**Under international and European human rights law, age, disability, gender, gender identity, sexual orientation and social or economic status are protected characteristics. In other words, discrimination on these grounds is prohibited, just as it is on grounds of race, ethnicity, religion and nationality. The law should treat all crimes motivated by protected characteristics in a consistent manner. The fact that Polish law treats hate crimes against certain groups differently is in itself discriminatory, given that there are no objective reasons for doing so.**

**This gap in the legislation has many consequences. Poland has established institutional mechanisms to address racist and xenophobic violence as well as incitement to racial and xenophobic hatred, including specialized prosecutors and coordinators within the police. While there are flaws in the implementation of policies and laws, this signals important progress. However, they do not have a mandate to deal with other hate crimes, including homophobic and transphobic crimes. In addition, the authorities do not systematically collect official data on homophobic and transphobic crimes or hate crimes against people with disabilities or homeless people. The extent of hate crimes targeting such groups therefore remains largely hidden. And this, in turn, hampers the design of effective policies to prevent and punish such crimes. The resulting lack of awareness and understanding on the part of judicial authorities of how to respond to these hate crimes appropriately has a negative impact on the ability of survivors to obtain justice.**

The court asked an expert whether the use of the word faggot is offensive… the judge had a dismissive attitude and said off the record that he would have not been offended if someone referred to him by using that word… I found this comment so offensive and very revealing of the general attitude… people don’t care because they know they wouldn’t face negative consequences when people are using those derogatory words.

**Amnesty International interview with Frank who described what happened after he reported a homophobic crime by police**