



De-radicalization and Integration Legal and Policy Framework

Poland/Country Report

WP4

November 2021

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in Częstochowa



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Reference: D.RAD [D4].

This research was conducted under the Horizon 2020 project 'De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate' (959198).

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Acknowledgements

I would like to thank Veronica Federico, Boguslaw Przywora, Giorgia DuPlesis, Alessando Rosanò and Giovanna Spanò for providing feedback for this report. I also would like to acknowledge radicalization experts who provided insights for this report in the form of interviews both formally and informally. These experts include a law academic, a counterterrorism military expert, a police expert, an attorney and a judge who participated in important radicalization criminal law cases. This report uses detailed information about initiatives within the prison system obtained from the Central Prison Management.

About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks, and wider social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) with the goal of moving towards measurable evaluations of de-radicalisation programmes. Our intention is to identify the building blocks of radicalisation, which include a sense of being victimised; a sense of being thwarted or lacking agency in established legal and political structures; and coming under the influence of “us vs them” identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analysing and devising solutions to online radicalisation will be central to the project’s aims.

Executive Summary

This report considers the evolution and main stages of the Polish national counter-radicalization framework and its effectiveness. Preventing extremism plays a vital role in ensuring an open and tolerant society. An important aspect of many forms of extremism is the use of harmful activities such as terror attacks and threats of violence. Resorting to these measures affects not only the immediate victims of violent extremism, but also other citizens by inhibiting them from enjoying their fundamental freedoms. On the other hand, policing extremism can affect human rights too, and counter-terrorist measures may lead to limiting fundamental rights. Examined in this report are some of the key constitutional concepts for discussing legal context of radicalization in Poland: freedom of religion, freedom of expression, freedom of assembly, freedom of association and non-discrimination.

1. Introduction

In the context of violent extremism fundamental constitutional freedoms play a central role. The purpose of this report is to give a conceptual account on how Polish policies and laws address radicalisation. This aim has been defined within Work Package 4 Guidelines under the Horizon 2020 project D.Rad 'De-Radicalization in Europe and Beyond: Detect, Resolve, and Re-Integrate'. The methodology involved legal research, two case studies and interviews with policy stakeholders. The report followed the structure as outlined in Work Package 4 and it is composed of an introduction, a section on contextual background that includes socio-economic, political and cultural aspects. Next, it describes the constitutional organization of the state and constitutional principles such as secularism, religious freedom, self-determination and sub-national identities.

In the fourth section of the report the relevant legislative framework in the field of radicalization is presented, which includes its evolution, discussion on fundamental freedoms, principles informing legislation, hate speech and hate crime regulations, as well as paradigmatic case law on radicalization.

Next, the fifth section discusses the relevant policy and institutional framework in the field of radicalization: evolution and main stages of the policy framework, political and social cleavages the policy framework responds to, the role of local municipalities and the third sector. Moreover, this section discusses primary prevention (that prevents radicalisation before it occurs), secondary prevention (seeking to achieve early detection of cases), and tertiary prevention policies (to prevent recurrence, such as prison rehabilitation programs).

Two types of prevention presented in the fifth section are discussed in detail in part six where they are presented as case-studies. The last part of the report are the conclusions emphasizing the most important findings. In addition, the report is equipped in annexes presenting: overview of the legal framework, national case law, list of institutions dealing with radicalization and deradicalization, best practices on national, sub-national and local level, as well as policy recommendations.

2. The socio-economic, political and cultural context

Poland is considered to be a country of a low level of risk of terrorist attack, which is mostly being seen within the context of jihadist terrorism (Internal Security Agency, 2020). However, the attacks in Norway (2011) and Christchurch (2019) have directed attention of Polish services towards radical right-wing perpetrators. Indeed, in 2019 the Internal Security Agency prevented a mosque attack prepared by a Polish group related to Nordic Resistance Movement who were inspired by terrorist attacks committed by Anders Breivik, Philip Manhaus and Brenton Tarrant. On the other hand, feelings of injustice and grievance about the attitudes towards Muslims within some segments of Polish society may lead to alienation and radicalization. There have been instances of two Polish teenagers contacting ISIS in order to carry out a terrorist attack in a public place as a revenge for anti-Muslim attitudes among the Polish society. However, more prevalent are the right-wing groups that promote fascist or Nazi system of the state, which is forbidden under Polish law. One of these organizations – ‘Pride and Modernity’ – has recently been delegalized by the Regional Court, and the leaders of the Polish branch of ‘Blood and Honour’ have been arrested for promoting Nazism and inciting hatred on the basis of race, nationality, and ethnicity. These kinds of radicalization have an important impact on the Polish society leading to further polarizations, grievances and alienation.¹

An important role within the Polish radicalization context plays the fact that Poland is a highly homogenous country, which might be conducive to nationalism. According to the last census 97.1 percent of the respondents claim sole or partial Polish nationality, and 98.19 percent declare that they speak Polish at home (Central Statistical Office, 2011). The largest numbers of respondents claimed Silesian nationality, then Kashubian, German, Ukrainian and Belarusian (Central Statistical Office, 2016). Poland is also one of the most religious countries in Europe, where only 3.1 percent do not belong to any religion (Central Statistical Office, 2016). As one of the most Catholic countries in the world, 92.8 percent of Poles identify themselves as Catholics (Central Statistical Office, 2016). Other denominations include Orthodox Christianity (507,196 members), Jehovah's Witnesses (116,935 members), Protestants (61,217 members) and Greek Catholics (55,000 members) (Central Statistical Office, 2016). Believers of Islam, Judaism, Hinduism and Buddhism constitute less than 0.1% of the population (Central Statistical Office, 2016).

Although Poland has a small Muslim population, polarisation of political debates on Muslim minorities and Muslim immigration is high. In particular the heated debates played a role in politics in 2015 when the Law and Justice party won both the presidential and parliamentary elections (Dudzińska and Kotnarowski, 2019). This was when the European Commission proposed allocating 40,000 refugees between EU member states and it was suggested that voters were clustered according to their views on Muslim immigration (Markowski, 2015). While in other countries fear of immigration might be related to economic reasons, it seems that in Poland it is rather related to xenophobia, and in particular to Islamophobia (Dudzińska and Kotnarowski, 2019). In the last decade Polish society has become wealthier with a steady and high, compared to other European countries, economic growth. Between 1990 and 2019

¹ For an overview on trends of radicalisation see Maria Moulin-Stozek (2021): *Trends of Radicalization*. D3.2 Country Report. Horizon 2020 project ‘De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate’ (959198).

Poland's Human Development Index value increased by 22.6 percent from 0.718 to 0.880 (United Nations DP, 2020). With 0.880 value, the Index in 2019 positioned Poland at 35 out of 189 countries and territories (United Nations Development Programme, 2020). In terms of unemployment, due to growing Gross Domestic Product over the past several years, there has been a lowering trend and the current rate is 3.04 percent (Statista, 2020).

3. The constitutional organization of Poland and constitutional principles in the field of (de-)radicalization

Polish history has been touched by a continual struggle for independence and preservation of national culture and language. Freedom, religion and national identity played an important role during resistance in the period of partitions and during communism. This historic past has an important influence on the development of constitutional ideas on individual freedom, freedom of association, freedom of assembly, freedom of expression, religious freedom and the constitutional model of the relationship between church and state. The value of freedom is emphasized in the currently binding Constitution of 1997² that exchanged the so-called 'Small Constitution' of 1992³ and the communistic Constitution of 1952.⁴

The constitutional organisation of the state in Poland

The Polish Constitution establishes a dual executive system of government, in which the President is the head of state and the Prime Minister is the head of the Government. Executive power is vested in the President and the Government, while Legislative power is vested in the two chambers of the Parliament, Sejm (the lower chamber) and Senate (the upper chamber). The President is the supreme representative of the Republic of Poland and the supreme commander of the Armed Forces. The Government is led by the Prime Minister and consists of the Council of Ministers.

Poland has a four-tier court system that includes the Supreme Court of Poland, the common courts, administrative courts and military courts. In addition, there is the Constitutional Tribunal and the State Tribunal⁵. Judges in Poland are nominated by the National Council of the Judiciary and are appointed by the President.

Legal protection of human freedom is fundamental for guarding against violent extremism. In the Polish Constitution it is guaranteed in Article 31 sec. 1. The state has a special obligation to ensure safety for the citizens while guaranteeing the respect of human and civil rights (Article 5). Self-determination of the state, that might be targeted by the terrorists is regulated in Article 4 sec. 1: 'Supreme power in the Republic of Poland shall be vested in the Nation.' However, the idea of sovereignty should not impede accessing and following regional and

² Constitution of the Republic of Poland as adopted by the National Assembly on 2 April 1997, Dz.U. 1997, No. 78, item 783 [Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.], hereinafter Constitution. Available in English at the Polish Parliament website: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

³ Constitutional Law on relations between legislative and executive power in the Republic of Poland and on local government, Dz.U. 1992 No. 84 item 426 [Ustawa Konstytucyjna z dnia 17 października 1992 r. o wzajemnych stosunkach między władzą ustawodawczą i wykonawczą Rzeczypospolitej Polskiej oraz o samorządzie terytorialnym].

⁴ Constitution of the People's Republic of Poland as adopted by the National Assembly on 22 July 1952, Dz.U. 1952 No. 33 item 232 [Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r.].

⁵ Judicial body, which rules on the constitutional liability of people holding the highest offices of state.

international treaties and international human rights laws. In addition to domestic provisions, these international provisions protect individuals and groups from extremism.

The attachment to freedom is expressed also in the Constitution within the guarantee of freedom of religion and belief to everyone (Article 53.1). In the context of prevention radicalization, it is necessary to eliminate discrimination on the ground of religion or belief, religious intolerance and violence towards religious believers and non-believers. Freedom of religion and belief includes: 'freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites or teaching' (Article 53.1). No one may be compelled to participate or not participate in religious practices (Article 53.6) or be compelled by organs of public authority to disclose their philosophy of life, religious convictions or beliefs (Article 53.7). The text of Article 53 makes it clear that it would be against the Constitution to interpret religious freedom in a way that it only applies to followers of a particular religion. Article 53 also clearly explicates that religion is a choice.

Correspondingly, the Article 25 sec. 2 of the Polish Constitution established the principle of ideological impartiality of public authorities: 'public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life'. The relations between the Republic of Poland and churches and religious organizations are determined by agreements concluded between their appropriate representatives and the Council of Minister (Article 25 sec. 4). The relations with the Roman Catholic Church are determined by Concordat – international treaty concluded with the Holy See and relevant statutes (Article 25 sec. 3).

Fundamental for preventing radicalization, besides religious freedom, are rights of national and ethnic minorities. According to the Polish constitution minorities should have 'the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture' (Article 35 sec. 1), and 'the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity' (Article 35 sec. 2). Moreover, national and ethnic minorities are equal before the law (Article 32 sec. 1) and enjoy full public rights and the access to the public service (Article 60). It is against the Constitution to discriminate in political, social or economic life for any reason (Article 32 sec. 2).

Decentralisation
Two pivotal constitutional provisions that discuss decentralization are Articles 15 and 165. The principle of decentralization is expressed in Article 15, while Article 165 vests the legal personality, rights of ownership and other property rights on units of local government, as well as establishes their protection by the courts.
The principle of subsidiarity is expressed in the Preamble of the Constitution: '(...) hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on (...) the principle of subsidiarity in the strengthening the powers of citizens and their communities.' Units of local government perform public duties aimed at satisfying their needs (Article 166 sec. 1 of the Constitution), but might also perform other public duties if specified by statute (Article 166 sec. 2 of the Constitution). The state has a three-level

territorial division with the following units: communes, counties and voivodships⁶. The body of government administration and the government's representative in the voivodship is the voivode.

Although Polish constitutional law secures freedom of expression (Article 54 of the Constitution), in a democratic state it does not prevent from excluding extreme speech from this guarantee. In the Polish Constitution under 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, are forbidden. Based on Article 188, the conformity to the Constitution of the purposes or activities of political parties is the competence of the Constitutional Tribunal.

The legal protection of human freedom enshrined in Article 31 sec. 1 can be limited. One of the reasons for introducing restrictions is the necessity to ensure security (Article 31 sec. 3). In the event of restriction of constitutional freedoms for instance in the face of terrorist threats, regardless of their level, legal standards should be characterized by due correctness, precision and clarity. For many years national security services have been operating under limited prosecutorial and judicial control (Paprzycki, 2009). However, the Constitutional Tribunal issued judgements ensuring that counter-terrorist operational control undertaken by the security services are conducted in conformity with the Constitution. For example, in the judgement of 20 April 2004 (K 45/02) the Tribunal stated that, as part of investigative measures, the powers of the Internal Security Agency officers to issue 'specific behaviour orders' were justified. However, the legislator should unambiguously delineate the limits of permissible interference by an officer and provide for appropriate procedural measures enabling the verification of the legitimacy of the issued order. The Constitutional Tribunal has also ruled on 14 December 2017 (K 17/14) that a provision authorizing, *inter alia*, officers to carry out a personal inspection, search people and vehicles, without specifying the limits of these activities, is inconsistent with the Constitution. The contested provisions were amended.

⁶ Act of 24 July 1998 on the introduction of the basic three-tier territorial division of the state (Ustawa z dnia 24 lipca 1998 r. o wprowadzeniu zasadniczego trójstopniowego podziału terytorialnego państwa Dz.U. 1998 nr 96 poz. 603 ze zm.).

4. Legislative framework in the field of (de-)radicalization

Legislative framework on fundamental freedoms

Fundamental freedoms perform a central function in any democratic society, and besides constitutional law, they are also regulated in other types of legislation. In addition to the constitutional guarantees on religious freedom, they are also laid down in the Law on guarantees of the freedom of conscience and religion of 1989.⁷ According to Article 1 'The Republic of Poland shall secure to every citizen freedom of conscience and religion. The latter shall include freedom to choose one's religion or beliefs and freedom to manifest one's religion or beliefs, either alone or in community with others, in private and in public (...)' Freedom of conscience and religion is also under protection of the Criminal Code⁸ and the Civil Code.⁹

Similarly, besides the Civil Code, and the Criminal Code, freedom of speech or expression is guaranteed in other statutes such as: Act of 4 February 1994 on authorship law and related rights,¹⁰ Act of 26 January 1984 Press Law¹¹ or Act of 14 December 1982 on the protection of the state and official secrets¹². Because of an overlap between the Act of 26 January 1984 Press Law and the Civil Code, those whose freedom of speech was affected can at the same time seek protection under both acts¹³. Under the Act of 10 June 2016 on anti-terrorist operations,¹⁴ the Internal Security Agency can order the blocking or demand that the electronic open source service administrator block access to information data with no possibility for the administrator to appeal. Websites can be blocked for up to five days prior to obtaining permission, and up to 30 days after the permission is granted.

There is a repressive type of censorship in Poland, i.e. after the publication of the work (Stożek, 2014) and it includes acts such as: public insult due to national, ethnic, racial, religious affiliation or because of non-denominational status, praising or encouraging to commit a crime, promoting a fascist or other totalitarian system of the state, slander and

⁷ Act on guarantees of the freedom of conscience and religion of 17 May 1989 (Ustawa z dnia 17 maja 1989 r. Prawo o gwarancjach wolności sumienia i wyznania, Dz.U. 1989 nr 29 poz. 155 ze zm.).

⁸ Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny, Dz.U. 1997 nr 88 poz. 553 ze zm.).

⁹ Act of 23 April 1964 Civil Code (Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny Dz.U. 1964 nr 16 poz. 93 ze zm.).

¹⁰ Act of 4 February 1994 on authorship law and related rights (Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych, Dz.U. 1994 nr 24 poz. 83 ze zm.).

¹¹ Act of 26 January 1984 Press Law (Ustawa z dnia 26 stycznia 1984 r. Prawo prasowe, Dz.U. 1984 nr 5 poz. 24 ze zm.).

¹² Act of 14 December 1982 on the protection of the state and official secrets (Ustawa z dnia 14 grudnia 1982 r. o ochronie tajemnicy państwowej i służbowej, Dz.U. 1982 nr 40 poz. 271 ze zm.).

¹³ Judgement of the Supreme Court of 10 September 1999, ref. no. III CKN 939/98, OSNC 2000, No. 3.

¹⁴ Act of 10 June 2016 on anti-terrorist operations (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz. U. z 2016 r. poz. 904 ze zm.).

defamation, insulting religious feelings, public insult of the President of the Republic of Poland and other constitutional organs of the Republic of Poland.¹⁵ There are movements and campaigns that question some of these limitations e.g. 'Delete 212 of the Criminal Law Code' campaign called for the abolition of Article 212 of the Criminal Law Code, i.e. the offense of slander.¹⁶ As a general rule, however, even extreme opinions are considered within the limits of freedom of speech¹⁷. The Supreme Court in its jurisprudence requires from professionals, a level of reliability, proper collection of sources of information and verification of acquired knowledge (see e.g. IV KK 296/17). A different type of censorship applies as far as obtaining a radio or television license is concerned, which is required on the basis of Broadcasting Act of 29 December 1992.¹⁸

As in other countries, in the Polish legal system entities providing services by electronic means are responsible for monitoring information transmitted or stored. This responsibility is limited by technical possibilities of the provider. In addition, if the act has been committed outside of Poland, it must be also classified as a crime in the country where it took place. This has practical consequences. For example, after the official Polish *Red Watch* website with neo-Nazi content was closed, it reopened in Dallas and is still being updated.

The Polish statutory laws allow to freely associate (Act of 7 April 1989 Law on associations,¹⁹, Act of 6 April 1984 on foundations²⁰, and Act of 27 June 1997 on political parties²¹), but at the same time allows to eliminate those associations, political parties and organisations that violate laws e.g. promote hatred. For instance, in addition to Article 13 of the Constitution of the Republic of Poland, the provision of the Article 29(1)(3) of the Act of 7 April 1989 of the Law on associations provides that a court or the public prosecutor may dissolve an association if its activities demonstrate serious or persistent violations of the law. A similar action is possible in case of political parties. The register of parties is kept by the District Court in Warsaw. Based on the Article 14 of the Act of 27 June 1997 on political parties, if this court is in doubt whether the aims of a political party are consistent with the Constitution, it lodges a query to the Constitutional Tribunal for an evaluation of constitutionality of the purposes and activities of that political party. A similar review is possible in the case of changes in the political party's statute. If the Constitutional Tribunal finds unconstitutionality of the purposes and

¹⁵ See Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz.U. 1997 nr 88 poz. 553 ze zm.).

¹⁶ Helsinki Foundation for Human Rights, 'Delete 212 of the Criminal Law Code' campaign, available at: <https://www.hfhr.pl/podsumowanie-kampanii-wykresl-212-kk/>.

¹⁷ Similarly, European Court of Human Rights, see e.g. Kurski v. Poland (Application No. 26115/10, Judgment of 5 July 2016).

¹⁸ Broadcasting Act of 29 December 1992 (Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji Dz. U. 1993, nr 7, poz. 34 ze zm.).

¹⁹ Act of 7 April 1989 Law on Associations (Ustawa z dnia 7 kwietnia 1989 r. Prawo o stowarzyszeniach Dz. U. 1989, nr 20, poz. 104 ze zm.).

²⁰ Act of 6 April 1984 on foundations (Ustawa z dnia 6 kwietnia 1984 r. o fundacjach Dz. U. 1984, nr 21, poz. 97 ze zm.).

²¹ Act of 27 June 1997 on political parties (Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych Dz.U. 1997 nr 98 poz. 604 ze zm.).

activities of a political party, the District Court in Warsaw rejects its registration or deletes it from the register.

Minority rights are regulated in the Act of 6 January 2005 on national and ethnic minorities and regional language.²² The Act guarantees the equal protection of national and ethnic minorities. It obliges government agencies, including local ones, to take appropriate measures to promote the full and effective equality of minority groups in economic, social, political, and cultural life, as well as to protect members of minorities from discrimination, hostility, or violence. The Act does not include punitive measures against hate speech and adopts a more 'positive approach' in its prevention. In 2010 Poland also adopted Act of 3 December 2010 on equal treatment²³, which provides an exhaustive list of protected characteristics: gender, ethnic origin, nationality, religion and religious denomination, political view, disability, age, and sexual orientation. In Article 3.3. it defines harassment as 'any unwanted conduct whose aim or effect is violating the dignity of a natural person and creating around them an intimidating, hostile, degrading, humiliating or offensive atmosphere.' Based on Article 13 those affected can bring civil law claims and seek damages and/or compensation, but it was repeatedly raised on the European and international level that this regulation fails to provide effective protection to individuals who have been victims of discrimination on various grounds.²⁴

In the context of radicalization freedom of a peaceful assembly plays an important role, especially as far as 'Independence March' is concerned. The participants have engaged in hate speech, and there were even incidents of presenting racist banners. The Act of 24 July 2015 Law on Assemblies,²⁵ gave priority to cyclical assemblies and contains vague terms (e.g. events of great importance and significance for the history of Poland), which has been criticized. There are also difficulties in assigning individual responsibility and, to appropriately respond to assemblies that lose their peaceful character (Stożek, 2016). Moreover, according to the Act of 10 June 2016 on anti-terrorist operations,²⁶ if a third or fourth level state of alarm is announced, the Minister of Internal Affairs may prohibit public assemblies. There is no process of verification of the decision to declare a state of alarm.

Polish surveillance laws, when it comes to intelligence agencies, typically highly affect right to privacy, which has been criticized by political opposition and human rights organizations.²⁷ Surveillance is regulated i.a. in the Act of 24 of May 2002 on the Internal Security Agency and

²² Act of 6 January 2005 on national and ethnic minorities and regional language (Ustawa z dnia 6 stycznia 2005 r. o mniejszościach narodowych i etnicznych oraz o języku regionalnym Dz.U. 2005 nr 17 poz. 141 ze zm.).

²³ Act of 3 December 2010 on equal treatment (Ustawa z dnia 3 grudnia 2010 r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania, Dz. U. 2010 Nr 254 poz. 1700 ze zm.).

²⁴ See, e.g., the Concluding Observations of the UN Human Rights Committee on Poland, 23 November 2016; <https://www.refworld.org/docid/5975bfbb4.html>.

²⁵ Act of 24 July 2015 Law on Assemblies (Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach (Dz.U. 2015, Nr 51, poz. 1485 ze zm.).

²⁶ Act of 10 June 2016 on anti-terrorist operations (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz. U. z 2016 r. poz. 904 ze zm.).

²⁷ See e.g. Human Rights First, Poland's Anti-Terror Law Recommendations for U.S. officials attending Warsaw NATO Summit 2016, available from: <https://www.humanrightsfirst.org/resource/poland-s-anti-terror-law>.

the Foreign Intelligence Agency,²⁸ Act of 10 June 2016 on anti-terrorist operations,²⁹ Act of 6 April 1990 Police Law³⁰ and Code of Criminal Procedure.³¹

Legislative framework on (de-)radicalization

The evolution and main stages of the legal framework legislation on radicalization and deradicalization can be defined by two milestones in Polish legislation in counterterrorism. First milestone was when in 2002 the Internal Security Agency was established based on the Internal Security Agency and Foreign Intelligence Agency Act.³² The second legislative milestone was the enactment of the Act of 10 June 2016 on anti-terrorist operations,³³ which also amended 31 other acts regulating this issue.

After democratic transition in Poland, prevention of extremism had to respond to post-communist reality in which organised crime was rampant, in particular in the area of financial crime. Poland had to transform its national security system. At that time migration increased, as well as international cooperation. In 1990 the Office for State Protection ('Urząd Ochrony Państwa') was created. The office was staffed mainly by the officers who served in the communist special services i.e. 'Security Service' ('Służba Bezpieczeństwa'). Although it was supposed to be an apolitical institution, in practice it has often been accused of engaging in political disputes or being used for political purposes.

As a response Office for State Protection was liquidated, and in 2002 Internal Security Agency and Foreign Intelligence Agency were established. Based on Art. 21 of the Internal Security Agency and Foreign Intelligence Agency Act of 24 May 2002³⁴, the Internal Security Agency officers have both operational and investigative power. The same Article in par. 3 vested on

²⁸ Act of 24 of May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.).

²⁹ Act of 10 June 2016 on anti-terrorist operations (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz. U. z 2016 r. poz. 904 ze zm.).

³⁰ Act of 6 April 1990 Police Law (Ustawa z dnia 6 kwietnia 1990 r. o Policji Dz.U. 1990, Nr 30, poz. 179 ze zm.).

³¹ Criminal Procedure Code of 6 of June 1997 (Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (Dz.U. z 1997 Nr 88, poz. 555 ze zm.).

³² Internal Security Agency and Foreign Intelligence Agency Act of 24 May 2002 (Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu (Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.).

³³ Act of 10 June 2016 on anti-terrorist operations (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz. U. z 2016 r. poz. 904 ze zm.).

³⁴ Internal Security Agency and Foreign Intelligence Agency Act of 24 May 2002 (Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu (Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.).

the officers also the same investigative powers as the police has under the Code of Criminal Procedure.³⁵

In this legislative stage it was highlighted that Poland needs further legal changes to shape the Polish system of national security to a qualitatively new level (National Security Bureau, 2007). Subsequently, in 2016 Poland implemented its first counterterrorist law – Act of 10 June 2016 on anti-terrorist operations.³⁶ In this act some of the rules for undertaking anti-terrorist activities by Polish services were specified, as well as cooperation between different institutions dealing with radicalization. The Act significantly increased powers of services, which has been criticised for affecting human rights (e.g. broader access to information about citizens).³⁷

During this stage of legal framework other significant regulations with regard to violent extremism were also amended: the Act of 13 April 2016 on the safety of trade in explosives precursors³⁸, Act of 6 June 1997 Criminal Code³⁹ in the scope of strengthening the legal tools related to counteracting financing of terrorism and against foreign fighters, and the Act of 1 March 2018 on counteracting money laundering and financing of terrorism.⁴⁰

A common form that political extremism can take are hate crimes. In Poland hate speech and crimes against minority religious groups tend to increase after a terrorist attack occurs in another country. There is no legal definition of a hate crime under Polish law. Polish legal system uses definition developed by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (Karsznicki, 2012). Based on this definition any criminal act can be classified as hate crime if the victim, premises or other purpose of the crime are selected on the basis of their actual or presumed connection with a group that can be distinguished on the basis of presumed race, nationality or ethnic origin, language, colour, religion, sex, age, physical or mental disability, sexual orientation or other similar characteristics.

Bias motivation in hate crimes are gathered since 2015 in an electronic database of the Police and the Ministry of Interior and Administration. The most common crimes with bias motivation were: Art. 119 §1 of Criminal Code (hereinafter: kk) (unlawful threat), Art. 126a kk (publicly calling to destroy in full or in part, any ethnic, racial, political or religious group, or a group with a different perspective on life, Art.195 §1 kk (malicious interference with a the public performance of a religious ceremony of a church or another religious association), Art. 196 kk

³⁵ In particular see Article 312 in connection with Article 311 of the Code of Criminal Procedure (Ustawa z dnia 6 czerwca 1997 r. – Kodeks postępowania karnego (Dz.U. z 1997 Nr 88, poz. 555 ze zm.).

³⁶ Act of 10 June 2016 on anti-terrorist operations (Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych Dz. U. z 2016 r. poz. 904 ze zm.).

³⁷ See e.g. Human Rights First, Poland's Anti-Terror Law Recommendations for U.S. officials attending Warsaw NATO Summit 2016, available from: <https://www.humanrightsfirst.org/resource/poland-s-anti-terror-law>.

³⁸ Act of 13 April 2016 on the safety of trade in explosives precursors (Ustawa z 13 kwietnia 2016 r. o bezpieczeństwie obrotu prekursorami materiałów wybuchowych Dz. U. 2016 poz. 669 ze zm.).

³⁹ Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz.U. 1997 nr 88 poz. 553 ze zm.).

⁴⁰ Act of 1 March 2018 on counteracting money laundering and financing of terrorism (Ustawa z 1 marca 2018 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu Dz.U. 2018 poz. 723 ze zm.).

(offending the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites), Art. 256 §1 kk (publicly promoting a fascist or other totalitarian system of state or inciting hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination), Art. 257 kk (publicly insulting 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).⁴¹

Similarly, as on the international level,⁴² it is well-established in the Polish case law that a conviction can be made for both online and offline hate speech. Moreover, in 2014 the General Prosecutor issued Guidelines for conducting criminal proceedings in hate crimes,⁴³ which have to be followed not only by the prosecutors, but also by the police and the officers of the Internal Security Agency. Poland has ratified the Council of Europe Convention on Cybercrime, as well as its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, and some changes towards online contexts have already been executed in the Polish legislation. For example, the Criminal Law Code⁴⁴ has been amended by adding Art. 256 §2 kk: publicly promoting a fascist or other totalitarian system of state or inciting hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination through media.

Polish legislation on radicalization is guided by the punitive approach. As Poland is a country with a low risk level of a terrorist attack, there are few people observed for terrorist reasons. This is a reason why the criminal justice system does not prioritise programs aimed at integration. Prevention of radicalized action is mostly narrowed to criminalization and prosecution.

The main document that responds to radicalization and extremism is the Criminal Law Code.⁴⁵ Terrorist offence is regulated in Art. 115 par. 20 of the Code: it is an act committed with the aim of: 1) seriously terrorizing a large number of people, 2) forcing a public authority of the Republic of Poland, or another state or international organization, to take or not to take a certain course of action, 3) cause a serious disturbance in the political system or economy of the Republic of Poland or another state or international organization. A threat to commit such an act is also penalized. Other acts may involve offences against public safety regulated in Chapter XX of the Criminal Law Code (see Art. 163, 164, 165, 165a, 166, and 167). Those terrorist acts that are related with war crimes are regulated in Chapter XVI and include assaults on government representatives (Art. 134 and Art. 136). Terrorist offences are regulated also

⁴¹ Ministry of Justice, 'Informator Statystyczny Wymiaru Sprawiedliwości'. Available at: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/>. (Accessed: 1 March 2021).

⁴² See UN Human Rights Council, Resolution 20/8 on the Internet and Human Rights, A/HRC/RES/20/8, June 2012, that recognized that the 'same rights that people have offline must also be protected online'.

⁴³ General Prosecutor, Wytoczne Prokuratora Generalnego w zakresie prowadzenia postępowań o przestępstwa z nienawiści, Warszawa, dnia 26 lutego 2014 r. (ref. no. PG VII G 021/54/13).

⁴⁴ Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny, Dz.U. 1997 nr 88 poz. 553 ze zm.).

⁴⁵ Id.

in other acts. For example, the 2011 amendment to the Act of 3 July 2002 Aviation Law⁴⁶ introduced in Article 2 the definition of the term 'act of unlawful intervention in civil aviation', which specified its meaning to include also an attack of a terrorist character.

In order to prevent terrorism and extremism relevant institutions have powers and competences, and some of them have special powers. The use of these powers may sometimes collide with constitutional civil rights and freedoms. In extreme circumstances a state of emergency⁴⁷ may be introduced, which may involve severe restrictions of freedom and human and civil rights. In regular circumstances organs that prevent extremism use their powers based on the Code of Criminal Procedure⁴⁸ (hereinafter: kpk) such as: interrogation (Art. 177 kpk), search and seizure (Art. 217 kpk) or bodily examination (Art. 207 kpk). Commonly used in investigative work is the right to demand the necessary assistance from state institutions, government administration and local government bodies as well as entrepreneurs providing services of general interest (Art. 15 § 2 kpk). In responding to terrorism special legal instruments might be employed such as: undercover agents, special investigating methods, sting operations etc. Competences of the Agency of Interior Security were further increased in Act of 13 May 2011 amending the Act of 29 November 2000 Atomic Law⁴⁹ giving the officers of the Agency the right to carry out inspections at nuclear power plants. The combating of terrorism financing is regulated in the Act of 1 March 2018 on counteracting money laundering and financing of terrorism⁵⁰ with regards to the standards for the prevention procedures.

Paradigmatic case-law on radicalization

Some of the cited above legal provisions have been clarified in paradigmatic case-law on radicalization. Poland is a civil law country, but lower courts tend to follow higher courts' decisions. Case-law of international courts and international standards are typically not revoked. With regards to hate crimes, the National Council of the Judiciary specified that the

⁴⁶ Act of 3 July 2002 Aviation Law (Ustawa z dnia 3 lipca 2002 r. Prawo lotnicze, Dz.U. 2002 nr 130 poz. 1112 ze zm.).

⁴⁷ Act of 29 August 2002 on Martial law and on the competences of the Supreme Commander of the Armed Forces and the rules of his subordination to the constitutional organs of the Republic of Poland (Ustawa z dnia 29 sierpnia 2002 r. o stanie wojennym oraz o kompetencjach Naczelnego Dowódcy Sił Zbrojnych i zasadach jego podległości konstytucyjnym organom Rzeczypospolitej Polskiej Dz. U. 2002 Nr 156, poz. 1301 ze zm.); Act of 21 June 2002 on the emergency state (Ustawa z dnia 21 czerwca 2002 r. o stanie wyjątkowym Dz. U. 2002 Nr 113, poz. 985 ze zm.).

⁴⁸ Criminal Procedure Code of 6 of June 1997 (Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (Dz.U. z 1997 Nr 88, poz. 555 ze zm.).

⁴⁹ Act of 29 November 2000 Atomic Law (Ustawa z dnia 29 listopada 2000 r. Prawo atomowe Dz.U. 2001 Nr 3 poz. 18 ze zm.).

⁵⁰ Act of 1 March 2018 on counteracting money laundering and financing of terrorism (Ustawa z dnia 1 marca 2018 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu Dz.U. 2018 poz. 723 ze zm.).

courts need to follow general provisions of the Criminal Code with regards to the character of crime, circumstances of the crime, as well as intent and motivation of the perpetrator.⁵¹

In the Polish legal system, it is not punishable to identify with a radical subculture or have views that accept the totalitarian system of the state, or views that accept national, racial, religious hatred (Judgment of the Appellate Court in Wrocław of March 7, 2013, ref. no II AKa 398/12). The condition for the criminality is expressing those views in public. The Supreme Court clarified definition of incitement to hatred as 'statements of this type that evoke feelings of strong aversion, anger, lack of acceptance, even hostility towards individual people or entire social or religious groups, or due to the form of expression, maintain and intensify such negative attitudes and thus emphasize the privilege, superiority of a specific nation, group ethnicity, race or religion' (Decision of the Supreme Court of 5 February 2007, ref. no. IV KK 406/06). Regional Court in Białystok further specified that incitement to hatred on the basis of national, ethnic and racial differences should be understood as 'inciting, spreading hatred, strong dislike, hostility, anger, non-acceptance, and even feelings of rage' (Judgment of 30 June 2016, ref. no VIII Ka 157/16).

The Supreme Court left no doubt that the formulation 'propagating totalitarian system of state' refers to both online and offline context (Resolution of the Supreme Court of 28 March 28, 2002, ref. no I KZP 5/02). However, there is an inconsistency in the jurisprudence about the use of symbolism (cf. the judgment of the Court of Appeals in Katowice of August 4, 2005, II AKa 251/05, where wearing jackets with patches on the sleeves and collars depicting the swastika, does not fulfil features of the criminal offence with the judgment of the District Court in Brzeziny, II K 242/18, the armband with swastika placed on the left sleeve of the jacket was considered such an offence). The case-law also indicated that there is a need to raise awareness among the public about justifying restrictions on freedom of expression (see e.g. judgment of the Regional Court in Wrocław of 3 April 2017, ref. no IV Ka 222/17, judgment of the Court of Appeals in Katowice of 24 September 2013, ref. no. II AKa 301/13). It is not clear what is the impact of this case-law on the legal and policy framework and there is no evidence as to whether the judgments are being followed by the law enforcement.

⁵¹ National Council of the Judiciary, Opinion of the National Council of the Judiciary of 14 October 2016, GMS-WP-173-213/16, available at: [http://orka.sejm.gov.pl/Druki8ka.nsf/0/92A49B71D291ABF3C125805A004C4D5B/\\$File/878-001.pdf](http://orka.sejm.gov.pl/Druki8ka.nsf/0/92A49B71D291ABF3C125805A004C4D5B/$File/878-001.pdf)

5. Policy and institutional framework in the field of (de-)radicalization

In Poland constitutional issues of religious freedom, freedom of expression, freedom of association did not undergo an important evolution since the democratic transition. There is no one particular dedicated body that would protect minorities from violations of their fundamental rights, and often responsibility to tackle those issues is allocated to different institutions. This is problematic in terms of creating policy frames to properly respond to violations of fundamental rights both by the extremist organizations or by the state. Protection of those rights, if their violations constitute hate crimes, lies mostly with the police. A 'hate crime' refers to both an act of physical violence, as well as speech. Hate speech is also prosecuted, because the dissemination of ideas of racial superiority and incitement to violence is universally considered to be a contributor to violent conflicts. In preventing those violations, the police forces located in the local level cooperate with the National Police Headquarters. Local police prepare monthly reports on hate crimes that are evaluated on the government level. In addition, the Cybercrime Department at the National Police Headquarters monitors the internet websites for hate speech. There are also NGOs monitoring and collecting information on hate crimes, but there is little official cooperation between the third sector and the police.

A severe weakness of Polish approach to radicalization and de-radicalization is that the governance is scattered among different institutional bodies, which have been listed in Appendix 2 with their area of competence. It ranges from institutions such as Ministry of Justice, Polish Armed Forces, Ministry of Interior Affairs, Border Guard, Prison Management Office, National Security Bureau, General Inspector of Financial Information, Government Protection Bureau, Prison Management Office, Government Centre for Security and other bodies. Extremism is countered on central, regional and local levels. For example, the Office for Anti-Terrorist Operations ('Biuro Operacji Antyterrorystycznych') of the Police Headquarters in Warsaw operates on the governmental level, the Regional Police Headquarters have their own Anti-Terrorist Units, while on a local level Independent Anti-Terrorist Sub-Units ('Samodzielne Pododdziały Antyterrorystyczne') operate.

Currently, the main agent that is responsible for prevention of terrorism and extremism is the Internal Security Agency. The Agency was created, together with the Foreign Intelligence Agency ('Agencja Wywiadu'), on 24 May 2002 based on the Internal Security Agency and Foreign Intelligence Agency Act of 24 May 2002⁵². While the role of the Internal Security Agency is to gather and analyse intelligence within the country, Foreign Intelligence Agency is gathering information from the abroad. The Agency is supervised by a number of institutions that include i.a. the President, the Parliament, the Constitutional Court and the Commissioner for Human Rights. As mentioned in the previous section policy implementation as well as national legal framework are criticized for giving too much power to the services and affecting

⁵² Act of 24 of May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.).

individual rights.⁵³ The use of these powers includes also use of technology for detecting radicalization: for example operational control of mobile communication for an individual number of the telephone (IMEI), tracking the spectrum of telecommunications frequencies or any other technological information that can be obtained (Gładysz, 2018).

The Internal Security Agency has a special unit – the Terrorism Prevention Centre of Excellence ('Centrum Prewencji Terrorystycznej', hereinafter CPT ABW) – whose role is to coordinate the exchange of information among the services and prevent terrorism. The Center runs currently the following de-radicalization programs: POWER 'Increasing the competences of the state security services, employees of public administration and research and development centres and the development of their cooperation in the area of national security', and INDEED 'Strengthening comprehensive approach to preventing and counteracting radicalisation based on evidence-based model for evaluation of radicalisation prevention' which aims to strengthen the skills of social workers, education workers, representatives of law enforcement agencies, prison service, probation officers and decision-makers in the assessment of the effectiveness of preventive actions.⁵⁴ All de-radicalization programs are included in Appendix 3.

De-radicalization projects are also run by NGOs. The most important NGO in the field is the Institute of Social Safety which works mostly in secondary prevention – with people at risk. For example, the project 'Do one brave thing' aims to identify the warning signs of radicalization and challenge them among peers and community.⁵⁵ Similarly, the project 'We make young people in Poland immune to radicalization and extremism' provides training for young people in opposing radicalization among family and friends, and equips with the knowledge and skills to recognize the process of radicalization and violent extremism.⁵⁶ Another project PRECOBIAS 'Prevention of Youth Radicalisation Through Self-Awareness on Cognitive Biases', teaches how acceptance of extremist content is possible through cognitive errors such as the authority effect, confirmation effect, group effect and other.⁵⁷

Secondary prevention programs in Poland tend to focus on a specific group which is particularly prone to right-wing radicalization – football fans. These projects are carried out by the government, NGOs and even football fans themselves. For example, the project 'Football Fans Together' ('Kibice Razem') promotes positive initiatives among football fans against xenophobia, violence, racism and intolerance.⁵⁸ The project was commissioned by the Minister of Sport and Tourism and it has already 18 local branches. 'Etnoliga' is another initiative of football fans developed by the 'Foundation for Freedom.' It is a community of football players who would like to play sport in an environment that is free from racism, sexism

⁵³ See e.g. Human Rights First, Poland's Anti-Terror Law Recommendations for U.S. officials attending Warsaw NATO Summit 2016, available from: <https://www.humanrightsfirst.org/resource/poland-s-anti-terror-law>.

⁵⁴ CPT ABW website: <https://tpcoe.gov.pl>.

⁵⁵ The Institute of Social Safety website: <https://www.fundacjaibs.pl/do-one-brave-thing/>.

⁵⁶ The Institute of Social Safety website: <https://www.fundacjaibs.pl/projektu-w-ramach-funduszu-obywatelskiego/>.

⁵⁷ The Institute of Social Safety website: <https://www.fundacjaibs.pl/projekt-ue-precobias/>.

⁵⁸ <https://kibice-razem.pl/>.

and homophobia.⁵⁹ Similarly, 'Let's Kick Racism out of Football Stadiums' ('Wykopmy Rasizm ze Stadionów'), initiated in 1996 by 'Never Again' Association, promotes anti-racist attitudes. It is described in detail in the next section as a Case Study 2.

Primary prevention programs are carried out particularly in those parts of Poland where national minorities reside and which are specially affected with xenophobia. Often, those local projects involve cooperation between the government, local municipalities and third sector. There are, for example, programs such as 'Partnership for Active Estates' ('Partnerstwo na Rzecz Aktywnego Osiedla') which teaches local residents and children about national minorities through integration meetings, sport and culinary events. Other primary prevention programs include teaching empathy and opposition to racism and xenophobia such as project 'Refugees — my neighbours', that started in 2012 by Polish Migration Forum, or 'From tolerance to integration' that fosters intercultural relations in places where refugee centres operate.⁶⁰ Other primary prevention projects are directed to students and include moral education, multicultural education, teaching about creating positive relations with other people, incorporating elements such as naming and accepting feelings, controlling emotions and managing verbal and physical aggression. These programs are geared towards different age groups, from nursery to high school students.

⁵⁹ <https://www.etnoliga.org/en/>.

⁶⁰ <https://integrujemy.wordpress.com/about/>.

6. Case Studies

Case Study 1

De-radicalization in the prison system⁶¹

One of the critical institutions that need to respond to radicalization by carrying de-radicalization is the prison system. In the Polish prison system there are currently prisoners serving sentences who are highly radicalised and even those who committed acts of terrorism of various kinds. The Polish prison system systematically works towards responding to the issue of de-radicalization. As the phenomenon of radicalization is changing, the Central Prison Management is collaborating with relevant institutions. The prison staff regularly participates in trainings on terrorist prevention organized, among others, by the Terrorist Prevention Centre of the Internal Security Agency, but also at different trainings and conferences (national and international) on preventing and counteracting radicalization and violent extremism.

In the field of de-radicalization the Prison Service performs its tasks in accordance with the Act of 6 June 1997 - Executive Penal Code⁶² and the Act of 9 April 2010 on the Prison Service.⁶³ The Code does not separate persons deprived of their liberty for offenses related to terrorist activity, so no separate procedures are applied towards radicalized inmates. Activities towards those inmates follow the same procedures as those for the general population of prisoners, which include: rehabilitation, organizing work conducive to acquiring professional qualifications, cultural and social activities, education, classes in the field of physical culture and sports. Those perpetrators that need it, receive specialized therapeutic help such as alcohol or drug therapy or psychiatric treatment.

The Polish Executive Penal Code is particularly suited for carrying de-radicalization activities. The main objective of the execution of the penalty of deprivation of liberty is based on the premise of rehabilitation, and not isolation. According to the Article 67 of the Executive Penal Code purpose of imprisonment is 'to arouse in the convict the will to cooperate in shaping his socially desirable attitudes, in particular a sense of responsibility and the need to respect legal order and thus refraining from returning to the offense.' Of course, fulfilling this aim – permanently changing personality of prisoners, their attitudes towards society and law and their social readaptation and reintegration – requires systematic interventions tailored to individual needs.

In fulfilment of this requirement, the penitentiary activities undertaken by the Prison Service are individualized and adapted according to the diagnosed deficits constituting the cause of why the convict entered into conflict with the law. For example, in the context of radicalized inmates, there is a number of programs that aim to prevent aggressive and self-aggressive behaviours such as: psycho-corrective programs, constructive coping with negative emotions,

⁶¹ Information on de-radicalization in Polish prisons is not available, and this case study has been prepared based on information received from Lieutenant Colonel Beata Adamczewska from the Central Prison Management.

⁶² Act of 6 June 1997 Criminal Executive Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny wykonawczy Dz.U. 1997 nr 90 poz. 557 ze zm.).

⁶³ Act of 9 April 2010 on Prison Service (Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej Dz.U. 2010 nr 79 poz. 523 ze zm.).

and workshops that help to deal with stress. One project – Aggression Replacement Training is directed for those inmates who have committed a violent crime. The program is implemented in three modules implemented alternately: social skills training, anger control training, moral reasoning training. In 2020 Polish penitentiary units carried out 303 cycles of Aggression Replacement Training in which 2,597 convicts took part. A similar project for preventing aggressive behaviour is based on the Duluth model (most common model of violence prevention), and another project – ‘Stop Violence – Second Chance Program’ follows the same idea. Both programs focus on understanding violence as learned behaviour that is socially shaped and culturally strengthened. Their goal is to reduce violent behaviour among participants, take responsibility for one’s actions and to learn to deal with difficult situations in a non-violent manner. Program Duluth consists of 2 individual and 24 group sessions. In 2020 Polish prison system conducted 58 cycles of the program, in which 506 inmates participated, and 86 cycles of the ‘Stop Violence – Second Chance Program’, in which 603 inmates participated. In addition, prisons and pre-trial detention centres carry out programs preventing violence, which are created by the penitentiary staff of individual penitentiary units.

Prisoners may also participate at workshops helping them with their mental health (with the use of selected relaxation techniques), and educational projects about law or health. Preparing for life after leaving the penitentiary institution, such as helping prisoners to find a job and possibility to participate at vocational training are further important features of the Polish rehabilitative approach. Apart from the group programs, prisons conduct individual interventions aimed at providing information or emotional support. Penitentiary psychologists also conduct individual consultations.

Although the Polish system does not have a specific program for radicalized inmates, because of other existing projects such as Aggression Replacement Training, Duluth or ‘Stop Violence – Second Chance Program’, as well as a range of individual interventions and projects carried out in individual prisons, it can respond to the needs of those prisoners who are alienated and prone to polarisation. However, the problem of the effectiveness of prison programs in terms of reducing the level of return of convicts to crime remains. Needless to say, the Polish Supreme Audit Office noted that the rehabilitation programs carried out in Polish prisons, although they contain all formal elements, are of poor quality – out of 93% of the evaluated programs, 39 were found to lack correct assessments, methods and tools for measuring their effectiveness (Supreme Audit Office, 2014). The lack of quality needs to be still addressed by the Polish prison system to properly respond to the needs of radicalized inmates and prevent their return to crime.

Case Study 2

De-radicalization in the football stadiums

Radicalization in the Polish context is connected with the community of Polish football fans/hooligans. As in other countries, also in Poland, skinhead subculture played an important role in the creation of the hooligan groups. The differences between football fans, ultras, hooligans and criminal gangs are sometimes difficult to capture. Criminal gangs might use the football club as a way to recruit members. Hooligans, when they come to a football game, are generally not interested in the result of the game and do not cheer their team. Instead, they focus on organizing and provoking clashes with the hooligans of the opposing teams. Football stadiums are also used to promote nationalist, racist, xenophobic, anti-Semitic views, and to promote totalitarian regimes (Jurczak and Duda, 2010). These views are shouted during games or presented on the banners. According to the 'Never Again' Association, whose aim is to prevent xenophobia and intolerance, racism is not only a problem among hooligans. It affects also the players, managers, referees, and coaches⁶⁴. Groups of football fans regularly participate in 'Independence Marches' that take place every year on 11th of November. During the marches not only radical, but also xenophobic speech is present.

There are several important initiatives to 'de-radicalize' football stadiums. Signing a declaration 'No for racism in sport' by various sports clubs under the auspices of the Ministry of Sport was an important step forward. In this declaration racism was not only condemned, but also specific measures have been implemented. For example, people who possess or distribute racist, antisemitic and xenophobic symbols, banners and leaflets are denied access to sports facilities. Another important project 'Let's Kick Racism out of Football Stadiums' ('Wykopmy Rasizm ze Stadionów') was initiated in 1996 by 'Never Again' Association.

The campaign is addressed to fans, players, coaches, referees, sports activists and journalists.⁶⁵ It promotes anti-racist attitudes among football fans by removing, in collaboration with the Polish Football Association, fascist and racist symbolism from stadiums. The project aims to popularize positive cheering and remove flags, banners, chants, shouts and slogans that are discriminatory. So far, since 2009, in collaboration with the UEFA, the project coordinated anti-racist educational activities related to the preparations for Euro 2012 in Poland and Ukraine, and throughout the Eastern European region. Moreover, the project regularly monitors racist incidents and publishes anti-fascist magazine for football fans. Working together with the media, the project organizes conferences and workshops, and even released a CD with songs about combating racism in the stadiums and a DVD with educational materials. Other notable initiatives of this project include the development, together with the Polish Football Association, of rules for fighting racist and neo-fascist symbolism at Polish stadiums and a training brochure for referees, football activists and journalists entitled 'Racist symbols'.

The Association 'Never Again' has also co-established a network, *Football Against Racism in Europe* (FARE), (<https://www.farenet.org/>), whose aim is to prevent discrimination in football in all its forms: racism, sexism, homophobia and nationalism. In 2002 FARE received a *Free Your Mind* award for promotion of social ethics by MTV Europe. Because of the growing

⁶⁴ <https://www.nigdywiecej.org/o-nas/nasze-inicjatywy/wykopmy-rasizm-ze-stadionow>

⁶⁵ Id.

problem of radicalization and xenophobia in football and its impact on the rest of the society, more effort and initiatives such as project 'Let's Kick Racism out of Football Stadiums' are necessary.

7. Conclusion

The most important fundamental values that define the identity of democratic societies include: rule of law, human and civil rights, the division of powers into legislative, executive and independent judiciary, freedom to choose one's worldview, religion, freedom of association and freedom of political parties. Fundamental freedoms play an important role in countering radicalization responses. Citizens need to be able to engage with the society, rather than be excluded from it and have appropriate means to express their grievances through free media, right to associate, or to peacefully assemble.

As this report shows the Polish legal and policy framework needs to be improved to appropriately respond to radicalization and de-radicalization. There is little research available on the topic, but the available information indicate that the legal framework does not fully comply with international human rights standards. While Poland is a country of low risk of terrorism, as far as radicalization is concerned, hate crimes are an issue of pressing concern. There should be state campaigns to raise awareness, including expanding the training available for law enforcement officers, prosecutors and judges. At present, it seems that state institutions do not consider hate crimes as an issue of importance. The existing protections are limited and often ineffective. Charges in hate speech might be dropped because the incidents are based on the argument that the social harm caused by them is low. The courts, while suspending the execution of imposed penalties, should consider imposing criminal measures such as an obligation to refrain from being in specific environments or places or obligation to work for social purposes, e.g. for the community the perpetrator's act was directed against. However, the problem of hate speech cannot be solved solely by means of criminal repression. It is foremost important to raise awareness and support educational activities in cooperation with civil society.

Another issue is the functioning of state institutions responsible for the prevention of radicalization. The expanding powers of services and police may result in an increased opposition against the government and act as a prompt for violent extremist actions. To be fully effective there needs to be a level of transparency and collaboration between various bodies involved in preventing radicalization, including cooperation with non-governmental organizations and the media. Furthermore, more research is needed on the role of the state and in particular on the impact of the constitutional crisis on radicalization.

List of Cases

Constitutional Tribunal

Judgment of September 21, 2015 K 28/13

Ruling of 20 April 1993 U 12/92

Judgment of 21 October 1998, K 24/98

Judgment of 7 April 2003 P 7/02

Judgment of 24 February 2004 K 54/02

Judgment of 20 April 2004, K 45/02

Judgment of 20 June 2005, K 4/04

Judgment of 20 March 2006, K 17/05

Judgment of 2 December 2009, U 10/07

Judgment of 30 July 2014, K 23/11

Judgment of 10 December 2014 K 52/13

Judgment of 14 December 2017, K 17/14

Supreme Court

Judgment of 10 September 1999, ref. no. III CKN 939/98

Judgment of 10 September 1999, ref. no. III CKN 939/98

Decision of 5 February 2007, ref. no. IV KK 406/06

Decision of 5 February 2007, ref. no. IV KK 406/06

Regional Administrative Courts

Judgment of the Administrative Court in Warsaw of June 13, 2011, II SAB / Wa 64/11

Decision of the Administrative Court in Gdańsk of March 12, 2018, III SA/Gd 121/18

Decision of the Administrative Court in Poznań of April 3, 2018, II SA / Po 225/18

Courts of Appeal

Judgment of the Court of Appeal in Wrocław of March 7, 2013, II AKa 398/12

Judgment of the Court of Appeal in Katowice of August 4, 2005, II AKa 251/05

Judgment of the Court of Appeal in Katowice of 24 September 2013, ref. no. II AKa 301/13

Judgment of the Court of Appeal in Warsaw of 30 May 2018, II AKa 432/17.

Annexes

Annex I: Overview of the legal framework on radicalization & de-radicalization

Legislation title (original and English) and number	Date	Type of law (i.e. statute, regulation, rule, etc...)	Object/summary of legal issues related to radicalization	Link/PDF
Law on the Counter-Terrorism Operations of 10 June 2016 Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz. U. z 2016 r. poz. 904 ze zm.).	10 June 2016	Statute	Counterterrorism	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160000904
Act of 24 of May 2002 on the Internal Security Agency and the Foreign Intelligence Agency Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu (Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.).	24 May 2002	Statute	Internal Security Agency and the Foreign Intelligence Agency activities in counterterrorism	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20020740676
Criminal Law Code of 6 of June 1997 Ustawa z dnia 6 czerwca 1997 r. Kodeks karny (Dz. U. 1997 Nr 88, poz. 553 ze zm.)	6 June 1997	Statute	Regulates terrorist offences	http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970880553
Criminal Procedure Code of 6 of June 1997 Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (Dz.U. z 1997 Nr 88, poz. 555 ze zm.)	6 of June 1997	Statute	Regulates terrorist operations	http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970890555
Act on the Military Counterintelligence Service and the Military Intelligence Service of 9 June 2006 Ustawa z dnia 9 czerwca 2006 r. o Służbie Kontrwywiadu Wojskowego oraz Służbie Wywiadu Wojskowego (Dz. U. 2006 Nr 104, poz. 709 ze zm.)	9 June 2006	Statute	Military activities in counterterrorism	http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20061040709&type=3

<p>Act of 6 April 1990 on the Police</p> <p>Ustawa z dnia 6 kwietnia 1990 r. o Policji (Dz. U. 1990 Nr 30, poz. 179 ze zm.)</p>	6 April 1990	Statute	Police activities in counterterrorism	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19900300179
<p>Act of 29 August 2002 on Martial law and on the competences of the Supreme Commander of the Armed Forces and the rules of his subordination to the constitutional organs of the Republic of Poland</p> <p>Ustawa z dnia 29 sierpnia 2002 r. o stanie wojennym oraz o kompetencjach Naczelnego Dowódcy Sił Zbrojnych i zasadach jego podległości konstytucyjnym organom Rzeczypospolitej Polskiej. (Dz. U. 2002 Nr 156, poz. 1301 ze zm.)</p>	29 August 2002	Statute	Martial law	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20021561301
<p>Act of 21 June 2002 on the emergency state</p> <p>Ustawa z dnia 21 czerwca 2002 r. o stanie wyjątkowym (Dz. U. 2002 Nr 113, poz. 985 ze zm.)</p>	21 June 2002	Statute	State of emergency	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20021130985
<p>Act of 24 August 2001 on the Military Police and the Military Law Enforcement Bodies</p> <p>Ustawa z dnia 24 sierpnia 2001 r. o Żandarmerii Wojskowej i wojskowych organach porządkowych (Dz. U. 2001 Nr 113, poz. 1353 ze zm.)</p>	24 August 2001	Statute	Military Police and the Military Law Enforcement Bodies competences in counterterrorism	http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011131353
<p>Act of 13 April 2016 on the safety of trade in explosives precursors</p> <p>Ustawa z 13 kwietnia 2016 r. o bezpieczeństwie obrotu prekursorami materiałów wybuchowych Dz. U. 2016 poz. 669 ze zm.</p>	13 April 2016	Statute	Trade in explosives precursors	http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160000669

<p>Act of 1 March 2018 on counteracting money laundering and financing of terrorism</p> <p>Ustawa z 1 marca 2018 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu Dz.U. 2018 poz. 723 ze zm.</p>	<p>1 March 2018</p>	<p>Statute</p>	<p>Counteracting financing of terrorism</p>	<p>https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU2018000723</p>
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CASE LAW

Case number	Date	Name of the court	Object/summary of legal issues related to radicalization	Link/PDF
K 45/02, OTK-A200 4/4/30	20 April 2004	Constitutional Tribunal	Internal Security Agency officers' investigative powers	https://sip.lex.pl/#/jurisprudence/520201144/1?directHit=true&directHitQuery=K%2045~2F02
K 17/14, OTK-A 2018/4	14 December 2017	Constitutional Tribunal	Internal Security Agency officers' investigative powers	https://sip.lex.pl/#/jurisprudence/522501035/1?directHit=true&directHitQuery=K%2017~2F14
IV KK 406/06	5 February 2007	Supreme Court	Clarification of the definition of incitement to hatred	https://sip.lex.pl/#/jurisprudence/520339003/1?directHit=true&directHitQuery=IV%20KK%20406~2F06
I KZP 5/02	28 March 2002	Supreme Court	Propagating totalitarian system of state' refers to both online and offline contexts	https://sip.lex.pl/#/jurisprudence/520145418/1?directHit=true&directHitQuery=I%20KZP%205~2F02
VIII Ka 157/16	30 June 2016	Regional Court in Białystok	Clarification of the definition of incitement to hatred	https://sip.lex.pl/#/jurisprudence/522201580/1?directHit=true&directHitQuery=VIII%20Ka%20157~2F16
IV Ka 222/17	3 April 2017	Regional Court in Wrocław	Importance of general prevention in punishing hate speech	https://sip.lex.pl/#/jurisprudence/522389578/1?directHit=true&directHitQuery=IV%20Ka%20222~2F17
II AKa 301/13	24 September 2013	Appellate Court in Katowice	Hate speech needs to include public exhortation of other people to feel and perpetuate negative emotions, aversion and hostility	https://sip.lex.pl/#/jurisprudence/521515984/1/ii-a-ka-301-13-realizacja-znamion-przestepstwa-zniewazenia-i-nawolywania-do-nienawiscina-tle...?keyword=II%20AKa%20301~2F13&cm=SREST

OTHER RELEVANT ISSUES

	Constitutional provisions	Statutory law (statues, rules, regulations etc.)	Important case law	Comments/issues relevant to radicalization
Freedom of religion and belief	Article 53 of the Constitution	<p>Act on guarantees of the freedom of conscience and religion of 17 May 1989 (Ustawa z dnia 17 maja 1989 r. Prawo o gwarancjach wolności sumienia i wyznania Dz.U. 1989 nr 29 poz. 155 ze zm.)</p> <p>Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz.U. 1997 nr 88 poz. 553 ze zm.)</p> <p>Act of 23 April 1964 Civil Code (Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny, Dz.U. 1964 nr 16 poz. 93 ze zm.)</p>	<p>Ruling of the Constitutional Tribunal of 20 April 1993 U 12/92</p> <p>Judgment of the Constitutional Tribunal of 10 December 2014 K 52/13</p>	Freedom of conscience and the freedom to accept and profess religion have an absolute dimension, but the freedom to manifest religion may be limited e.g. in case of a terrorist threat.
Minority rights	Article 35, 32 and 60 of the Constitution	Act of 6 January 2005 on national and ethnic minorities and regional language (Ustawa z dnia 6 stycznia 2005 r. o mniejszościach narodowych i etnicznych oraz o języku regionalnym Dz.U. 2005 nr 17 poz. 141 ze zm.).	Judgment of the Constitutional Tribunal of September 21, 2015 K 28/13	Minorities are protected from discrimination, hostility, or violence

		Act of 3 December 2010 on equal treatment (Ustawa z dnia 3 grudnia 2010 r. o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania, Dz. U. 2010 Nr 254 poz. 1700 ze zm.).		
Freedom of expression	Article 54, 14, and 73 of the Constitution	<p>Act of 26 January 1984 Press Law (Ustawa z dnia 26 stycznia 1984 r. <i>Prawo prasowe</i>, Dz.U. 1984 nr 5 poz. 24 ze zm.)</p> <p>Act of 6 June 1997 Criminal Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz.U. 1997 nr 88 poz. 553 ze zm.)</p> <p>Act of 23 April 1964 Civil Code (Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny, Dz.U. 1964 nr 16 poz. 93 ze zm.)</p> <p>Act of 4 February 1994 on authorship law and related rights (Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych, Dz.U. 1994 nr 24 poz. 83 ze zm.)</p>	<p>Judgment of the Supreme Court of 10 September 1999, ref. no. III CKN 939/98, OSNC 2000, No. 3.</p> <p>Decision of the Supreme Court of 5 February 2007, ref. no. IV KK 406/06</p>	Repressive type of censorship in Polish law includes i.a. praising or encouraging to commit a crime, or promoting a fascist or other totalitarian system of the state.

		<p>Act of 14 December 1982 on the protection of the state and official secrets (Ustawa z dnia 14 grudnia 1982 r. o ochronie tajemnicy państwowej i służbowej, Dz.U. 1982 nr 40 poz. 271 ze zm.)</p> <p>Broadcasting Act of 29 December 1992 (Ustawa z dnia 29 grudnia 1992 r. o radiofonii i telewizji (Dz. U. 1993, nr 7, poz. 34 ze zm.).</p>		
Freedom of assembly	Article 57 of the Constitution	<p>Act of 24 July 2015 Law on Assemblies (Ustawa z dnia 24 lipca 2015 r. Prawo o zgromadzeniach (Dz.U. 2015, Nr 51, poz. 1485 ze zm.).</p>	<p>Judgment of the Constitutional Court of 28 June 2000, K 34/99, (OTK 2000, Nr 5, poz. 142).</p> <p>Polish Supreme Court Judgment of 5 January 2011 (III RN 38/00)</p> <p>Judgment of the Supreme Administrative Court of 25 May 2006, I OSK 329/06.</p>	<p>According to the Act of June 10, 2016 on anti-terrorist activities, assemblies might be prohibited if a third or fourth level state of alarm is announced.</p>

<p>Freedom of association</p>	<p>Article 12, 58, 59 of the Constitution</p>	<p>Act of 7 April 1989 Law on Associations (Ustawa z dnia 7 kwietnia 1989 r. Prawo o stowarzyszeniach Dz. U. 1989, nr 20, poz. 104 ze zm.).</p> <p>Act of 6 April 1984 on foundations (Ustawa z dnia 6 kwietnia 1984 r. o fundacjach Dz. U. 1984, nr 21, poz. 97 ze zm.).</p> <p>Act of 27 June 1997 on political parties (Ustawa z dnia 27 czerwca 1997 r. o partiach politycznych Dz.U. 1997 nr 98 poz. 604 ze zm.).</p>	<p>Judgment of the Constitutional Tribunal of 24 February 2004 K 54/02</p> <p>Judgment of the Constitutional Tribunal of 7 April 2003 P 7/02</p>	<p>Those associations, political parties and organisations that promote hatred or extremism might be dissolved.</p>
<p>Hate speech/crime</p>	<p>Article 13 of the Constitution</p>	<p>Criminal Law Code (Ustawa z dnia 6 czerwca 1997 r. Kodeks karny Dz. U. 1997 Nr 88, poz. 553 ze zm.).</p>	<p>Decision of the Administrative Court in Poznań of April 3, 2018, II SA / Po 225/18</p> <p>Decision of the Administrative Court in Gdańsk of March 12, 2018, III SA/Gd 121/18</p> <p>Judgment of the Administrative Court in Warsaw of</p>	<p>Polish legal system uses definition of a hate crime developed by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (ODIHR OSCE)</p>

			June 13, 2011, II SAB / Wa 64/11	
Church and state relations	Article 25 of the Constitution	Concordat of 10 February 1925 (Konkordat pomiędzy Stolicą Apostolską a Rzeczpospolitą Polską, podpisany w Rzymie dnia 10 lutego 1925 r., ratyfikowany zgodnie z ustawą z dnia 23 kwietnia 1925 r. Dz.U. 1925 nr 72 poz. 501)	Judgment of the Constitutional Court of 2 December 2009, U 10/07	Freedom of religion and belief is guaranteed, but the Catholic Church has a dominant position in the faith structure, both factually and within the law (see e.g. concordat)
Surveillance laws	Article 7 of the Constitution	Act of 24 of May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu (Dz. U. z 2010 r. Nr 29, poz. 154 ze zm.). Act of 6 April 1990 Police Law (Ustawa z dnia 6 kwietnia 1990 r. o Policji Dz.U. 1990, Nr 30, poz. 179 ze zm.).	Judgment of the Constitutional Tribunal dated 20 April 2004, K 45/02 Judgment of the Constitutional Tribunal of 14 December 2017, K 17/14	Surveillance laws should be characterized by due correctness, precision and clarity.

<p>Right to privacy</p>	<p>Article 47, 48, 49, 50 and 51 of the Constitution</p>	<p>Act of 29 August 1997 on the protection of personal data (Ustawa z dnia 29 sierpnia 1997 r. o ochronie danych osobowych, tekst jednolity Dz.U. z 2002 r. Nr 101, poz. 926 ze zm.)</p> <p>Criminal Procedure Code of 6 of June 1997 (Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego Dz.U. z 1997 Nr 88, poz. 555 ze zm.)</p>	<p>Judgment of the Constitutional Tribunal of 21 October 1998, K 24/98</p> <p>Judgment of the Constitutional Tribunal of 20 March 2006, K 17/05</p> <p>Judgment of the Constitutional Tribunal of 20 June 2005, K 4/04</p> <p>Judgment of the Constitutional Tribunal of 30 July 2014, K 23/11</p>	<p>Surveillance laws need to be amended to properly protect the right to privacy.</p>
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Annex II List of institutions dealing with (de-)radicalization

Authority	Tier of government	Type of organization	Area of competence in the field of radicalization & deradicalization	Link
Internal Security Agency Agencja Bezpieczeństwa Wewnętrznego	National	Government	Main actor in Poland responsible for prevention of internal political violence.	https://www.tpcoe.gov.pl/
Foreign Intelligence Agency Agencja Wywiadu	National	Government	Gathers intelligence in other countries	https://aw.gov.pl/
Military Counterintelligence Service and the Military Intelligence Service Służba Kontrwywiadu Wojskowego oraz Służba Wywiadu Wojskowego	National	Government	Military special services	http://www.sww.gov.pl
Office of Terrorist Operation at the Central Police Headquarters Centralny Oddział Kontrterroryst	National	Government	Coordination of counterterrorism of the police forces	https://policja.pl/pol/boa

yczny Policji 'BOA'				
Ministry of National Defence Ministerstwo Obrony Narodowej	National	Government	Responsible for internal security.	https://www.gov.pl/web/obrona-narodowa/departament-polityki-bezpieczenstwa-miedzynarodowego
Armed Forces Wojsko Polskie	National	Government	Protection the national independence and the integrity of its territory	https://www.wojsko-polskie.pl/sqwp/
Military Police Żandarmeria Wojskowa	National	Government	Competences in security and public order	https://www.wojsko-polskie.pl/kgzw/
Central Anticorruption Bureau Centralne Biuro Antykorupcyj ne	National	Government	Combating activities detrimental to the economic interests of the state	https://antykorupcja.gov.pl
Terrorist Prevention Office at the Border Protection Straz Graniczna	National	Government	Initiatives on prevention of illegal trade of strategic goods, fissile and radioactive materials	https://www.strazgraniczna.pl/
Government Protection Bureau Biuro Ochrony Rządu	National	Government	Antiterrorism and VIP security services for the Polish government	https://www.bor.gov.pl/
General Prosecutor Prokurator Generalny	National	Government	Prosecution of criminal acts	https://pk.gov.pl/
General Inspector of Financial Information	National	Government	Prevention of financing of radical organizations	https://www.mf.gov.pl

Generalny Inspektor Informacji Finansowej				
General Inspector of Fiscal Audit Generalny Inspektor Nadzoru Finansowego	National	Government	Prevention of financing of radical organizations.	https://www.mf.gov.pl
Office for Foreigners Urząd do Spraw Cudzoziemców	National	Government	Cooperation in countering extremism among migrants	https://udsc.gov.pl/en/
Office of Electronic Communication Urząd Komunikacji Elektronicznej	National	Government	Responsible for telecommunications	https://uke.gov.pl/en/
Civil Aviation Authority Urząd Lotnictwa Cywilnego	National	Government	Aviation security	https://www.ulc.gov.pl
Terrorism and Organised Crime Unit, Department of Public Order, Ministry of the Interior and Administration Departament Porządku Publicznego, Ministerstwo Spraw Wewnętrznych	National	Government	Public order and interior terrorism	https://www.gov.pl/web/mswia/departament-porzadku-publicznego

hi Administracji				
Prison Management Office Centralny Zarząd Służby Wieżennej	National	Government	Administration of the prison system	https://www.sw.gov.pl/centralny-zarząd-służby-więziennej
National Security Bureau Biuro Bezpieczeństwa Narodowego	National	Government	Executing security and defence tasks	https://en.bbn.gov.pl/
Interministerial Group for Terrorist Prevention Międzyresortowy Zespół ds. Zagrożeń Terrorystycznych	National	Government	Coordination of relevant ministries in terrorist prevention	https://www.gov.pl/web/premier/międzyresortowy-zespół-do-spraw-zagrożeń-terrorystycznych
National Atomic Energy Agency Państwowa Agencja Atomistyki	National	Government	Responsible for nuclear security	https://www.paa.gov.pl/
Ministry of Justice Ministerstwo Sprawiedliwości	National	Government	Responsible for the justice system	https://www.ms.gov.pl/
Government Centre for Security Rządowe Centrum Bezpieczeństwa	National	Government	Supraministerial structure which aims to optimize and standardize the perception of threats by individual government departments	https://rcb.gov.pl

Annex III: Best practices/interventions/programmes⁶⁶

National level

Name of the project	Institution(s)	Aim	Source	Evidence of effectiveness / literature/ outcomes
POWER	Internal Security Agency	<i>Increasing the competences of the state security services, employees of public administration and research and development centers and the development of their cooperation in the area of national security</i>	https://tpcoe.gov.pl/cpt/projekty-ue/1706,CPT-ABW-z-UE-na-rzecz-prewencji-terrorystycznej.html	Conducted trainings for nearly two thousand officials and employees of public administration, both at the government and local government level. No evaluations available.
INDEED	Internal Security Agency	<i>Strengthening comprehensive approach to preventing and countering radicalisation based</i>	https://tpcoe.gov.pl/cpt/projekty-ue/1706,CPT-ABW-z-UE-na-rzecz-prewencji-terrorystycznej.html	No information on the outcomes or evaluations.

⁶⁶ This table has been adapted based on Appendix 4. Main de-radicalization programs in Poland reported in: Maria Moulin-Stozek (2021): *Stakeholders of (De)-Radicalization*. D3.1 Country Report. Horizon 2020 project 'De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate' (959198).

		<i>on evidence-based model for evaluation of radicalisation prevention</i>		
CHAMPIONS <i>Co-operative Harmonised Action Model to Stop Polarisation in Our Nations</i>	The Institute of Social Safety	Integration of de-radicalisation experts through an online platform to solve local issues	https://www.fundacjaibs.pl/champions/ https://www.championsproject.eu/pl/	No information on the outcomes or evaluations.
'Do one brave thing'	The Institute of Social Safety	Training for people aged 18-30 how to recognize the phenomenon of radicalism, both online and offline.	https://www.fundacjaibs.pl/do-one-brave-thing/ https://onebravething.eu/pl/	No information on the outcomes or evaluations.
PRECOCIAS <i>Prevention of Youth Radicalisation Through Self-Awareness on Cognitive Biases</i>	The Institute of Social Safety	Teaching young people how cognitive errors can lead to an easier acceptance of extremist content.	https://www.fundacjaibs.pl/projekt-ue-precobias/ https://www.precobias.eu	Executive Report https://www.precobias.eu/wp-content/uploads/2020/08/PRECOCIAS-867186-D2.1-Executive-Report.pdf Scientific Paper https://www.precobias.eu/wp-content/uploads/2021/02/PRECOCIAS-Scientific-Paper-Discourse-Patterns-

				used-by-extremist-Salafists-on-Facebook.pdf
'We make young people in Poland immune to radicalization and extremism'	The Institute of Social Safety	Equip people aged 18-30 with the knowledge and skills to recognize the process of radicalization and violent extremism	https://www.fundacjaibs.pl/projektu-w-ramach-funduszu-obywatelskiego/	No information on the outcomes or evaluations.
'Let's Kick Racism out of Football Stadiums'	'Never Again' Association	Promote anti-racist attitudes among football fans	https://www.nigdywiecej.org/o-nas/nasze-inicjatywy/wykopmy-rasizm-ze-stadionow	Removing, in collaboration with the Polish Football Association, fascist symbolism from stadiums.

Local level

Name of the Project	Institution(s)	Aim	Source	Evidence of effectiveness / literature /outcomes
'Partnership for Active Estates'	Ministry of Administration and Digitisation, Voivode	Civic education on diversity for local residents and students	https://www.prezydent.pl/archiwum-bronislawa-komorowskiego/witryna-obywatelska/witryna-obywatelska/projekt,284.html	Integration of the local community, - intergenerational cooperation, - increasing the sense of acceptance for the diversity and multiculturalism among local people.

'Football Fans Together'	Ministry of Sport and Tourism	Education of football fans against violence, racism and intolerance . It aims to develop empathy, civic virtues and 'positive patriotism' without xenophobia.	https://kibice-razem.pl/	Currently there are 18 local branches of the project.
'Etnoliga'	Foundation for Freedom	Creating an environment where people can play football free from racism, sexism and homophobia.	https://www.etnoliga.org/en/	Not applicable

Appendix IV: Policy recommendations

- Legislation should be amended to comply with the international human rights standards.
- More independent criminological research is needed on hate crimes against minorities.
- Better cooperation among different bodies registering hate crimes should be established, cooperation with NGOs should be initiated.
- Better monitoring of situation of minorities should be implemented.
- Knowledge about hate crimes with information where to look for help, in particular among foreigners, should be disseminated.
- Free legal assistance to victims of hate crimes should be offered.
- Trainings, in particular police officers and prosecutors, should be expanded.
- Better governance over issues related to xenophobia, racism and hate crimes against minorities needs to be established.
- 'Exit programs' to help people who want to leave the violent neo-fascist and neo-Nazi groups should be introduced.
- More primary and secondary de-radicalization programs should be implemented both in schools and in the broader community.
- Historical awareness, in particular about the Holocaust and fascism, needs to be raised.
- Quality of prison rehabilitation for radicalized inmates needs to be improved by the Central Prison Management.
- Services should make data on their investigations and operations more transparent.
- Collaboration with sport clubs in preventing racism and xenophobia in sport should be expanded.
- The spread of racism, fascism and xenophobia via the internet should be countered.
- Media should be involved in counteracting racism and xenophobia.
- Self-regulation mechanisms of combating hate speech in the media should be improved.

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