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Freedom Of The Press - Poland (2011)

Status: Free
Legal Environment: 8
Political Environment: 10
Economic Environment: 7
Total Score: 25

Although the Polish constitution protects freedom 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 prison sentences. No amendments were made in 2010 to the so-called “blasphemy law.” However, a law passed in 2009 and implemented in June 2010 reduced the maximum sentence for defamation from three years’ imprisonment (for insulting the president) to one. Meanwhile, defamation cases brought by local politicians are reportedly on the rise, resulting in fines that can be ruinous to small newspapers. Small changes to Polish media laws and to the institutional framework of Polish public broadcasting in 2010 may increase the media’s political independence and objectivity in reporting in the year to come.

Cases regarding content violations, particularly those related to offending religious sensibilities, continue to occur. In January 2010, Poland’s Supreme Court ruled that a 500,000 zloty (\$150,000) fine imposed on Polstat TV was in line with Polish law. Polstat was fined in 2009 after a feminist activist invited on the *Kuba Wojewódzki Show* parodied a well-known presenter from the ultraconservative Catholic radio station Radio Maryja. The national broadcasting council, known as KRRiTV, ruled that the broadcast had offended Christian sensibilities. In May, the Warsaw prosecutor’s office charged pop star Dorota “Doda” Rabczewska with offending religious sensibilities for remarking in a 2009 television interview that she believed more in dinosaurs than she did in the Bible because “it is hard to believe in something written by people who drank too much wine and smoked herbal cigarettes.”

KRRiTV, whose members are selected by the president, the Sejm, and the Senate, has the power to regulate programming, allocate subscription revenues to public media, distribute broadcasting frequencies and licenses, and impose financial penalties on broadcasters. Although KRRiTV members are required to suspend their membership in political parties, the council has always been a highly politicized body. In June 2010, the president-elect, the Sejm, and the Senate rejected KRRiTV’s annual report, effectively ending the tenure of the existing council, which favored the Law and Justice Party (PiS), and making way for an entirely new council to be appointed in August.

At present, standards accepted by professional associations emphasize objectivity in reporting, but the culture of journalism in Poland remains highly partisan. Following the death of President Lech Kaczyński and 95 other passengers in an April 10 plane crash, government-owned Polish

Television (TVP) aired a special segment chronicling the public's reaction to the tragedy. At least one of the anonymous mourners interviewed (and later recognized as a popular miniseries actor) suggested that the plane crash was not an accident at all, but a coup orchestrated by supporters of Prime Minister Donald Tusk. The Council for Media Ethics, which serves as an advisory body to the boards of TVP and national Polish Radio (PR), accused the segment's producers of violating the principles of objectivity, and of using the death of the President to promote a political agenda. However, it was not until after the June/July elections that it became possible to change the composition of TVP leadership, which had been firmly in the hands of Kaczynski's PiS since 2006. The presidential election campaign was accompanied by widespread criticism of the biased coverage provided by TVP. The Batory Foundation, an independent nongovernmental organization, found that while the airtime allotted to Civic Platform (PO) candidate Bronislaw Komorowski exceeded that given to any of his opponents, he was presented in negative ways during 46.7 percent of that time and in positive ways in 6.3 percent of the time, the rest being neutral. Meanwhile, PiS candidate Jaroslaw Kaczyński's coverage was only 2.7 percent negative and 35.9 percent positive.

TVP and its four channels remain a major source of information for most citizens. Substantial advertising revenues and a mandatory subscription fee collected from radio and television owners reinforce this dominant position. Polish print media and radio are predominantly private and highly diversified, and a number of national dailies have been launched in recent years. According to the European Journalism Centre, foreign owners, many of them German, control approximately 80 percent of the Polish media market. The only major domestic competitor is Agora SA, with an 18.3 percent share of total press market. Roughly 62 percent of the population had regular internet access in 2010, and it remains unrestricted by the government.