

Hate crimes

Extracts from laws and codes



Constitution of the Republic of Poland

Article 13

- Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction **racial or national hatred**, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

Article 32 passage 2

- No one shall be discriminated against in political, social or economic life for any reason whatsoever.



Penal code

Art. 256. Promotion of fascism or other totalitarian system.

§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.,

- Promotion, (...) means **every behaviour** consisting in public display polegające na publicznym prezentowaniu, **with an intention of convincing of it**
- Fascist or other totalitarian system ...
- Public character of a perpetrator's action



Penal Code

Art. 256. § 2. § 2. Whoever, in order to distribute produces, records or brings, buys, stores, posses, presents, transports or sends print, record or other item containing the substance referred to in § 1 or being *a carrier of the fascist, communist or other totalitarian symbolism* shall be subject to a punishment as referred to in § 1.

- Quasi-preparation to § 1
- Obligatory forfeiture of property
- Countertype (§ 3): artistic, educational activity
- Colectioners or researchers



Penal Code

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.

- Insult vs. slander
- Verbal/non-verbal
- Objectively insulting
- Breach of bodily integrity



Penal Code

Art. 119. § 1. Whoever **uses violence or makes unlawful threat** towards a group of person or a particular individual because or 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 years.

- violence
- Unlawful threat
- Perpetrating a crime— justified concern of carrying out a threat
- Causing a penal proceeding
- Announcing diparaging information



Penal Code

Art. 255. § 1. A person who publicly **calls for** committing an offence of a fiscal crime shall be subject to a fine penalty, the restriction of liberty or imprisonment for up to two years.

§ 2. A person who publicly **calls for** committing a crime shall be subject to the restriction of liberty for up to three years.

§ 3. A person who publicly **praises** the commitment of a crime shall be subject to a fine penalty amounting to up to 180 daily rates, the restriction of liberty or imprisonment for up to one year.



ODIHR OSCE

Office for Democratic Institutions and Human Rights, insitution of
Organizationf for Security and Cooperation in Europe)

- Every criminal offence, including crimes against people and their possessions, in which a victim, a localization or another aim of crime are chosen due to their actual or alleged connection, relation, affiliation with, membership in or suport given to a group defined below.
- A group may be defined on the basis of characteristic features, such as actual or alleged race, nationality, ethnicity, language, colour, religion, gender, age, physical or mental disability, sexual orientation, or other simmlar characteristics.

