

INTERNET AS A NEW SPACE FOR HATE CRIMES²

INTRODUCTION

Hate crimes are criminal offences driven by prejudice and addressing a target because of its factual or presumed affiliation with a group determined by its characteristics (such as colour, race, language, ethnic origin, religion, sex, age, sexual orientation)³. The today's globalised world witnesses a permeation of all aspects of social life into the Internet space, including hate crimes. An invention of our times, the Internet, is a new medium, so people must learn to use it properly. The initial absence of binding rules and standards related to the use of the Internet, coupled with the multiplicity of communication possibilities provided by this medium made the web space host numerous social pathogenies. *Diagnosis* of the Internet as a space for hate crimes is particularly important for understanding the problem and standing ready for the prospective, still new methods of cybercrime.

The escalation of the phenomenon of hate speech is being discussed currently. Little doubt, this links to the abuse of the Internet to promote hate speech. Hate speech in 2019 has been the number one topic in public space in Poland on many occasions. Hateful language has always been in use and emerged during political campaigns, media discussions, in TV programmes such as talk-shows, but also in schools and churches. However, 2019 was particularly marked by hate attacks against various types of social activists who sought to guarantee or support respect for minority rights. People, not only in the 21st century, had to struggle with discrimination, defamation and insults, duplication of negative stereotypes concerning particular groups of the population. Nonetheless, in order to handle today's

¹ Licencjat of International Relations at the Faculty of Law and Administration of Cardinal Wyszyński University in Warsaw, the article is based on a diploma dissertation developed within the framework of the Licencjat's thesis.

² Artykuł przetłumaczony ze środków finansowanych przez Ministerstwo Nauki i Szkolnictwa Wyższego na działalność upowszechniającą naukę (DUN), nr decyzji 810/P-DUN/2018. Article translated from funds financed by the Ministry of Science and Higher Education for the dissemination of science (DUN), Decision No. 810 / P-DUN / 2018.

³ M. WOJŃSKI, *Prawnokarne aspekty zwalczania mowy nienawiści*, Warszawa 2014, p. 30, and also E. RYŁKO, *Jak mówić o przestępstwach z nienawiści?* w: *Przemoc motywowana uprzedzeniami przestępstwa z nienawiści*, ed. A. Lipowska-Teutsch, E. Ryłko, Kraków 2007, p. 11.

challenges of hate speech, it is vital to address the problem from a new perspective, on considering new technologies and living standards in a democratic society. It is up to each individual to care for values such as tolerance and non-discrimination. However, it is essential that legal measures to protect citizens from hate crimes do not have an adverse impact on other human rights and freedoms. Cardinal Wyszyński University in Warsaw

International and national law alike provide for measures to exclude hate speech from the protection of freedom of expression. Accordingly, a person who spreads hatred cannot invoke their right to express opinions to effectively excuse itself before a court. In the past, solely content related to ethnicity, race and nationality could be considered hate speech. Today, such strictly defined criteria are being abandoned and extended to include all other grounds for discrimination and hatred.

Confronting and fighting against hate speech brings noticeable results, more and more people are aware of the problem and want to counteract it. Indifference and underestimation of hate speech is a consent to it, and thus allows it to spread. The issue of combating hate speech has also been raised by international organisations and corporations. Their activities, such as educational initiatives or promotional campaigns supporting the fight against hate speech, contribute considerably to raising public awareness. Various social campaigns against hate and hate speech prove the most effective instruments for reaching people and making them aware of the scale of the problem. Nowadays, in the age of the Internet and new technologies, hate speech is affecting more and more people and its victims tend to turn into perpetrators⁴. It is therefore important for society to be aware of the consequences of its actions and its consent to hatred. An example of informational and educational activity is the report *Mowa nienawiści, mowa pogardy* [*Speech of Hatred, Speech of Disdain*], developed by the Batory Foundation in cooperation with Centrum Badań nad Uprzedzeniami [*Center for Research on Prejudice*], presenting the results of research on the hate speech vis-à-vis research from previous years. As appears, the number of hate crimes is on increase, and so is hate speech online⁵. Examples include the activities of the Humanity in Action Foundation, which runs Akademia Praw Człowieka i Aktywności Obywatelskiej [*Academy of Human Rights and Civic Activity*] and operates *uprzedzuprzedzenia.org*⁶. Amnesty International also addressed hate speech, and their

⁴ P. WALLACE, *Psychologia Internetu*, Poznań 2001, p. 147-175.

⁵http://www.batory.org.pl/aktualnosci/mowa_nienawisci_mowa_pogardy_prezentacja_raportu, access: 15.07.2019.

⁶ <https://uprzedzuprzedzenia.org/akademia-praw-czlowieka-i-aktywnosci-obywatelskiej/>, access: 15.07.2019.

campaign is called #NIEnawiść⁷. A popular initiative of The Coca-Cola Company, a transnational corporation producing *Sprite*, The Coca-Cola Company *I love you hater* campaign, encouraged people to be themselves despite hate. As defined in the campaign: *The Internet is an unprecedented exposure to negative stimuli: to criticism, to constant evaluation, to attacks. As social divisions grow and moods radicalize, hate and cyberbullying on the web, additionally stimulated by the temptation of anonymity, has become one of the most serious social problems - 2 out of 3 young people witnessed this phenomenon*⁸.

1. INTERNET AS A NEW ENVIRONMENT OF COMMUNITY LIFE

The Internet took its origin in 1970s and spread on an unprecedented scale. Thanks to its properties, it has contributed significantly to the processes of globalization, by rapid information transmission and fast communication. A previously unknown virtual reality was created, unlike the real world - with no borders and created a sense of freedom in its broadest sense. The lure of this phenomenon gave rise to new disorders among people, such as networkoholism or Internet dependence⁹. The freedom to create content, develop one's persona according to one's own values, establish *authentic* relationships with other Internet users are just some of the reasons why people give up the real world, to live and spend time only on the Internet¹⁰.

Social media have contributed to making private life public and transferring it to virtual reality. With: *Facebook, Instagram, Snapchat, Twitter, Tumblr, Google+*¹¹, or any other private blog, users access tools that allow them to constantly add and update information about themselves and others. Human need to express themselves, show others how to see and perceive us¹² proves stronger than the need to protect private information¹³. Social networks work on a

⁷ <https://amnesty.org.pl/kampanie/nienawisc/>, access: 15.07.2019.

⁸ <https://www.coca-cola.pl/sprite/pl/iloveyouhater/>, access 15.07.2019.

⁹ I. BIAŁOKOZ-KALINOWSKA, K. KIERUS, B. NAWROCKA, J. D. PIOTROWSKA-JASTRZĘBSKA, *Uzależnienie od Internetu (siecioholizm) wśród młodzieży licealnej – konsekwencje zdrowotne i psychospołeczne*, *Pediatr Med Rodz* 2011, 7 (4), p. 372-377.

¹⁰ *Ibid.*

¹¹ M. KUCHTA, *15 najpopularniejszych portali społecznościowych na świecie*, Socialpress 2018, <https://socialpress.pl/2018/06/15-najpopularniejszych-portali-spoecznościowych-na-swiecie> access: 15.05.2019.

¹² H. MILLER, J. ARNOLD, *Ja w sieciowych stronach domowych: gender, tożsamość i władza w cyberprzestrzeni*, w: *Internet a psychologia. Możliwości i zagrożenia*, Warszawa 2009, p. 187, a także E. BUDAKOWSKA, *Tożsamość bez granic*, Warszawa 2005, p.11, a także P. WALLACE, *Psychologia Internetu*, Poznań 2001, p. 42, 50-51.

¹³ D. TAPSCOTT, *Cyfrowa dorosłość Jak pokolenie sieci zmienia nasz świat?*, Warszawa 2010, p. 130 – 131.

networked basis, respectively the more reaction the content provokes, the more extensive it is and reaches wider audience¹⁴.

2. INTERNET AS A MASS MEDIA

Whereas the Internet combines the characteristics of interpersonal and mass or private and public communication¹⁵, it is classified as a meta-media. Today, the Internet is the most popular mass media, making information accessible to all users regardless of age¹⁶. Content unsuitable for children and young people are easily accessible and have an adverse impact on the development of young people. In addition to pornography and disturbing films, by way of illustration from criminal executions, negative content should also comprise hate speech, which promotes and even incites hatred towards others. Being a means of rapid communication, the Internet provides perfect conditions for venting emotions, insulting and defaming other users¹⁷. As an online mass media, the Internet makes it possible to spread hate speech and also serves as a tool for spreading *fake news* and manipulation. As defined by Hunt Allcot and Matthew Gentzkow, *fake news* is an *informational article, which is intentionally and clearly untrue and may mislead the reader*.¹⁸ Access of an individual to mass dissemination of information can be dangerous. Awareness of having the audience and the opportunity of creating reality can be addictive. Internet addiction was first mentioned in 1996 and the disorder was referenced as *Internet Addiction Disorder*¹⁹.

3. HATE SPEECH AND *HATE* ON THE INTERNET

In literature, hate speech is defined as a manifestation of intolerance and also as one of the forms of hate crimes. Hate speech can be defined as *communication that spreads, promotes*

¹⁴ Ł. KAPRALSKA, *O komunikacyjnych i integracyjnych funkcjach serwisów społecznościowych*, w: *Com.unikowanie*, ed. M. NIEZGODY, M. ŚWIĄTKIEWICZ – MOŚNY, A. WAGNER, Kraków 2010, p. 264-277.

¹⁵ S. JUSZCZYK, *Internet - współczesne medium komunikacji społecznej*, <http://www.ktime.up.krakow.pl/symp2011/referaty2011/juszczyk.pdf>, p. 2, access 09.05.2019.

¹⁶ Ibid.

¹⁷ K. ROSIŃSKA, *Zjawisko hejtingu wśród młodzieży oraz sposoby przeciwdziałania*, *Kultura-Media-Teologia* 29/2017, p. 13.

¹⁸ H. ALLCOTA, M. GENTZKOW, *Social Media and Fake Newsa in the 2016 Election*, *Journal of Economic Perspectives*, 2/2017 p. 211–213.

¹⁹ A. WOŁPIUK, *Uzależnienie od Internetu jako nowy problem pomocy psychologicznej*, *Problemy Poradnictwa Psychologiczno-Pedagogicznego*, Issue 1, 2003, p. 53.

*and legitimizes racial hatred, xenophobia, anti-Semitism and other forms of intolerance that undermine democratic security, cultural cohesion and pluralism.*²⁰. *Hate* is an important phenomenon for understanding the hate speech occurring in the Internet spaces. The hater is a person posting negative, aggressive content, comments on the web²¹.

As compared to hate speech, *hate* is more common on the Internet than in the real world, research confirms that hate can be primarily observed in the Internet²². *Haters* are most active in social networking sites and Internet forums. Among the most popular websites among haters one should mention *YouTube*. *Hate* not only serves to give vent to negative energy, feel better than a victim of offence and slander, but is also employed for profit²³. In other words, *haters* split into two groups: the emotionally-motivated and those who view it as their profession²⁴.

The *hate* and the emerging *hate* groups can be an effective tool in political struggle, used to manipulate information and public opinion. Such groups are meant to create offensive content, for instance in the form of posts, memes, graphics, comments and to gather as many people as possible with specific views to share hateful content so as to spread negative information to such an extent that it can expand its reach on a network basis without the participation of this group²⁵. This use of *hate* and the Internet can also serve as a tool to destroy competition on the market or degrade someone's social position through defamation²⁶.

4. IMPACT OF ONLINE HATE SPEECH ON CHILDREN

Children and young people are particularly vulnerable to the negative impact of the Internet. Their mentality is unstable as they spend relatively more time online than adults and even make their lives in the real world reliant on virtual life²⁷. By observing adult behaviour in the media, politics and the Internet, they absorb hate speech content. Acceptance of violence and hatred leads to indifference that makes these persons view the sharing of this content as not

²⁰ Fundacja Humanity in Action, <https://uprzedzuprzedzenia.org/czym-mowa-nienawisci/>, 19.02.2019.

²¹ Słownik Języka Polskiego, <https://sjp.pwn.pl/slowniki/hejter.html> access: 16.05.2019, conf.. Obserwatorium Językowe of Uniwersytet Warszawski, <http://nowewyrazy.uw.edu.pl/haslo/hejt.html> access 15.05.2019.

²² K. ROSIŃSKA, *Zjawisko hejtingu wśród młodzieży oraz sposoby przeciwdziałania*, *Kultura-Media-Teologia* 29/2017, p. 13.

²³ J. STRADOWSKI, *Co się dzieje w głowie hejtera? Skąd się bierze mowa nienawiści*, *Focus* 2019.

²⁴ K. GAJDA, *Hejter. Kim jest i jak go wykorzystać?*, <http://copycharlie.pl/hejter-definicja/> access 16.05.2019.

²⁵ H. RÓŻYK, „Hejt” jako narzędzie walki politycznej, *e-Politikon* 17/2016, p. 129-131

²⁶ *Ibid.*, p. 121-145.

²⁷ K. ROSIŃSKA, *op. cit.*, p. 13, por. I. BIAŁOKOZ-KALINOWSKA, K. KIERUS, B. NAWROCKA, J. D. PIOTROWSKA-JASTRZĘBSKA, *op. cit.*, p. 372-377.

reprehensible²⁸. Children at the stage of learning the rules of morality cease to consider hate as a negative phenomenon and perceive it as a mere statement, sometimes as a taunt. Internet communication is a new form of discourse, lacking such key aspects as non-verbal speech or situational context²⁹. It is not the same as face-to-face communication, with the principles developed over the centuries and well known.

Young people copy the behaviour of *hate* groups, they develop offensive websites, *hating* profiles on social networking sites, scorning memes and videos, add spiteful comments, often containing criminal threats. They view it a form of entertainment without considering its implications. A scoffing victim of such actions, most often does not cope with such amount of aggression and psychological violence. This triggers personality disorders, phobias, fears, depression and even suicide attempts³⁰.

5. INTERNET AS A NEW SPACE FOR CRIME

The Internet allows law enforcement authorities to expose crimes and crimes, but it also makes it easier for the other party to act. Thanks to the Internet, any criminal can communicate, integrate with the like-minded ones, select and target victims, plan illegal actions³¹. Extremist groups such as racists can access servers in jurisdictions which allow racism to be promoted or fail to enforce the relevant legislation, if any³².

The Internet provides perfect conditions for fraudsters, impersonators, *stalkers*, paedophiles. It is made such through the free creation of identities. These criminals can break the law by creating their own fictitious identity. Sharing personal information online facilitates

²⁸ *Mowa nienawiści, mowa pogardy. Raport z badania przemocy werbalnej wobec grup mniejszościowych*, p. 6, <https://www.rpo.gov.pl/sites/default/files/Raport%20Mowa%20Nienawi%20C5%9Bci%20Mowa%20Pogardy%202027.02.2017.pdf>, access; 20.03.2019.

²⁹ S. JUSZCZYK, *Internet - współczesne medium komunikacji społecznej*, <http://www.ktime.up.krakow.pl/symp2011/referaty2011/juszczyk.pdf>, p. 2, access 09.05.2019

³⁰ BILEWICZ M., BULSKA D., HANSEN K., SORAL W., ŚWIDERSKA A., WINIEWSKI M., *Mowa nienawiści, mowa pogardy. Raport z badania przemocy werbalnej wobec grup mniejszościowych*, Fundacja im. Stefana Batorego, Warszawa 2017.

³¹ A. RUTKOWSKA, *Przestępstwa z nienawiści w Polsce na podstawie badań akt sądowych z lat 2007-2009*, Otwarta Rzeczpospolita, <http://otwarta.org/wp-content/uploads/2012/03/Raport09-Przest%20A9pstwa-z-nienawi%20CB%9Cci-lekki.pdf>, access: 23.05.2019.

³² K. PODEMSKI, *Globalizacja mowy nienawiści* in: R. WIERUSZEWSKI, M. WYRZYKOWSKI, A. BODNAR, A. GLISZCZYŃSKA-GRABIAS, *Mowa nienawiści a wolność słowa Aspekty prawne i społeczne*, Warszawa 2010, p. 207.

unlawful collection of the required information, such as data needed to authorise bank transfers, passwords to e-mail boxes, place of residence³³.

In view of the above, many organizations endeavour to make people aware of what data should not be shared and what to attend to when monitoring the web activity of minors. One of such organizations is the Foundation Dajemy Dzieciom Siłę, which runs *Chroń dziecko w sieci* campaign³⁴. *Patotreści w Internecie*, a report published by the Foundation, describes harmful content on the Internet, notably *pathostreaming*³⁵.

The dangers of the Internet are perfectly described by the term of *cyberbullying*³⁶. The definition of *cyberbullying* primarily includes impersonating someone, publishing private correspondence, ridiculing photos, videos, hacking into bank accounts and social network accounts, intimidation by e-mail³⁷.

The Internet is also a space for *hackers*. *Hackers* can be involved in both *cyberbullying* and terrorist activities. *Hackers* attack government servers and banks. By their actions, they can break the security of military weapon software, paralyse information networks, publicize state secrets or disclose untrue information to the public, spreading public anxiety and panic³⁸.

Terrorists and criminals are developing newer and newer methods used for illegal Internet activities. In cyberspace, new members of terrorist organisations are being recruited, propaganda is being spread, funds are being raised and victims are being targeted. The Internet allows leaders of criminal groups to radicalize their environment, teach them, arrange for and plan attacks, raids and crimes³⁹.

³³ P.T. NOWAKOWSKI, *Przemoc w sieci. Przyczynek do dalszych analiz*, in: M. KOWALSKI (ed.), *Internet: między edukacją, bezpieczeństwem a zdrowiem*, Tychy 2008, p. 57-58.

³⁴ <https://fdds.pl/oferta/chron-dziecko-w-sieci/>, access: 15.07.2019.

³⁵ <https://fdds.pl/co-trzeci-nastolatek-oglada-patotresci-w-sieci/>, access 18.07.2019.

³⁶ P.T. NOWAKOWSKI, op. cit., p. 57-58.

³⁷ Ibid.

³⁸ M. STOCH, *Krytyczna analiza przekazów medialnych w czasach postprawdy – podstawowe definicje i rekomendacje*, *Studia de Cultura*, 11/1/2019 p. 66.

³⁹ J. ŚWIĄTKOWSKA, M. SZWIEC, A. LLACAYO, „*Jak zbudować bombę w kuchni Twojej mamy*”- czyli jak terroryści wykorzystują cyberprzestrzeń i jak z nimi walczyć, Programme brief of the Kosciuszko Institute, 2016, p. 2, https://ik.org.pl/wp-content/uploads/policy-brief_jak-terrorysci-wykorzystuja-cyberprzestrzen.pdf access: 16.05.2019.

6. THE LAW APPLICABLE TO THE WEB

Internet users should be aware of the general principles of netiquette⁴⁰, which determine how to behave in a cultural way in the virtual world. These rules prohibit spamming, all uppercase, *trolling* or *flaming* on Internet forums. In addition to the unwritten rules of netiquette, legislation has been enacted, which is applicable in the network. The UN Human Rights Council in 2012 adopted Resolution 20/8 on the Internet and Human Rights, whereby⁴¹ all rights binding on people in the real world, offline, must also be respected in the virtual world, online⁴². The sense of impunity for acts committed on the Internet has been on decrease since then, and social awareness of virtual responsibility is growing.

6.1. HATE SPEECH IN THE POLISH LAW

Although the term *hate speech per se* does not appear in national legal norms, many of them can be linked to this issue. The penal code, which penalises incitement to hatred, comes to the fore.

Under Article 256 of the Penal Code, § 1. *Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reason 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. § 2 Whoever produces, fixes or imports, acquires, stores, possesses, presents, transports or sends a print, recording or other item containing the content specified in § 1 or being a carrier of*

⁴⁰ It is a set of cultural principles to be used on the Internet. The rules of netiquette prohibit such activities as spamming, typing in all caps. Anti-social behaviour on forums, which manifests itself as *trolling* or *hate*, is incompatible with netiquette.

⁴¹ *HRC Resolution 20/8 on the Internet and Human Rights*, A/HRC/RES/20/8, July 2012, https://search.un.org/results.php?tpl=dist_search&query=A/HRC/RES/20/8%20&lang=en&tplfilter=documents access: 18.05.2019.

⁴² Text of *HRC Resolution 20/8 on the Internet and Human Rights*: [...] 1. *Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights*; 2. *Recognizes the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms*; 3. *Calls upon all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information communications facilities in all countries*; 4. *Encourages the special procedures to take these issues into account within their existing mandates, as applicable*; 5. *Decides to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and in other technologies, as well as of how the Internet can be an important tool for development and for exercising human rights, [...]*.

*fascist, communist or other totalitarian symbolism for the purpose of distribution shall be subject to the same penalty. § 3 The perpetrator of a prohibited act specified in § 2 shall not commit a crime if the act was committed within the framework of artistic, educational, collector's or scientific activity. § 4 In the event of a conviction for an offence referred to in § 2, the court shall order the forfeiture of the items referred to in § 2, even if they were not the property of the perpetrator*⁴³. Part of § 2 or being a carrier of fascist, communist or other totalitarian symbolism lost its legal force on 3 August 2011 as a result of the judgment of the Constitutional Tribunal of 19 July 2011⁴⁴.

Article 257 of the Penal Code. *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*⁴⁵.

As stipulated in Article 216 of the Penal Code: *§ 1. Whoever insults another person in his presence, or though in his absence but in public, or with the intention that the insult shall reach such a person, shall be subject to a fine or the penalty of restriction of liberty. § 2. Whoever insults another person using the mass media, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year*⁴⁶.

The above Article 216 of the Penal Code protects an individual, whereas Article 257 of the Penal Code refers to the protection of the whole group. Article 256 of the Penal Code and Article 257 of the Penal Code limit the understanding of hate speech by applying selective features, that is national, ethnic, racial and religious origin in their content. In the literature Article 257 of the Penal Code⁴⁷ tends to be compared with Article 212 of the Penal Code, whereby: *§ 1. Whoever imputes to another person, a group of persons, an institution or organisational unit not having the status of a legal person, such conduct, or characteristics that may discredit them in the face of public opinion or result in a loss of confidence necessary for a given position, occupation or type to activity shall be subject to a fine or the penalty of*

⁴³ Act of 6.6.1997. - Penal Code, Dz.U.-Journal of Laws Issue 88, item 553, Article 256

⁴⁴ Journal of Laws of 2011, Issue 160 item 964.

⁴⁵ Act of 6.6.1997. - Penal Code, Dz.U.-Journal of Laws Issue 88, item 553, Article 257.

⁴⁶ Ibid., Article 216.

⁴⁷ K. PAŁKA, M. KUĆKA, *Ochrona przed mową nienawiści – powództwo cywilne czy akt oskarżenia?*, in: R. WIERUSZEWSKI, M. WYRZYKOWSKI, A. BODNAR, A. GLISZCZYŃSKA-GRABAS, *Mowa nienawiści a wolność słowa Aspekty prawne i społeczne*, Warszawa 2010, p. 43.

restriction of liberty. § 2. If the perpetrator commits the act specified in § 1 through the mass media shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 1 year. § 3. When sentencing for an offence specified in § 1 or 2, the court may adjudge a supplementary payment in favour of the injured person or of the Polish Red Cross, or of another social purpose designated by the injured person a supplementary payment (nawiązka). § 4. The prosecution of the offence specified in § 1 or 2 shall occur upon a private charge⁴⁸.

Other provisions of the Penal Code that are part of the subject of fighting and penalizing hate speech include: Article 119 of the Penal Code on violence and use of threats, Article 190 of the Penal Code and Article 190a of the Penal Code on criminal threats and harassment, Article 196 of the Penal Code on insulting religious feelings and Article 202 of the Penal Code on public presentation of pornographic content. Article 119 of the Penal Code states: *§ 1. Whoever uses violence or makes unlawful threat towards a group of person 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 the deprivation of liberty for a term of between 3 months and 5 years⁴⁹.* In pursuance with Article 190 of the Penal Code: *§ 1. Whoever makes a threat to another person to commit an offence detrimental to that person or detrimental to his next of kin, and if the threat causes in the threatened person a justified fear that it will be carried out 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 prosecution shall occur on a motion of the injured person⁵⁰.* Article 190a of the Penal Code: *§ 1. Whoever, through persistent harassment of another person or his/her closest relative, develops in them a legitimate sense of threat or significantly violates their privacy, shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2 The same penalty shall be imposed on anyone who, pretending to be another person, uses their image or other personal data in order to inflict material or personal damage on them. § 3 If the victim attempts at their own life as a consequence of the act specified in § 1 or 2, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years § 4. The prosecution of the offence specified in § 1 or 2 shall take place at the request of the victim⁵¹.* According to Article 196 of the Penal Code: *Whoever offends the religious feelings of other persons by outraging in public an object of*

⁴⁸ Act of 6.6.1997. - Penal Code, Dz.U.-Journal of Laws Issue 88, item 553, Article 212.

⁴⁹ Ibid., Article 119.

⁵⁰ Ibid., Article 190.

⁵¹ Ibid., Article 190a.

*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*⁵².

Apart from the Penal Code, there are also other provisions related to the use of hate speech in Polish law, for example Article 23 of the Civil Code: *The personal interests of a human being, in particular health, freedom, dignity, freedom of conscience, surname or pseudonym, image, secrecy of correspondence, inviolability of home, and scientific, artistic, inventor's and rationalizing activity, shall be protected by civil law independent of protection envisaged in other provisions*⁵³.

CONCLUSION

The dramatic events that took place in Poland in 2019 showed the citizens the importance of the problem stemming from the escalation of hatred. These situations include such events as the scale of hatred that spread in the form of Internet discussions following the assassination of Paweł Adamowicz, Mayor of Gdańsk during the 27th finale of the Great Orchestra of Christmas Charity⁵⁴, and the riots during the first Białystok Equality March held on 20 July 2019, which coincided with previously displayed announcements along the march route that offended the LGBT community⁵⁵. The staging of the Judgment of Judas, which took place in Pruchnik before Easter 2019, where children encouraged by adults beat a Chassidic-style effigy with sticks and next burnt it, cannot be left without commentary⁵⁶.

In the aftermath of these events, many towns and cities staged various conferences and workshops against the spread of hate speech. Internet users join many actions against the diffusion of hate speech, share posts marked with special hashtags and make donations to charity collections dedicated to this subject⁵⁷. This illustrates the enormous impact of

⁵² Ibid., Article 196.

⁵³ Act of 23.4.1964 Civil Code, Journal of Laws. Issue 16, item 93.

⁵⁴ See more: <https://www.tvn24.pl/magazyn-tvn24/jacys-my-mu-pokazali-ze-oni-sa-gorsi-i-kazali-nienawidzic-adamowicza,195,3412>, access: 26.04.2019.

⁵⁵ See more: <http://bialystok.wyborcza.pl/bialystok/7,35241,25001478,marsz-rownosci-w-bialymstoku-obrzydliwe-ulotki-na-bialostockich.html>, access: 24.07.2019.

⁵⁶ E. FLIEGER, *Bicie Judasza w Pruchniku. Wyparował wstyd. Zjawiska, które wcześniej zostały stłumione, teraz wracają*, <http://wyborcza.pl/7,75398,24689457,wyparowal-wstyd-zjawiska-ktore-wczesniej-zostaly-stlumione.html>, access: 26.04.2019.

⁵⁷ <https://echodnia.eu/swietokrzyskie/festiwal-przeciw-nienawisci-w-kielcach-dzieki-akcji-narzutkapl-przyjadagwiazdy/ar/13850016>, access: 15.07.2019, and also <https://www.omzrik.pl/>, access: 15.07.2019.

appropriate communications on the citizens, as approval of hate speech leads to its escalation in the form of physical violence. The phenomenon of hate speech has intensified in all environments, political, media, educational, as a result of open prevention of hate speech, people stop accepting it in their environment and stigmatize negative behaviours.

To sum up, we are witnessing intensive technological changes. Previously unknown methods of communication are being developed and new threats are arising. The specificity of our times makes us responsible for the level of cyber security and interpersonal communication.

BIBLIOGRAPHY

ALLCOTA H., GENTZKOW M., *Social Media and Fake Newsa in the 2016 Election*, Journal of Economic Perspectives, 2/2017.

BIAŁOKOZ-KALINOWSKA I., KIERUS K., NAWROCKA B., PIOTROWSKA-JASTRZĘBSKA J.D., *Uzależnienie od Internetu (siecioholizm) wśród młodzieży licealnej – konsekwencje zdrowotne i psychospołeczne*, *Pediatr Med Rodz* 2011, 7 (4).

BILEWICZ M., BULSKA D., HANSEN K., SORAL W., ŚWIDERSKA A., WINIEWSKI M., *Mowa nienawiści, mowa pogardy. Raport z badania przemocy werbalnej wobec grup mniejszościowych*, Fundacja im. Stefana Batorego, Warszawa 2017.

BUDAKOWSKA E., *Tożsamość bez granic*, Warszawa 2005.

FLIEGER E., *Bicie Judasza w Pruchniku. Wyparował wstyd. Zjawiska, które wcześniej zostały stłumione, teraz wracają*, <http://wyborcza.pl/7,75398,24689457,wyparowal-wstyd-zjawiska-ktore-wczesniej-zostaly-stlumione.html>, dostęp: 26.04.2019.

Fundacja Humanity in Action, <https://uprzedzuprzedzenia.org/czym-mowa-nienawisci/>, 19.02.2019.

GAJDA K., *Hejter. Kim jest i jak go wykorzystać?*, <http://copycharlie.pl/hejter-definicja/> dostęp 16.05.2019.

HRC Resolution 20/8 on the Internet and Human Rights, A/HRC/RES/20/8, lipiec 2012, https://search.un.org/results.php?tpl=dist_search&query=A/HRC/RES/20/8%20&lang=en&tplfilter=documents dostęp: 18.05.2019.

<http://bialystok.wyborcza.pl/bialystok/7,35241,25001478,marsz-rownosci-w-bialymstoku-obrzydliwe-ulotki-na-bialostockich.html>, dostęp 24.07.2019.

http://www.batory.org.pl/aktualnosci/mowa_nienawisci_mowa_pogardy_prezentacja_raportu, dostęp: 15.07.2019.

<https://amnesty.org.pl/kampanie/nienawisc/>, dostęp: 15.07.2019.

<https://echodnia.eu/swietokrzyskie/festiwal-przeciw-nienawisci-w-kielcach-dzieki-akcji-narzutkapl-przyjada-gwiazdy/ar/13850016>, dostęp: 15.07.2019, a także <https://www.omzrik.pl/>, dostęp: 15.07.2019.

<https://fdds.pl/co-trzeci-nastolatek-oglada-patotresci-w-sieci/>, dostęp 18.07.2019.

<https://fdds.pl/oferta/chron-dziecko-w-sieci/>, dostęp: 15.07.2019.

<https://uprzedzuprzedzenia.org/akademia-praw-czlowieka-i-aktywnosci-obywatelskiej/>, dostęp: 15.07.2019.

<https://www.coca-cola.pl/sprite/pl/iloveyouhater/>, dostęp 15.07.2019.

<https://www.tvn24.pl/magazyn-tvn24/jacys-my-mu-pokazali-ze-oni-sa-gorsi-i-kazali-nienawidzic-adamowicza,195,3412>, dostęp: 26.04.2019.

JUSZCZYK S., *Internet - współczesne medium komunikacji społecznej*, <http://www.ktime.up.krakow.pl/symp2011/referaty2011/juszczyk.pdf>, s. 2, dostęp 09.05.2019.

KAPRALSKA Ł., *O komunikacyjnych i integracyjnych funkcjach serwisów społecznościowych*, w: *Com.unikowanie*, red. M. NIEZGODY, M. ŚWIĄTKIEWICZ-MOŚNY, A. WAGNER, Kraków 2010.

KUCHTA M., *15 najpopularniejszych portali społecznościowych na świecie*, Socialpress 2018, <https://socialpress.pl/2018/06/15-najpopularniejszych-portali-spoecznościowych-na-swiecie> dostęp: 15.05.2019.

MILLER H., ARNOLD J., *Ja w sieciowych stronach domowych: gender, tożsamość i władza w cyberprzestrzeni*, w: *Internet a psychologia. Możliwości i zagrożenia*, Warszawa 2009.

Mowa nienawiści, mowa pogardy. Raport z badania przemocy werbalnej wobec grup mniejszościowych, s. 6, <https://www.rpo.gov.pl/sites/default/files/Raport%20Mowa%20Nienawi%20C5%9Bci%20Mowa%20Pogardy%2027.02.2017.pdf>, dostęp; 20.03.2019.

NOWAKOWSKI P.T., *Przemoc w sieci. Przyczynek do dalszych analiz*, w: M. KOWALSKI (red.), *Internet: między edukacją, bezpieczeństwem a zdrowiem*, Tychy 2008.

PAŁKA K., KUĆKA M., *Ochrona przed mową nienawiści – powództwo cywilne czy akt oskarżenia?*, w: R. WIERUSZEWSKI, M. WYRZYKOWSKI, A. BODNAR, A. GLISZCZYŃSKA-GRABAS, *Mowa nienawiści a wolność słowa Aspekty prawne i społeczne*, Warszawa 2010.

PODEMSKI, K. *Globalizacja mowy nienawiści* w: R. WIERUSZEWSKI, M. WYRZYKOWSKI, A. BODNAR, A. GLISZCZYŃSKA-GRABIAS, *Mowa nienawiści a wolność słowa Aspekty prawne i społeczne*, Warszawa 2010.

ROSIŃSKA K., *Zjawisko hejtingu wśród młodzieży oraz sposoby przeciwdziałania*, *Kultura-Media-Teologia* 29/2017.

RÓŻYK H., „Hejt” jako narzędzie walki politycznej, *e-Politikon* 17/2016.

RUTKOWSKA A., *Przestępstwa z nienawiści w Polsce na podstawie badań akt sądowych z lat 2007-2009*, *Otwarta Rzeczpospolita*, <http://otwarta.org/wp-content/uploads/2012/03/Raport09-Przest%20A9pstwa-z-nienawi%CB%9Cci-lekki.pdf> dostęp: 23.05.2019.

RYŁKO E., *Jak mówić o przestępstwach z nienawiści?* w: *Przemoc motywowana uprzedzeniami przestępstwa z nienawiści*, red. A. Lipowska-Teutsch, E. Ryłko, Kraków 2007.

Słownik Języka Polskiego, <https://sjp.pwn.pl/slowniki/hejter.html> dostęp: 16.05.2019, por. Obserwatorium Językowe Uniwersytetu Warszawskiego, <http://nowewyrazy.uw.edu.pl/haslo/hejt.html> dostęp 15.05.2019.

STOCH M., *Krytyczna analiza przekazów medialnych w czasach postprawdy – podstawowe definicje i rekomendacje*, *Studia de Cultura*, 11/1/2019.

STRADOWSKI J., *Co się dzieje w głowie hejtera? Skąd się bierze mowa nienawiści*, *Focus*

ŚWIĄTKOWSKA J., SZWIEC M., LLACAYO A., „*Jak zbudować bombę w kuchni Twojej mamy*”- czyli jak terroryści wykorzystują cyberprzestrzeń i jak z nimi walczyć, *Brief programowy Instytutu Kościuszki*, 2016, s. 2, https://ik.org.pl/wp-content/uploads/policy-brief_jak-terrorysci-wykorzystuja-cyberprzestrzen.pdf dostęp: 16.05.2019.

TAPSCOTT D., *Cyfrowa dorosłość Jak pokolenie sieci zmienia nasz świat?*, Warszawa 2010.

WALLACE P., *Psychologia Internetu*, Poznań 2001.

WOIŃSKI M., *Prawnokarne aspekty zwalczania mowy nienawiści*, Warszawa 2014.

WOŁPIUK A., *Uzależnienie od Internetu jako nowy problem pomocy psychologicznej*, *Problemy Poradnictwa Psychologiczno-Pedagogicznego*, nr 1, 2003.