

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Poland	2017	Poland / District Court in Szczecin / II K 1234/16	http://orzeczenia.ms.gov.pl/content/islam/I50515250001006_II_K_001234_2016_Uz_2017-08-30_002	Religion, Nationality	District Court in Szczecin	The case concerns incitement to hatred towards followers of Islam. The defendant (P.M.) was accused of hate speech towards Muslims during the anti-immigrant demonstration organized by the National and Radical Camp. He initiated the Islamophobic shouting calling for hatred against other religions and together with the crowd he chanted this shout.	The accused was convicted. The court sentenced him to a fine.	In the Court's opinion, the defendant's behaviour amounted to incitement to hatred because he called upon the assembled to "engage in chanting slogans". According to the Court, the defendant's participation in the event was aimed at fomenting certain attitudes, desired by the organisers of the demonstration, among the assembled, namely hostility towards immigrants from the East, in particular the Muslims. The defendant admitted himself that they had expressed loudly their opposition to the practice of admission of immigrants to Poland and that was his goal.	Hate speech does not benefit from the protection guaranteed in Art. 10 of the European Convention on Human Rights, as it constitutes the abuse of the law within the meaning of Art. 17 of the Convention. According to the case-law of the European Court of Human Rights respect for the dignity of each person is the basis of a pluralistic democratic society. Nevertheless, even in a democratic society there is a need to sanction, or even counteract, all forms of expression aimed at promoting, justifying or inciting hatred, the source of which is intolerance, provided that such restrictions imposed on freedom of speech are proportionate to the purpose they are intended to serve.	"(...) nauka prawa karnego wskazuje, że „nawoływanie do nienawiści” polega na wzbudzaniu: „niechęci, złości, braku akceptacji, a nawet uczucia wściekłości z tych powodów do poszczególnych osób lub całych grup społecznych albo też podtrzymywaniu i nasilaniu tego nastawienia. (...) Dla realizacji tego znamienia wystarczy, że sprawca nawołując, zmierza do pojawienia się uczucia wrogości wobec określonych w przepisie osób. Takie uczucie zamierza wzbudzić. Nawoływanie musi zatem zawierać takie treści, które są w stanie wzbudzać nienawiść, to jest wrogość; silną niechęć do kogoś (...)” [the study of criminal law indicates that “hate speech” consists in arousing: “resentment, anger, lack of acceptance, and even a feeling of rage towards individual persons or entire social groups, or maintaining and intensifying this attitude. (...) It is enough that the perpetrator calls for a feeling of hostility towards the persons specified in the provision. This feeling is going to arouse. Therefore, incitement must be able to arouse hatred, i.e. hostility, strong resentment towards someone (...)”]

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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