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FREEDOM OF THE PRESS

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Poland

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Although the constitution protects freedom of speech and 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. In January 2012, pop star Dorota “Doda” Rabczewska received a fine of 5,000 zloty (\$1,500) for violating Poland’s blasphemy law during a 2009 interview. Adam Darski, a musician accused of offending religious feelings during a concert in 2007, was acquitted in August 2011. However, the acquittal was appealed and brought before the Supreme Court, which ruled in October 2012 that a person may be found guilty of offending religious sensibilities even if the defendant did not “directly” intend to do so. Darski’s case was returned to a district court for reexamination.

In September 2012, Robert Frycz, the creator of a website dedicated to satirizing President Bronisław Komorowski, was sentenced to 15 months of restricted liberty and 600 hours of community service under an article of the penal code that forbids defamation of the president. The website includes several versions of a

game in which players throw objects, including darts and feces, at the president. The sentence, which Frycz said he would appeal, had not been imposed at the end of 2012. In the meantime, the court's ruling was criticized by the Organization for Security and Cooperation in Europe, the Polish branch of the Helsinki Foundation for Human Rights, and the Polish Association of Free Speech.

Defamation suits brought by public officials and others against the news media remain common. In October 2012, the European Court of Human Rights ruled that Polish authorities had infringed on the right to free speech in two cases by penalizing journalists for alleged defamation. In one case, two journalists had been fined after a court found them guilty of defaming a local official in a series of articles published in the *TEM!* weekly newspaper. In the second, a journalist had been ordered to publish an apology and pay court costs after a prominent architect claimed defamation in a critical article published by the daily newspaper *Gazeta Wyborcza*.

In an attempt to harmonize Polish legislation with European Union rules, the Polish parliament revised a law regulating public access to information in September 2011. One element of the bill drew extensive criticism from nongovernmental organizations and opposition legislators for giving state bodies the right to limit or deny access to information when protecting "important state interests." The provision was removed from the original bill by the Sejm (lower house of parliament), then reinserted by Senator Marek Rocki as it made its way through the upper house. Shortly after signing the bill, Komorowski responded to public criticism of the so-called Rocki amendment by submitting it to the Constitutional Tribunal (TK) for review. The court ruled in April 2012 that the manner in which the provision had been added was unconstitutional, repealing that section of the law, though it did not offer an opinion on the content of the provision.

The National Broadcasting Council (KRRiT), 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 KRRiT members are required to suspend their membership in political parties, the council has always been a highly politicized body. In January 2012, the KRRiT refused to grant a digital broadcasting license to TV Trwam, an ultraconservative television station linked to the opposition Law and Justice (PiS) party, citing

concerns about the transparency of its funding. Polish ombudsman Irena Lipowicz declared that the decision was arbitrary and based on unconstitutional regulations, and she subsequently asked the TK to assess the case. The TK had not ruled on the matter at year's end.

Standards accepted by professional associations emphasize objectivity in reporting, but the culture of journalism in Poland remains highly partisan. In October 2012, the well-known conservative daily *Rzeczpospolita* published a front-page article on the 2010 plane crash that killed President Lech Kaczyński and scores of Polish dignitaries near Smolensk, Russia. The article was titled "TNT in the Wreckage of the Tupolev." Though military prosecutors shortly after the article's publication reaffirmed their previous finding that no explosive material had been discovered at the scene of the crash, and that the crash had not been an assassination, the story nonetheless provoked an immediate and widespread reaction; opposition leader Jarosław Kaczyński, the late president's brother, called for the resignation of the government. In the days that followed, *Rzeczpospolita's* owner, Grzegorz Hajdarowicz, fired the paper's editor in chief, its internal affairs editor, and the author of the article. This move was criticized by the European Federation of Journalists as a violation of the rights of media workers. Hajdarowicz is also an owner of *Uważam Rze*, a popular right-wing weekly. That paper's editor in chief was also fired after he criticized Hajdarowicz for politicizing *Rzeczpospolita* and refused to ban the *Rzeczpospolita* article's author, Cezary Gmyz, from contributing to *Uważam Rze*. As a result, a number of journalists left both *Uważam Rze* and *Rzeczpospolita* to form a new weekly, called *W Sieci*.

Polish print media and radio outlets are predominantly private and highly diversified. According to the European Journalism Centre, German and other foreign owners control approximately 80 percent of the Polish media market. The only major domestic competitor is Agora SA. The public television broadcaster TVP, which runs a number of terrestrial and satellite channels, remains an important source of information for most citizens. It has been reported that only one in three households actually pays the mandatory subscription fee collected from radio and television owners to support public broadcasting. Following the emergence of the European sovereign-debt crisis in 2009, many media companies were forced to cut spending and lay off employees due to financial constraints. Poland's television advertising market remained weak in 2012, but digital advertising continued to grow and bring income to media companies. Roughly 65 percent of the population had regular internet access in 2012, and the medium is

not restricted by the government.

2013 SCORES

PRESS STATUS

Free

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