



Freedom of the Press 2017 - Poland

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Press Freedom Status: Partly Free

Total Score: 34/100 (↓6) (0 = Most Free, 100 = Least Free)

Legal Environment: 11/30 (↓2)

Political Environment: 14/40 (↓3)

Economic Environment: 9/30 (↓1)

Status Change:

Poland's status declined from Free to Partly Free due to government intolerance toward independent or critical reporting, excessive political interference in the affairs of public media, and restrictions on speech regarding Polish history and identity, which have collectively contributed to increased self-censorship and polarization.

Quick Facts

Population: 38,400,000

Freedom in the World Status: Free

Internet Penetration Rate: 68.0%

Key Developments in 2016:

- A media law that took effect in January empowered the treasury minister, rather than an independent body, to appoint the managers of Poland's public television and radio broadcasters. By April, over 140 public media employees had resigned or been fired.
- In December, the governing Law and Justice (PiS) party attempted to limit reporters' access to lawmakers inside the parliament, but abandoned the initiative following resistance by the opposition and the public.
- Government offices canceled subscriptions to opposition-friendly media, while state-owned companies redirected advertising money to progovernment outlets.
- The PiS government sought to undermine voices that challenged its preferred historical narrative, which largely omits the involvement of Polish people in World War II-era atrocities.

Executive Summary

Poland has a vibrant but highly polarized media environment. Upon taking office in late 2015, the conservative PiS government began an overhaul of the country's public television and radio broadcasters, citing a need to depoliticize the airwaves. Legislation passed in December 2015 ended the mandates of Poland's public television and radio managers and empowered the treasury minister to appoint their successors. By April 2016, more than 140 employees at public outlets had resigned or been fired. The many personnel changes during the year encouraged self-censorship among reporters who remained at public outlets. As a result of the government's combative relationship with critical media, self-censorship also increased among journalists working for opposition-friendly private outlets.

In December 2016, Poland's Constitutional Court ruled that authorities had acted unconstitutionally by excluding the National Broadcasting Council (KRRiT) from decisions regarding the composition of the new management and supervisory boards of the public broadcasters. The new National Media Council, which was empowered in June to make appointments to those positions, ignored the decision. News coverage by public media outlets favored the PiS throughout the year. Meanwhile, government agencies ended subscriptions to opposition-friendly outlets, while state-owned companies canceled advertising contracts with them.

In December, the government's attempts to limit journalistic access to lawmakers in the parliament prompted an attempt by opposition deputies to block a vote on the 2017 state budget, as well as public demonstrations outside the parliament building. Authorities ultimately abandoned the plan.

During the year, the PiS government sought to undermine voices in the media that challenged its preferred historical narrative, which largely omits the involvement of Polish people in World War II-era atrocities. In February, TVP opened a broadcast of the film *Ida* – about a Catholic nun who discovers that her parents were Jewish and had been killed during World War II – with a 12-minute introduction in which commentators stated that the film presents Polish history inaccurately. Separately, in April, prosecutors questioned Holocaust historian Jan Gross for five hours about allegations that he had publicly insulted the nation. The accusations were tied to a 2015 article in which Gross stated that during World War II, Poles killed more Jews than they did Nazis. Gross's views also led President Andrzej Duda's office to consider stripping him of an Order of Merit he received in 1996.

Legal Environment: 11 / 30 (↓2)

While the constitution protects freedoms of speech and of the press, libel and some forms of insult – including defamation of public officials or the state, and statements that offend religious beliefs – are criminal offenses punishable by fines and imprisonment. Upon taking office in late 2015, the conservative PiS government began an overhaul of the country's public television and radio broadcasters, citing a need to depoliticize the airwaves. Legislation passed in December 2015 ended the mandates of Poland's public television and radio managers and empowered the treasury minister to appoint their successors. In December 2016, Poland's Constitutional Court ruled that authorities had acted unconstitutionally by excluding the KRRiT from decisions regarding the composition of the new management and supervisory boards of the public broadcasters. However, the new National Media Council, which was empowered in June to make appointments to those positions, ignored the decision. The events effectively demonstrated the Constitutional Court's inability to uphold media freedom.

The ruling party consistently speaks of critical media as propaganda and an impediment to effective governance. An unsuccessful December 2016 plan to limit media access to parliament was explained in part as an effort to increase media professionalism. PiS leader Jarosław

Kaczyński's personal vendetta against *Gazeta Wyborcza*, Poland's most prominent liberal daily, continued; in January he dismissed its articles about World War II-era Poland as unpatriotic and dealing in the "pedagogics of shame;" by February, government offices had canceled their subscriptions to the paper.

Antiterrorism legislation adopted in June 2016 gave the government the right to block websites, and critics pointed out that its provisions could also impact journalists' ability to collect anonymously sourced information.

In August 2016, the cabinet approved a proposal that would allow for the prosecution of those "who publicly and against the facts say the Polish nation participated, organized, or is responsible or co-responsible for committing the crimes of the German Third Reich." The law's most widely debated provision would criminalize the use of misleading phrases such as "Polish death camps" to describe Nazi-run concentration camps in occupied Poland; such an offense would be punishable by up to three years in prison. The bill was expected to receive parliamentary approval. Separately, in April, prosecutors questioned Holocaust historian Jan Gross for five hours about allegations that he had publicly insulted the nation. The accusations were tied to a 2015 article in which Gross stated that during World War II, Poles killed more Jews than they did Nazis. Gross's views also led President Duda's office to consider stripping him of an Order of Merit he received in 1996.

The right to information is protected by Article 61 of the constitution and the Act on Access to Public Information. Individuals are free to establish private media outlets. There are numerous professional journalism organizations in Poland. The largest two are the Polish Journalists Association (SDP) and the Journalists' Association of the Republic of Poland (SDRP).

Political Environment: 14 / 40 (↓3)

Historically, public television and radio broadcasters have tended to favor the government in power. This trend became more pronounced in the wake of 2015 legal changes ushered in by the PiS, which increased government control over hiring decisions at state broadcasters, and the large-scale staffing changes that followed them. For example, the state television broadcaster TVP, in its coverage of the protests that erupted in December 2016 when lawmakers tried to limit media access to parliament, labeled the events "an attempt to destabilize the state." The ruling party champions a particular historical narrative, which has become evident in the public media and other government-backed programs. TVP's February 2016 broadcast of the Oscar-winning Polish film *Ida* was accompanied by a lengthy introduction that criticized the movie, which depicts Polish complicity in the deaths of some Jews during World War II. In December, the director of the Polish Culture Institute in Berlin was fired for "too much Jewish-themed programming."

The majority of Poland's many private outlets display varying degrees of ideological or political bias.

The PiS government in 2016 attempted to restrict journalists' access to the parliament, sparking an outcry among journalists, opposition lawmakers, and members of the public that ultimately led the PiS to abandon the plan. In December, the speaker of the Sejm announced a proposal under which only two journalists from any given outlet would be permitted inside the parliament. They would be limited to a designated journalists' area, and barred from recording the meetings of parliamentary committees. Journalists' access to the halls of parliament, where they have traditionally interviewed lawmakers, would also be restricted. In protest, private media outlets held a "day without politicians," refusing to cover the activities of the parliament. Additionally, opposition lawmakers protested the move by occupying the speaker's podium, thus preventing a vote on the 2017 state budget. The PiS responded by moving the vote to another room, which guards prevented opposition deputies from entering. Protesters also demonstrated outside the

parliament for several consecutive days in protest of the changes, and officials eventually announced that the plans had been suspended.

The government does not officially censor media in Poland, but the many personnel changes at state media have had a chilling effect on journalists there; meanwhile the government's relentlessly combative relationship with more opposition-friendly media has encouraged self-censorship at those outlets. The risk of defamation suits can also encourage self-censorship, particularly among smaller outlets that could be forced out of business by large fines.

Physical attacks against journalists in Poland are rare.

Economic Environment: 9 / 30 (↓1)

Polish print media and radio outlets are predominantly private and highly diversified in terms of ownership. While coverage can be partisan, a range of opinions is expressed, and many outlets criticize groups across the political spectrum, even those with which they are aligned. German and other foreign owners control approximately 80 percent of private media in Poland. The current government blames this for much of the negative coverage it has received. The only major domestic competitor is Agora SA, which owns *Gazeta Wyborcza*. State-owned media still dominate television broadcasting, though the most-watched television station in 2016 was Polsat, a light entertainment-driven network owned by Polish billionaire Zygmunt Solorz-Żak. Roughly 73 percent of the population accessed the internet in 2016, and the government does not restrict the medium.

There are no restrictions on news production or distribution, nor are costs associated with operating media outlets prohibitively high. Nevertheless, print media struggle to remain profitable in Poland. Outlets sympathetic to the opposition have lost advertising revenue since the PiS government moved to redirect advertising spending toward progovernment media. Advertising revenue at *Gazeta Wyborcza* declined by around 15 percent in the first four months of 2016, compared to the industry average of 5 percent.

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