

HAVE YOU EXPERIENCED OR ARE AT RISK OF **PHYSICAL OR VERBAL VIOLENCE**

BECAUSE OF YOUR:

- SKIN COLOR,
- ORIGIN,
- NATIONALITY,
- RELIGION OR NO RELIGION,
- APPEARANCE,
- VIEWS?

Contact the NOMADA Association, which provides **free of charge and adequate support** to people affected by bias motivated violence.

 **00 48 791 576 459**

 **counselling@nomada.info.pl**

WHAT BIAS-MOTIVATED VIOLENCE IS?

It is an act which targets a person, group of people or their property and it's motivated by the perpetrator's resentment, prejudice, or hatred toward them. These attacks can be due to skin color, nationality, ethnic origin, religion, etc. Unlawful threats that give rise to a well-founded fear of their implementation are also considered bias-motivated violence.

The most important is the perpetrator's motive – reluctance or hatred towards a given group of people.

BIAS-MOTIVATED CRIMES CAN TAKE MANY FORMS, SUCH AS:

- spitting, punching, humiliation,
- destruction of property,
- vandalism or arson,
- intimidation or threats,
- obscene language or gestures,
- written attack (letters, flyers, posters, graffiti),
- insulting other person religious feelings,
- mental or emotional abuse,
- beating, murder.

IMPORTANT ASPECTS

- the perpetrator's motive – resentment or hatred towards a particular group of people.
- violence, both physical and psychological,
- distinctness of the group to which the attacked person belongs e.g. of a cultural, social, ethnic, national or religious nature. Under the Criminal Code, it is irrelevant whether distinctness or belonging to a given group actually exists or is only imagined by the perpetrator.

**CRIMES MOTIVATED BY PREJUDICE
(OR HATE CRIMES) ACCORDING TO THE
POLISH PENAL CODE:**

- use of violence or unlawful threats – Art. 119 § 1 of the Criminal Code,
- fueling of hatred on grounds of national, ethnic, racial or religious differences or on grounds of irreligiousness – Art. 256 § 1 of the Penal Code,
- public insulting of a person or group – Art. 257 of the Penal Code.

IT IS PROHIBITED BY POLISH LAW:

- public propagation of fascism or any other totalitarian system – Art. 256 § 1 of the Penal Code,
- producing, recording or importing, acquiring, storing, possessing, presenting, transporting or sending with the aim of distribution of print, recording or other object containing content propagating fascism or another totalitarian system or being a carrier of fascist, communist or other totalitarian symbolism – Art. 256 § 2 of the Penal Code
- extermination of a national, ethnic, racial, political or religious group or a group with a particular world view – Art. 118 of the Penal Code.

**ACTS DEFINED AS CRIMES AGAINST
FREEDOM OF CONSCIENCE AND RELIGION
MAY ALSO BE CONSIDERED CRIMES
MOTIVATED BY PREJUDICE. THESE INCLUDE:**

- insulting religious feelings by publicly insulting objects of religious worship or places of religious worship – Art. 196 Criminal Code,
- malicious disturbance of religious acts – Art. 195 Criminal Code,
- limiting someone's rights because of his/her religion or it's absence – Art. 196 Criminal Code, particular world view – Art. 118 of the Penal Code.

IT IS IMPORTANT TO
**REPORT ANY TYPE
OF BIAS-MOTIVATED
VIOLENCE**, WHETHER
YOU ARE THE PERSON
AFFECTED BY IT OR
A WITNESS.

**CALL 112 AT THE TIME OF
THE INCIDENT!**

Describe the incident and the attacker in detail.
When reporting, clearly inform the police officer or
prosecutor that the crime was related to your skin
color, origin, religion, etc. **Crime motivated by bias
carries a heavier penalty so it is important that it
is classified correctly.**

YOU CAN REPORT A BIAS MOTIVATED CRIME:

- **in writing** and send it by post or drop it off at the police or prosecutor's office,
Important: remember to get a confirmation of posting or receipt for your letter
- **verbally** – preferably in person at the nearest police station or District Public Prosecutor's Office.

You will be interviewed as a witness and a record of the interview will be drawn up which you should sign. You may comment on the report or refuse to sign it if you do not agree with its contents.

YOU HAVE THE RIGHT TO:

- get a copy of the minutes (Art. 157 § 3 of the Code of Criminal Procedure)
- the presence of an interpreter who speaks your language (Art. 204 § 1 of the Code of Criminal Procedure)
- the presence of a person you designate (Art. 299a of the Code of Criminal Procedure)
- access to the evidence at every stage of the proceedings (Art. 167 of the Code of Criminal Procedure)

Note: a police report made at the scene of the crime is not yet a crime notification!

AFTER A CRIME HAS BEEN REPORTED:

The detection of crimes and the prosecution of offenders is carried out by the police and the public prosecutor's office.

A bias motivated crime is a crime which is prosecuted ex officio, which means that you only have to report it to the law enforcement authorities to start investigating the case.

The police are obliged to accept a report that a crime has been committed.

You should be given written instructions about your rights and responsibilities in a language you understand.

**IF YOU ARE AFFECTED YOU HAVE
ADDITIONAL RIGHTS:**

You are a party to the pre-trial proceedings and may, for example, request or participate in the taking of additional evidence, request the examination of witnesses, review the files and make copies of them with the permission of the authority conducting the proceedings.

Within 6 weeks you should be informed whether the police or the public prosecutor's office has commenced or refused the proceedings. If no communication is received, you have the right to file a complaint to the public prosecutor's office.

IMPORTANT!

Pre-trial proceedings conducted by the police or the prosecutor's office are not public and these authorities do not keep anyone informed about their course.

If the public prosecutor's office or the police refuse to initiate proceedings, the person affected by crime may file a complaint. You will be informed of the time limit and how to make a complaint in the decision which you receive. If the prosecution or the police refuse to initiate proceedings, you may also submit a complaint to the court.

Pre-trial proceedings end when an indictment is filed in court.

As a person affected by crime, you will be informed about the filing of the indictment in court and the sentence that has been served. If you want to take an active part in the court proceedings, you can register as a supplementary prosecutor. You will then be notified of all court activities.

You must apply to be a supplementary prosecutor before the date of the first hearing.

You can be represented in court by an attorney (legal advisor or lawyer) who will act on your behalf. If you cannot afford an attorney, you can ask the court to appoint one **ex officio**.

NOMADA ASSOCIATION
HAS MANY YEARS
OF EXPERIENCE IN
SUPPORTING PEOPLE
AFFECTED BY BIAS
MOTIVATED VIOLENCE AND
**OUR SUPPORT IS FREE OF
CHARGE. CONTACT US!**



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