accession require it to combat racism and xenophobia, at least to the extent delineated by its international obligations. This includes legislative changes, but also other activities to improve the situation, e.g. educational and monitoring initiatives or those to improve law enforcement and judicial efficacy. As a result, state authorities have shown increased activity in combating racism, where administrative activity in this regard had previously been insignificant. There are several reasons Polish administrations omitted to act in this realm, including a conviction that Poland is ethnically uniform and therefore immune to the problem of racism. In fact, though relatively few immigrants resided in Poland only twenty years ago, it was home to national and ethnic minorities

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<sup>6</sup> Internet page of the Fundamental Rights Agency:

[http://www.fra.europa.eu/fraWebsite/home/home\\_en.htm](http://www.fra.europa.eu/fraWebsite/home/home_en.htm)

<sup>7</sup> Both these entities research discrimination, xenophobia and intolerance, formulate recommendations and draft reports about these phenomena; ECRI prepares periodic reports concerning particular countries, while the Agency drafts reports discussing the situation across the board in the European Union.

<sup>8</sup> Council Framework Decision 2008/913/JHA from 28 November 2008.

<sup>9</sup> In addition to RED, the other important directive, 2000/78/EC established the general framework for equal treatment in employment, irrespective of religion, age, disability or sexual orientation.

victimized by racist behaviour and/or discrimination. This is especially true of the Roma and assaults – usually verbal – against actual or alleged Jews, including damage of their property and sacred sites (cemeteries and synagogues). NGOs called attention to authorities' failure to react appropriately in prosecuting and punishing hate speech. For example, the "Open Republic" Association against Racism and Xenophobia] appealed numerous times against the practice of dismissing racist cases for their 'de minimis social harm'<sup>10</sup>. In focusing on the more optimistic aspects, this report presents selected efforts to combat racism in Poland and relevant legislative changes adopted in recent years<sup>11</sup>.

Two government initiatives began in 2004, with the adoption of the *National Programme to prevent racial discrimination, xenophobia and related intolerance 2004-2009*, and establishment of the Monitoring Team on Racism and Xenophobia within the Ministry of Internal Affairs and Administration<sup>12</sup>. Both stemmed from Poland's international obligations; the *National Programme* from provisions of the Declaration and Action Programme adopted during the U.N.'s World Conference against racial discrimination, xenophobia and related intolerance. Meanwhile, formation of the Monitoring Team on Racism and Xenophobia resulted from obligations the *National Programme* placed on the Ministry of Internal Affairs and Administration and selection of this Ministry to work with the aforementioned EUMC, and currently its successor, FRA. A member of the Team additionally performs the function of the National Contact Point of the OSCE, while the Team itself is involved in implementation in Poland of the OSCE-ODIHR<sup>13</sup> developed the *Law enforcement combat hate Programme*<sup>14</sup>.

The *National Programme to combat racial discrimination, xenophobia and related intolerance 2004-2009* was originally intended to be a five-year programme implemented by central government authorities, central public institutions, the Commissioner for Civil Rights Protection, public broadcasters, and voivodship authorities in cooperation with local governments and NGOs. It was supposed to be an extremely comprehensive programme, i.e. plans included implementation in various spheres of life, including education, health, employment, and the

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<sup>10</sup> *Przestępstwa nie stwierdzono. Prokuratorzy wobec doniesień o publikacjach antysemitycznych [Not charged with a crime. Prosecutors with respect to reports on anti-Semitic publications]*, Stowarzyszenie przeciwko Antysemityzmowi i Ksenofobii „Otwarta Rzeczpospolita”, Warsaw 2006, available at:

<http://otwarta.org/files/Przestepstwa%20nie%20stwierdzono.pdf>

<sup>11</sup> Though discrimination is collateral to racism, due to this report's limited nature, it will not discuss that issue.

<sup>12</sup> Initially operated within the Department of Religious Denominations and National and Ethnic Minorities; in December 2007, it was transferred into the Department of Control, Complaints and Applications.

<sup>13</sup> ODIHR (Office for Democratic Institutions and Human Rights) is the part of OSCE that handles democratization and human rights issues. ODIHR Internet page: <http://www.osce.org/odihr/>

<sup>14</sup> More on this topic: <http://www.mswia.gov.pl/portals/pl/99/204/Dzialalnosc.html>

justice system. The programme was constructed with the first year being devoted to research and diagnosis of the situation, education activities and necessary legislative changes planned for years two and three, which legislative changes were to be evaluated in the program's fourth year. The fifth year, meanwhile, was reserved for evaluation of the entire programme.

*National Programme* implementation faced obstacles such as substantive difficulties, sometime lack of will and organizational issues. Firstly, the programme lacked a coordinator for the great majority of its duration; no institution was responsible for supervising execution and evaluating activities. This resulted from the 2005 elimination of the post of the Government Plenipotentiary for Equal Status of Women and Men<sup>15</sup>, which had initially supervised the programme. Furthermore, said Government Plenipotentiary was supposed to be one of four leading institutions to implement the *National Programme*<sup>16</sup>. Elimination of this institution meant that the portion of programme tasks it was assigned were simply not performed, as they were not assigned to another entity. In July 2008, a newly appointed Government Plenipotentiary for Equal Treatment was appointed as the *National Programme* coordinator, but the appointment came so late he focused on summarizing and evaluating what had actually been done in the preceding years. The *National Programme* was not allotted its own budget, leading to another material limitation. Institutions that wanted to perform their programme tasks, had to assign funds from their own budgets or find external financing. To do so, they sought out European grants, while some institutions performed *National Programme* tasks by combining them with same or similar tasks from other programmes (e.g. *Programme for the Roma community in Poland* or the *European Year of Equal Opportunities for All*).

Ultimately, some of the tasks planned in the *National Programme* were successfully completed while others only partially so<sup>17</sup>. For purposes of this report, it is instructive to review several programme aspects that directly referred to racist violence, i.e. those related to appropriate prosecution and penalization of crimes committed with reference to someone's national, ethnic, or racial origin, and diagnosing the situation in this realm.

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<sup>15</sup> Ruling of the Council of Ministers dated 11 November 2005.

<sup>16</sup> About 60% of all programme tasks were distributed among four institutions: Plenipotentiary for Equal Status of Women and Men, Ministry of Internal Affairs and Administration, Ministry of National Education, and the Ministry for Foreign Affairs.

<sup>17</sup> Detailed information about programme implementation is available in the: *Implementation Report: National programme for preventing racial discrimination, xenophobia, and related intolerance 2004-2009*, drafted by the Government Plenipotentiary for Equal Treatment. The Report is available at:

[http://www.rownetraktowanie.gov.pl/pelnomocnik/kalendarium\\_wydarzen\\_1/270](http://www.rownetraktowanie.gov.pl/pelnomocnik/kalendarium_wydarzen_1/270)

As mentioned above, law enforcement agencies faced criticism long before the start of the *National Programme*. The criticism focused on agencies' failure to pursue racist crimes with due attention and diligence, as well as the unchecked activism of organizations inciting hate and propagating fascism. For this reason, tasks planned within the programme for the Ministry of Justice included a charge to "analyze current prosecutorial practice and jurisprudence with respect to the functioning in Poland of organizations based on anti-Semitic or racist ideas and to develop new standards to de-legalize such organizations"<sup>18</sup>. This activity was completed in 2005. Meanwhile, in 2006, the State Prosecutor laboured once again to establish whether organizations acting based on anti-Semitic or racist ideas function in Poland – all appeals prosecutorial offices were ordered to investigate whether such organizations appeared in preparatory proceedings conducted by subordinate prosecutorial offices. Prosecutors found no such organizations operating within their jurisdictions. This conclusion may seem surprising to observers of racism and neo-fascism. However, the conclusion is based on an analysis of preparatory proceedings conducted during a given period, i.e. using limited sources of information. In 2007, however, the State Prosecutor Preparatory Proceeding Office applied to the State Prosecutor Court Proceeding Office to de-legalize the Radical-Nationalist Camp in Brzeg, accusing the organization of persistent violation of the law by inciting fascism. A decision of the Opole Regional Court dated 12 October 2009, dissolved the Brzeg Chapter of the Radical-Nationalist Camp<sup>19</sup>. Nonetheless, there are more groups inciting fascist or racist views in Poland, including those registered under the very same name but in other towns.

The programme also tasked the Ministry of Justice with "disseminating statistical information concerning results of court proceedings and decisions involving racial discrimination, xenophobia and related intolerance"<sup>20</sup>. The State Prosecutor Preparatory Proceeding Office performed the portion of this task (involving prosecutorial proceedings) as one of its standing obligations. The State Prosecutor's Internet page<sup>21</sup> shows excerpts from periodic reports concerning racist crime. The reports contain information about the number of proceedings at a given time (showing the number of new cases), number of cases in progress, and the number of completed cases along with the reason for completion (i.e. indictment, refusal to initiate preparatory proceedings, transfer to another prosecutorial office, transfer to the Family and Juvenile Court, suspension, dismissal for cause). The information includes commentary concerning proper procedural proceedings and coalescing tendencies respecting combating racial crime (e.g. increases/decreases in crime solving

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<sup>18</sup> During the referenced period, the State Prosecutor was part of the Ministry of Justice structures.

<sup>19</sup> Opole Regional Court, Division VIII KRS, Reference number: OP VIII Ns Rej. KRS 11579/07/460.

<sup>20</sup> Contents of the National Programme available at:

[http://www.rownetraktowanie.gov.pl/files/dokumenty/Krajowy\\_Program\\_Anty-dyskryminacyjny.pdf](http://www.rownetraktowanie.gov.pl/files/dokumenty/Krajowy_Program_Anty-dyskryminacyjny.pdf)

<sup>21</sup> The State Prosecutor within the Ministry of Justice was shut down in 2010 and replaced with a separate institution of the Prosecutor General.

rates). Dismissal of racist crimes due to their “low social harm” receives special focus in the reports. It is important to note that, in connection with *National Programme* implementation beginning 2004, steps were taken to eliminate the hasty refusal to initiate proceedings or dropping proceedings in racist crime cases due to their alleged low social harm. As a result, preparatory proceedings in racist cases received special oversight by regional prosecutorial offices and appeals prosecutorial offices periodically investigate cases where preparatory proceedings are refused or dismissed. These are required to report to the General Prosecutorial Office (previously the State Prosecutorial Office). The reports show that in 2008-2009, there were no racist cases dismissed for low social harm of the act. In its latest report, ECRI noted improvement in this realm, citing the increased number of racist crimes prosecuted and brought to trial, while also noting that a portion of these crimes may continue to go unreported to law enforcement<sup>22</sup>.

When discussing the observed improvement, it is worthwhile to mention educational activities for law enforcement and justice department personnel organized, at least in part, as part of the *National Programme*. The project report notes that the Ministry of Justice organized trainings for judges and prosecutors on racist and nationalist crimes. For example, in 2007, as part of the *Community Programme to Combat Discrimination*, the Common Court and Prosecutorial National Human Resource Training Centre, in cooperation with the Ministry of Labour and Social Policy, organized four training cycles for about 240 prosecutors working to prevent discrimination based on race, ethnic origin, religion and denomination, age, and sexual orientation. In November 2008, a training was held for judges presiding over criminal cases involving criminal liability for incitement of racial and ethnic hatred. Police officers also received trainings in this subject area, with the content concerning racism and xenophobia included in the main police training curriculum (e.g. during human rights trainings) or during separate trainings. In 2009, the Police Training Centre in Legionowo started running the *Specialized course in preventing and combating hate crimes*. The course curriculum was developed as part of the *Programme to combat hate crimes for law enforcement officers* implemented by the Ministry of Internal Affairs and Administration in cooperation with ODIHR. The trainings cover recognition of hate crimes, appropriate responses, and prevention. They are conducted in the cascade system, as of summer 2010, the first trainers had completed the course, including all Human Rights Plenipotentiaries of Voivodship Police Chiefs, who will then train police officers in their voivodships.

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<sup>22</sup> ECRI Report on Poland (fourth monitoring cycle), 2010, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Poland/POL-CbC-IV-2010-018-POL.pdf>

It seems especially important to continue trainings and efforts focusing on sensitivity to the problem as reactions of police and prosecutors to reports of racist acts continue to be inappropriate in some cases. The Legal Intervention Association, in its report *Discrimination against Foreigners in Poland 2009*, describes cases of inappropriate actions by law enforcement bodies with respect to foreigners who were victims of nationalist crime. The report notes improper cataloguing of the act (which obviated the racist component), refusal to accept the report, or a disrespectful attitude toward the victim<sup>23</sup>. Research presented in this report below found similar situations.

The *National Programme* also mandated diagnosis of the relevant situation. The plan was to design and implement a system to collect and analyze social demographic data to monitor racism, racial discrimination and xenophobia. In short, to create a database with verified cases of discrimination and racism as well as good practices. Currently, several public entities collect or possess relevant data (due to their activities). These are the previously mentioned Monitoring Team on Monitoring Racism and Xenophobia, the Government Plenipotentiary for Equal Treatment, Commissioner for Civil Rights Protection, Ministry of Justice, as well as law enforcement bodies: the police and prosecutorial office. Data collection methods by all of the above differ, making it impossible to deduce the actual scale of racism and xenophobia, to say nothing of the more nuanced nature of these phenomena. This problem gave rise to the idea of synchronizing activities to build a common database with contributions from various institutions. Analysis of information contained in this database would serve, amongst other, to develop detailed programmes to combat racism and xenophobia as well as to monitor law enforcement efficacy. Further, the database would be helpful in drafting relevant legislation. Unfortunately, the database was not completed as part of the *National Programme*, and efforts stalled at the analysis of legal and organizational barriers to completing the database project<sup>24</sup>. It is important to note however, that after the end of the *National Programme*, the Ministry of Internal Affairs and Administration (the entity actually responsible for creating the database) returned to the issue and, as part of its public tasks, commissioned two NGOs – Legal Intervention Society and Institute for Public Affairs – to develop a system for collecting data about discriminatory, xenophobic, and racist violence to create a tool for monitoring these phenomena. The NGOs analyzed data collection methods in Sweden, Finland, Belgium, Germany, USA, and Great Britain, as well as

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<sup>23</sup> W. Klaus, K. Wencel, *Dyskryminacja cudzoziemców w Polsce 2009 [Discrimination against Foreigners in Poland 2009]*, Stowarzyszenie Interwencji Prawnej, pp 25-27, available at:

<http://www.interwencjaprawna.pl/docs/ARE-709-raport-dyskryminacja-2009.pdf>

<sup>24</sup> Report available at:

<http://www.rownetraktowanie.gov.pl/files/dokumenty/Sprawozdanie%20przyjete%20przez%20RM%207%20maja%202010.pdf>

the current data collection method in Poland. Furthermore, they conducted research among institutions and organizations involved to various degrees in collecting such data in Poland. Based on the results of these analyses, the NGOs recommended changes in current data collection to improve efficiency and cohesion<sup>25</sup>. These recommendations were presented at an expert seminar in June 2009, during which the idea of building a “hate crimes map” came up. This map would be the starting point for creating a database. The next seminar concerning the subject matter will take place in December 2010.

The *National Programme to prevent racial discrimination, xenophobia and related intolerance 2004-2009* cannot be considered a success. Nonetheless, by engaging various entities it provided a foundation for a more comprehensive approach to combating and preventing racism. On 29 October 2009, Poland’s prime minister ordered continuation of the *National Programme to prevent racial discrimination, xenophobia and related intolerance* in 2010-2013. The new programme is currently under design, and includes a Council for Prevention of Racial Discrimination and Xenophobia and Related Intolerance.

### **3. Legal protections**

A vital element of state policy is legislation that affords legal protection to those at risk of racism. Polish legislative codes include series of articles that directly or indirectly penalize acts with racist undertones or those related to someone’s racial, national, ethnic origin. These protections expanded in 2010 with the coming into force of amendments to the criminal code adopted in September 2009 and May 2010. The amendments expanded art. 256 and added arts. 118a and 126a to the criminal code.

Article 256 of the criminal code prohibits public propagation of a fascist or other totalitarian regime, inciting hate with reference to differences in national, ethnic, racial, denominational characteristics or lack of denomination. Violations are subject to fines or limitation of freedom or deprivation of liberty of up to two years. As of 2010, manufacture, recording or importing, storage, possession, presenting, transport or sending of print materials, recordings or other objects containing the aforementioned content and order media with fascist, communist or other

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<sup>25</sup> The following document collects all the analyses: W. Klaus, J. Frelak (Ed), *Metodologia przygotowania bazy danych do identyfikacji zdarzeń o charakterze dyskryminacyjnym, ksenofobicznym czy rasistowskim [Methodology of Preparing the Database to Identify Events of a Discriminatory, Xenophobia or Racist Nature]*, Stowarzyszenie Interwencji Prawnej, Instytut Spraw Publicznych, Warsaw 2010, available at: <http://www.interwencjaprawna.pl/docs/metodologia-przygotowania-bazy.pdf>

totalitarian symbols carry the same penalty. However, the criminal code allows such conduct as part of artistic, educational, collecting, or scientific activities.

Article 118 of the criminal code essentially penalizes genocide (as well as preparations therefore) committed against a national, ethnic, racial, political, denominational group or a group with a defined worldview for the purpose of its total or partial annihilation. These crimes are murder, causing grievous bodily harm, creating living conditions that threaten biological annihilation, use of means to prevent birth or forced seizure of children. In May 2010, amendments to the criminal code added article 118a penalizing a series of crimes and acts committed in connection with participation in a mass attack or even one of repeated attacks in support or execution of state or organizational policy against a group of peoples. Serious persecution of a group of peoples for reasons proscribed under international law, especially for political, racial, national, ethnic, cultural, denominational or lack thereof, worldview or gender, resulting in deprivation of fundamental rights, are now crimes subject to deprivation of liberty. The May 2010 amendment also introduced art. 126a penalizing public praise or inducement to perpetrate acts described in articles 118, 118a, and 119 § 1<sup>26</sup>. The latter article also refers to racism; it prohibits use of violence or criminal threats against groups of individuals or a particular person do to his or her national, ethnic, racial, political, denominational or lack thereof membership. Paragraph 2 art. 119 penalized inducement to said crimes however, it was expunged in September 2010 with its provisions covered by the aforementioned article 126a.

As mentioned above, Polish law contains several provisions proscribing acts committed with reference to race. In addition to those enumerated above, it includes art. 257 of the criminal code, which prohibits insulting a group of peoples or particular person due to his or her national, ethnic, racial, denominational or lack thereof membership. It also prohibits battery against another for the above reasons. Meanwhile, articles 194-196 of the criminal code concern crimes against freedom of the conscience and denomination, penalize insulting of religious feelings, malicious interference with publicly performed religious acts and limitation of the rights of another due to his or her denominational or lack thereof membership.

Among the above crimes, those referenced in articles 119 and 257 provide more stringent penalties than the same acts committed without reference to racial, national, ethnic origin or denomination. Other crimes proscribed by the criminal code do not contain direct reference to ethnic, national, racial, or religious matters. However, article 53 § 2 of the criminal code requires a judge to consider the perpetrator's motivation, among other things, when sentencing.

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<sup>26</sup> Also arts. 120-125.

Theoretically, judges can therefore met out stiffer sentences for racially motivated crimes than for the same acts committed without these aggravating circumstances. No research has been conducted in this respect, making it impossible to find how the judges follow the sentencing recommendation in the case of crimes related to the someone's origin. Importantly however, some states have implemented regulations clearly delineating that racist motives constitute aggravating circumstances in any crime, and ECRI, in its last report, recommended Poland introduce similar changes to its criminal code<sup>27</sup>.

Although Polish law explicitly proscribes racist crimes, this does not mean that such crimes are always reported to law enforcement. The Temida statistical system, which collects crime statistics broken down by particular articles of the criminal code, indicates the number of racist crimes in Poland is low (*see* appendix No. 1)<sup>28</sup>. Such low statistics engender doubt as to their reliability, as mentioned previously. Statistics may miss a portion of reported racist crimes beginning at the police report stage. This may occur because, in the Temida system, when a suspect is accused of two or more crimes, the report records only the crime carrying the highest potential penalty. As such, that will not always be the racist crime, as the punishments for these crimes are relatively low. Another reason the statistics may be missed is that officials recording crime reports may ignore the racist aspects and treat racist cases as common crimes, as noted by the Legal Intervention Association and reported by individuals taking part in our research. Lastly, victims do not always report crimes committed against them to law enforcement for various reasons, as noted by ECRI and discussed in the report below.

#### **4. Poles' attitudes toward people of different origins**

Unlike many states of Western Europe, Poland has no powerful political formations with political platforms that expressly denounce migration, the presence of migrants, or national and ethnic minorities in Poland. There are no occurrences of openly racist statements by well-known individuals, as has been the case in France, Italy, Holland, or, more recently, in Germany. Nonetheless, from time to time, Polish politicians' behaviour carries aspects of racism or xenophobia. One example is a statement by a deputy from the Law and Justice party, Artur Górski, who claimed the election of Barack Obama as president of the United States means "the end of white man's civilization". Even Poland's ubiquitous Ruch newspaper kiosks often carry brochures and booklets with racist or anti-Semitic content. The leading publisher of such is

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<sup>27</sup> ECRI Report on Poland (fourth monitoring cycle), 2010, available at:

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Poland/POL-CbC-IV-2010-018-POL.pdf>

<sup>28</sup> The statistics also do not include racially motivated crimes that do not include acts described in articles 118, 119, 256, 257 and 194, 195, 196 of the criminal code.

Leszek Bubel, an individual with political ambitions in the past, who has been a suspect in cases for inducement to hate. Without downplaying the negative social effects Mr. Bubel's publications cause, it is important to note that he carries no significant political clout at all. In fact, in their analysis of national high-circulation newspapers and periodicals, Joanna Konieczna-Sałamatin and Ignacy Józwiak find that these media do not propagate dislike or enmity toward foreigners and migrants have a relatively positive image<sup>29</sup>.

Public opinion research, especially Centre for Public Opinion Research polls conducted since 1993 show Poles regard various nations with differing approval levels. 2010 research that considers the mean declared approval and disapproval, finds Poles are most approving of Spaniards, Czechs, Italians, French, and Slovaks, with the lowest approval ratings going to the Roma, Arabs (all Arabs as one cohort), followed by Romanians and Turks. A greater number of Poles declare disapproval than approval toward the latter four nations. Chechens (the largest group seeking asylum in Poland) have been included in the above ranking as of 2010, listed by Poles as the fifth least liked nation. Poles most frequently declare indifference towards this group, with the mean on the "maximum approval-maximum disapproval" scale tipped minimally toward approval (0.01). It seems Poles' attitude toward the Roma and Romanians is related, as people frequently identified the Roma as residents of Romania, while there have additionally been periodic influxes of Romanian Roma in Poland. Low approval ratings of Arabs, Turks, and Chechens, may evidence some antipathy toward individuals perceived as part of the Muslim culture. Generally, Poles express greater approval toward Western nations and less toward those beyond their eastern borders, as well as toward poorer, less developed countries, a reappearing pattern in successive polls<sup>30</sup>. Importantly, Centre for Public Opinion Research research primarily lists European nations, as well as Americans, Chinese, Vietnamese, Japanese, Jews, and Arabs. However, it does not reference African or South Asian nations, which are both sources of growing numbers of immigrants to Poland that differ in appearance and culture from Poles.

Centre for Public Opinion Research polls show that over the last dozen years or so, Poles have expressed growing approval toward other nations in general, with a decreasing trend in

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<sup>29</sup> Joanna Konieczna-Sałamatin, *Obraz cudzoziemców w Polskiej prasie – wyniki analizy jakościowej* [*The Image of Foreigners in the Polish Press – Qualitative Analysis Results*], Ignacy Józwiak, "Bez cudzoziemców bylibyśmy ubożsi" – wizerunek cudzoziemców na łamach prasy polskiej [*We Would Be Worse off without Foreigners*] – the Image of Foreigners in the Polish Press], presentations from the seminar of the Institute for Public Affairs entitled *Wizerunek Migrantów a integracja*, [*Image of Migrants and Integration*], available at: <http://www.isp.org.pl/files/20679540930129539001254130365.pdf> , <http://www.isp.org.pl/files/1078860120179783001254129814.pdf>

<sup>30</sup>K. Wądołowska, *Stosunek Polaków do innych narodów – komunikat z badań* [*Poles' Attitudes toward Other Nations – Research Memorandum*], CBOS, 2010 (January), available at: [http://www.cbos.pl/SPISKOM.POL/2010/K\\_012\\_10.PDF](http://www.cbos.pl/SPISKOM.POL/2010/K_012_10.PDF)

disapproval toward all nations listed in the survey. Other social research has borne out a similarly positive trend, described in detail by Łukasz Łotocki in his *Integracja i dyskryminacja – Krajobraz 2009 [Integration and Discrimination - Landscape 2009]* report. The report cites social distance research from 2000, according to which 17% of Poles did not want to have a neighbour of a different race, while 24% did not want an immigrant or a Muslim as their neighbour. Research repeated in 2005-2006 showed these numbers dropped to 13.7 and 15%, respectively<sup>31</sup>. Aleksandra Jasińska-Kania draws similar conclusions from her research and highlights that Poles acceptance of Ukrainians has grown the most, while lack of acceptance for the Roma as family members has maintained steady<sup>32</sup>. Eurobarometer research conducted simultaneously in all states of the European Union shows Poles are one of the most tolerant nations in the EU, at least in their declarations<sup>33</sup>.

A review of Poland's press articles from the last three years about series of assaults against foreigners in Poland may undermine optimism as to Poles' friendly attitude toward individuals of different origins. From press reports alone, one might get the impression the demons of racism have amassed in the city of Białystok. These articles include the case of a black French national, Legre Ch. K., beaten on 30 April 2009 while waiting at a bus stop; prior to that, his erstwhile neighbours (and later perpetrators of the battery) would make ape sounds upon his appearance<sup>34</sup>. In fact, this man was beaten twice during his two-week stay in Białystok. In another incident in May 2009, a young man under the influence of alcohol shouted racist slogans and attacked an Indian national at a bus stop<sup>35</sup>. In March 2009, a Swedish medical student of Cuban origin was verbally assaulted and physically battered while shopping at a mall. Previously, in June 2008, an attack occurred against three foreign students, which broke one of the student's legs. After a series of attacks, foreign students in Białystok petitioned university authorities in a letter

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<sup>31</sup> Ł. Łotocki, *Integracja i dyskryminacja – krajobraz 2009 [Integration and Discrimination – The Landscape 2009]*, Insytut Spraw Publicznych, Warsaw 2009, pp 91-92, available at: <http://www.isp.org.pl/files/15092712760608654001258628195.pdf>

<sup>32</sup> A. Jasińska-Kania, *Wykluczanie z narodu: dystanse społeczne wobec mniejszości narodowych i migrantów [“Exclusion from the Nation: Social Distances with Respect to National Minorities and Migrants”]*, from: A. Jasińska-Kania, S. Łoziński, *Obszary i formy wykluczenia etnicznego w Polsce [Areas and Forms of Ethnic Exclusion in Poland]*, Wydawnictwo Naukowe Scholar, Warsaw 2009, p 48.

<sup>33</sup> Ł. Łotocki, *Integracja i dyskryminacja ... [Integration and Discrimination ...]*.p 92. Also keep in mind that, as opposed to other European nations, Poles are largely free from fear of immigrants in the economic sphere. Immigrants are not treated as serious competition on the labour market or a threat to the social welfare system. The Roma and, more recently the Chechens, have been accused of abusing the welfare system in an exception to the aforementioned rule.

<sup>34</sup> *Problem rasizmu w Białymstoku [Problem of Racism in Białystok]*, TVN, available at: [http://uwaga.onet.pl/20155,news,,problem\\_rasizmu\\_w\\_bialymstoku,reportaz.html](http://uwaga.onet.pl/20155,news,,problem_rasizmu_w_bialymstoku,reportaz.html)

<sup>35</sup> *Kolejny rasistowski atak [Another Racist Attack]*, *Gazeta.pl*, 25.05.2010, available at: [http://bialystok.gazeta.pl/bialystok/1,85994,6647533,Kolejny\\_rasistowski\\_atak.html](http://bialystok.gazeta.pl/bialystok/1,85994,6647533,Kolejny_rasistowski_atak.html)

describing tens of cases of attacks and appealed for a response. Some discontinued their studies in Białystok<sup>36</sup>.

Racist attacks against foreigners and migrants also occurred in Poland's other cities. In April 2008, a physician of African origin was attacked in Elbląg<sup>37</sup>, in June 2010 an Egyptian national was beaten in Katowice<sup>38</sup>, in April 2009 a Warsaw college student was attacked with tear gas<sup>39</sup>, and a Kenyan man was beaten in the town of Chełm in January 2010<sup>40</sup>. In his article with the telling title of *Czarny w Polsce nie pożyje [Blacks Can't Live in Poland]*, Paweł Smoleński cites series of racist instances suffered by musicians of African origin in Wrocław<sup>41</sup>. In January 2010, the press reported of another attack on the man and his brother featured in that 2007 article<sup>42</sup>. In another example, two law students beat up a visitor from Nigeria in July 2009<sup>43</sup>.

Chechens seeking refuge in Poland have faced racist attacks. In Białystok, on the night of 15-16 September 2009, perpetrators attacked a flat rented by Chechens by breaking the windows and tossing Molotov cocktails inside<sup>44</sup>. The same flat was attacked again the following day. Other Chechens were attacked in September 2009 in the city of Łomża. This time, the perpetrator attacked two women. Significantly, the victims linked this attack with a prior appeal by deputy

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<sup>36</sup> J. Klimowicz, *Dlaczego Selamawit w Białymstoku nie wytrzymała [Why Selamawit Couldn't Handle It in Białystok]*, 05.10.2009, *Gazeta.pl*, available at: [http://bialystok.gazeta.pl/bialystok/1,100422,7113576,Dlaczego\\_Selamawit\\_w\\_Bialymstoku\\_nie\\_wytrzyma\\_ala.html](http://bialystok.gazeta.pl/bialystok/1,100422,7113576,Dlaczego_Selamawit_w_Bialymstoku_nie_wytrzyma_ala.html)

<sup>37</sup> G. Szaro, *Elbląg: Kto skopał czarnoskórego lekarza [Elbląg: Who Kicked the Black Doctor]*, *Gazeta.pl*, 09.06.2009, available at: [http://trojmiasto.gazeta.pl/trojmiasto/1,90289,6706692,Elblag\\_kto\\_skopal\\_czarnoskorego\\_lekarza\\_.html](http://trojmiasto.gazeta.pl/trojmiasto/1,90289,6706692,Elblag_kto_skopal_czarnoskorego_lekarza_.html)

<sup>38</sup> *Dwóch mężczyzn odpowie za pobicie Egipcjanina [Two Men Will Be Charged for Beating an Egyptian Man]*, *Polskalokalna.pl*, 20.06.2010, available at: <http://polskalokalna.pl/wiadomosci/slaskie/katowice/news/dwoch-mezczyzn-odpowie-za-pobicie-egipcjanina,1495131,3321>

<sup>39</sup> W. Karpieszuk, *Zróbcie coś z rasizmem w Warszawie [Do Something about Racism in Warsaw]*, *Gazeta.pl*, 22.05.2009, available at: [http://Warsaw.gazeta.pl/Warsaw/1,34889,6636287,Zrobcie\\_cos\\_z\\_rasizmem\\_w\\_Warszawie.html](http://Warsaw.gazeta.pl/Warsaw/1,34889,6636287,Zrobcie_cos_z_rasizmem_w_Warszawie.html)

<sup>40</sup> *Chełm: rasistowska napaść na Kenijczyka [Chełm: A Racist Attack on a Kenyan Man]*, *Kurier.lubelski.pl*, 27.01.2010, available at: <http://www.kurierlubelski.pl/region/chelm/214536,cheml-rasistowska-napasc-na-kenijczyka,id,t.html>

<sup>41</sup> Article available at: <http://wroclaw.gazeta.pl/wroclaw/1,35768,4723508.html>

<sup>42</sup> Sławomir Pawłowski, Katarzyna Lubieniecka, *Dwaj bracia zaatakowani za kolor skóry [Two Brothers Attacked for Their Skin Colour]*, 05.01.2010, *Gazeta.pl*, available at: [http://wroclaw.gazeta.pl/wroclaw/1,35771,7422953,Dwaj\\_bracia\\_zaatakowani\\_we\\_Wroclawiu\\_za\\_kolor\\_skory.html](http://wroclaw.gazeta.pl/wroclaw/1,35771,7422953,Dwaj_bracia_zaatakowani_we_Wroclawiu_za_kolor_skory.html)

<sup>43</sup> *Studenci prawa przed sądem za pobicie Nigeryjczyka [Law Students Face Court for Beating Nigerian Man]*, 10.01.2010, *Gazeta.pl*, available at: [http://wroclaw.gazeta.pl/wroclaw/1,35771,7438277,Studenci\\_prawa\\_przed\\_sadem\\_za\\_pobicie\\_Nigeryjczyka.html](http://wroclaw.gazeta.pl/wroclaw/1,35771,7438277,Studenci_prawa_przed_sadem_za_pobicie_Nigeryjczyka.html)

<sup>44</sup> W. Wierzyński, *Atak na Czechenów w Białymstoku [Chechens attacked in Białystok]*, *TVP.pl*, available at: <http://www.tvp.pl/bialystok/aktualnosci/kryminalne/atak-na-czechenow-w-bialymstoku/929015>

Lech Kołakowski to the Head of the Office for Foreigners Affairs to shut down the refugee centre in Łomża. Citing supposed opinions of residents, deputy Kołakowski attempted to prove that the refugee centre caused numerous problems and was a financial drain on the city. At the same time, leaflets appeared in the city, which read, “A Chechen gets a welfare check equal to what you would make at two jobs.” The economic theme used to build enmity toward Chechens returned in August 2010 in an amateur film distributed via the Internet entitled *Żywot Czeczena [A Chechen’s Life]*. The film is decidedly xenophobic in tone, at times even racist, and includes inducements to nationalist hate by presenting Chechens as a nation that exploits the Polish social welfare system, avoids work, and is hostile toward others. Additionally, it illegally uses images of refugees living in Łomża and Białystok<sup>45</sup>.

To continue the media query, the above list may be expanded to include additional descriptions of personal assaults and batteries, numerous cases of vandalism against Jewish cemeteries and buildings, examples of hate speech, as well as racist and anti-Semitic incidents occurring at football stadiums. However, it is not the purpose of this report to compile a complete list of such events and this project does not include media analysis<sup>46</sup>. Depressed review conducted is intended to help identify individuals that could assist in project research. Some of them agreed to be interviewed, meaning that some of the above stories cited above will return in paragraphs below.

The above events are cited in the context of positive public opinion polling for several reasons. Firstly, they indicate that declared sympathy toward other nations does not necessarily leverage into approval of foreigners present in Poland. It is one thing to have a friendly attitude toward foreigners that live in their own countries, quite another to accept their arrival in Poland. Answering a survey about close relationships with a person of a different skin colour or denomination is theoretical, while the practical experience of sharing a workspace or dorm room evokes different reactions. The cross-section of press articles shows that racism is not completely incidental or limited to certain areas, though there have been different levels of intensity throughout all of Poland. The intensity has been the highest in areas where there has been a rapid growth in the number of persons of different ethnicity and culture. However, this may not necessarily result from simple arithmetic, i.e. more attacks where there are more potential victims. It is clear that not merely migrants face violence, but migrants with non-European roots or, as in the case of the Chechens, those who differ in appearance and way of life. A review of some

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<sup>45</sup> *Rasistowski film o Czeczenach zniknął z sieci [Racist Film About Chechens Disappears from the Web]*, *RMF.FM*, available at: <http://www.rmf24.pl/fakty/polska/news-rasistowski-film-o-czeczenach-zniknal-z-sieci,nld,294276>

<sup>46</sup> Other NGOs are already involved in such activities, e.g. the Never Again Association or the Open Republic.

comments in the media after the fatal shooting of a Nigerian at Warsaw's Decade Stadium<sup>47</sup>, especially the racist comments that appeared on Internet forums, raises doubt whether Polish declared tolerance withstands multicultural reality. The cited Centre for Public Opinion Research polling and social distance research concerned declared attitudes where respondents answer questions about likes/dislikes toward particular nations, irrespective of whether they have ever encountered individuals from those nations. As a result, some opinions may be formulated and expressed based on stereotypes about particular nations, which negatively or positively sway these attitudes. As noted by Patrycja Świstak based on research conducted among Spaniards living in Poland, the positive stereotype of Spaniards as open and friendly people results in feedback where Spaniards in Poland encounter kindness rather than the rejection, discrimination, or racism faced by some other nations<sup>48</sup>. Meanwhile, 2010 research conducted by the Foundation "Africa Differently" Foundation evidences a tendency toward negative stereotypes. This research also shows Poles' general knowledge about Africa is extremely poor with television programmes being the main source<sup>49</sup>. Only 7% of the population has personal contact with Africans meaning opinions regarding people of African origin typically are formulated based on second-hand information, usually provided by the media. Authors of the *Badanie opinii publicznej na rzecz obywateli państw afrykańskich w Polsce [Research of Public Opinion in Poland about Nationals of African States]* note that though respondents had positive and negative impressions after personal contacts with Africans, they did not carry over positive experiences to attitudes toward Africans overall, while they generalized negative experiences and projected them onto all Africans<sup>50</sup>.

Poland's lack of experience with multiculturalism since World War II certainly burdens relations between Poles and other nations. This lack of experience stems from Poland remaining, for the

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<sup>47</sup> E.g. an article concerning this event and relationships of Polish women with Africans: R. Zieliński, *Nigeryjska mafia. Szpetne żony i narkotyki [Nigerian Mafia. Ugly Wives and Drugs]*, *Dziennik.pl*, 05.06.2010, available at: <http://wiadomosci.dziennik.pl/wydarzenia/artykuly/164388,nigeryjska-mafia-szpetne-zony-i-narkotyki.html>.

<sup>48</sup> P. Świstak, *Adaptacja Hiszpanów do życia w środowisku polskim [Spaniards' Adaptation to Life in Polish Communities]*, p 179, from: E. Nowicka, S. Łodziński (Ed.), *Kulturowe wymiary imigracji do Polski [Cultural Dimensions of Immigration to Poland]*, Warsaw 2006.

<sup>49</sup> *Most of what we know about it [Africa – ed.] consists mainly of stereotypes, often full of paternalism. (...) respondents could not name a single musician, writer or a film hailing from Africa.*

*Out of this broad cultural range, people could only list folk elements such as Maasai dances or drumming.* P. Średziński (red.), *Badanie opinii publicznej na rzecz obywateli państw afrykańskich w Polsce [Research of Public Opinion about Citizens of African States in Poland]*, Fundacja "Afryka Inaczej", p 11, available at: <http://afryka.org/badania/raport2010.pdf>

<sup>50</sup> *Ibid.* p 16. In response to the question of their attitude toward Africans, the majority of Poles (63%) declare indifference, 26% declare approval/like, with 11% declaring disapproval/dislike. As compared to the other four groups covered by this research, Africans are precisely in the middle of this 'ranking.' Poles declared greater sympathy toward residents of Western Europe, than toward persons from the former Soviet Union, while less sympathy was expressed toward Asians and Roma. Social distance research indicates the same order.

most part, a single ethnicity state after World War II, the extremely limited travel allowed to and from Poland during communism, and communist governments' policies of ethnic exclusion with respect to remaining national minorities<sup>51</sup>. Although Poles are proud of the tradition of the tolerant Republic of Poland prior to partition and the multiethnic Second Republic of Poland, these facts do not leverage directly today into the ability to live in a multicultural society. This is evidenced not only by their lack of knowledge about other cultures and application of stereotypes, but the inability to act and express themselves in a way that does not discriminate or stigmatize. An example of such behaviour cited in the context of Africans is often used Polish word "murzyn", which Africans feel is insulting, or persistent staring or even pointing fingers at Africans on the street<sup>52</sup>. Lack of multicultural education and the attendant lack of preparation for contacts with people of a different appearance impacts various interactions. As noted by Izabella Czerniejewska based on her research among migrants in Poznań, an unexpected encounter evokes stereotypical prejudices expressed in various ways, including surprise, a negative attitude, or aggression<sup>53</sup>. Therefore, migrants become an object of curiosity and interest, but also of racist and criminal behaviour, which will be discussed in this report below.

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<sup>51</sup> A. Jasińska-Kania, S. Łodziński, *Wprowadzenie. Obszary i formy wykluczenia etnicznego w Polsce. Koncepcje teoretyczne i badania empiryczne [Introduction. Areas and Forms of Ethnic Exclusion Poland]*, from: A. Jasińska-Kania, S. Łodziński, *Obszary i formy wykluczenia [Areas and Forms of Exclusion]*, pp 23-25.

<sup>52</sup> M. Ząbek, *Afrykanie w Polsce. O stosunkach rasowych we współczesnym społeczeństwie polskim [Africans in Poland. About Race Relations in Modern Polish Society]*, from: A. Jasińska-Kania, S. Łodziński, *Areas and Forms*, p 175.

<sup>53</sup> I. Czerniejewska, *Cudzoziemiec jako uczeń i student. Integracja w obszarze poznańskiej edukacji [Foreigner as School and University Student. Integration in Poznan's Education System]*, from: N. Bloch, E. M. Goździak, *Od gości do sąsiadów. Integracja cudzoziemców spoza Unii Europejskiej w Poznaniu w edukacji, na rynku pracy i opiece zdrowotnej [From Guests to Neighbours. Integration of Foreigners from outside the European Union in Poznań in education, the labour market and healthcare]*, Centre for Migration Research, Poznań 2010, p 66.



## **II. Research results**

### **1. Research methodology**

#### **1.1. Research assumptions and scope**

As mentioned in the introduction, the conviction that official statistics do not reflect the actual scale of racist crimes in Poland underpins this research. We assumed one of the reasons for the current state of affairs is that the victims of racist crime do not always report the incidents to law enforcement. It is not possible to effectively and comprehensively combat racism without legal means, i.e. prosecution and punishment of perpetrators, therefore the long-term project goal is to encourage people to report racist crime. It seems such may be achieved by convincing them that reporting racist crime is the right thing to do and provide relevant support/assistance that meets their expectations. That is why our research focuses on the attitudes of victims of a crime with reference to ethnic, national, and racial origin. We wanted to learn the reasons victims do not report these crimes, who they turn to in such situations, and what their contacts with police are like when they do in fact report a crime. We also asked about their satisfaction with respect to assistance received from police and other entities as well as their view on what and what kind of assistance could be provided to individuals affected by racism.

To see the situation and the necessary broader context, we asked our respondents to describe the raises events, including circumstances, perpetrators, and witness reactions. We asked them about their familiarity of Polish law and its prescriptions of racist crimes. This information will be instructive in planning educational and preventive activities, in addition to providing more information about the situation.

Though our expectation concerning the correctness of racist crime statistics was one of the motivating factors of this research, it is not our intent to establish the actual number of racist crimes in Poland. Nonetheless, the research script includes questions about the frequency of such incidents and responses shed some light on “quantitative” issues.

#### **1.2. Selection of sample and research method**

Because we intended to learn the views of victims of racial violence, the target sample necessarily had to be a population of people with such experience (as opposed to e.g. a random migrant population sample). We chose to use in-depth interviews as this format offers respondents a

relatively broad and open-ended field of expression, providing insight into various kinds of events and their context<sup>54</sup>. The method enabled us to collect stories of various experiences, which sometimes exceeded the strictly defined research subject matter (e.g. cases of discrimination). A portion of the interviews were recorded and then transcribed, in several cases the interviewers recorded responses during the interview in writing. The interviews took place in Polish, English, and Russian and were transcribed in Polish or English. The research was carried out in April through August 2010. Respondents were residents of the following Polish cities: Warszawa, Wrocław, Łomża, Szczecin, Białystok, and Katowice.

The research was primarily conducted by individuals who work with foreigners and minorities on a day-to-day basis. These were mainly NGO employees who provide counselling and support to migrants or have worked on other projects concerning these issues (e.g. managing the *Wykopmy rasizm ze stadionów [Let's kick racism out of stadiums]* program). Selecting these individuals assured the best possible penetration of the potential target group as well as intellectual contact with respondents. The researchers' work experience enabled them to identify victims of racism and attempt to convince them to take part in the research. Moreover, through ongoing contacts with migrants and minorities, they have acquired cultural and personal skills required to conduct such research. Even though in many cases the interviewers were already familiar with the incidents described, potential respondents still frequently refused to take part in the research.

The second way to identify potential respondents was a review of available information sources about racist violence. These sources were chiefly media outlets, NGO materials (e.g. from the Never Again Association), and information from private individuals. Armed with preliminary information about an incident and victim, we sought out contact with this person through various tools such as Internet search engines, community portals, ect. We did not contact the victims immediately in every case. Sometimes, we contacted their friends/acquaintances such as foreign student assistants, an NGO member involved in helping a particular person, or a victim's co-worker or employer. We asked these individuals to convey information about the research and for consent to provide an e-mail address or telephone number; in three cases, we asked that person to conduct the actual interview. This method was far more time-consuming and less effective than the aforementioned way to reach interviewees, but it enabled us to reach outside the circle of "active" individuals already seeking assistance in their cases from NGOs (though their appeals to NGOs may not have necessarily concerned racism).

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<sup>54</sup> Appendix No. 2 contains the interview script.

Four respondents also included people, who were victims of crimes committed due to their ethnic, national, racial origin or denomination. When speaking of the crime here, we reference behaviour consisting of acts proscribed by the criminal code, in particular articles 119 and 257 of the criminal code. As such, we were interested in cases of beatings, violence, criminal threats, battery, and public insult with reference to someone's origin. In planning the research, we expected that it may not be possible to contact the appropriate number of individuals with such experiences and that some of the interviews would be performed with formal and informal leaders of minority and migrant communities. Ultimately, we did not conduct such interviews, as we successfully interviewed a sufficient number of persons, who discussed their personal negative experiences in Poland. The exceptions to this rule are three mothers discussing incidents experienced by their children. In several other cases, the respondents talked about their own experiences and, additionally, those of people they are close to. One example is an interview with a Chechen woman active in a refugee assistance association. She talked about her experiences as well as an instance of a beating of her two compatriots, who she assisted in seeking justice, but were impossible to contact for in-person interviews as they had already left Poland.

We decided to seek respondents among people whose appearance or accent indicated they were immigrants or members of an ethnic/national minority. To maintain diversity among interviewees, we initially planned to conduct eight interviews with persons from Africa (four from sub-Saharan Africa and four from North Africa), eight interviews with persons from the former USSR (including four with Chechens), five with individuals of Asian origin, and four with the Roma<sup>55</sup>. Significantly, we were interested in a person's origin rather than their citizenship. As a result, a portion of the interviews were conducted with citizens of European states, who have non-European origins. In practice however, the planned geographical breakdown of interviewees turned out to be impossible for two reasons: for some of the geographical areas, we could not identify individuals who experienced relevant cases over the last eight years, or the identified individuals would not agree to take part in the research. It is important to note here that a high percentage of individuals refused to take part in the research. Explanations as to why a particular person decided not to take part vary. One individual did not want to talk because they were present illegally in Poland. Sometimes, potential respondents offered no reason for the refusal,

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<sup>55</sup> We purposely did not deal with the problem of anti-Semitism in this research. Firstly, Polish Jews do not differ in appearance or language from the rest of society and therefore do not meet the fundamental assumption in selection of respondents. Secondly, anti-Semitism appears chiefly in Poland in the verbal and symbolic spheres, and in the devastation of Jewish cemeteries or places of remembrance as well as anti-Semitic hate speech. These activities are usually directed against the Jewish community in general rather than a specific person and therefore it will be difficult to indicate and find a specific victim and does research the phenomenon using the tool designed for this research.

though these might be surmised given their cultural origin. For example, as noted by Aleksandra Chrzanowska from the Legal Intervention Association, a man of traditional upbringing from the Caucasus would be ashamed to talk about such problems and admit to being humiliated, as that is considered unmanly behaviour. Therefore, even if various sources indicate a given person is a victim of racism, that person may not want to talk about such officially, meaning even in an interview. A similar cultural context may apply to migrants from the Far East. Furthermore, the fact that some groups are closed while others more integrated influenced our ability to identify respondents and convince them to take part in the research. Significantly, the problem of racist crime does not touch all groups equally. For instance, we could not find examples of violence against Ukrainians or Belarusians from recent years (though we did identify cases of discrimination and xenophobia), while we found a relatively high number of cases of racism toward Africans.

After realizing that it would be impossible to maintain our plans for a geographical breakdown during the scheduled time, we faced the choice of interviewing potential racism victims, or focusing on interviews with actual victims of racism. We selected the latter, as the essence of the research was to learn motivations and attitudes during specific situations. Twenty-five interviews were conducted in all, with (as it later turned out) one victim being interviewed twice, who talked about a different incident than during the first interview (as the second incident occurred in the meantime). In the research summary, both interviews by that person are treated as one, bringing the total number of interviewees to 24. Individuals taking part in the research came from the following states: Norway (2 individuals: one of Vietnamese origin, and one of Pakistani origin), Pakistan, Sri Lanka, Chechnya (2), Russia, Holland (an individual of Jamaican origin), Cape Verde, Cameroon, Senegal (2), Nigeria (5), Mali, Togo, Gambia, Ghana, Zimbabwe, and Egypt. Additionally, two interviews concerned children from mixed marriages: one of Polish-Vietnamese parents, the other Polish-Mongolian parents. In these two cases, we interviewed the mothers.

## **2. Cases**

The most frequently encountered forms of racism reported by our respondents are public insults and invectives referencing origin. Nearly all research participants described such and most experienced them numerous times. Fourteen people faced physical attacks, of which at least seven required hospitalization or medical assistance. Nine respondents described unwanted physical contact (technically: violation of bodily inviolability/battery), and two experienced threats. The majority of respondents claimed to know other people who also encountered various forms of

racism, with 16 stating their acquaintances had encountered physical violence. Respondents also spoke of other forms of demeaning treatment or enmity expressed through gestures and words.

## **2.1. Invectives, insults, violation of physical inviolability and other demeaning treatment**

‘Monkey’, ‘black monkey’, ‘asphalt’, ‘Bambo’<sup>56</sup>, ‘gorilla’ – nearly all persons of African origin taking part in our research have had such words shouted at them. Individuals who stand out for their darker skin tone, i.e. those from Africa and South Asia, but also Chechen children, also encounter contemptuous epithets such as ‘negro’ or ‘nigger’<sup>57</sup>. “They said to him, that a Chechen – is this, that or just nigger... He’s not even black at all (...), his eyes are brown and his hair is blonde – not black at all, maybe then, that was summer, but you cannot call him black... but, he’s a ‘nigger’” (int. 23). Similarly, persons of Far East origin encounter epithets such as ‘yellow, yellow, you slant-eye’ (int. 22). Those from areas where Islam is the dominant religion hear comments related to negative stereotypes of Muslims where ignorance with of these geographical areas compounds xenophobia. Respondents from Chechnya described examples of such behaviour; they were called ‘Taliban’, and, ‘Taliban, what did you come here for? Get the fuck out to your Chechnya’ (int. 16). Phrases directed at this group include ‘Chechens – bandits, terrorists’ (int. 23), directed even to children. A respondent from Pakistan reported a similar experience. “About a year ago, there was a general atmosphere of dislike, when there were problems in Afghanistan, with Osama bin Laden, people would ask me where I was from, and when I said Pakistan, they would say – ooh, a terrorist” (int. 14). Migrants also usually hear common invectives or unpleasant comments. “If you dress nice, they call you a whore. If you don’t dress up, they would ask you how much you sell shirts for at the stadium, or something like that” (int. 24). Vulgarisms are also directed toward women accompanying men of non-Polish origin, such as ‘black bitch’ and ‘she gets around with negroes’ (int. 6).

In addition to insulting, offensive, and vulgar invectives, foreigners often hear comments that they are not welcome in Poland and should go back to their countries: ‘What the fuck are you here for blacky? This is our Poland, for Poles only’ (int. 14); ‘Get out of here’, ‘Go home’ (int. 1); ‘Asphalt should be on the ground’ (int. 2); ‘What did you come here for?’, ‘No one wants you here’, ‘We don’t want people like you here’ (int. 5). One respondent noted that more vulgar versions of these comments are common. Offensive gestures sometimes accompany the

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<sup>56</sup> ‘Bambo’ refers to “Murzynek Bambo,” an early 20<sup>th</sup> century children’s nursery rhyme by Julian Tuwim about a little black African boy, which could be considered racist, available at: <http://www.przedzskole-gumisie.pl/index.php?action=piosenki&pio=29>

<sup>57</sup> Pol. ‘Czarnuch’.

invectives. The following statement represents the range of various offensive behaviours, which occurred just before a beating. “He started swearing, saying there was no place for me here, he was also swearing at my wife, ‘Why does she like blacks,’ and ‘Why does she go with blacks?’ (...) They said that I was black and there was no place for me in Poland. One man dropped his pants and showed his buttocks, shouting that I should look in there and go home, that Poland was not my country” (int. 13).

The great majority of respondents highlight that instances of invectives and hate speech are pervasive. “I have been called nigger many times” (int. 12); “Black monkey – I have heard that many times” (int. 9). In the opinion of some respondents, these are everyday situations. “If you pass by Polish people on the street, they say things like ‘negro’, ‘coffee’, ‘negro go home’; this isn’t once or twice, it’s every day we hear this. It’s lucky if they don’t say anything when you walk by” (int. 17). When such instances occur on the street, they are reportedly of a short lived, incidental nature. Meanwhile, when they occur at work or school, people who stand out for their appearance are constantly exposed to epithets. The mother of a Polish-Asian child claimed problems of this sort begin in preschool and last throughout children’s entire education, where, “[Epithets] are there every day, especially at the outset [my son] came home complaining that he was getting called names, that he’s ‘yellow,’ that he has ‘slanted eyes’, or is a ‘Third World child’” (int. 24). In describing her son’s problems, the respondent underscored that they are more frequent at the beginning, when the child begins attending a given institution and then the situation settles down somewhat. The epithets return when the child achieves, e.g. receives a grade of excellence, or does not meet peer expectations. “When you let a goal in you immediately hear, ‘Mongol, go home’” (int. 24). The other mother taking part in the research reported that epithets pop up randomly. “They were making fun of Vietnam. Someone watched a program on television showing everyone there lived on boats, so immediately they went to W. [respondent’s daughter]... and, you know, those things are hurtful” (int. 22). One respondent described a situation of constant name-calling and harassment at work. “The other employees who I had a problem with began by insulting me: ‘negro’, ‘fucker’, different animal names. (...) During the entire three weeks that I worked there, no one ever called me by my real name, only ‘chicken’, ‘negro’, ‘rabbit’, ‘fucker’. I didn’t react to this kind of treatment, so they started to provoke me more: they pushed me so I fell, when I would go to the service, they would say, ‘Fucker, this isn’t your city’, ‘Go back to Africa, this place isn’t for negroes’. They began to smoke in the room where I worked, which I don’t like. (...) They blew smoke in my face like this [imitates someone blowing smoke]” (int. 17).

The interviews show unfamiliar and randomly encountered people passed on the street or riding in the same public transport most frequently make the racist comments. Some, however, note that these appear in situations that would otherwise seem regular interactions. One of the respondents noted that these instances sometimes occur completely unexpectedly. “People dressed nicely who I would ask for a light on the street would insult me. It is difficult for me to ask for help with an address or the time, because the reactions vary wildly. For example, when I asked about a bus, in response I heard, ‘Fuck off’, or, as it is said in Polish, ‘*Odpierdol się*’” (int. 6). Schools and places of employment are exceptions to the above rule of ‘unfamiliarity,’ in that the people using the invectives are colleagues and co-workers.

As mentioned above, nine people taking part in the research experienced violations of their bodily inviolability. Examples included purposeful jostling or pushing, “There are situations, for example, at a disco, where I am dancing with a girl and they jostle me” (int. 6). To a lesser degree, there is battery. “We went for a walk after dinner, we were walking, and suddenly some guy hit me from behind the back, just ‘out of nothing’ (...). He came up and simply hit me” (int. 11). Other reports include incidents of spitting, blocking the way, and pushing someone out of the way, “Sometimes, people block street crossings” (int. 6). Two respondents described a situation where they felt threatened. “I was standing at a bus stop and some boys came up to me. I looked at them and continued to read, because I was reading a book. They then took out a knife, played with it while looking at me, but I did not react. Some bus came along and I quickly got in. They sometimes use knives to scare others” (int. 9). Other respondents reported provocations to fight. “Someone pushes you, and insults you, and wants to fight you” (int. 18). Respondents also indicated problems in public transport. Several people noted that no one wanted to sit next to them on the bus. The interviewee from Sri Lanka described a re-occurring situation where he was prevented from sitting where he wanted on the bus. “[They say] that I can’t sit here: ‘Go sit there’. I ask, why? They say, ‘Because this is a different country. Go sit there, you can’t sit here’” (int. 8).

## **2.2. Physical attack – situations and circumstances**

Fourteen out of the 27 people we spoke to had been beaten. Seven required medical assistance. Some of them had more serious injuries, such as a broken leg, broken nose in four places, or severed tendon of the finger. Two respondents talked about fights they got into, initiated by racist derision and invectives. In addition, three respondents spoke of children being victims of physical aggression at school. One of those latter cases, one involved the beating of a nine-year-old girl of Vietnamese origin by her peers. Two other respondents spoke of an undefined number of attacks

against foreign children and fights. “Of course, boys always fight, for whatever reason. But D. [respondent’s son] gets beaten because he is different, so he had to fight many times” (int. 24)<sup>58</sup>.

The interviewees described attacks as usually occurring in public places, often in the presence of other people, including on public transport, at bus or metro stops, on the street, during walks, or mass events. Several respondents reported attacks during football games. One of them, a football player, was beaten by fans when leaving his clubhouse after the game. Another was attacked during the public broadcast of a game he was watching with other foreign friends. “It was the [2008 European] championships. My friends and I were watching the Poland-Germany match, first 45 minutes. There was the intermission. We wanted to watch the second half on the bigger screen, so we went to the city centre. Right after we arrived, a group of fans started making ape sounds. They screamed at us, threw beer cans at us, shouting ‘Ku Klux Klan’ and other racist ‘bad words’. Things got dangerous, so we wanted to leave, but it was too late. They attacked us, and then more ‘fans’ came and also attacked us. (...) I don’t know what happened, but my ankle was broken, I think someone kicked me and broke my ankle. I couldn’t run away, so many people attacked me. (...) I thought I was going to die, so many people were attacking me, and I could not run away, I could not do anything” (int. 10).

Some of our respondents reported attacks at night, on the night bus or in the late evening. Nonetheless, most of the reported attacks occurred during the day. “I was beaten in Katowice. (...) in broad daylight, in the city centre, on 3-go Maja Street. The street was filled with people, even security guards from one of the companies, and the municipal guards patrolled the area. Behind me, I heard that someone was shouting something to the girl walking with my friends and me. The people shouting were young men and a woman, it wasn’t any subculture, they didn’t stand out in any way. I asked what they wanted, and in response they shouted at the woman with us, ‘black bitch’, ‘she gets around with blacks’, and that I should leave the country. Before I could say anything, they started beating me. I fell to the ground, then they kicked me in the side and in the face, I lost consciousness” (int. 6). As evident from the reports above, vulgar and/or racist invectives or comments frequently accompany physical attacks.

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<sup>58</sup> Problems in school of children of a different appearance have been noted in research on integration of children in Poznań. See: I. Czerniejewska, *Cudzoziemiec jako uczeń i student. Integracja w obszarze poznańskiej edukacji* [Foreigner as student. Integration in Poznań education] from N. Bloch, E. M. Goździak, *Od gości do sąsiadów. Integracja cudzoziemców spoza Unii Europejskiej w Poznaniu w edukacji, na rynku pracy i opiece zdrowotnej* [From guests to neighbours. Integration of foreigners from outside the European Union in Poznań in education, the labour market, and healthcare], Centrum Badań nad Migracjami, Poznań 2010, pp 65-66.

In the case of one of the respondents who, as he himself admits, does not appear to be a foreigner at first glance, the admission to being a foreigner provoked an attack. “We said where we were from and when he heard that I was from Russia, he became furious. He started a fight, it was very unexpected. I didn’t defend myself, I did not even have time to react. (...) I heard lots of invectives then, for example ‘I fucking beat the Russians ...’ and, ‘You fucking Russian’” (int. 15). In talking about the beating of her two friends, a respondent from Chechnya noted the particularly brutal treatment of the woman, whose garb indicated she was a Muslim: “He hit the one wearing a hijab the hardest. Later, she said that when she fell, he tried to pull that hijab off her - that he didn’t know that you put it on in one piece, you can’t just pull it off; he kept trying to pull it off. There is also a scarf there, but he kept pulling on the part of the head. She said that he kept shouting something like ‘Taliban’” (int. 16).

Interviewees also described fights instigated by racist provocations. Two people spoke of fights they were involved in, while others named them as a potential threat, which may indicate that such incidents occur more frequently. A respondent from Gambia described the provocation that ended in a fight: “We were passing, that boy said, ‘Fucking Bamboo’. My friend told him, ‘Excuse me, Sir, what you said, don’t say that’. And then, he scolded him, asking why did he have to say that, that word is not a nice word. He did not even want to talk with the Black man, he just wanted to insult the Black man. (...) And then, he hit my friend and me, I was just trying to separate them, you know, like, ‘Calm down, calm down, don’t do that’, you know. The other person was running to come and fight with me too” (int. 18). The cited example ended with the intervention of a police officer, who had previously been watching the situation and ultimately decided to check identification of the people initiating the incident. Another respondent wounded three people as a result of a provocation and was charged with three counts of attempted murder. The matter ended up in court. Based on testimony, the court found the incident involved racist provocations, and modified the charges. Nevertheless, as of the publication of this report, the respondent spent several months under arrest until his verdict was issued, was required to pay compensation, and remains under probation officer supervision.

In addition to their own experiences, our respondents are familiar with acts of physical aggression based on nationality or origin toward others, and claim these are not isolated incidents. A Russian respondent, himself a victim of one attack, talked about attacks on a friend of his, a case, which ended up in court. “There were two attacks against one Belarusian because he spoke Russian on the street. (...) The Belarusian’s case even ended up in court, there was some verdict. Basically, there were two court cases, two different incidents took place, and ended up in court both times” (int. 15). A respondent who was provoked and beaten at a pedestrian crossing, claimed to know

four-five people who experienced similar situations (int. 14). An interviewee from Holland (of Jamaican origin) reported he witnessed the beating of his friend and took him to the hospital. A student from Białystok also spoke of the beating of a friend of his. “I was not the only one attacked. After me, a girl was attacked in the shopping centre, and then there was a big discussion about racism in Białystok” (int. 10). The respondent from Mongolia experienced a series of similar situations. “My friends, Mongolians, she is a doctor and her son is now 18 or 20, but when he was a kid (...) he said, ‘I want to live here, but they [Poles] always beat me up’. (...) later, when he was older, my friend would tell me that he is always getting beaten up. (...) It is much worse with men, because they are liable to take them and beat them up. Many times I have heard at meetings with Mongolians, that they have been beaten up” (int. 24).

As mentioned above, the methodology of this research (selection of interviewees touched by racism/violence) and the limited number of interviews cannot provide reliable indicators on the scale of racism in Poland. Nonetheless, the fact that the majority of our interviewees could cite other instances of racist attacks points to the conclusion that such events are not isolated. Therefore, it seems quantitative research is required to reliably investigate the scale of racist attacks in Poland.

### **2.3. Perpetrators**

With only a few exceptions, young people are usually the perpetrators of physical and verbal attacks. “When it comes to verbal provocations, these usually involve young people (rarely alone) however, you do sometimes hear a hurtful comment from someone of middle age or even the elderly” (int. 5). Interviewees usually cited the age of perpetrators as ranging from teenagers to 20-something. Two interviewees (involved in a spitting incident and beating) described the perpetrators as adults. “I’ll say within 35-40-ish. He was an adult, definitely. Not a kid or a teenager. A full-grown man and he did this [spit on the respondent]” (int. 21). “He was a Pole, a man, aged about 40” (int. 15). One respondent felt that age and presence of peers are perpetrators’ two determinative characteristics. “Comments on the street happen from persons of both genders and of various age, but here, it is also more frequent by young people. Most frequently, these people are in a group. Unpleasant behaviour by individuals alone or an elderly person happens decidedly more seldom, but it does happen” (int. 3). Other interviewees confirm that perpetrators are usually in a group. Interviews with individuals attacked physically indicate that these groups range from three to over a dozen people. In only two cases reported by our interviewees did the perpetrator of a physical attack act alone. The situation is similar with respect to verbal aggression.

Men are the perpetrators in most instances described by respondents. One interviewee noted that a woman provoked the instance, and women were reportedly members of an attacking group in two other instances. In most instances involving adults, the victims did not know their aggressors, though there were rare cases of victims having seen the aggressors before. Three respondents described their attackers as skinheads, while others tended to focus on any outstanding characteristics such as sportswear, hoods, or behaviour that stood out. An African woman attacked on a bus described her perpetrator as, “one of those types that gets on the bus and shouts aloud” (int. 7). There respondents used the expressions ‘fans’ and ‘hooligans’ associated with football subcultures to describe aggressors. A portion of interviewees characterized aggressors as people who looked normal. Several interviewees noted the perpetrators were drunk<sup>59</sup>.

### **3. Attitudes toward the occurrences**

#### **3.1. Witness reactions**

As mentioned above, physical attacks usually occur in public places. Only two of the respondents experienced beatings when they were alone, without any other people around. In the remaining cases, third parties were present during the aggression. The interviews show that witnesses to events not often provide assistance, and in some cases, only after the fact.

A respondent from Africa attacked on the bus received rapid assistance. “The passengers called the police. They helped me. The bus driver stopped the bus, while they called the police. (...) When the people helped me, called the police, I was very happy, because the situation could have gotten worse” (int. 7). In describing the beating of two Chechen women they knew, two other female respondents reported that two Polish men came to help them and also called the police. Witnesses, three women, reacted when a respondent from Mali was attacked along with his wife. They called the police several times, who unfortunately arrived a long time after the incident. In a case of bitter irony, the respondent beaten by football fans reports that nobody helped him when he was being beaten, but he has no idea how he ended up in the hospital and therefore surmises that someone ultimately must have helped him (int. 2).

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<sup>59</sup> A number of research reports come to the same conclusion, i.e. that perpetrators of racist attacks are usually young men, frequently under the influence of alcohol. See: A. Rutkowska, ed., *Przestępstwa z nienawiści w Polsce – na podstawie badań akt sądowych z lat 2007-2009 [Hate crimes in Poland – review of court cases from 2007-2009]*, Stowarzyszenie Przeciwno Antysemityzmowi i Ksenofobii “Otwarta Rzeczpospolita”, Warsaw 2009, pp 8 and 52, M. Ząbek, *Afrykanie w Polsce. O stosunkach rasowych we współczesnym społeczeństwie polskim [Africans in Poland. About race relations in modern Polish society]*, from A. Jasińska-Kania, S. Łoziński, *Areas and Forms...* p 175.

In some of the described instances, certain bystanders tried to do something to help the victim, while others treated the whole thing as entertainment. Our respondent from Egypt reported that: “There were many witnesses to this situation, regular people, as well as fans, I think of GKS<sup>60</sup>, as well as hired security guards. The security guards encouraged the attackers by showing them an expressive ‘thumbs up’. When the girls asked them for assistance, they said it was not their job. Witnesses reacted with laughter, curiosity, they observed, but no one reacted. I don’t know if the municipal guards saw it. I learned later that a man who saw the whole thing from his balcony called the police” (int. 6). One interviewee, who was first attacked with pepper spray and then hit, escaped into a bus that had just arrived. It was his feeling that the bus driver saved him: “I think the bus driver saw what was going on and quickly closed the door. I was able to escape, though I didn’t see anything” (int. 9). In that case, the reaction of witnesses on the bus was far from friendly. “People on the bus laughed. I expected that someone on the bus would say, ‘I’m sorry’ and help me to at least get to a seat, because I could not see a thing. But no, they laughed, that’s all. (...) I was able to use my cell phone to call a friend to come get me at a bus stop, because I couldn’t see anything. I opened my eyes a little bit, but it was very painful. I was able to exit the bus and my friends waiting for me at the bus stop took me home” (int. 9).

In the remaining stories of beatings, witnesses provided no assistance nor did they react in any other way. What’s more, two respondents claimed they received no assistance even though they asked for it. An interviewee from Senegal attacked on a bus asked the bus driver to call the police, but to no avail. Ultimately, the bus driver stopped when he saw a police car, but by that time, the respondent had been beaten and cut with a knife. (int. 4) The interviewee from Sri Lanka offered a similar example. “[In the Metro] there were security guards, they saw and did nothing. (...) I asked the security guards to call the police, but they did not want to. I said ‘Please, call the police’ but they would not call” (int. 8). Notably, the theme of hired security guards that did not provide assistance appeared in several interviews. This is likely because the interviewees expected assistance from the security guards, which they unfortunately did not receive.

Interviewees did not make any pronounced statements regarding invectives or provocations of foreigners and the reaction of witnesses. In discussing witness reactions, interviewees mainly focused on more serious instances, i.e. beatings. Nevertheless, several respondents mentioned situations when someone reacted to insults or verbal provocations directed toward them. These witnesses either told the aggressors to stop their behaviour or offered other assistance, e.g. calling the police. Irrespective of whether the racist act involved invectives or beatings, it is instructive that women were more likely to provide assistance as witnesses and receive it as victims.

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<sup>60</sup> Football club.

Accounts of witness reactions to racist acts are poignant evidence of social acceptance of racist behaviour, a fact noted by some interviewees. This may require separate research to learn whether visible reactions to racist acts eliminate/diminish racism, and, conversely, the extent to which lack of decisive reaction to racism favour its recurrence.

### **3.2. Schools**

Opinions about school authorities' attitudes to racist incidents against students vary. One respondent claimed the school usually reacted appropriately in cases involving Chechen children. Meanwhile, mothers in mixed marriages felt the situation varied by school. Also, particular teachers provided another approach to the problem. One mother reported that her daughter received no assistance immediately after being beaten at school. No teacher or school psychologist found time to meet with the victim and the class main teacher decided the girl must have provoked the boys, since they beat her. That was also the line of defence presented by the father of one of the perpetrators, who claimed that the nine-year-old girl provoked his son sexually. According to the mother, only the school director took an appropriate position. In another case, a mother claimed school authorities attempted to downplay the fact her son was being beaten up. "One of the times, I went to the director and told her he was being beaten. (...) She says, 'Don't worry, he [the perpetrator] beats everyone up'" (int. 24). Significantly, those interviewees transferred their children to other schools. The situation improved at the new schools, though the children were still called names.

### **3.3. Victim reactions**

Victims first notify people close to them, family and friends, about a racist incident. It is often the only 'reporting' they do of such cases. Talking to colleagues and family provides psychological support and helps people deal with the experience of violence. The talks also help put the unpleasant or even traumatic experience behind them. As one respondent from Africa said, there is a tradition of talking about racist incidents among his friends, and these stories later function as anecdotes. Something akin to a ranking has arisen, where people talk about racist incidents they experienced to see who had the worst experience, e.g. "That's nothing, listen what happened to me" (int. 1).

A conversation with a wife or friends often determines victims' other actions going forward and affects the decision to report the incident to law enforcement. "I reported the matter to my wife, and my wife told me to calm down. You know that most of them are racist, that most of them from this country are racist. What should I do about it? Why should I report this event to the police, what are they going to do about it? So... I just leave it for God" (int. 20). Although in a large number of cases friends and family recommended the victims drop the case, this is not a rule. An interviewee from Nigeria was encouraged to report the matter. "A Polish friend of mine, a banker, encouraged me to go to the police. He called the police and told them I would be coming. (...) I always call him when I don't know what to do. (...) I called and he said, 'Go to the police and file a report'. That's what I did" (int. 9).

In addition to notifying friends and family, some of the interviewees sought justice in other places. Eight people reported incidents to law enforcement, six others turned to other institutions. Importantly, those who do report and/or react in some way to incidents are rather determined and often turn to several places for help.

#### **3.4. To report or not report? Victims' motives**

The motives behind reporting/not reporting to the police described by our interviewees included the desire to punish perpetrators and prevent similar situations in the future. "I wanted to file charges. I knew they would not press charges. I wanted to report it, so they [police] would know things like this happen" (int. 10). Sometimes, these motivations intertwine, "I want the perpetrators to go to jail. (...) We should think not only about the punishment, though the perpetrators deserve it, but especially about the cause, the source. I learned that the perpetrators are uneducated, from poor families, but they should be punished as an example" (int. 6). Most of the quotes above indicate a civic attitude toward the event and an understanding of its broader social context, as an existing problem of racist aggression. In speaking of punishing the perpetrators, victims never mentioned potential compensation or redress for wrongs personally suffered. Instead, they focused on the 'public good'. One interviewee reported the matter to the police in the event of future problems: "I reported it to the police, so that if something like this happens again, and I get into a fight, I do not want to be seen as the 'bad guy', (...), if something like this happens again, I would fight" (int. 9). Two persons called the police during incident.

The list of motivations and convictions offered by victims failing to report their incidents to law enforcement is much broader. The most frequently repeated motivation is their lack of belief in police efficacy, though they also mentioned matters the police could not control, e.g. where

victims could not identify perpetrators. In such cases, they believed the police could not do anything, but did not blame the police for this state of affairs.

With respect to reasons within police provenance, respondents mentioned officer skills and attitudes. This included uniformed officers' lack of foreign language skills, disrespect toward foreigners, lack of sensitivity toward racism, aversion to taking any action, and inefficacy. A Nigerian interviewee illustrated this point well when she said, "Either they don't speak English or they can't help. If they want to help, they're late" (int. 21). Some interviewees claimed that either they or their friends in the same situation did not go to the police, because the police would not do anything anyway. Some cited experiences from their own countries, where the police services are incompetent. "[People] do not trust the police, this results from their country of origin" (int. 16). In addition, as claimed by one respondent from Africa, a different skin colour is yet another factor working against the reporting person, causing the police to be even less zealous in seeking perpetrators (int. 1).

Several people listed their own limitations as reasons for not reporting the instances to the police, such as language barrier, lack of knowledge about the reporting procedure, or what to do if they are unhappy with the police reaction. Some were not sure the racist behaviour was illegal: "I thought it [invectives, insults] was no big deal. (...) I was sure that if they did not hit me, I could not report it to the police. Maybe for that reason. Now I know that I would report it. But then, I thought somebody would have to hurt me physically, that I would have to have injuries to report it" (int. 16). Significantly, interviewees did not see the need to inform the police about invectives or insults. The issue of involving law enforcement came up if a problem entailed physical aggression. Here, a Jamaican from Holland is the exception. He described the situation and complained that he was not treated seriously by the police when he reported it. Furthermore, most interviewees had no idea that Polish law proscribes racist acts. Only three individuals knew of such regulations and three others considered that existence of such was highly probable, befitting of the standards of rule of law, but did not know the details.

Other reasons for not reporting crimes to law enforcement include fear that a report could result in problems with legalization of stay or asylum status. Respondents claimed that people illegally in Poland did not report matters to the police. The same is true for people in Poland only temporarily, as they will not be in the country by the time a case is completed. One interviewee stated that only people who have settled in Poland, lived here for a long time, have families, a stable job, a home can "afford to" report things to the police (int. 1). Interviewees also talked about fear of problems that may arise from reporting crimes to the police, including retribution

from perpetrators: “This is a small town, I am a foreigner, most people could find me if they wanted to. I thought that if I press charges, they might recognize me and that could be dangerous for me in the future” (int. 11).

Other persons had individual reasons for not reporting crimes to the police. One of the interviewees decided not to inform the police after pressure from the football club where he worked. Another claimed health reasons. “I was bleeding a lot. I had to go the toilet. Then to the hospital.” (int. 8) Respondents from Africa cited cultural factors concerning expectations for behaviour of men in their country of origin, where such cases are not handled through the police but personally, “like men” (int. 1).

Decisions to not report instances of racism to the police were made alone or with convincing from other individuals, whether a wife, colleague, or employer. The quality of previous contacts with police or stories about such from friends materially influences the decision to report (or not). This is the reason for our question about general experiences with police; it is determinative in how individuals solve the dilemma of whether to report a crime to the police.

#### **4. Contact with police – satisfaction and disappointment**

Fourteen<sup>61</sup> of our interviewees had contact with the police in the connection of racist event, and seven in other situation. Some respondents had prior experiences with uniformed services in the past. The opinions and impressions from all described contacts are quoted below, as these determine victim behaviour in other situations, including after experiencing racist violence.

Most respondents’ prior contacts with police were not good experiences. Only two individuals gave police entirely positive evaluations. These included a woman from Africa; in her case, witnesses called the police. “[The officers] were very nice. They could not find the perpetrator, but even I could not identify him. People from the bus described the perpetrator, but they could not find him” (int. 7). A respondent from Nigeria had similarly good impressions from his visits to the police station. Notably, in both cases where respondents gave positive evaluations of their experience, the officers receiving the report spoke English, enabling the victims to communicate with them. Another interviewee, after his first unpleasant visit to the police station, described police officers as “nice” during his second encounter, though he emphasized that they

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<sup>61</sup> Including: reporting by the victim, calling police by victim or witness, the police arrived at the scene of the crime.

unfortunately did not speak English. Yet another interviewee evaluated his interaction with officers as positive, though he was extremely unhappy with their response time, which allowed the perpetrators to escape. Therefore, he reported that he was generally unhappy with their intervention.

All remaining individuals that had contacts with police evaluated them negatively. Interviewees claimed officers were uninterested in handling the case, rude, and contemptuous. There was also a language barrier, as in an example provided by the respondent from Norway: “The police officers were rude. It is a shame they did not speak English. My Polish is too weak to hold a conversation. The police officers did not ask what happened; they just immediately asked me for my passport. I did not have a passport with me. (...) So, the police called another police car, these officers were also rude. In fact, I also felt discriminated by the police” (int. 11). One respondent reported police were not interested in pursuing the perpetrators. “One of them [the attackers] hit my friend (...) and two police officers came, and we told them what happened. They just stood there, neither one of them moved to find those guys. (...) They did not even want to waste time to try to catch them” (int. 12). Others claimed the police officers did not want to listen to their accounts.

Significantly for this research, five interviewees claimed the police did not treat the racist aspect of the crime seriously. “I told them that it was clearly related to my appearance, because they shouted Ku Klux Klan, so that was clear to me. But the police, and this is my personal opinion, I had the impression, did not treat this seriously. When I came to the police station, they were watching a football game and I was clearly bothering them. I had the impression they did not believe me that I had been attacked because of racism”, stated the Norwegian of Vietnamese origin, who reported the crime at a Białystok police station (int. 10). When reporting his assault, police told an interviewee from Africa that if he did not like it in Poland, he did not have to live here (int. 5). Police officers also ignored the complaints of a man concerning racist invectives (int. 12). A man beaten in Warsaw underscored that ignoring the racist aspects of the incident led to the improper handling of this case. “The police officer came upon his own, he inquired very briefly what happened and how, but there was no health detriment that would last in excess of one week. The officer said it was a private matter and cannot be prosecuted *ex officio*, but did not note the racist aspects. Had he done so, the case would have been prosecuted *ex officio*. He said that if I wanted, I could file a case in court myself. They drafted no police report at the time. The police officer said it was not a matter for the police” (int. 15)<sup>62</sup>. In the other case, the police qualified one

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<sup>62</sup> Subsequently, the interviewee reported the incidents to the prosecutor’s office, which also ignored the racist aspect. Only after intervention by an NGO, did the prosecutor handle the matter as a racially motivated crime.

case as a fight and then dismissed it, though the respondent felt he had been attacked with racist motivation and had to defend himself (int. 14).

In the above case, as well as several others, law enforcement got more involved in handling the case following intervention by an NGO or other kind of pressure: “I came to the police station, had witnesses and a hospital report, actually everything needed to start the case, but the officers told me to go home and come back day after tomorrow. (...) I told them that I would take this case to the media, and it worked” (int. 6). Another respondent learned from the press that the police returned to his case (dismissed for failure to find the perpetrators) after a series of racist attacks in Białystok. Nevertheless, the police did not inform him personally or call him to testify.

It is important to note the vital repercussions of ignoring the racist aspects of a crime, and not just from the moral perspective. Polish law includes separate statutes and more severe sentencing for racist crimes, i.e. those committed with reference to the victim’s ethnic, national, racial origin or denomination. Therefore, the way a given crime is qualified under the law is decisive in the perpetrator’s punishment. Further, racist crimes are crimes against the public order and therefore prosecuted *ex officio*. This is of particular import in cases of insults, violations of bodily inviolability and minor injuries, i.e. those frequently suffered by our interviewees. Without the racist aspect, such behaviour may be prosecuted only after an individual presses charges. However, when motivations that reference racial, ethnic, or national origin are involved, these acts qualify as crimes under arts. 119 and 257 of the criminal code and prosecuted through the public complaint process. Therefore, upon receiving information suggesting suspicion of a racist crime, law enforcement should take appropriate actions in the case. Failure to do so is an omission of their duties.

Respondents talked about experiences with the police in other situations not related to reporting racist crime. Out of seven such reported contacts, five were negative experiences. One concerned a routine visit by officers as part of the respondent’s Polish residency permit process. “They come to check if my wife and I are living together. My wife to this day remembers how aggressive they were and she was traumatized by that” (int. 17). The other three individuals talked about mistreatment in the course of arrests. An interviewee from Ghana described the situation where he was accused of rape and officers did not want to listen to his account at all and, when placing him in a cell, they informed his cellmates that, “this guy raped a girl”. As he left the police station, they warned him to be careful because his cellmates remember his face and were getting ready to “punish” him (int. 1). A respondent arrested in the course of riotous events at Warsaw’s Decade

Stadium in April 2010<sup>63</sup>, offered the following account: “They were hitting some people. They took everybody down. They were calling us a lot of names. ‘Fuck you, black people, fuck.’ The police saying ‘Fuck you?’ Is that a good word?” (int. 21).

Based solely on victim interviews it is not possible to reliably discern what caused police officers to mishandle reported cases and not offer reporting victims appropriate seriousness and care. The list of possibilities is long, though the situations described in the research indicate several leads. Some officers may not be familiar with the law concerning racist crimes and, as such, ignore this aspect during the crime reporting phase, which, for certain crimes, makes it impossible to continue subsequent official duties. Others may disregard racist cases, and consider that such things happen to foreigners and are part of the cost of integration. It seems the officers’ own attitudes toward people of other nationalities as well as lack of experience with such individuals may contribute to negative interactions. This concerns stereotypes and prejudice, but also the stress stemming from the need to overcome language and cultural barriers.

## **5. Case epilogues**

Perpetrators were not convicted/sentenced in any case directly involving our interviewees. Only one of the cases, the beating of a minor, found its way to court, but was discontinued due to the perpetrators’ age. According to respondents, two cases are in progress and one had been suspended at the time of our interviews. The racist aspect had been recorded in these cases, though one required intervention by an NGO for that to occur. The police qualified one case as a fight and then dismissed it, though the respondent felt he had been attacked with racist motivation and had to defend himself. In two cases (one concerned a beating, the other invectives), the police refused to accept the report. In the remaining cases, perpetrators were not found or the matters were not reported to law enforcement at all.

## **6. Contacts with other institutions/organizations – motives for reporting and satisfaction with the assistance received**

The majority of research respondents had not informed anyone aside from family and friends about the instances of racism. Some respondents were unaware of institutions and organizations other than the police that they could turn to. Others saw no point in doing so.

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<sup>63</sup> Riots occurred after the fatal police shooting of an African man, and tens of people were arrested.

Six respondents decided to notify someone aside from the police about their experience. They turned to their embassies, NGOs, universities, school authorities, or media; some individuals notified more than one of these entities. Two respondents were involved in an NGO, and in these cases, the notification was “automatic.” In the case of schoolchildren, mothers turned to school authorities, while in the case of Chechen children, a Chechen NGO intervened at the school. One mother organized her child private psychological support.

Motivations driving the reporting of racist incidents coalesce into three groups, (1) protection of others at risk of such situations, (2) encouraging school authorities to discipline students, and (3) securing one’s interests. In the third case, interviewees expected the notified institution to take concrete steps, such as assisting in contacts with the police or official monitoring of their case. One interviewee reported his case to his embassy and the police, both with the motivation that such may be important if he were ever provoked again and got into a fight.

The Norwegian student of Vietnamese origin especially emphasized his desire to protect others. He wanted to warn other people choosing to study in Poland. “I wanted people from other cultures, like me, to know there is a risk - that they are at risk of racism. Not necessarily violence, but, for example, if they go to the store, that someone may spit on them or insult them. They should know about that. I didn’t know anything. (...) I wanted to warn people. I wanted them to be prepared, for new students to know about that” (int. 10). People offered similar motivations for deciding to take part in our research. “That’s why I accepted this interview, so that in the future such things do not happen to other people, to feel safe in this country. It has kind of become my struggle now” (int. 13). The foreign student assistant from Białystok noted the educational or preventive value of propagating information about convictions in racist cases. In his view, information about these convictions resulted in a decreased number of racist incidents in that city. However, some respondents felt disseminating information about racist incidents could encourage violence. In fact, a migrant organization member offered the foregoing as a reason for refusing to take part in the research. Sometime ago, a Jewish organization shut down its anti-Semitism monitoring project because it felt propagating a positive image of its own group would better prevent xenophobia. It seems, therefore, that propagation of information about racist incidents and the role of media in combating racism is a theme that requires more detailed analysis and discussion.

Ultimately, all interviewees were satisfied with the support they received from relevant organizations, though two were disappointed with attitude of the institution from which they initially sought support. In both cases, these individuals went on to seek assistance in their

respective countries. One had initially notified the institution organizing his education with the intent of warning other students. “Before I went to the press... There is a contact person, a woman, for Norwegians studying in Poland. I wanted people of other cultures, like myself, to know there is a risk, that they are at risk of racism. (...) but, she did not agree. I expect it was because it would have been bad publicity for her business ... So, I had to go to a magazine for Norwegian students studying abroad. (...) I didn’t intend to go to the press, but I wanted to warn people” (int. 10). A student studying in Szczecin, disappointed with what he considered an inappropriate reaction by the Polish university, sought assistance in his country. “There is this Norwegian organization. (...) The Norwegian organization treated it very seriously, they informed that Never organization<sup>64</sup>. (...) I am satisfied with Never’s assistance, because the girl from there offered me various kinds of support, for example, psychological and legal assistance. That organization continues to write me e-mails from time to time to check if everything is okay” (int. 11). Though the respondent ultimately did not take advantage of the assistance offered, he felt the commitment offered by the organization in his case was a form of moral support, which he considered to be extremely important.

One respondent described a case in which he did not ask for assistance of an institution, but the institution got involved of its own initiative. The institution is a private university in Warsaw, which organized a series of activities to turn attention to the problem of racism. “My university handled the case. I didn’t tell them anything initially. I went to my law classes, usually I talk a lot there, but I didn’t say anything then. My professor asked what happened. She forced me to talk. Then, she felt really bad, she called me and asked if I had reported it to the police. Then the rector drafted a petition and did it without my involvement. It was very nice the school did this for its students from Africa, foreigners” (int. 9). Notably, this case received much attention. About two thousand people signed a petition drafted by the university and the Commissioner for Civil Rights Protection met with the foreign students.

Meanwhile, the mothers in mixed marriages were not satisfied with assistance provided by their respective schools. One of them complained that the school provided her child no assistance. “The teacher did not have time to meet with O. [her daughter] throughout the year. The school psychologist did not meet with O. at all” (int. 22). With respect to the other child, the director allegedly played down the repeated beatings and fights. Ultimately, both mothers transferred their children to other schools.

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<sup>64</sup> “Never Again” Association.

## **7. At the margin of research**

This research focused on physical and verbal violence. However, practically all respondents mentioned other situations during which they felt discriminated. The complaints concerned services, treatment by officials, employment discrimination, and other spheres of daily life.

With respect to services, respondents complained of doormen keeping them from entering clubs or staff ignoring them in cafés and shops. They sometimes cannot enjoy services available to the rest of the public, such as football games, which they do not attend in fear of potential attacks. One interviewee described a problem in renting a flat by a mixed couple. “First W. [her Polish husband] goes there himself to check it out, and everything is fine. The problem begins when he brings me. We went to one of the flats and the guy (...) says, ‘I won’t let you in with a wife like that’” (int. 24). Problems concerning employment involved finding work, but also working conditions. “Blacks don’t get the same treatment in terms of salary. I got 7 zloty per hour at my last job, while Polish people got 10 zloty per hour. I saw that they got more even though I worked more than them. (...) Even new employees who were Polish got more than me” (int. 17).

Some foreigners felt treated like potential criminals. A respondent from Senegal complained that when he crosses the border by bus he is the only person that border services ask for a passport, which he feels is discrimination. Another interviewee said that, “at every step, in the store, supermarket, someone follows me to check that I’m not stealing anything” (int. 24). A man described the most drastic case, in which police arrested him for attempted murder (the charges were ultimately dropped). “They took me, arrested me, and I had a prosecutor. That woman never wanted to listen to my story. Later, she came and said that she will try to put me away for 25 years because I tried to kill three people. I also think that was discrimination. She did not even talk to me, did not listen to my story, and wanted to get a sentence of 25 years” (int. 12).

Respondents mentioned issues of physical distance, such that Poles do not want to sit next to them on buses, preferring to wait until a seat frees up next to a “white” person. When accepting money or returning change, sales clerks allegedly avoid physical contact. Women seen in the presence of foreigners tend to hear comments such as, “Are there no more Poles?” or “Poles are no longer enough?” (int. 1); these comments often take more vulgar forms.

It is difficult to formulate conclusions as to foreigners’ general access to services or employment using only the above examples, because not all interviews involved questions about these issues.

Interviewees described the above situations spontaneously when describing other situations or in response to rapport-building questions, such as “What do you think about Poles?”. This report discusses services and employment to provide additional impressions about the general environment faced daily by our interviewees, which certainly influences their desire to contact officials or other institutions. Such impressions may also encourage further research in these or related areas.

## **8. Remedies – expectations and ideas**

One of the goals of this research was to establish what kind of support/assistance victims of racial violence expect and from whom. The interview script includes the following open-ended questions, “What kind of assistance would you like to see for victims of racist violence? What sort of help should it be?”. Interviewers asked this question and awaited spontaneous responses. If such did not materialize, they asked follow up questions (*compare*: appendix). In most cases, asking an open-ended question resulted in a broad variety of answers. Respondents described what they would expect in a specific case of physical or verbal violence, but also what should be done to decrease racism, indicating they saw the matter in the broader context of their daily life in Poland.

Respondents’ ideas fall into three categories: (1) victims assistance, (2) activities for the police and, (3) activities for the general public. Interviewees felt various institutions should implement the ideas listed, but that it was especially up to public authorities, NGOs, the press, and schools. Several interviewees talked about the need for effective punishment of racism through legal means. “People who attack foreigners should be punished. I am not saying they should go to jail, but they should be punished. Racist invectives should also be punished, if someone can prove that a person on the street called them ‘black monkey’ or something like that (...) Maybe it should be that if someone beats up a black man or a foreigner, they have to pay a thousand 1000 Złoty fine. Who would want to beat me then?” (int. 9).

### **8.1. Victim assistance**

Interviewees indicate victim assistance should cover the areas of information, practical assistance, psychological and moral support. They wanted to know what to do as a victim of crime. In addition to information alone, they felt counselling in specific cases to be important. “There should be an institution where a person could find out what to do in such a situation – should I go to the police? If so, how? (...) It is important for someone to advise what needs to be done and

how, what to say and so on” (int. 3). Respondents said they did not know who to turn to for assistance, who could provide help, or where to find such a person/institution. Therefore, as indicated by a man from Africa: “there should be better disseminated information about institutions that provide assistance to victims of racist violence” (int. 1). One respondent had the idea of informing newly arrived immigrants of places that could prove risky. “It would be important for me to know where I should not go, for instance, to football games where there are skinheads. This is difficult, it is impossible to avoid discrimination when you’re walking down the street and people are screaming at you, calling you names. (...) But you can avoid places prone to violence, and not walk around alone at night” (int. 10).

In talking about practical assistance, respondents meant legal, translation assistance as well as help in shepherding their case through the system. “It would be good if such institutions could provide legal assistance, someone who could help them in making a police report and in other situations involving explaining a given case” (int. 2). Such an assistant should also be a translator. “Foreigners cannot speak Polish, so there could be someone who speaks English to go with them to the police. That would be a good thing” (int. 10). The inability to communicate with officers was one of the main themes highlighted by research participants.

Respondents recommended psychological support, i.e. professional assistance for victims to make it easier to handle frustration and fear: “Generally, after every experience of violence, trauma, such assistance is needed” (int. 10). “Because when something like that happens, you have trauma and are afraid. I’m afraid at 7 a.m. in the tram” (int. 7). They also felt it would be important for somebody to listen, to have the ability to tell their story, and be cleansed of the bad emotions. “I think psychological assistance is important. I talked to my friends. But not everyone has friends when they come to Poland. It is important to have somebody to talk to” (int. 11).

Most respondents felt individuals and independent organizations should provide such assistance. They explained this is because they would trust these organizations more than the police, and that these organizations “want to see the situation handled legally and honestly” (int. 1). One interviewee felt this was the responsibility of the state, though he did not exclude public organizations from the fight against racism. “When the government shows it cares about such cases, it has more of an effect and organizations. (...) The role of NGOs should be more about getting to know each other, Poles and foreigners, that is” (int. 10). Another interviewee recommended such a system exist outside police structures with state financing. Yet another wanted to see moral support also provided by the church. “I think that if the Church wanted to, they could also be a big help. The Church consists of religious people. It is very important,

because whatever nationality you are, you are either a believer or atheist. But if you are approached by someone from the church, and a nun or priest tells you, ‘I’m really sorry someone did this to you,’ it helps to rebuild trust, you immediately feel better” (int. 15).

## **8.2. Activities for the police**

Interviewees indicated activities for the police should focus on their skills and attitudes. With respect to skills, recommendations most frequently centred on foreign language and multicultural proficiency. One respondent cited the example of misunderstandings caused by the energetic expression of people from Africa, which Polish police officers may take to be aggressive. He was referring to the tragic events at Warsaw’s Decade Stadium of April 2010. When talking about language barriers, interviewees noted the problem concerns the police, but also municipal guards and all officials in general: “People in these professions should speak English. Police officers should speak English, or there should be someone available who could translate from English” (int. 7).

Two issues seemed central when it came to the attitudes of officers of the law: failure to grant serious treatment to instances of racism, and respect toward people from other countries. An interviewee from Holland, who attempted to report racist provocations and assaults, described the shortcomings in this realm. “I think that, first of all, the police should know that they need to take things like discrimination seriously. (...) In my opinion, the police do not take this seriously. (...) Because they say, ‘Don’t worry, forget about it,’ blah blah blah. Or, they are aggressive – fuck off and so on. All I wanted was to get some help” (int. 12). Respondents spoke outright about the need for police training on sensitivity to xenophobia. “It would better to explain to the police and other state institutions how foreigners in Poland feel, that skin colour does not matter, for them to be tolerant” (int. 13). Some suggested for an institution from outside the police support officers in these activities

## **8.3. Activities for the general public**

The final kinds of activities recommended by our interviewees are for the public and fall into two categories: social campaigns and education. In their minds, primarily the authorities and media should get out messages affirming multiculturalism and condemning racism.

Respondents noted Poland is a closed nation with little multicultural experience. They understood this state of affairs to result from political and historical factors, causing most people to have little

familiarity with foreigners and therefore reacting with the classic fear toward strangers. “People don’t know and are afraid. They don’t know people who are different. When I was here at first, I met people who had never known a, let’s say, black foreigner” (int. 19). The same interviewee described the story of a child who became frightened upon seeing him, and the ideal, in his opinion, reaction of the child’s father. “The father was very embarrassed and said to the child, ‘Come here and say hello’, for the child to see that nothing is wrong and things are normal. (...) The father showed him not to be afraid of me. And he started smiling. And that was good. Worse, when parents ignore something like that, so that the child grows up like...” (int. 19). The interviewee from Mongolia noted that a want of behavioural models accompanies lack of familiarity with people from other countries. “It is that unawareness that is the main reason, I think, that people do not know how to behave, and by chance, they behave inappropriately” (int. 24).

For these reasons, respondents talked about the need to get average Poles familiar with other cultures and diversity. “They need to educate people, enlighten them, even in schools, with the kids. They should show more programs on diversity and more diversified programs to show people’s cultures and the tradition of people outside Poland, not just Polish, Polish, Polish. They should be more open to outside cultures, other races” (int. 21). Some described the need to ‘break’ the vision of an ethnically uniform Poland by showing, in the public sphere, that minorities and migrants are part of the modern Polish society. “To somehow advertise it, in television, on billboards. There are never posters here with black people, people from another culture. If I saw a different person each day on a poster, the Chinese one day, a black the next, I would think that there are foreigners here. Maybe on television and advertisements, there should be blacks, Asians, in films and in TV series” (int. 9). One respondent indicated the idea would be to at least “have Poles get used to looking [at the presence of foreigners]” (int. 24).

Condemning racist and xenophobic behaviour was important to interviewees. “Maybe there should be some campaign, some advertisement, on television. I think something against racism and discrimination” (int. 19). This stems from respondents’ conviction that a culture of permissiveness toward racism pervades Poland, in the sense that racism is treated as something normal. “The city or county should organize a campaign against racism, distribute leaflets. It’s not just about a weak reaction by officials, but also about the reaction of the public – none of the Poles are surprised that something like this happened to me [the respondent was beaten], and this is treated as something normal” (int. 6).

A portion of interviewees highlighted that educational activities and multiculturalism and tolerance should begin as early as possible and be directed to small children, because it has the best results at that time. “Well, it is mostly a matter of education, [during] childhood, as much as possible, beginning with preschool or day care. From what I’ve seen, when I talked several times there [about her country of origin], at preschool I did presentations several times and at school, those children change, definitely” (int. 24). Some respondents said parents should be the first teachers of multiculturalism, and inculcate in children respect for others and exemplify model behaviour. At the same time however, they noted stereotypes stemmed from home. “These problems begin in the family. Because if these kids come to school from a home where they hear that Chechens are bad, that they steal, are bandits, terrorists, and many other words we see later; children will believe their parents” (int. 23). A respondent from Cape Verde provided this example of inappropriate parenting, “I had a situation in Warsaw at the ‘Warszawianka’ pool complex. A child saw me, and said to his dad, ‘Look, how dirty he is.’ I started to laugh, but the father seemed uncomfortable, he didn’t say anything to the child... He should have explained why I am black, that I’m from another country. Maybe he was embarrassed? He didn’t know what to say. Maybe he [himself] said things like that at home? You never know” (int. 19).

## **9. Summary and recommendations**

The behaviour of interviewees taking part in the research indicates two leading attitudes among them, the active seeking of rights, or leaving the matter within the circle of friends and family. Victims in the former category report instances to the police, notify NGOs, embassies, and sometimes the media. They feel racist behaviour is impermissible and are surprised to find such occurring in Poland at all. Most people in this group are from other European states and their attitude results from specific expectations toward the state and society, which should appropriately react in such situations by punishing the perpetrators and offering prevention. Further, this cohort includes people aware of Poland’s criminal antiracist legislation and those without such knowledge, but who feel such regulations constitute the norm in a democratic country.

Lack of trust in the efficacy of law enforcement, often resulting from experiences with police in their country of origin or in Poland, characterizes those who did not notify authorities about a racist incident. Experiences in Poland include their own as well as those of friends and family. Our respondents also worry about potential trouble that making such a police report could bring upon them. These fears include possible problems in legalizing their stay or revenge by the perpetrators. Fear of deportation causes individuals illegally in Poland to not report crimes. The

language barrier, unfamiliarity with procedures, and unawareness of where help can be sought are significant obstacles in seeking justice.

Most respondents described an unfriendly environment in Poland, which naturally influences their attitudes. This includes specific instances of racism or discrimination as well as less palpable manifestations of disrespect, enmity, or hostility. Respondents note the absence of people from different cultures and ethnicities in the public sphere (media, ads, other means of communication), which reinforces their alienation. The conviction that permissiveness toward racist behavior exists in Poland compounds their insecurity. This refers not only to attitudes of racist individuals, but the prevalent view that racist behavior is “normal in Poland” due to the country’s specific ethnic situation, history, or low education level and frustrations of people committing racist acts. All these factors combined undermine the desire to report racist crimes to law enforcement.

The presence of racism as an issue in public discourse is important in the context of the above. In analyzing representations of immigrants in the Polish press, Aleksandra Grzymała-Kazłowska found few articles discussing xenophobia and violence toward foreigners in Poland. Articles on this issue appear only in publications designed to propagate tolerance. Kazłowska offers several possible reasons for this, including Poland’s lower levels of physical violence toward immigrants as compared to Western countries, editors’ fear of fomenting attacks and legitimizing them by providing publicity, but also a defensive reaction of the Polish people and denial of negative tendencies within one’s own country<sup>65</sup>. Combined, the attitudes described above work to marginalize and trivialize violence toward people who stand out for their appearance. Racism is not viewed as a problem because it occurs on a small scale. When journalists do not take up the issue of racist violence in fear of inspiring such, they also render themselves unable to proffer model behavior and instruct people what to do if someone is a victim of or witness to racist aggression. Additionally, punishments of perpetrators of racist crimes are not propagated in the media. Racist violence thus removed from the public discourse adding to Poles’ pervasive ‘feel good’ conviction of their tolerance toward other nations, in the face of which violent instances become insignificant isolated incidents. Victims’ perception that racist violence is not treated seriously materially weakens their desire to report such to law enforcement. This is especially true when it is law enforcement officers who treat foreigners disparagingly, as described by our respondents. Ultimately, victims’ failure to report racist crime to law enforcement means official statistics do not reflect existence of racism, assuring the problem continues to remain outside the interest of the public and media.

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<sup>65</sup> A. Grzymała-Kazłowska, *Konstruowanie “innego”. Wizerunki imigrantów w Polsce [Constructing a “Stranger.” Images of Immigrants in Poland]*, Wydawnictwo Uniwersytetu Warszawskiego, 2007, p. 65.

To provide effective assistance to victims of racist violence and prevent racist acts, it is necessary to conduct a series of activities engaging various areas and directed to various target groups. Target groups should include victims, law enforcement officers, and other professions that may encounter instances of racism directed toward their charges (e.g. teachers). Effective prosecution and punishment of perpetrators, extensive prevention and education are all necessary. It is significant to change thinking about racist crime from a statistical focus to emphasizing its criminal and moral aspects. The following recommendations of specific activities that should be taken by public administration, police, social organizations and the media are based on interviewee statements, expert`s opinions<sup>66</sup> and other conclusions gleaned during the research.

- **Victims assistance**

- (1) We recommend creation of “points” to which victims of racist violence can turn for expected assistance or guidance to appropriate services<sup>67</sup>. Currently, several NGOs provide general legal assistance and citizens advice, as well as assistance to victims of racism. However, these organizations operate chiefly in the largest urban agglomerations. Therefore, it is necessary for such points to exist in other localities with larger immigrant populations or for the existing points to be mobile. Information about the location of such ‘points’ should be appropriately disseminated.
- (2) In addition to lawyers, these ‘points’ should offer the help of assistants that would shepherd victims through their case (at police stations, in court, etc.). Such assistants should work with the police in the realm of victims assistance.
- (3) It is necessary to assure stable continuous financing for these points, preferably using public funding. Currently, such assistance is available through various temporary projects.
- (4) Foreigners and other people at-risk of racism must receive information about Polish laws that separately proscribe and punish racist crimes.
- (5) Potential victims must receive information about what to do should they encounter physical and verbal racist violence and where they may find help. This information should be in a language they can understand. Foreigners should be aware that reporting a crime to law enforcement has no effect on their asylum status or residency permit applications in Poland.

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<sup>66</sup> On 16 November 2010, at the Helsinki Foundation for Human Rights, after the presentation of this report’s research results, a seminar was held involving experts in prevention of discrimination and racism. Experts included the Commissioner of the President of Warsaw for Equal Treatment, Human Rights Plenipotentiary of the High Chief of Police, members of the Monitoring Team on Racism and Xenophobia Force of the Ministry of Foreign Affairs and representatives of NGOs.

<sup>67</sup> For example, if psychological assistance is needed and a given institution does not have it available, it should advise as to where such could be found.

Such information, e.g. in the form of information folders, may be provided during residency legalization or asylum proceedings.

- (6) It would be worthwhile to convince victims that reporting instances of racist acts to law enforcement and achieving convictions contributes to decreasing the future number of racist acts.

- **Activities for and directed to law enforcement**

- (7) It is necessary to provide additional training for police officers concerning appropriate reactions to racist incidents and dealing with foreigners. It would be best if such content was not only included in additional trainings, but also made a permanent part of the police academy curriculum.
- (8) During such trainings, officers should have direct contact with people from other nationalities to develop their cultural skills and empathy toward people of different ethnicities.
- (9) Inquiring about racist aspects should be standard law enforcement procedure if a foreigner reports physical or verbal violence, because some victims are not aware that such information is requisite for proper classification of a crime and prosecution of their case. It would be worthwhile to consider implementing procedures to streamline such proceedings, akin to the “Blue Card”.
- (10) Officers committing racist or xenophobic acts should be appropriately disciplined.
- (11) Police officers responsible for or working in areas with migrant populations should have foreign language skills.

- **Shaping public opinion**

- (12) Information about antiracist laws should also be propagated among the public to make potential witnesses of racist acts aware such is a crime that requires reporting to law enforcement. Further, such will make witnesses aware of the need to describe any racist statements accompanying the instance.
- (13) It is necessary to engage the media in racism prevention activities. This especially concerns disseminating information about convictions for racist crimes to deter potential perpetrators.
- (14) Journalists, including students of journalism, should be trained to use non-discriminatory language.
- (15) More ethnically and culturally diverse individuals should appear in the media and other forms of communication (ads, billboards). These individuals should be shown as part of Polish society rather than “ethnographic curiosities”.

- **Preventing racism and xenophobia in education**

- (16) It is necessary to implement elements of multicultural education in schools, especially when the student body includes foreigners. It would be best if parents also took part in such activities.
- (17) School directors should be helped in organizing additional multicultural education activities using existing education curricula. This refers especially to providing them information about organizations and institutions that conduct such activities and their form of cooperation with schools.
- (18) School administration and teachers should be trained how to decisively react to racist behavior, including how to assist juvenile victims.

- **Diagnosis of the situation**

- (19) Hate crimes should be centrally monitored.
- (20) Research should be conducted to learn the actual scale of racist violence, which would provide indicators required to organize assistance and preventive activities, including planning the locations of points where victims could seek assistance.
- (21) It would be worthwhile to research the “permissiveness for racism” described by interviewees, i.e. Poles’ attitudes and reactions toward racist behavior. This would give direction to activities intended for the whole of society.

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**Annex 1. ‘Temida’: Crimes ascertained through proceedings.**

Art. of the Criminal Code	Ascertained crimes	Including the result of proceeding		
		request		directed to family court
		for indictment	to discontinue case because perpetrator is not found	
<b>2005</b>				
Art. 118§1&3	-	-	-	-
Art. 118§2&3	-	-	-	-
Art. 119§1&2	16	13	2	1
Art. 194	-	-	-	-
Art. 195§1	14	9	-	5
Art. 195§2	2	1	1	-
Art. 196	88	65	19	4
Art. 256	18	10	7	-
Art. 257	34	25	5	4
<b>2006</b>				
Art. 118§1&3	-	-	-	-
Art. 118§2&3	-	-	-	-
Art. 119§1&2	12	6	3	3
Art. 194	1	1	-	-
Art. 195§1	16	12	-	1
Art. 195§2	6	6	-	-
Art. 196	38	20	13	4
Art. 256	47	19	15	13
Art. 257	35	19	14	2
<b>2007</b>				
Art. 118§1&3	-	-	-	-
Art. 118§2&3	-	-	-	-
Art. 119§1&2	10	5	2	3
Art. 194	-	-	-	-
Art. 195§1	12	8	1	2
Art. 195§2	5	5	-	-
Art. 196	57	23	23	11
Art. 256	82	24	28	29
Art. 257	33	14	13	6
<b>2008</b>				
Art. 118§1&3	-	-	-	-
Art. 118§2&3	-	-	-	-
Art. 119§1&2	9	6	2	1
Art. 194	-	-	-	-
Art. 195§1	21	16	1	3
Art. 195§2	5	5	-	-

<b>Art. 196</b>	49	15	25	7
<b>Art. 256</b>	88	33	35	18
<b>Art. 257</b>	50	14	19	17
<b>2009</b>				
<b>Art. 118§1&amp;3</b>	-	-	-	-
<b>Art. 118§2&amp;3</b>	-	-	-	-
<b>Art. 119§1&amp;2</b>	12	6	6	-
<b>Art. 194</b>	-	-	-	-
<b>Art. 195§1</b>	9	7	-	2
<b>Art. 195§2</b>	3	3	-	-
<b>Art. 196</b>	39	6	14	18
<b>Art. 256</b>	48	13	28	7
<b>Art. 257</b>	95	27	53	15

*Source: 'Temida' Police Crime Statistics System. Letter from the Ministry of Justice to the (Helsinki Foundation for Human Rights dated 26.07.2010, ref. no. DO-II-076-016/2010.*

**Content of the articles of the Penal Code relating to the above statistics (amendments from 2010 not included):**

Art. 118 § 1. Whoever, acting with an intent to destroy in full or in part, any ethnic, racial, political or religious group or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group; shall be subject to the penalty of deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever, with the intent specified under § 1, creates, for persons belonging to such a group, living conditions threatening its biological destruction, applies means aimed at preventing birth within this group, or forcibly removes children from persons constituting it; shall be subject to the penalty of deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years.

Art. 119 § 1. Whoever uses violence or makes unlawful threats towards a group of persons or a particular individual because of their national, ethnic, political or religious affiliation, or because of their lack of religious beliefs; shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone who incites commission of the offence specified under § 1.

Art. 194. Whoever restricts another person from exercising the rights vested in the latter, for the reason of this person's affiliation to a certain faith or religious indifference; shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Art. 195 § 1. Whoever maliciously interferes with a public performance of a religious ceremony of a church or another religious association with regulated legal status shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites.

Art. 196. Whoever offends the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites; shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Art. 256. Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reasons of lack of any religious denomination; shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Art. 257. Whoever publicly insults a group within the population or a particular person because of his national, ethnic, race or religious affiliation or because of his lack of any religious denomination, or for these reasons breaches the personal inviolability of another individual; shall be subject to the penalty of deprivation of liberty for up to 3 years.

## **Annex 2. Interview Script**

### **I. Introduction**

1. In your opinion, how do you think Poles treat persons of a different nationality or different skin colour?
2. Have you encountered unpleasant behaviour directed toward you due to your origin (*ethnic, national, or religion*)?

*If the answer is yes, move on to part II. If not, ask question 3.*

3. Do you know other people that have encountered such situations? (*You may ask this question anyway even if the person was a victim, but return to it near the end, without repeating the whole script.*)

*If the answer is yes, move on to part II. If not, move on to part V.*

### **II. Incidents**

1. Please describe this act/behaviour? When did it occur? (*year*) (*Note and follow-up whether the respondent was alone or in a group; if in a group, what kind of group and how the group behaved.*)
2. Was this a one-time occurrence or did these acts/behaviors happen more frequently? How frequently?

*(If the respondent names several incidents, please focus on those that may be subject to the criminal code. If there are more than three of those, please ask the questions concerning incidents that happened recently. Ask questions from part II separately for each incident. Questions 3-5, and sections III, IV)*

3. Describe the circumstances in which the incident occurred? Are there places where such incidents happen more frequently?
4. Please describe the perpetrators: age, gender, nationality (*follow-up with questions about other details, if respondent knows such*). How many perpetrators were there? Did you know the perpetrators, or were they strangers?
4. Were racist or xenophobic expressions used? (*Explain these concepts if necessary*)
5. Were there any witness to the incident? If so, how did they react to the situation?

### **III. Reporting the incident to the police/prosecutor**

1. Did you report this incident to the police/prosecutor? Or, did the person from the above-described incident report it to the police/prosecutor? (*if the respondent knows*)

*If so, ask questions 2-6. If the answer is no, ask question 7 and subsequent script questions.*

2. How did you report the incident to the police (In person? In writing)? Was the report accepted? If you reported it in person, was a report drafted? Did the police/prosecutor tell you that this incident was related to your ethnicity/nationality?

3. Do you know what happened next with your report? Did you receive any information from the police/prosecutor regarding the instigation or dismissal of proceedings in your case? If you did not receive such information, or if proceedings were dropped, did you appeal this decision?

4. Were the perpetrators of this incident caught? Was there a court case related to this incident? If so, what was the verdict? Do you know under what article of the criminal code the perpetrators were tried? If there was no court case, why?

5. Did someone advise you to report the incident to the police/prosecutor? Did someone help you with contacts with the police/prosecutor? If so, who? At what stage of the proceeding? What did this help involve? Was the help sufficient?

6. How would you evaluate your contacts with the police/prosecutor? How would you evaluate the behavior of police officers/prosecutors toward you? Are you satisfied with the way your case was handled? If not, have you reported your dissatisfaction? To whom? Did you want to report your dissatisfaction?

7. Why did you not report this instance to the police? Did someone advise you not to report it?

#### **IV. Other entities**

1. Did you notify anyone else about what happened? Or, did the person you described in the above incident report their incident to anyone else? (*Continue if the respondent is able to respond to this question and the next one*). If so, who? (*First wait for a spontaneous answer, then possibly suggest: NGO, employer, school, friends, family, others*) Why did you report it to these people/institutions? Did you receive assistance of any kind from them? If so, what kind?

2. Why did you not report it to anyone?

#### **V. Expected assistance**

1. What kind of help do you think victims of racist violence should get?

2. Specifically, what should be done for them? *Please first wait for a spontaneous response, then suggest: psychological, legal, translation, technical (like finding a police station), social, medical?*

3. Who should provide assistance? *Please first wait for a spontaneous response, then suggest.* Should there be a person working at the police station that is specially trained for such cases, or would a nongovernmental organization be better? *Explain NGO, if necessary.* May be no special assistance should be organized?

#### **V. Familiarity with the law**

1. Did you know Polish law penalizes racist crimes? If so, where did you learn this information?

2. Can you give examples of behavior that may be considered a racist crime?

3. Have you heard of court verdicts convicting people of racist crimes?

*Only ask the following questions to people who do not respond to questions from part III.*

4. Do you know how to report a crime to the police? Where did you learn how to do so?

5. Have you ever had any contact with the police? Can you describe those contacts? Were you satisfied with the assistance provided by the police?

### Annex 3. List of responders

L.P.	Country of origin	Age	Length of stay in Poland (years)	The reason for stay in Poland
1	Ghana	34	14	Study
2	Nigeria	30	11	Work
3	Zimbabwe	22	3	Study
4.	Senegal	29	9	Work
5.	Senegal	31	6	work
6	Egypt	24	1	Family, work
7.	Cameroon	34	?	International protection
8.	Sri Lanka	25	3	International protection
9.	Nigeria	36	1,5	Study
10.	Norway- Vietnam	25	1	Study
11.	Norway -Pakistan	23	2	Study
12.	Holland- Jamaica	n.d.	6	Work
13.	Mali	37	8	Family, study
14.	Pakistan	27	4,5	Praca
15.	Russia	37	2	International protection
16.	Russia/Chechnia	47	6,8	International protection
17.	Togo	31	1	Family
18.	Gambia	26	1,5	n.d
19.	Cape Verde	29	4	Family, work
20.	Nigeria	30	n.d..	Family
21.	Nigeria	32	2	Study
Interviews on situation of children				
22.	Mother of mix-marriage child (Polish-Vietnamese parents)	15	Born in Poland	Family
23	Chechen women from association dealing with refugees	Different	Different	International protection
24.	Mother of mix-marriage child (Polish-Mongolian parents)	15	Born in Poland	Family