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Polish Law on Public Service Broadcasting Removes Guarantees of Independence

SOURCE OF THREAT ▶ State

CATEGORY ⓘ ▶ Other acts having chilling effects on media freedom

PARTNER: AEJ, Article 19, CPJ, EFJ/IFJ, Index, RSF

The law on Public Service Media governance which has been hurriedly adopted by the Polish parliament proposes the removal of guarantees for the independence of public service TV (TVP) and Radio (PR), in breach of Council of Europe norms and of the mandate given by the Polish constitution to the independent broadcasting authority (KRRiT) to uphold the broad public interest in broadcasting. The legislation gives a government minister exclusive powers to appoint and dismiss all members of the Supervisory and Management Boards of TVP and PR, making them wholly dependent on the goodwill and favour of the government. The proposed arrangements represent a shift to direct government control over the strategic and editorial stance of the public broadcasters which is wholly unacceptable in a genuine democracy. The fundamental and drastic changes proposed were put before parliament to be voted on without the necessary inclusive public debate and in spite of strong objections by the KRRiT and many concerned bodies in Poland and abroad. The Polish government's plans directly contradict the commitments made by the Committee of Ministers of the Council of Europe in its 2012 Declaration on Public Service Media Governance; that Declaration stated that PSM must remain independent of political or economic interference, and should be accountable and transparent as they have the obligation to serve the public in all its diversity. The organisations submitting this Alert call on the Polish ruling party to abandon the proposed legislation at once.

UPDATES

24 Jun 2019: On 11 June 2019, in a statement before Parliament, Head of KRRiT Witold Kołodziejcki acknowledged that public service media were bound to deliver objective and pluralistic programming. He also denied any responsibility for monitoring the level of objectivity and pluralism in Poland's electronic media (both public and commercial), as KRRiT would find itself limiting freedom of speech and "each broadcaster has the right to shape its company's programme as it sees fit".

➔ Report of the Meeting (No. 172) of the Culture and Media Committee on 11 June 2019

26 May 2019: On 20 May 2019, KRRiT published a study, commissioned to the John Paul II University at Kraków, monitoring the content of TVP's daily news programme "The News" (Wiadomości). The study, which was conducted in 2017, concluded that Wiadomości "favoured the governing party", "lacked pluralism and unbiased reporting", and that it carried "propaganda items which praised the government's successes".

➔ John Paul II University Report on the implementation of programmes by public service broadcasting companies in 2017 (in Polish)

15 Mar 2019: On 11 February 2019, upon reports that TVP had not ensured fair and unbiased coverage in the run-up to local government elections the previous autumn, the State Election Commission (PKW) requested KRRiT to monitor the media coverage of upcoming European Parliament elections. On 11 March 2019, KRRiT refused the request, citing a lack of funds, personnel and time.

04 Jul 2017: On 7 July 2016, the new "Act on the National Media Council" entered into force, according to which two out of five members of the Council are designated by the opposition parties while the remaining three are appointed by the present authorities. That system of senior management appointments to the public broadcaster by the new National Media Council has been criticised by some journalists' organisations as being done, in effect, under the political and economic control of the government authorities, in contravention of the Council of Europe's standards of independence of public service media. According to the Polish Towarzystwo Dziennikarskie (Society of Journalists), as of 4 July 2017, 228 journalists have lost their jobs - either by being dismissed or by resigning - as a result of management changes in the public radio and TV since the beginning of 2016.

➔ Statement by AEJ: "AEJ challenges Polish government claim of independence in revised public broadcasting system"

➔ Statement by Towarzystwo Dziennikarskie (in Polish)

07 Jan 2016: On 7 January 2016, the President of Poland, Andrzej Duda, signed the act on public service media governance into law.

➔ Text of the law published in the Official Journal of 7 January 2016 (in Polish)



- ➔ Article from the Centre for Freedom of the Media (CFOM): State capture of public media: The case of “Wiadomości” (The News), Polish public television main daily newscast
- ➔ Press release from the European Broadcasting Union (EBU): " EBU urges Polish government to ensure independence of public broadcasting system"
- ➔ AEJ report : "How Poland’s public service TV was turned into a government mouthpiece"
- ➔ Press release from RSF: "RSF calls for firm EU stance if Poland does not abandon new media law"
- ➔ Open letter urging the President of the European Commission, Mr. Juncker, to call for the repeal of Poland’s new media law
- ➔ Press release by EBU: "EBU appeals to Polish president to reject controversial media bill"
- ➔ Press release by EBU: "Press Freedom and Media Organisations issue statement opposing abolition of essential safeguards for public service media pluralism and independence in Poland"
- ➔ EBU letter to Polish Parliament (29 December 2015)
- ➔ Open letter from AEJ: "AEJ Open Letter asks Polish ministers to shelve ‘hasty’ plans for government control over public broadcasting "
- ➔ Press release by EFJ: "Polish media reform to exert more control on public service broadcaster"

STATE REPLIES ▼



15 Mar 2017 | Reply from the Government of Poland

- ➔ Letter from the Permanent Representation of Poland to the Council of Europe



25 Jan 2016 | Response of the Government of Poland

- ➔ Letter from the Permanent Representation of Poland to the Council of Europe

FOLLOW-UPS ▼

02 May 2017 |

The CoE Commissioner for Human Rights details the prerequisites



for well-funded and strong public service media.

➔ **Comment by the Commissioner for Human Rights: "Public service broadcasting under threat in Europe"**



15 Jun 2016 | Addressing the reform of public service media which is currently underway, the Commissioner urged the Polish authorities to introduce safeguards to guarantee the independence of public service media from political influence.

➔ **Press release from the CoE Commissioner for Human Rights presenting a report based on his visit to the country carried out in February 2016.**



15 Jun 2016 | The Secretary General welcomes the constructive dialogue with the Polish authorities on the public media legislation.

➔ **Excerpt of the Speaking Notes of the Secretary General to the 1260th meeting of the Ministers' Deputies**



07 Jun 2016 | Expert dialogue between the Polish Government and the Council of Europe : conclusions published

➔ **Opinion of the CoE experts on the three draft acts regarding Polish public service media**



16 Feb 2016 | Upon return of his visit to Poland, CoE Commissioner for Human rights expresses concerns at the adoption in December 2015 of transitional legislation in the field of public service media, pending the adoption of a wider reform in this area, expected before the summer 2016.

➔ **Commissioner's press release about his visit to Poland : "Poland: slow down and consult on legislation to avoid human-rights backsliding"**



14 Jan 2016 | CoE Secretary General mentions changes to the Polish Radio and Television Broadcasting Act in his address to the Committee of Ministers

➔ **Excerpt from the Speaking Notes of the Secretary General to the 1244th meeting of the Ministers' Deputies (13 January 2016) regarding Poland**



06 Jan 2016 | OSCE Media Freedom Representative urges Poland's government to withdraw proposed changes to the selection of management in public service broadcasters

➔ **Statement by Dunja Mijatović, OSCE Representative for Media Freedom**



05 Jan 2016 | Coe Secretary General Thorbjørn Jagland expresses his particular concern with regard to the new Polish law on public service broadcasting and the impact it may have on the integrity and independence of public service media.

[➔ Letter from the Secretary General of the Council of Europe to the President of Poland](#)



05 Jan 2016 | Call by the CoE Commissioner for Human Rights on Polish President not to sign new Media Law

[➔ Statement by the Commissioner for Human Rights](#)

RELEVANT COE INSTRUMENTS

15 Dec 2016 | Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance (Adopted by the Committee of Ministers on 15 February 2012 at the 1134th meeting of the Ministers' Deputies)

[➔ Read Recommendation](#)

04 Apr 2016 | Factsheet on Freedom of Expression and the Broadcasting Media

[➔ Overview of the ECHR case law and other relevant Council of Europe resources related to Freedom of Expression and the Broadcasting Media](#)

DISCLAIMER

This section presents a non-exhaustive selection of CoE instruments and ECHR case-law. This information is not a legal assessment of the alert and should not be treated or used as such.