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Hate Speech in Poland. From the Experience of the Open Republic Association

The walls of our cities, our sport stadiums, our street demonstrations are full of slogans which express hatred for the “other”. Content which disseminates or “only” justifies intolerance, hostility and discrimination on grounds of race, ethnicity, nationality, gender, sexual identity, psychosexual orientation, age or religion are painfully present in Polish media, publications, the internet, statements of public figures. It is not infrequent for a passer-by, a fellow passenger, even a official, a police officer or a Member of Parliament to publicly and shamelessly voice racist or homophobic views. The proponents of such views may not be many but because their behaviour is rarely if ever condemned, they understand the lack of response to imply assent.

Hate speech is evil in more than one way. It has a social impact because, when tolerated, it undermines democracy. It also has a moral dimension because it violates human dignity. It is but a step away from violence and hateful actions. This is why hate speech should be discussed in the context of actions it inevitably engenders.

At a debate organised by the Open Republic Association entitled *Extremist Organisations in a Democratic State and Society*, experts discussed the legal, social and psychological context of public presence of hatred and intolerance as well as its implications and costs to the State and society. According to research presented by Michał Bilewicz, a psychologist with the Centre for Research on Prejudice, there is a strong potential for mounting xenophobic narration in Poland and such content is very likely to become actively deployed by existing political parties. According to Witold Klaus, President of the Association for Legal Intervention, despite a high prevalence of racism, the Polish public as a rule is not opposed to immigrants as long as they have a low status. Polish hate speech draws upon entrenched prejudices, stereotypes and resentment, which it often directs, in a generalised manner, against new “others”. This sets Poland apart from other European countries, where the growing presence of immigrant populations has fuelled intolerance and the resulting hate speech.

For fifteen years now, the Open Republic Association has been working to sensitise the Polish general public to the evil of hate speech. Our activity fosters new initiatives in favour of tolerance and opposed to acts of hatred and violence. We regularly monitor and describe disturbing developments stemming from hate speech. As a result, we evaluate the magnitude of such developments and the efficacy of authorities dedicated to prevention and enforcement that have been established under the Polish legal system.

According to our assessment, public expressions of hate speech are still insufficiently prosecuted, censured and punished by the police, the prosecutors and the courts. Although obliged by law to do so, law enforcement services rarely open proceedings on their own initiative and more often than not await a report from a concerned citizen. Hate speech is not countered with appropriate reactions of public figures, central and local government officials and Members of Parliament. Prosecutors, judges and experts still make shocking pronouncements which are far removed from the standards of a democratic State and condone or even endorse the dissemination of hatred and hurtful stereotypes. These include court decisions which accept the arguments raised by the perpetrators who claim that an upraised arm is a Roman salute and the swastika is the Indian symbol of love. The cry: “We will drive Jews out of Poland” is not deemed an incitement of hatred because it does not employ the

vocative “let’s”. Recently, using an expert opinion whereby the phrase “Jewish scum” is “stereotypical, ironic, satirical”, a prosecutor has stayed the investigation as she decided that “stereotypical thinking cannot be considered to be insulting because it has a historical, cultural, even group context”.

More often than not, hate speech emanates, also through the media, from the Polish Parliament. Hate speech is increasingly present in interventions of MPs as well as journalists and researchers. According to Adam Lipiński, an expert of the Open Republic Association, the language is suffering a “pathologising of the normal”. This development of “the pathological norm” is prevalent in many European countries as a result of a sharp increase in support for extreme right-wing parties and their constant presence in the political landscape: we have become accustomed to the ideas, slogans and language those parties bring into the public life.

In summary, hate speech is driven by entrenched stereotypes, prejudices and resentment. Indifference to hate speech, trivialisation of hate speech, and condoning of hate speech are the main barriers to preventing these forms of public promotion of anti-social prejudices and discrimination. This is our main concern as we take action to eliminate hate speech from public life.

Below few words by the *Open Republic Association*’s activity:

We monitor acts of hatred, often basing on the reports of concerned citizens who contact the *Open Republic Association*.

Based on monitoring, we take **interventions** including (1) citizen action (such as writing letters to authorities at different levels and/or individuals/participants/witnesses of an event, talking to the media, making appeals to the general public, etc.) and/or (2) legal intervention (reporting to the law enforcement services). Our citizen actions are increasingly popular, which suggests an important change of the social climate, decreasing tolerance for hate speech, and growing social sensitivity to hate speech.

With legal interventions, we can track the proceedings opened by prosecutors and courts, **survey and analyse legal documents** such as the grounds for decisions pronounced by judges and prosecutors, and examine court and prosecutor files in cases under Articles 256 and 257 of the Criminal Code.¹ As a result, we know whether and how our legal interventions are acted upon by law enforcement authorities and the judiciary. We publicise and widely disseminate our research in the hope that it will change the attitudes of the legal profession. At this time, already many more hate crimes are prosecuted and their perpetrators sentenced. Cases in which prosecutors have made shockingly inadequate decisions are referred back to their superiors. We see this as a change in the right direction.

We undertake various **educational initiatives** also addressing adults, such as public debates, expert seminars, and teacher training. We keep asking ourselves when is it that kids and young people catch the bug of hatred. We want to know this in order to maximise the effectiveness of our tolerance courses and anti-discrimination workshops for schools.

We also see positive developments in public life: anti-Semitic graffiti is now more frequently painted over, while hateful cries prompt bystanders to react. This is why we **monitor**

¹ These provisions penalise incitement of hatred on grounds of nationality, ethnicity, race and religion.

initiatives in favour of tolerance: civic protests against hate crimes and hate speech. We compile information and expertise which is published on the website of the Open Republic Association and added to our educational and research materials, used to establish relations and exchange experience with organisations, institutions and individuals working against hate speech and to support and improve new initiatives.

The core activity of the Association is to combine systematic reactions against hate crimes and human rights violations with far-reaching educational initiatives and to raise the awareness of the general public about the citizens' need not to feel helpless and lonely in confrontation with racism, anti-Semitism, xenophobia or religious intolerance. The *Open Republic* Association warns against these phenomena and shows how to tackle and oppose them.

Sources:

Open Republic Association reports (www.otwarta.org)

Organizacje skrajne w demokratycznym państwie i społeczeństwie [Extremist organisations in a democratic state and society]. Post-conference materials and expert recommendations. *Open Republic* Association, 2013

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Open Republic Association is a long-term grantee of Stefan Batory Foundation's Watchdog and For Tolerance programmes. Since June 2013 the Foundation operates an EEA Grants NGO Programme Citizens for Democracy Programme which in 3 years (2014-2016) will distribute 37 million EUR for Polish NGOs which engaged in projects aimed to promote civic participation, public scrutiny, counteracting discrimination and social exclusion.

In first call for proposals, which was resolved in March 2014, out of 157 projects funded, 33 were related to hate speech problem. The activities undertaken by project promoters rank from monitoring and documenting of hate speech (in the media, on the Internet, in public domain, at schools), as well as hate speech cases in legal proceedings; through education (workshops, courses, training for youth, local activists, teachers and educators, law enforcement officials, judges as well as production of films, drama, Internet applications, artistic performances) and organization of public campaigns, flashmobs, happenings (production of radio broadcasts, newspapers, leaflets, portals, TV and Internet spots, blogs, painting anti-hate murals); to intervention (removing hate inscriptions from the walls, reporting on manifestation of hate speech) and organization of support to the hate speech victims (counseling and legal advice) to research (on the attitudes towards hate speech, on intersectional discrimination, school textbooks content) and advocacy (to introduce changes in the Polish legal system).