

Poland Wants to Ban Social Media Companies From Banning Hate Speech

By Tim Hume
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It comes after Donald Trump was permanently banned from Twitter and suspended from other platforms.

A cyberhate watchdog says it is concerned by a proposed Polish law to prevent social media companies banning users for hate speech or incitement, saying it could paint a “grim future” for the country’s minorities.

In the wake of Donald Trump being permanently banned from Twitter, and suspended from other platforms including YouTube, Facebook and Instagram, Polish Prime Minister Mateusz Morawiecki has promoted his nationalist government’s plans for a new law to prevent social media giants from censoring what he calls “free speech.”

“Neither algorithms nor the owners of corporate giants should decide which views are correct and which are not,” Morawiecki posted on Facebook this week, without direct reference to Trump.

“We don't have to agree with what our opponents write, but we can't forbid anyone to voice their views if they are allowed by law.”

He accused US social media giants of growing censorship to ensure “political correctness,” saying the trend had echoes of Poland’s Communist past.

“Censorship of free speech, which is the domain of totalitarian and authoritarian regimes, is now returning in the form of a new, commercial mechanism to combat those who think differently,” he wrote.

“These corporations have started to treat our internet activity as a source of profit only, and a way to strengthen their global domination. They adhere to political correctness in a way they deem appropriate. And they fight those who oppose them.”

The proposed law, first announced by Poland’s Justice Minister Zbigniew Ziobro last month, would prevent social media companies from deleting content or banning users, unless their content breached Polish law. Polish officials have repeatedly claimed that right-wing users are facing ideological censorship by Silicon Valley, creating a need for new laws to protect freedom of speech.

But the International Network Against Cyber Hate (INACH), an Amsterdam-headquartered foundation set up to combat discrimination on the Internet, said that the

relative proliferation of hate speech on Polish-language social media suggested that more, rather than less, moderation was required.

“We think that the suggested law in Poland is extremely worrying,” Tamás Berecz, INACH’s head of research and analysis, told VICE World News.

He said that the prospect of “over-removal” by zealous social media companies was “a non-existent risk” in the Polish context, whereas online hate speech, particularly comments targeting the LGBTQ+ community, Muslims and refugees, was “very prevalent.”

“Based on our research and monitoring exercises, Poland is one of the worst countries within the EU when it comes to policing illegal and harmful online speech.”

When INACH carried out monitoring exercises in EU countries in recent years, flagging up hateful content to social media providers to check whether they were removed, it found the removal rate in Poland was “dangerously low.” For example, Twitter did not remove reported clear anti-Semitic hate speech, and tweets including the words “We need to destroy LGBT.”

Berecz said there were concerns that proposed law would only reinforce the existing articles against inciting hate in the Polish penal code, which were “limited mostly to race, ethnicity and religious affiliations,” and offered little protection to members of the LGBTQ community, which had been the target of populist scapegoating campaigns by the ruling Law and Justice party in recent elections.

“If removal of cyberhate will be strictly linked to these articles, then the moderation of online hate speech will be even more lax, which paints a grim future for minority communities in Poland,” he said. “Especially for the LGBTQ+ community, that was already a major target of the governing party’s campaign before the last general elections.”

Rafal Pankowski — co-founder of the Polish anti-racism group Never Again, and INACH’s partner in monitoring online hate in Poland — said enforcement of existing hate speech law in Poland was “notoriously weak,” suggesting that if anything, greater policing of online hate was required.

He questioned the Polish government’s approach to hate speech, pointing out that a lawmaker with joint responsibility for social media issues, Adam Andruszkiewicz, is a former leader of the far-right All Polish Youth who himself has a history of making hateful statements. Andruszkiewicz’s appointment as Secretary of State at the Ministry of Digital Affairs in late 2018 was met with outrage, and footage surfaced of him hurling homophobic abuse at a Pride parade in Warsaw a decade earlier.

Pankowski said he feared the Polish initiative would serve as “a dangerous precedent internationally.”

“One might expect other nationalist and authoritarian governments ... to act similarly, in order to protect the hate speech against minorities that has so often led to violence,” he said.

Christoph Schmon, international policy director at the Electronic Frontier Foundation, a nonprofit defending civil liberties online, also saw the Polish bill as “troubling.”

He said that while social media platforms needed to be transparent and fair in moderating content, “we can't look at this draft bill as solely about protecting free speech.”

“It's also about who controls online speech and content, and who gets to decide what should or shouldn't be censored,” he told VICE World News. “The Polish government is seeking to prevent platforms from removing content that it deems legitimate and legal — essentially dictating what speech should be allowed. This is troubling.”

He said the bill could be seen as an attempt by Poland to influence the European Union’s major overhaul of Internet regulation that was currently underway. Morawiecki said in his statement this week that his government would suggest that similar laws be introduced across the EU.

Neither Morawiecki’s office nor the Polish Ministry of Justice responded to requests for comment by VICE World News.

Schmon said the Polish draft law reflected “the continuation of a political polarisation process” that had taken place during the Trump era, and heralded the beginning of a battle between governments and social media companies for the control of online speech.

“This contest will have profound implications on users and their rights to free speech and expression on the Internet,” he said. “We believe the protection of these rights, especially for marginalised voices, should come first.”

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