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## New Anti-terrorism Law Allows Blocking of Online Media

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Other acts having chilling effects on media freedom

**PARTNER: Index, AEJ, CPJ, EFJ/IFJ**

A new anti-terrorism law came into effect on 22 June 2016 after it was ratified by the Polish President Andrzej Duda. The law was successfully passed by two parliamentary chambers of the Sejm earlier this month. The law gives Poland's intelligence agency, the ABW (Agencja Bezpieczeństwa Wewnętrznego), the right to "order the blocking or demand that the electronic open source service administrator block access to information data", thereby giving the agency the right to shut down online media outlets, including websites and television programmes, Kulisy24 reported.

Websites can be blocked for up to five days prior to obtaining permission by higher prosecution authorities, and up to 30 days if permission is granted, with the option to renew it for up to three months. Authorisation for a temporary access ban can also now be granted by the minister of justice. The legislation does not grant power to the source administrator to appeal against such a decision. Watchdog website Kulisy24 criticised the legislation, writing that it is not known how blocking will be executed and that the ABW is not obliged to publish its blocking order. The Polish NGO Fundacja Panoptykon started a petition against the law in late April and collected just short of 8,690 signatures by 20 June. Together with the NGO e-Państwo, it also published a protest letter addressed to the Polish president, which was shared by a number of media and NGOs, including the Helsinki Foundation of Human Rights.

### ADDITIONAL INFORMATION

-  Article published on the news portal wiadomosci.gazeta.pl. (in Polish)
-  Report published on the Mapping Media Freedom Platform: "Poland: Anti-terrorism law allows blocking of online media"

### STATE REPLIES



**05 Aug 2016** | Reply from the Government of Poland

**➔ Letter From the Permanent Representation of Poland to the Council of Europe**

## FOLLOW-UPS



**26 Sep 2017** | The CoE Commissioner for Human Rights recalls that any restrictions on access to Internet content should be based on a clear and predictable framework affording guarantee of judicial oversight to prevent possible abuses.

**➔ Comment by the Commissioner for Human Rights: "Arbitrary Internet blocking jeopardises freedom of expression"**

## RELEVANT COE INSTRUMENTS



**22 Jun 2016** | Opinion on the Act of 15 January 2016 amending the Police Act and certain other Acts, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016)

**➔ Opinion full text**

### 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.