

Pluralism Under Attack: The Assault on Press Freedom in Poland

by Annabelle Chapman



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Pluralism Under Attack: The Assault on Press Freedom in Poland is made possible by the generous support of the JyllandsPosten Foundation.

Freedom House is solely responsible for the content of this report.

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ON THE COVER

Polish TV stations included “censorship” on their screens in December 2016 to protest plans to restrict reporters' work in the parliament building. *NurPhoto/Getty*

Foreword

Pluralism Under Attack: The Assault on Press Freedom in Poland

by Arch Puddington, *Distinguished Fellow for Democracy Studies, Freedom House*

Press freedom has not fared well in the 21st century. According to *Freedom of the Press*, a report published annually by Freedom House, press freedom worldwide descended to its lowest point in 13 years in 2016.

Ironically, the steady decline in media freedom has occurred in an era marked by explosive growth in new ways to access information. It is also a time when the free exchange of information is essential for countries to compete in the global economy. Yet in an environment that many expected to foster freedom of thought and expression, the adversaries of press freedom have moved from strength to strength while honest journalists have found themselves embattled and on the defensive.

The initial momentum toward media restrictions was led by powerful dictatorships like Russia and China. Other authoritarian-leaning regimes—ranging from Venezuela and Ecuador to Turkey and Hungary—have since instituted policies that transformed diverse press environments into settings where the media function as an arm of the ruling party.

As Annabelle Chapman describes in the following pages, Poland has recently emerged as a crucial battleground in the drive by authoritarian-minded leaders to gain control over political discourse and erode media pluralism.

Poland is an important salient in the intensifying struggle between the advocates of critical and independent journalism and those who are pressing for state domination. During the Cold War, Poland was home to Central Europe's most dynamic dissident movement. Among its other achievements, the Solidarity trade union established a remarkable nationwide network of publications that kept both the democratic underground and society at large informed about conditions in the country, Solidarity's plans for the future, and the strategies of the communist regime.

Poland subsequently became the first state to win genuine independence from Soviet domination in 1989.

Like all new democracies, the country had its deficiencies. But it did achieve a robust multiparty system, honest elections, a regular rotation of power, the growth of civil society, and a vibrant media sector. A testament to its democratic development is Poland's status as an influential member of the European Union.

Poland, in other words, has emerged from decades of communist oppression to stand as an important participant in the global democratic community. Any major step backward there would have repercussions well beyond Poland itself. The leadership of the ruling Law and Justice party has used parliamentary control to launch attacks on the autonomy of Poland's other democratic institutions—the judiciary, universities, and civil society organizations in addition to the media. Its leaders have adopted many of the methods that led to antidemocratic changes in neighboring Hungary after 2010. They speak the language of populists in Europe and elsewhere, denouncing their political rivals as unpatriotic—"not real Poles." And they are driven by a majoritarian impulse, the notion that a parliamentary majority, no matter how narrow, confers on the victors the right to eviscerate legal, constitutional, and normative checks on political authority.

Perhaps the most important message of this report is that the struggle for Polish press freedom, and thus for Polish democracy itself, has yet to be decided. Unlike in countries where authoritarian institutions have become entrenched, Poland's current leaders have not succeeded in transforming the media landscape and gaining effective control over coverage of its actions. It took Hugo Chávez, Viktor Orbán, and Recep Tayyip Erdoğan a number of years to break down media independence in Venezuela, Hungary, and Turkey. Thus there is still time for Poland to change course. The fate of media freedom in the country will send a powerful message, heralding either the continued march of populist authoritarianism around the world or a turning of the tide and a new period of democratic resilience.

Introduction

Assault on Pluralism

Shortly after winning parliamentary elections in October 2015, the right-wing Law and Justice (PiS) party replaced the management at the public television and radio broadcasters. Since then, the public television station's evening news program has become a mouthpiece for the PiS government, lauding its daily successes at home and abroad. The party leadership has also mulled ways of dampening criticism from private media outlets, which have split over the government's actions. Underlying this effort is a worrying suspicion of the press, both domestic and foreign, that is visible in PiS politicians' interactions with journalists and in a thwarted 2016 proposal to restrict reporters' access to the parliament.

effective response. Moreover, there is a risk that the situation in the Polish media will be forgotten as policymakers' and analysts' gazes are drawn elsewhere. Yet the breakdown of press freedom in the country is still unfolding, as public and private outlets adapt to the new leadership in Warsaw. PiS itself has indicated that it is not finished "reforming" the media.

The state of the Polish media matters because Poland matters. It is the largest former Eastern Bloc country in the EU and the union's fifth-largest economy after Brexit. It has long been seen as a success story of the 1990s, with its peaceful transition from communism to multiparty democracy. This transition culminated in its accession to the North Atlantic Treaty Organization (NATO) and the EU, in 1999 and 2004, respectively. Poland has also been held up as a model for other former communist states further east, such as Ukraine, to emulate. The country's backsliding under the PiS government shows once again that democratic progress in Central and Eastern Europe must not be taken for granted—even in relatively consolidated democracies that have successfully joined the EU.

Indeed, developments in Poland underscore a worrying trend toward illiberalism in the region, epitomized by Hungary since Viktor Orbán became prime minister in 2010. PiS's changes to the public media and other institutions echo moves by Orbán over the past few years. Unlike Hungary, Poland still has a pluralistic private media, with outlets that are vocally critical of the government. As political pressure exacerbates their existing economic troubles, the question is how long these outlets will survive.

1.1 The political context

Poland is a parliamentary democracy of 38 million inhabitants and a member of NATO and the EU.

"The state of the Polish media matters because Poland matters."

PiS's attempts to tame the media form part of a broader push by the party to weaken the checks and balances that guarantee Poland's democracy. Led by its reclusive chairman, Jarosław Kaczyński, PiS controls the executive branch and the legislature, where it has an independent majority, and has moved to undermine the independence of the judiciary. Its aggressive changes to the Constitutional Tribunal have prompted accusations that it is undermining the rule of law in Poland; in an unprecedented move, the European Commission launched a probe into the matter in early 2016. Meanwhile, the party has also set out to fill state-owned companies, the civil service, and military and diplomatic posts with political loyalists.

International actors, including the European Union (EU), have expressed alarm at PiS's changes to the public media, but have struggled to formulate an

For over a decade, the political landscape has been dominated by the rivalry between the right-wing PiS and the center-right Civic Platform (PO) party. Founded in 2001, both have their roots in the Solidarity movement that helped topple communism in Poland in 1989. However, since the mid-2000s, PiS and PO have been engaged in a bitter struggle for dominance. In terms of personalities, the chief rivalry has been between PiS leader Jarosław Kaczyński and Donald Tusk, the PO leader who served as prime minister from 2007 until 2014, when he left to become president of the European Council. Even with Tusk in Brussels, Kaczyński views him as a potential opponent. In early 2017, the PiS government tried unsuccessfully to block his reappointment for a second term at the European Council.

PiS and PO differ on some policy issues, but also in terms of style. Both parties see Poland's place as within the EU and NATO, and they take security and defense matters seriously, in the context of Russian aggression in Ukraine. PO is moderately conservative on social issues and free-market liberal on economics. As prime minister, Tusk took a mild, pragmatic approach to politics—what he called “warm water in the tap”—with a focus on gradually raising living standards in Poland with the help of EU funds. He also strengthened relations with Berlin through close work with German chancellor Angela Merkel. PiS is more socially conservative, favoring tougher restrictions on abortion and access to in vitro fertilization. It also takes a more statist view of the economy and supports a more generous welfare policy; its flagship policy, introduced in April 2016, is a monthly child subsidy. Though not opposed to EU membership, the PiS government has been more confrontational than its predecessor. Contrary to Tusk, Kaczyński views Berlin with suspicion. With Britain preparing to leave the EU, he has called for the union to be reformed to shift more power to member states and away from supranational institutions. However, he has brushed aside speculation about a so-called “Polexit.”

PiS returned to power in 2015, after eight years of PO-led governments. Its candidate, Andrzej Duda, won the presidential election that May, defeating the PO-backed incumbent. In October, PiS won the parliamentary elections, becoming the first party in postcommunist Poland to secure an outright majority in the lower chamber, the Sejm. The other parties with parliamentary representation, in descending order, are PO; the radical Kukiz'15 movement, led by musician Paweł Kukiz; Nowoczesna (Modern), an economically

The Smolensk plane crash

On April 10, 2010, a Polish government plane crashed near Smolensk, Russia, killing all 96 people on board, many of them members of the political and military elite. Among the dead was then president Lech Kaczyński. The crash has since become a hotly contested issue in Poland, reflecting and stoking political polarization in society as well as personal enmity between the PiS and PO leaders. Conspiracy theories have sprung up claiming that the crash was an attack, rather than an accident. PiS chairman Jarosław Kaczyński, the late president's twin brother, has argued that the PO government in power at the time—headed by Donald Tusk—was responsible for the disaster. Some PiS supporters believe that Tusk worked with Russian leader Vladimir Putin to bring down the plane. However, opinion polls indicate that the percentage of Poles who believe that the crash was not an accident is declining.

and socially liberal party founded in mid-2015; and the agrarian Polish People's Party (PSL), PO's former coalition partner.

Kaczyński, a divisive figure who served as prime minister briefly in 2006–07, decided to give the premiership to his deputy, Beata Szydło. He remains party leader and an ordinary lawmaker in the Sejm. According to his critics, this arrangement allows him to steer the government from the back seat while shirking political responsibility.

Since winning the parliamentary elections, PiS has moved swiftly to implement its agenda. In December 2015, it passed a controversial law that strengthened its grip on the Constitutional Tribunal, plunging the country into a protracted constitutional crisis. (This led the European Commission to launch its procedure to investigate the rule of law in Poland, which in theory could ultimately result in the suspension of Warsaw's voting rights in the European Council, though such a harsh penalty appears unlikely to be imposed.) The following day, the government turned its attention to the public media, pushing through the so-called “small media law” (see section 3.1). Since then, PiS has also moved to stack the civil service, state-owned companies, the top ranks of the military, and the diplomatic service with partisan loyalists.

The two main opposition parties, PO and Nowocze-

sna, have periodically held protests against PiS's actions, together with the Committee for the Defense of Democracy (KOD), a civic organization founded in November 2015. Even so, PiS has continued to lead in opinion polls, aided by its generous welfare policies, including the monthly child subsidy. PO appeared to gain some ground in the spring of 2017, buoyed in part by the successful reappointment of Tusk as president of the European Council. Meanwhile, support for Nowoczesna has crumbled following a scandal involving its leader, who reportedly had an affair with

one of the party's lawmakers. How long these trends in the polls will last remains to be seen. The next parliamentary elections are due in 2019, with a presidential vote the following year. Local elections in 2018 will be an early test of PiS's strength; the mayoral posts and regional assemblies at stake are mostly held by the PO-PSL coalition. In the 2019 contest, PiS will attempt to secure a two-thirds supermajority in the Sejm, which would enable it to amend the constitution. The public media and sympathetic private outlets will be invaluable allies in the run-up to those elections.

2. The Polish media landscape

2.1 The legal framework

The Polish constitution of 1997 guarantees freedom of the press and prohibits both preventive censorship and licensing requirements for the press. The media sector is regulated by the 1984 Polish Press Law and the 1992 Broadcasting Act, both since amended.¹ The latter defines the mode of appointment, responsibilities, and powers of the National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji, or KRRiT).

According to the constitution, the KRRiT's role is to "safeguard the freedom of speech, the right to information, and the public interest in radio and television broadcasting." Until January 2016, its responsibilities included appointing the supervisory boards of public television and radio. It has five members (nine until 2005), appointed for six-year terms: two by the Sejm, one by the Senate, and two by the president.² They are not allowed to belong to a political party or perform public activities incompatible with their office.

The KRRiT has long been somewhat politicized in practice, with members affiliated with political parties to a greater or lesser extent. Ahead the 2007 elections, the chairperson stepped down to stand for a parliament seat on PiS's list. However, the fact that members' terms are longer than the standard parliamentary term has provided continuity and hampered government influence. The term of those chosen under PiS at the start of 2006 did not end until August 2010, three years into the PO government's term.

Previous governments' reforms of the KRRiT have largely been politically driven, including one under PiS in 2005 or another under PO in 2008, which was blocked by the PiS-backed president. There has long

been a need for reforms that would ensure a more merit-based regulatory council. However, in the current political climate in Poland, this is unimaginable. The PiS government has effectively moved in the opposite direction, seeking more direct partisan control. It has sidelined the KRRiT and shifted its public media appointment powers to a newly created National Media Council, most of whose members are PiS lawmakers (see section 3.2).

2.2 The media landscape

Since the fall of communism in 1989, Poland has developed a lively but highly polarized media environment. In addition to the public radio and television broadcasters, there are private outlets spanning a broad political spectrum, from socially liberal to ultra-conservative.

In print media, the broadsheet daily with the largest circulation is *Gazeta Wyborcza*, literally "electoral newspaper," founded in 1989 ahead of parliamentary elections that year. It continues to be run by Adam Michnik, a communist-era opposition figure. The daily has positioned itself as the leading critic of the PiS government, accusing it of trampling Poles' hard-won democracy and freedom. The next-largest paper is *Rzeczpospolita*, which, though traditionally conservative, has not shied away from criticizing PiS on certain issues. The only sizeable right-wing daily is *Gazeta Polska Codziennie*, affiliated with the weekly *Gazeta Polska*.

The two main business-focused dailies are *Dziennik Gazeta Prawna* and *Puls Biznesu*. With their narrower, professional readership, these papers typically do not engage in the main political conflict, focusing instead on the soundness of specific policies. The two

leading tabloids are *Fakt*, owned by the Swiss-German media conglomerate Ringier Axel Springer, and *Super Express*, owned by Poland's ZPR Media. With combined daily print sales of around 400,000, their impact on public opinion should not be overlooked. Over the past year, *Fakt* in particular has been cautiously critical of the PiS government.

In addition to national publications, there are regional dailies. The top competitors have overall sales in the 20,000 to 40,000 range.³ The political significance of these outlets is expected to grow in the run-up to Poland's regional elections in 2018.

Overall, however, sales of national and regional dailies have been declining. During the first three quarters of 2016, all the leading dailies sold fewer copies combined than a year earlier.⁴ The exception was *Gazeta Polska Codziennie*, which saw a 7.5 percent increase.

A similar political spread can be seen in Poland's weekly newsmagazine market. At the liberal end is the Polish edition of *Newsweek*, vehemently critical of the government, followed by *Polityka*, likewise critical but more restrained. On the right, these outlets are roughly mirrored by *wSieci* and *Do Rzeczy*, both founded in 2012–13 after another right-wing weekly split. There is also the older *Gazeta Polska*. "Gazeta Polska Clubs" across Poland are rallying points for the far right. The right-wing weeklies are not a uniform bloc, as they compete for readers and influence.⁵

Radio remains a popular medium. Three-quarters of Poles listen every week, and one in two every day.⁶ The Polish public radio broadcaster, Polskie Radio (PR), has five national radio stations, 17 regional stations, and another for Poles living abroad. There are over 200 licensed private radio broadcasters, from stations airing pop music to the ultraconservative Radio Maryja (see box). The two leading stations in terms of audience share are Radio RMF FM and Radio Zet, with 24 percent and 13.6 percent, respectively. These are followed by public radio's first and third channels, Jedyńka (8.7 percent) and Trójka (8 percent).⁷

Television's reach is even more extensive. In 2016, the average Pole watched television for over 4 hours and 20 minutes a day.⁸ The public television broadcaster is Telewizja Polska (TVP). It operates three terrestrial channels: TVP1 and TVP2, along with the regional channel TVP Info. It also has culture, history, and sport channels, plus one for the Polish diaspora, TVP Polonia. TVP is an important source of information for

many Poles, particularly outside the big cities, though its popularity has been in decline. In 2016, TVP1's audience share was 11.1 percent, and TVP2's was 8.3 percent, half of what they were in 2009.

The public stations must compete with over 200 licensed commercial television broadcasters in Poland, including terrestrial, satellite, and cable.⁹ The two leading players are Polsat and TVN, which carry a mix of entertainment programs, movies, and news. Their audience share in 2016 was 11.5 percent and 10.4 percent, respectively. Both also have their own news channels: Polsat News and TVN24.

The most-watched news program is TVP1's *Teleexpress*, shown daily at 5 p.m. In 2016, it had an average of 3 million viewers, giving it an audience share of 30 percent. The two main evening news programs are TVP's *Wiadomości* and TVN's *Fakty*, both with an audience share of slightly over 20 percent (see section 3.3).

Three-quarters of the Polish population had internet access in 2016.¹⁰ The government does not restrict the medium and is working to increase access to broadband internet service. The main print, radio, and television outlets have online editions. Online-only portals publishing a mix of news and entertainment

Radio Maryja

PiS has long had an ally in Radio Maryja, an ultraconservative radio station run by Tadeusz Rydzyk, a Roman Catholic priest. From his base in Toruń, in northern Poland, Rydzyk has built a lucrative media empire. In addition to Radio Maryja, founded in 1991, it includes the television channel TV Trwam (TV Endure) and the newspaper *Nasz Dziennik* (Our Daily). These outlets warn audiences against such dangers as the "Islamization" of Europe and the spread of "gender ideology," an umbrella term used by Polish conservatives to denote the idea that gender roles are socially constructed. Their audience share is small—less than 2 percent for Radio Maryja.¹² Even so, Rydzyk's media outlets have gained prominence under the PiS government, winning interviews with senior party or government politicians. In a speech at the event marking the 24th anniversary of Radio Maryja in late 2015, a few weeks after PiS won the elections, Kaczyński said that without Rydzyk "there would not have been this victory."¹³

CHART 1: DAILIES

Title	Monthly sales (thousands)	Type
<i>Fakt Gazeta Codzienna</i>	269	Tabloid
<i>Super Express</i>	132	Tabloid
<i>Gazeta Wyborcza</i>	130	Liberal
<i>Gazeta Polska Codziennie</i>	52	Hard right
<i>Rzeczpospolita</i>	52	Center right
<i>Dziennik Gazeta Prawna</i>	43	Business
<i>Przegląd Sportowy</i>	26	Sport
<i>Puls Biznesu</i>	10	Business
<i>Parkiet Gazeta Giełdy</i>	4	Business

Data for November 2016 (ZKDP)¹⁴

CHART 2: WEEKLIES

Title	Monthly sales (thousands)	Type
<i>Gość Niedzielny</i>	125	Catholic
<i>Polityka</i>	115	Liberal
<i>Newsweek Polska</i>	108	Liberal
<i>wSieci</i>	71	Conservative
<i>Tygodnik Do Rzeczy</i>	49	Conservative
<i>Gazeta Polska</i>	36	Hard right
<i>Fakty i Mity</i>	31	Anticlerical
<i>Wprost</i>	22	Centrist
<i>Tygodnik Powszechny</i>	22	Liberal Catholic
<i>Przegląd</i>	16	Leftist

Data for October 2016 (ZKDP)¹⁵

content are among the country’s most-visited websites. The leading examples are onet.pl, wp.pl (Wirtualna Polska), interia.pl, and gazeta.pl.¹¹ The last of those is owned by the parent company of the *Gazeta Wyborcza* daily, but is run by a separate editorial team.

2.3 Polarization and bias

The Polish media are highly polarized, roughly mirroring the rift between PiS and its political opponents. Since the 2015 elections, this polarization has become even more acute. The split concerns PiS’s controversial actions in power, along with diverging attitudes toward equal rights for LGBT (lesbian, gay, bisexual, and transgender) people, potential refugees from the Middle East, and the EU.

The division can be seen on the covers of weekly newsmagazines. For example, one week in July 2016, the right-wing *Do Rzeczy* bore the cover headline

“Poland against the gay empire: How we protect ourselves against the terror of progressives.”¹⁶ The cover of the Polish edition of *Newsweek* that week read “Poland in ruins,” referring to PiS’s policies since coming to power (Image 1).¹⁷

The clashing worldviews were similarly apparent following Tusk’s reappointment as president of the European Council in March 2017, which the PiS government had attempted to block. On its cover, *Do Rzeczy* showed Tusk with the headline “Their man in Brussels,” echoing Kaczyński’s previous description of him as the “German candidate.” Meanwhile, the cover of *Newsweek* depicted Kaczyński burning the EU flag, with the words “Divorce with Europe.” It referred to the fact that all other EU member states voted for Tusk, and alluded to fears—however unlikely—that Kaczyński could lead Poland out of the EU (Image 2).



Image 1: Covers of *Do Rzeczy* and *Newsweek*, July 2016.

An outlet's political orientation affects its access to politicians and government officials. Kaczyński and Szydło, the prime minister, both readily give interviews to the right-wing *wSieci*. The PiS leader also speaks to *Do Rzeczy*, but shuns liberal weeklies *Polityka* and *Newsweek*, as well as the leading daily *Gazeta Wyborcza*. Even small ultraconservative outlets like TV Trwam have regular access to senior PiS figures. This helps the politicians reach their core supporters, who include older people living outside the major cities. It also allows them to avoid a grilling by less sympathetic interviewers.

Over the years, the public radio and television broadcasters have tended to favor whichever party is governing. Poland lacks the tradition of an editorially independent "public service" broadcaster such as the British Broadcasting Corporation. However, since PiS replaced the heads of the public broadcasters in early 2016, news coverage has grown more partisan. TVP's evening news program *Wiadomości*, one of the two most popular in the country, has become a mouthpiece for the PiS leadership (see section 3.3).

Partisanship in the Polish media is linked to bias among the journalists themselves. Many are not neutral, having rooted for PiS or its opponents for a

decade or more. There are even two main journalists' organizations with different orientations: the Association of Polish Journalists (SDP), which is viewed as sympathetic toward the PiS government, and the Association of Journalists (TD), which has protested against its policies. On both sides of the political spectrum, the line between news articles and political commentary is often blurred.

Right-wing journalists have long complained that Poland's mainstream media landscape is dominated by liberal outlets. This opinion continues to be voiced by leading figures in PiS. In an interview with *wSieci* in December 2016, Kaczyński spoke of "the still huge media domination of that side." He added that the media in most democratic countries leans left, but that in Poland this is stretched to "absurdity."¹⁸ In an interview soon afterward, Deputy Prime Minister Mateusz Morawiecki said that the Polish media have presented a "single canon of authorities, permissible views" over the past two decades, pointing at the "main internet portals, biggest radio stations, two biggest television companies, and most of the newspapers."¹⁹ While some liberal journalists may be prepared to concede that right-wing outlets have often been overshadowed by others in the media market, they would object to



Image 2: Covers of *Do Rzeczy* and *Newsweek*, March 2017, following Tusk's reappointment in Brussels.

government intervention or favoritism as an appropriate response.

2.4 The ownership structure of Polish media

Foreign owners hold a dominant position in the Polish media market, and this fact has acquired a new political significance since the PiS government took office. Kaczyński has responded to critical coverage of PiS's actions with the claim that "most of our media are in German hands."²⁰ In May 2016, he said that a situation in which "foreign capital takes advantage of the current situation for political actions is unacceptable."²¹

To counter this perceived problem, Kaczyński has called for the media to be "repolonized" (see box). It is unclear how the government might go about such a task. For now, it has been mulling new antimonopoly regulations. In late 2016, Deputy Culture Minister Jarosław Sellin said that his ministry, along with the KRRiT and Poland's competition watchdog, would prepare draft laws "ensuring greater pluralism of ownership" in the media. Sellin added that "capital has a nationality, especially in this remarkably politically sensitive sector, the sector of the media."²² The regulations could have implications for Polish companies

"Repolonization"

Apart from the media, the PiS government has applied this term to banks, referring to efforts to increase domestic ownership in Poland's financial sector. In the media context, "repolonization" carries clear political connotations, as some PiS politicians argue that foreign-owned media outlets carry deliberately unfavorable coverage of the current government in an effort to undermine it.

that own media outlets across a variety of platforms, like Agora SA.

Although Polish print media and radio outlets are predominantly private and diversified in terms of ownership,²³ foreign owners, predominantly German, control around three-quarters of the Polish media market. These include Bauer Media Group, Verlagsgruppe Passau (operating in Poland as Polska Press), and Ringier Axel Springer. The only major domestic competitor is Agora, which owns the *Gazeta Wyborcza* daily, along with a number of magazines, radio stations, internet platforms, and a publishing house.²⁴ The company has been listed on the Warsaw Stock Exchange since 1999.

Among the largest dailies, *Fakt* is owned by Ringier Axel Springer Polska and *Puls Biznesu* by Swedish-owned Bonnier Business Polska. *Newsweek Polska* is also owned by Ringier Axel Springer Polska. Bauer owns RMF FM, the most popular radio station. *Rzeczpospolita* was partly owned by foreign companies in the 1990s and 2000s, including Norway's Orkla Group and Britain's Mecom Group, before being bought in 2011 by the Polish company Gremi Media, which now holds a 100 percent stake. In the television market, TVN was bought by U.S.-based Scripps Networks Interactive in 2015.

Foreign ownership is most pronounced in the regional

media. One of the largest owners is Polska Press, which now publishes 20 regional dailies across 15 of Poland's 16 regions, as well as over 150 local dailies. According to its website, the company reaches 6.3 million readers in Poland on a daily basis.²⁵ In 2013 it bought Media Regionalne, the second-largest player on Poland's regional media market, from Mecom Group. The transaction was ultimately approved by Poland's competition watchdog. However, Polska Press had to sell one of the regional dailies it was acquiring to avoid harming competition in the eastern Lublin region, where it already owned the other main regional paper.²⁶

3. The public media under PiS

3.1 The "small media law"

The public media were one of PiS's first targets after it won the elections in October 2015. Lawmaker Krzysztof Czabański, a former journalist, was appointed deputy minister of culture and government plenipotentiary for preparing the reform of the public radio and television broadcasters.²⁷ PiS moved with a sense of urgency. "If the media imagine that they will occupy Poles in coming weeks with criticizing our changes or our draft changes, then this needs to be stopped," Ryszard Terlecki, head of the party's parliamentary caucus, told journalists that fall.²⁸

On December 28, a so-called "small media law" prepared by PiS was submitted to the parliament.²⁹ It was intended as a temporary measure, to remain in force for six months so that a more comprehensive media law could be developed. The key provisions would terminate the mandates of the current members of the national television and radio broadcasters' management and supervisory boards, and fill their positions through direct appointment by the treasury minister—rather than through competitions organized by the KRRiT—until a "new national media organization" could be created under subsequent legislation.

PiS pushed the law through the parliament two days later, ignoring expressions of concern from abroad. The opposition voted against it, and the Kukiz'15 movement abstained.

PiS presented the law as a move to depoliticize the public media, accusing the outlets of serving as a mouthpiece for the former governing party, PO. According to the official justification for the law, the

changes aimed to "rationalize and lower the costs of managing the companies of public radio and television and return the professional and ethical standards required to realize their public mission." In the parliament, PiS lawmaker Elżbieta Kruk argued that the public media had been ignoring their mission by spreading "ideological and social fashions not accepted by most of society," with journalists who "often sympathize directly with opinions unfavorable towards Poland."³⁰

The law quickly shook up Poland's public media. Even before it entered into force, the directors of TVP1, TVP2, TVP Kultura, and the Television Information Agency resigned in protest.³¹ On January 8, TVP and Polskie Radio received new directors, with the former post going to Jacek Kurski, a former PiS lawmaker (see box). The staffing changes since January 2016 have not been limited to the top management. According to a list compiled by the Association of Journalists, the more liberal of the two main journalists' organizations in Poland, 225 journalists left the public media during 2016, due to either layoffs or resignations.³² Journalists covering politics were not the only ones affected (see box).

PiS's controversial changes to the leadership and staff of the public media prompted protests across Poland, with opponents warning that the government was asserting direct control over editorial policy and content to advance its partisan and ideological interests. A "free media" protest organized by the KOD movement outside the TVP offices in central Warsaw on January 9, 2016, was attended by over 20,000 people, according to the city authorities. On the stage, journalists linked to *Gazeta Wyborcza* and other liberal

The Kurski brothers

The rift in Polish politics extends to families, as in the case of well-known media figures Jarosław and Jacek Kurski. The brothers grew up in the port city of Gdańsk, home of the Solidarity trade union movement, and Jarosław served as press spokesman for Solidarity leader Lech Wałęsa. He is now first deputy editor of liberal daily *Gazeta Wyborcza*, which has clashed openly with the PiS government. His younger brother Jacek has been head of the public broadcaster TVP since January 2016, as part of the new leadership that was controversially installed after PiS took power. From 2005 to 2009 he served as a PiS lawmaker and then as a member of the European Parliament. He was involved in the presidential campaign of the late Lech Kaczyński, PiS leader Jarosław Kaczyński's twin brother.

publications condemned the changes and spoke out in favor of freedom of speech. "Today they came for the public media, tomorrow they want to come for the private media," said Jarosław Kurski, deputy editor of *Gazeta Wyborcza*. Similar protests took place in other Polish cities that day, and in the Polish community abroad.³³

The new law and turnover in personnel were also heavily criticized abroad. In a joint statement, the European Federation of Journalists, the European Broadcasting Union, the Association of European Journalists, Reporters Without Borders, the Committee to Protect Journalists, and Index on Censorship called the law a "retrograde step."³⁴ The Organization for Security and Co-operation in Europe's representative on freedom of the media, Dunja Mijatović, warned that the changes could "endanger the basic conditions of independence, objectivity and impartiality of public service broadcasters."³⁵

The "small media law" was discussed by the European Commission on January 13, as it began assessing the situation in Poland under its Rule of Law Framework.³⁶ However, the procedure subsequently remained focused on PiS's changes to the Constitutional Tribunal.

The Constitutional Tribunal itself eventually declared parts of the "small media law" unconstitutional, responding to a complaint filed by Polish commissioner for human rights Adam Bodnar and opposition members of parliament, who argued that the law

improperly marginalized the KRRiT and undermined the independence of the public media. In its verdict on December 13, 2016, the tribunal stated that there needs to be a return to constitutional rules on the role of the KRRiT, which should play not just a significant but a decisive role in appointing the management and supervisory boards of the public broadcasters.³⁷ PiS politicians rejected the ruling; some pointed out that it concerned a law that was no longer in place, as the "small media law" had been superseded by new legislation several months earlier (see below).

3.2 The National Media Council

In the months after the temporary "small media law" was adopted in December 2015, PiS appeared to be working on a "big media law" that would introduce broader changes. On April 20, 2016, a draft Law on National Media, along with two associated bills, was submitted to the speaker of the Sejm.

The draft law would have transformed the public radio and television broadcasters into "national media," shifting further away from an editorially independent "public service" model toward a system that would promote the political and ideological program of the PiS government. The bill contained numerous, vague provisions on what should be broadcast, obliging the public media to spread the views of the prime

Sports journalist Tomasz Zimoch

The turnover at the Polish public media since PiS came to power has not been limited to political commentators. Its casualties include sports commentator Tomasz Zimoch, who worked for public radio for almost four decades. Zimoch's coverage was so popular that Poles would turn off the sound on their television sets during soccer games to watch them while listening to his voice on the radio. Zimoch, whose father served as head of the National Council of the Judiciary and who qualified as a judge himself, fell out of favor in May 2016 when, in an interview, he criticized PiS's actions toward the Constitutional Tribunal and called its attitude toward the public media "worse than under communism."³⁸ Shortly afterward, he was suspended by the public radio broadcaster's ethics committee for supposed lack of loyalty to the outlet.³⁹ Zimoch responded by terminating his work contract. He has since found work with the commercial station Radio ZET.⁴⁰

minister, the president, and the speakers of both chambers of parliament (Article 13). It also stated that the public media should “preserve national traditions, patriotic and human values,” “contribute to fulfilling the spiritual needs of listeners and viewers,” “respect the Christian value system,” “strengthen the national community,” “counter misrepresentations of Polish history,” and “portray family values and take steps to strengthen the notion of family.” An analysis by experts at the Council of Europe published on June 6 criticized the draft, describing it as a “move back towards a State broadcaster.”⁴¹

The law was not adopted. Instead, PiS opted for a less ambitious “bridge law” to take effect when the “small media law” expired. This was adopted by the Sejm on June 22, 2016, with all of the opposition voting against it.⁴² The legislation set up a National Media Council to replace the treasury minister as the entity responsible for appointing the management and supervisory boards of the public media. Its five members are appointed for six-year terms: three by the Sejm and two by the president. The latter two are put forward by the two largest opposition caucuses in the Sejm. This arrangement effectively guarantees the ruling party a majority, and unlike at the KRRiT, there is no provision forbidding the new council’s members from belonging to a political party.

The National Media Council does not even pretend to be an independent body. Three of its five members are PiS lawmakers: Czabański, who serves as chairman, along with Elżbieta Kruk and Joanna Lichočka. The other two members, Juliusz Braun and Grzegorz Podzorny, were recommended by PO and Kukiz’15.⁴³

In March 2017, the National Media Council published a statement summing up its activity in 2016.⁴⁴ A passage in the opening section states:

In a democratic state like Poland, the media order ought to rest on strong and politically independent national media, or public media owned by the nation.... The main, in fact the only, purpose of public broadcasters is to provide all of society with real information and—through a carefully selected programme—create a community of language, ideals and values.

Braun, the member recommended by PO, refused to endorse the statement, calling it “political propaganda.” He objected to the idea that strong state-owned media formed the basis of a democratic media sys-

tem, arguing instead that democracy rested on media pluralism and an array of truly independent outlets, including those in the private sector. He also said the statement presented an incomplete and biased description of the public media under the previous government and the changes made under PiS.⁴⁵

3.3 The evening news

The most visible consequence of PiS’s changes to the public media is their effect on public television’s evening news program, *Wiadomości*, aired every night on TVP1 at 7:30 p.m. Since January 2016, it has been directed by Marzena Paczuska, a longtime journalist at TVP. What *Wiadomości* says matters: It is one of Poland’s two most-watched evening news programs, with an average audience of almost three million.

Since early 2016, *Wiadomości*’s coverage of domestic and international events has been in tune with the PiS government’s views. This alignment could be seen in its reporting on the “black protest” on October 3, 2016, in which as many as a hundred thousand black-clad women across Poland demonstrated against a proposed law, backed by PiS lawmakers, that would have tightened restrictions on abortion. The 2 minutes and 58 seconds devoted to the protest were followed by 2 minutes and 22 seconds on “white” counterprotests by proponents of the tougher restrictions, implying that the two sets of demonstrations were of a similar magnitude or importance. The news voiceover states that 11,000 people “attended” a Facebook event countering the “black protest.”⁴⁶

Wiadomości’s right-wing bias with respect to international coverage was visible in its reporting on the Austrian presidential election on December 4, 2016, in which the far-right candidate lost to a Green Party nominee. *Wiadomości* that night did not use the term “far right.” Instead, the reporting focused on a supposed hate campaign against the far-right candidate and told viewers that he advocated good relations with Poland and Hungary.

One of the most blatant examples of *Wiadomości*’s subservience to the PiS government was its coverage of the reappointment of Tusk, Poland’s prime minister from 2007 to 2014, as president of the European Council in March 2017. The Polish government attempted to block the renewal of Tusk’s mandate, unsuccessfully putting forward an alternative candidate. According to *Wiadomości*, the EU summit was nevertheless a success for the Polish government,

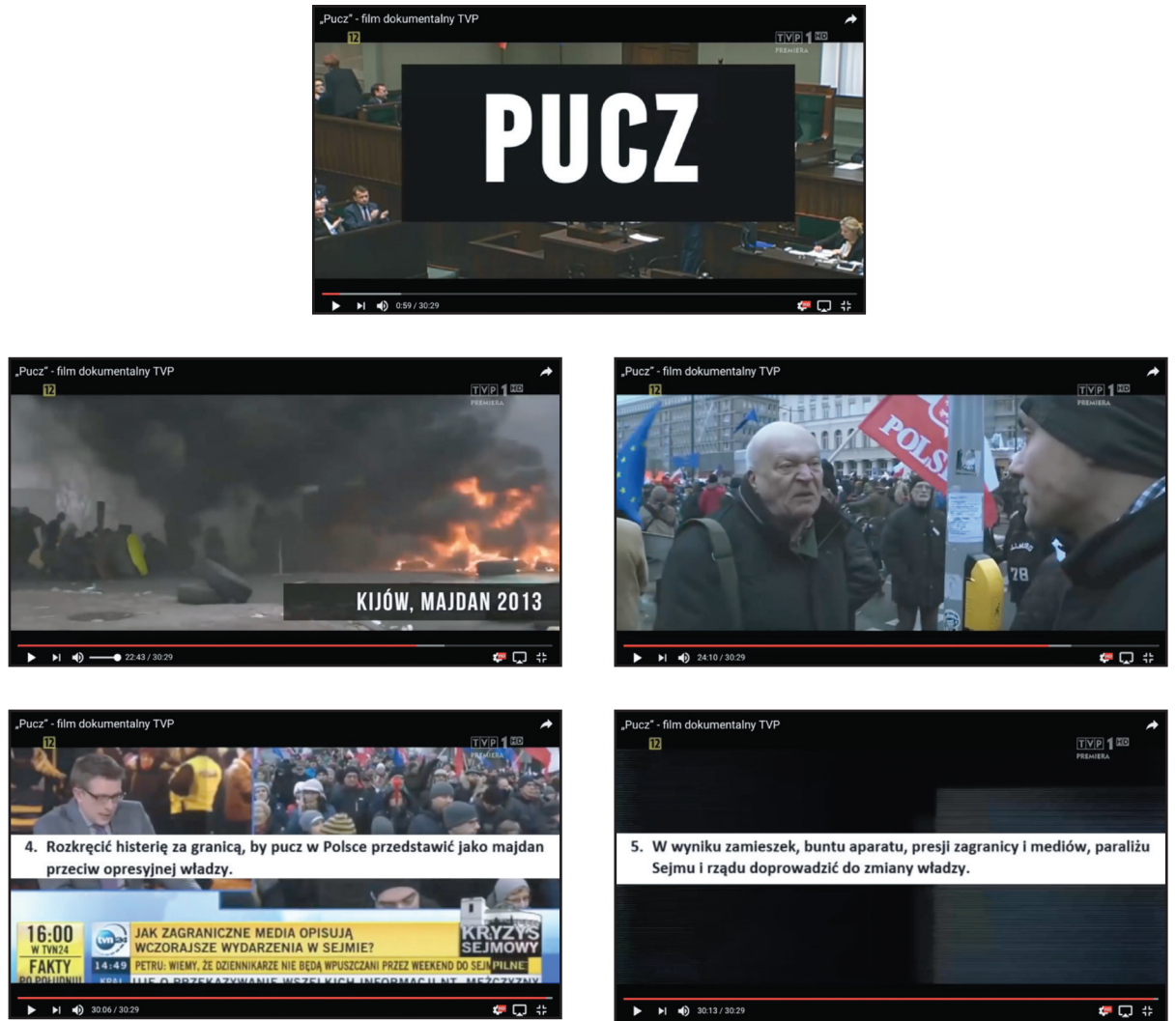


Image 3: Screenshots from the TVP documentary 'Coup' (January 2017)

TVP documentary 'Pucz' (Coup)

A notable example of TVP's recent political bias was *Pucz* (Coup), a 30-minute film, described as a documentary, that was broadcast by TVP1 on January 15, 2017 (Image 3).⁴⁹ The focus is the political crisis of December 2016, in which PiS's attempt to restrict press access to the parliament prompted opposition lawmakers to occupy the plenary chamber of the Sejm while protesters gathered outside. Using carefully chosen news footage and montage, the film presents those events as a deliberate attempt by the opposition to overthrow the PiS government. It portrays anti-PiS protesters as coarse and potentially violent, and implies that they have links to the former communist regime and the Kremlin. The film also draws parallels with

the turbulence in Ukraine following the Maidan protests of 2013–14 by showing footage of protesters burning tires in Kyiv. Toward the end, the program features Interior Minister Mariusz Błaszczak declaring that "it was an attempt at anarchy, it was an attempt to take over power" (25:55). The film closes with text boxes (shown below) claiming that the opposition tried to "kindle hysteria abroad to present the coup in Poland as a *maidan* against oppressive authorities" and "lead to regime change through riots, the revolt of the security apparatus, pressure from abroad and the media, and the paralysis of the Sejm and government." Throughout the film, Kaczyński is depicted as a calm figure intent on deescalating the situation.

and Tusk's reappointment was pushed through by European "elites," with Germany at the helm.

Wiadomości's coverage has also sought to delegitimize figures or organizations that are disliked by PiS. In November 2016, it waged a campaign against Polish nongovernmental organizations (NGOs), portraying them as bastions of the previous ruling party that grew rich on public money. Animated diagrams linked them to Hungarian-American philanthropist George Soros, who was presented as a supporter of "leftist" organizations. The material targeted NGOs led by children of PiS's political opponents, including the daughter of the outgoing chief justice of the Constitutional Tribunal and two of the previous president's

daughters. This preceded a magazine interview with the prime minister that fall, in which she said that "billions" of zloty in public funds are going to organizations loyal to PO, and that a National Center for Civil Society would be established to govern the NGO sector.

With the news coverage in *Wiadomości* becoming consistently progovernment, critics have suggested that viewers will vote with their feet, opting for independent news sources instead. Indeed, the program saw a decline in viewers after PiS replaced the head of TVP.⁴⁷ In 2016 the private television channel TVN's *Fakty* overtook *Wiadomości* as Poland's most-watched evening news program.⁴⁸

4. The private media under PiS

4.1 Access to the parliament

The PiS government's December 2016 attempt to restrict journalists' access to the parliament marked the first time its policies directly affected the entire press corps, not just the public media. The Sejm office proposed that:

- the number of journalists allowed in the parliament be restricted to two "permanent parliamentary correspondents" per outlet;
- other journalists be confined to an official media center outside the main parliament building, rather than allowed to mingle with politicians in the corridors; and
- audiovisual recordings be restricted.

These measures were presented as a way to improve working conditions and access. An official brochure published by the Sejm to announce the change explained that the media's presence in the parliament "is not regulated by concrete and unambiguous regulations that would enable both lawmakers and journalists to carry out their professional tasks in a professional way."⁵⁰ Communication between lawmakers and the media takes place in "chaotic, random conditions," it added. The document also pointed to a "lack of pluralism and equal access" in the media's interactions with politicians, claiming that the current situation discriminates against certain publications, especially smaller ones. The brochure closed with a section on access rules in other

European countries and at the European Parliament.

The move caused outrage, and not just among publications that were usually critical of the PiS government. One editor described the proposed measures as the largest annoyance his publication had faced under PiS. In a statement, Poland's largest private news outlets said, "This restriction, first of all, does not hit journalists, but the rights of citizens to be fully informed about what people elected by them to the parliament do." Protesting journalists were joined by opposition lawmakers, who ended up blocking parliamentary proceedings. This triggered a parliamentary crisis spanning the 2016 holiday period and into the new year.

The proposed measures were ultimately dropped by PiS following the protests.⁵¹ As with the controversial proposal to tighten restrictions on abortion earlier that fall, the governing party realized that it had overreached, angering constituencies outside its usual circle of critics. Nevertheless, the incident reinforced an impression among many observers that PiS's media policies were aimed at increasing state control and limiting the autonomy of journalists, even on an issue as fundamental to democracy as access to the legislature.

4.2 Advertising and distribution

The Polish print media have long suffered from a shrinking advertising market and growing competition from online alternatives. Between 2008 and 2015,

overall spending on advertisements in the press fell from an estimated 795 million złoty (\$205 million) to 280.3 million (\$72 million).⁵² However, some recent changes in the market have more to do with politics than economics or new technologies.

Since PiS came to power, there has been a shift in advertising revenue toward right-wing publications. The change is apparent in the weekly magazine market (see table). Revenue at *Newsweek* and *Polityka*, which are both critical of the government, fell by 7.9 percent and 14.6 percent, respectively, between June 2015 and June 2016. Over the same period, ad revenue rose at *Do Rzeczy* (14.4 percent) and *wSieci* (38.5 percent), which are broadly supportive of the government. The largest increase was at the nationalist *Gazeta Polska*, whose advertising revenue almost quadrupled, albeit from a much lower starting point than the others. A similar pattern is visible across television channels, where Polsat News, TVN24, and TVN saw the largest declines in advertising from ministries and state-owned companies, though the picture is complicated by an increase in advertising linked to the UEFA Euro2016 soccer championship and the Olympics in Rio do Janeiro that summer.⁵³

The situation is particularly dramatic at *Gazeta Wyborcza*. Its parent company, Agora, is the only publisher listed on the stock exchange that includes detailed results in its financial reports, which enables a more complete analysis than is possible for other papers. In 2016, the daily's sales revenue exceeded advertising revenue for the first time, amounting to 51.7 million złoty (\$13.3 million) and 41.2 million złoty (\$10.6

million), respectively; the latter had declined by 21.4 percent year on year.⁵⁴ This is part of a longer-term trend, with advertising revenue declining since the record year of 2008. In December 2016, Agora's management announced its decision to extend layoffs to 190 people, or 9.6 percent of its total staff, many of them journalists.⁵⁵ Among those losing their jobs was the newspaper's Brussels correspondent.

Gazeta Wyborcza's editorial team attributes its tough economic situation to a combination of structural changes in the global media market and a hostile political environment in Poland, where the daily has positioned itself as the PiS government's leading critic. First deputy editor in chief Jarosław Kurski has warned that although the government would not shut down or censor *Gazeta Wyborcza*, it could try to silence the paper through "economic suffocation." He cites the example of the opposition-oriented *Népszabadság* daily in Hungary, which was closed in 2016 after a new, government-friendly owner took control and claimed insurmountable economic problems.

There are also signs that the government may be attempting to limit the distribution of critical publications. Readers of *Newsweek* and *Gazeta Wyborcza* have reported that it has become harder to find copies at petrol stations operated by Orlen, a state-controlled company.⁵⁶ Meanwhile, at Lotos Paliwa, another state-owned firm that runs some 480 petrol stations across Poland, employees have allegedly been instructed to make sure that right-wing weeklies, including *Do Rzeczy*, *wSieci*, and *Gazeta Polska*, are particularly visible.⁵⁷

TABLE 3: CHANGES IN ADVERTISING REVENUE 2015-2016

Weekly	Stance	Percentage change in ad revenue, first half 2015 and first half '16
<i>Wprost</i>	Centrist	-3.2
<i>Newsweek Polska</i>	Liberal	-7.9
<i>Polityka</i>	Liberal	-14.6
<i>Do Rzeczy</i>	Conservative	14.4
<i>wSieci</i>	Conservative	38.5
<i>Gazeta Polska</i>	Hard right	287.2
<i>Tygodnik Powszechny</i>	Liberal Catholic	-10.2
<i>Przegląd</i>	Leftist	3.3

Source: Report by Kantar Media for Wirtualnemedia.pl⁵⁸

5. Looking ahead

5.1 The regional dimension

The PiS government is not the first in Central and Eastern Europe to assert control over the media. Similar steps have been taken in Hungary since Viktor Orbán became prime minister in 2010. These two cases show that even countries within the EU risk backsliding toward a more hostile media climate. They also highlight the weakness of the EU's responses to illiberal actions by its member states.

The parallels between Hungary and Poland since PiS came to power extend beyond media policy. Like PiS, Orbán and his conservative Fidesz party have sought to break down checks and balances in state institutions, making an early target of the constitutional court. There are ideological similarities as well: PiS shares Fidesz's broad suspicion toward Brussels and hostility to refugees from the Middle East. Orbán has long been admired on the Polish right for his ability to win elections and get things done. For the PiS leadership, he was an example to emulate. When PiS lost the parliamentary elections in 2011, Kaczyński said that he is "deeply convinced that the day will come when we will have Budapest in Warsaw." Party figures often name Hungary as one of Poland's key allies within the EU.

As in Poland, Orbán's changes to Hungary's media environment began with the public broadcasters. One of his first actions as prime minister was to pass a controversial media law strengthening state regulation of print, broadcast, and online media. The Media Council, a new oversight body stacked with governing-party appointees, was given extensive powers, and the public broadcasters were brought under tighter government control.⁵⁹ The similarity of PiS's changes to the public media has prompted suggestions that the Hungarian example served as a roadmap for Poland.⁶⁰ The two governments apparently share an appreciation for the power of the public media to shape public opinion and a determination to make them serve the ruling party. Both also tend to view the media as a "state" or "national" good, rather than a truly public one.

Poland and Hungary still differ in the realm of private media. Orbán, in power for longer, has gone further in stifling private outlets that are critical of his government. In the most prominent recent example, the left-leaning daily *Népszabadság*, which had often been critical of Fidesz, closed in October 2016 after six

decades in print. The government denied involvement, but the new owner that made the decision to shutter the paper has close ties to the prime minister. Poland retains a lively independent media landscape with multiple publications that criticize the government vocally. Even so, the Hungarian case serves as a warning of how the situation for the Polish private media could deteriorate if PiS remains in power over a longer period. Liberal publications in Warsaw fear that PiS is keen to accelerate their economic decline, citing the Hungarian precedent.

5.2 The growing role of online media

The internet remains unrestricted in Poland, serving as a platform for groups of all kinds, from nationalists to the left, and from Roman Catholics to LGBT groups. Among the main political parties, however, PiS was the first to take the internet seriously and attempt to harness users' discontent to its own political advantage.

"The similarity of PiS's changes to the public media has prompted suggestions that the Hungarian example served as a roadmap for Poland."

Social media helped PiS win Poland's presidential and parliamentary elections in 2015. The party was relatively successful at mobilizing voters' dissatisfaction with the previous government on platforms such as Twitter and Facebook. This was partly a result of luck and partly the product of conscious campaign strategy, executed by a zealous team of PiS supporters in their 20s. A month before the parliamentary elections, PiS released a campaign video clip to galvanize its supporters online.⁶¹ "In the era of new media we are an information service. You, me, they, him as well; we have an influence on the result of the elections," said a voiceover, urging viewers to share the clip on social media. In the run-up to the vote, PiS reinforced this message at a "tweet-up" meeting held in a bar, where young bloggers and journalists were invited to mingle with the future prime minister and other PiS politicians in an informal atmosphere.⁶² Senior party figures said they had been instructed to tweet themselves ahead of election day. In this way, PiS came across as the more modern party, despite its older traditional

voting base outside the big cities. It ultimately came first in the 18–29 age bracket.

Whether PiS devotes as much attention to social media in the next elections remains to be seen. The experience of 2015 showed the limits of traditional media and taught the parties now in opposition that social media are a vital tool. Online platforms will be even more essential to the opposition now that the public media are in PiS's hands.

Blogs and other internet-based media have long served as outlets for groups that feel marginalized in the mainstream media. Since the mid-2000s, right-wing commentators who complained of liberal dominance in the print media have seized on digital platforms to air their views. One of the most popular sites was salon24.pl, which was founded in 2006 as a space for a variety

of political views, but soon shifted right.

Over the past year or more, there have been signs that liberals are experimenting with new online projects. A leading example is OKO.press, an investigative journalism and fact-checking website founded in June 2016.⁶³ For its creators, the website is a response to what they see as the “systematic repetition of lies as a permanent element of politics” in Poland and abroad. Although it regularly checks statements by PiS government figures, it examines the opposition as well. The website's launch was financed by the publishers of the liberal *Gazeta Wyborcza* daily and *Polityka* weekly. It now relies on readers' contributions. However, in a country where there is little tradition of the public making donations to media outlets, this funding model may not be sustainable.

6. Conclusion: Pluralism and the public interest

Since coming to power in the fall of 2015, PiS has sought to control coverage of its controversial political agenda by strengthening its grip on the media. It has replaced the heads of the public television and radio broadcasters, appointing one of its former lawmakers as director of TVP. *Wiadomości*, TVP's main news program, has become a propaganda outlet for the government. The newly created National Media Council, with its majority of PiS lawmakers, will give the governing party continued control over the public broadcasters' management. These changes go far beyond efforts by previous governments to secure favorable coverage in the public media. Further changes to the public media proposed by PiS, abandoned for now amid criticism at home and abroad, suggest that the government may try to increase its control over these outlets even more in the future.

The private media remain diverse, with outlets both supportive and critical of the PiS government. As the ruling party has pushed on with its reforms, this media landscape has become increasingly polarized, reflecting a deepening rift in Polish society between the government's supporters and opponents. PiS has not sought to shut down critical publications. However, press advertising data suggest that advertising funds from state-owned companies are being redirected toward more conservative outlets. Liberal publications see this as a deliberate strategy to compound the economic difficulties that they already face. Further-

more, PiS politicians' talk of “repolonizing” the media may lead to laws that target foreign owners of news outlets in Poland.

With respect to Poland's endurance as a democracy, PiS's changes to the media landscape are alarming. In the short term, they mean that public television is feeding voters the party line every night. This creates a bias that goes against the very idea of a “public broadcaster.” In the medium term, PiS's control of the public media contributes to an uneven playing field in the run-up to elections: first the local contests in 2018 and then the parliamentary and presidential votes in 2019 and 2020. The 2019 legislative elections and their aftermath will be crucial to determining whether Poland remains a democracy in more than name. In the longer term, PiS's politicization of the public media could leave these institutions permanently scarred, setting a precedent for future administrations to sack the incumbent officials and replace them with loyalists of their own. This is not in the interest of Polish viewers or of Poland's continued development as a democracy based on political pluralism, open debate, and compromise.

The developments since 2015 highlight long-standing flaws in the Polish public media, which predate the current PiS government. Despite Poland's transition to democracy, the public media never came to be regarded as a truly “public” good by either PiS or its

opponents. This kind of public-service media tradition is clearly not built overnight, nor was the existing institutional framework necessarily conducive to such an outcome. A cross-party debate on oversight of the public media is long overdue. But in the current fraught political context, with the existing PiS leadership in power, this is impossible. A gauge of future governments' democratic credentials will be their willingness to address these issues.

From an international perspective, PiS's targeting of the media should ring alarm bells, particularly given that its actions resemble those taken by Orbán in

Hungary since 2010. These two cases, in Central European countries that successfully joined the EU in 2004, are a signal that other countries in the region could follow suit. They have also revealed the limits of the EU's power over member states' governments that break their own laws and commitments. As in Hungary, foreign governments and organizations cannot reverse PiS's changes to the public media in Poland. They can, however, contribute to the protection of pluralism in the private media and civil society. Given the government's suspicion of foreign interference, this may prove difficult, but any delay will only make the task more daunting.

NOTES

1. "Broadcasting Act," National Broadcasting Council, December 29, 1992, http://www.krrit.gov.pl/Data/Files/_public/Portals/0/angielska/Documents/Regulations/broadcasting_act_28022013.pdf.
2. "History of the National Broadcasting Council," Krajowa Rada Radiofonii i Telewizji, <http://www.krrit.gov.pl/en/krrit/about-the-national-broadcasting-council/history/>.
3. "Gazeta Pomorska Wyrzuciła 'Dziennik Zachodni.' Wszystkie dzienniki lokalne na minusie (interaktywna grafika)," Wirtualnemedi.pl, June 6, 2016, <http://www.wirtualnemedi.pl/artykul/gazeta-pomorska-wyrzucila-dziennik-zachodni-wszystkie-dzienniki-lokalne-na-minusie-interaktywna-grafika>.
4. "Większość dzienników z najniższą sprzedażą w historii, tylko 'Gazeta Polska Codziennie' w górę," Wirtualnemedi.pl, November 11, 2016, <http://www.wirtualnemedi.pl/artykul/wiekszosc-dziennikow-z-najnizsza-sprzedaza-w-historii-tylko-gazeta-polska-codziennie-w-gore>.
5. "W Sieci i 'Gazeta Polska' krytykują się ws. Misiewiczza i Macierewicza: 'ślizgacze' kontra 'Partia Ludu Pisowskiego,'" Wirtualnemedi.pl, April 18, 2017, <http://www.wirtualnemedi.pl/artykul/w-sieci-i-gazeta-polska-michal-karnowski-kontra-piotr-lisiewicz-i-tomasz-sakiewicz-ws-misiewiczza-i-macierewicza>.
6. "51 proc. Polaków codziennie słucha radia, ponad połowa nie słyszała o cyfryzacji," Wirtualnemedi.pl, July 9, 2016, http://www.wirtualnemedi.pl/artykul/51-proc-polakow-codziennie-slucha-radia-ponad-polowa-nie-slyszala-o-cyfryzacji_1.
7. Figures for the fourth quarter of 2016. "TOK FM z najlepszym wynikiem w historii. Rośnie Trójka, liderem RMF FM," Wirtualnemedi.pl, January 13, 2017, <http://www.wirtualnemedi.pl/artykul/tok-fm-z-najlepszym-wynikiem-w-historii-rosnie-trojka-liderem-rmf-fm>.
8. "Krótszy czas oglądania telewizji w 2016 roku. Polsat wyprzedził TVP1," Wirtualnemedi.pl, January 3, 2017, <http://www.wirtualnemedi.pl/artykul/krotszy-czas-ogladania-telewizji-w-2016-roku-polsat-wyprzedzil-tvp1-raport>.
9. "Wykaz koncesji i decyzji," Krajowa Rada Radiofonii i Telewizji, <http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/koncesje/wykaz-koncesji-i-decyzji>.
10. "Trzy czwarte Polaków z dostępem do internetu, ale i tak wielu nie korzysta," TVP Info, March 16, 2016, <http://www.tvp.info/24459268/trzy-czwarte-polakow-z-dostepem-do-internetu-ale-i-tak-wielu-nie-korzysta>.
11. Ranked 6th, 7th, 11th, and 12th, according to alexa.com (data updated on January 4, 2017).
12. 1.8 percent in the fourth quarter of 2016. "TOK FM z najlepszym wynikiem w historii. Rośnie Trójka, liderem RMF FM," Wirtualnemedi.pl, January 13, 2017, <http://www.wirtualnemedi.pl/artykul/tok-fm-z-najlepszym-wynikiem-w-historii-rosnie-trojka-liderem-rmf-fm>.
13. "Jarosław Kaczyński na urodzinach Radia Maryja: 'Bez Ciebie ojciec dyrektorze nie byłoby tego zwycięstwa! Zwycięstwa ludzi, którzy służą Polsce,'" wPolityce, December 5, 2015, <http://wpolityce.pl/kosciol/274153-jaroslaw-kaczynski-na-urodzinach-radia-maryja-bez-ciebie-ojciec-dyrektorze-nie-byloby-tego-zwyciestwa-zwyciestwa-ludzi-ktorzy-sluzu-polsce>; "Poland's religious politics: Court ruling disaster," Economist, January 2, 2016, <http://www.economist.com/news/europe/21684826-attack-judicial-independence-reveals-governments-ideology-courting-disaster>.
14. "Super Express zwiększył przewagę nad 'Gazetę Wyborczą,' która straciła najwięcej (sprzedaż dzienników w listopadzie)," Wirtualnemedi.pl, January 5, 2017, <http://www.wirtualnemedi.pl/artykul/super-express-zwiekszyl-przewage-nad-gazete-wyborcza-ktora-stracila-najwiecej-sprzedaz-dziennikow-w-listopadzie>.
15. "Rośnie sprzedaż 'Tygodnika Powszechnego,' najwięcej straciły 'Wprost' i 'Newsweek.' 31 tys. egz. 'Faktów i Mitów,'" Wirtualnemedi.pl, December 22, 2016, <http://www.wirtualnemedi.pl/artykul/rosnie-sprzedaz-tygodnika-powszechnego-najwiecej-stracily-wprost-i-newsweek-31-tys-egz-faktow-i-mitow>.
16. "nr 29: Polska kontra homoimperium," Do Rzeczy, July 10, 2016, <https://dorzeczy.pl/9145/nr-29-Polska-kontra-homoimperium.html>.
17. "Polska w Ruinie," Newsweek Polska, July 17, 2016, <http://static.300polityka.pl/media/2016/07/Cm8x0R0WgAApFVD-640x837.jpg>.

18. Interview in wSieci, not available online; quoted here: "Jarosław Kaczyński: media osiągnęły dno w czasie próby puczu sejmowego, dezinformacje m.in. w TVN," Wirtualnemedi.pl, December 27, 2016, <http://www.wirtualnemedi.pl/artykul/jaroslaw-kaczynski-media-osiagnely-dno-w-czasie-proby-puczu-sejmowego-dezinformacje-m-in-w-tvn>.
19. Interview with Polska The Times, quoted here: "Mateusz Morawiecki: większość mediów z jednowymiarowym obrazem kraju, wyhodowane przez system III RP bronią status quo," Wirtualnemedi.pl, January 6, 2016, <http://www.wirtualnemedi.pl/artykul/mateusz-morawiecki-wiekszosc-mediow-z-jednymiarowym-obrazem-kraju-wyhodowane-przez-system-iii-rp-bronia-status-quo>.
20. "Prezes PiS komentuje w Radiu Maryja działania szefów TK I SN: to swego rodzaju rokosz," Kurier, December 30, 2015, <http://kurier.pap.pl/depesza/159947/Prezes-PiS-komentuje-w-Radiu-Maryja-dzialania-szefow-TK-i-SN-to-swego-rodzaju-rokosz>.
21. "Jarosław Kaczyński: 'To ci, którzy dzisiaj maszerują chcą, żeby polskie życie było zakłócone.' Sprawdź relację z czatu z prezesem PiS!," wPolityce, May 7, 2016, <http://wpolityce.pl/polityka/292055-jaroslaw-kaczynski-to-ci-ktorzy-dzisiaj-maszeruja-chca-zeby-polskie-zycie-bylo-zaklocone-sprawdz-relacje-z-czatu-z-prezesem-pis>.
22. "Ministerstwo Kultury chce przepisów zwiększających pluralizm własnościowy w mediach. 'Kapitał ma narodowość,'" Wirtualnemedi.pl, December 12, 2016, <http://www.wirtualnemedi.pl/artykul/ministerstwo-kultury-chce-przepisow-zwiekszajacych-pluralizm-wlasnosciov-y-w-mediach-kapital-ma-narodowosc>.
23. See infographics here: "Repolonizacja mediów. PiS szykuje przepisy na zagranicznych wydawców," WP Money, December 1, 2016, <http://www.money.pl/gospodarka/wiadomosci/artykul/repolonizacja-mediow-nowe-pomysly-pis,85,0,2210389.html>.
24. "Our Media," Agora, http://www.agora.pl/agora_english/0,115750.html#TRNavSST.
25. "O Firmie," Polska Press Grupa, January 2015, <http://polskapress.pl/pl/o-polskapress/o-firmie>.
26. "Polskapresse Kupuje Media Regionalne. Jest zgoda Uokik," Wirtualnemedi.pl, October 27, 2013, <http://www.wirtualnemedi.pl/artykul/polskapresse-kupuje-media-regionalne-jest-zgoda-uokik>.
27. "Krzysztof Czabański: Wiceminister Kultury i Dziedzictwa Narodowego, powołany 26 listopada 2015 r.," Ministry of Culture, March 10, 2016, <https://web.archive.org/web/20160310170639/http://www.mkidn.gov.pl/pages/strona-glowna/ministerstwo/kierownictwo/krzysztof-czabanski.php>.
28. Quoted here: "Terlecki: jeśli media publiczne myślą, że będą zajmować Polaków krytyką zmian, to trzeba to przerwać," TVN 24, December 29, 2015, <http://www.tvn24.pl/wiadomosci-z-kraju,3/ryszard-terlecki-o-mediach-zmiany-w-mediach-zapowiada-pis,606582.html>.
29. Full text of the law: "Ustawa z dnia 30 grudnia 2015 r. o zmianie ustawy o radiofonii i telewizji," Dziennik Ustaw, July 1, 2016, <http://www.dziennikustaw.gov.pl/DU/2016/25/1>.
30. "PiS: projekt tzw. ustawy medialnej ucywilizuje sytuację w mediach; opozycja krytyczna," Polska Agencja Prasowa, December 30, 2015, <http://www.pap.pl/aktualnosci/news,451499,pis-projekt-tzw-ustawy-medialnej-ucywilizuje-sytuacje-w-mediach-opozycja-krytyczna.html>.
31. "Szefowie kanałów TVP odchodzą w proteście przeciwko ustawie medialnej PiS," Dziennik, January 1, 2016, <http://wiadomosci.dziennik.pl/media/artykuly/509497,dymisje-w-tvp-szefowie-kanalow-odchodza-w-protescie-przeciwko-ustawie-medialnej-pis.html>.
32. See list of names (with former job titles) in sidebar: Aktualności, Towarzystwo Dziennikarskie, <http://towarzystwodziennikarskie.org>.
33. "'Wolna Polska, wolne media.' Tysiące ludzi na manifestacjach KOD," TVN 24, January 9, 2016, <http://www.tvn24.pl/wiadomosci-z-kraju,3/zmiany-w-mediach-publicznych-manifestacje-kod,609345.html>.
34. "Poland: We Are Outraged by the Abolition of Safeguards for Pluralism and Independence in Public Service Media," European Federation of Journalists, December 30, 2015, <http://europeanjournalists.org/blog/2015/12/30/poland-media-organisations-to-oppose-abolition-of-safeguards-for-pluralism-and-independence-in-public-service-media/>.
35. "OSCE Media Freedom Representative Urges Poland's Government to Withdraw Proposed Changes to the Selection of Management in Public Service Broadcasters," Organization for Security and Co-operation in Europe, December 30, 2015, <http://www.osce.org/fom/213391>.
36. "College Orientation Debate on Recent Developments in Poland and the Rule of Law Framework: Questions & Answers," European Commission, January 13, 2016, http://europa.eu/rapid/press-release_MEMO-16-62_en.htm.
37. "Trybunał Konstytucyjny: Mała ustawa medialna jest częściowo niekonstytucyjna," Dziennik.pl, December 13, 2016, <http://wiadomosci.dziennik.pl/media/artykuly/537818,trybunal-konstytucyjny-mala-ustawa-medialna-jest-czesciowo-niekonstytucyjna.html>.
38. "Tomasz Zimoch: Za kilkanaście lat Andrzej Rzepliński będzie bohaterem narodowym," Gazeta Prawna, May 13, 2016, <http://www.gazetaprawna.pl/artykuly/943322,tomasz-zimoch-za-kilkanascie-lat-andrzej-rzeplinski-bedzie-bohaterem-narodowym.html>.
39. "Komisja Etyki: Tomasz Zimoch w słowach o stanie wojennym nielojalny wobec Polskiego Radia," Wirtualnemedi.pl, June 5, 2016, <http://www.wirtualnemedi.pl/artykul/komisja-etyki-tomasz-zimoch-w-slowach-o-stanie-wojennym-nielojalny-wobec-polskiego-radia>.
40. "Tomasz Zimoch odchodzi z Polskiego Radia, rozwiązał umowę z winy nadawcy," Wirtualnemedi.pl, June 6, 2016, <http://www.wirtualnemedi.pl/artykul/tomasz-zimoch-odchodzi-z-polskiego-radia-rozwiazal-umowe-z-winy-nadawcy>.
41. "Opinion of Council of Europe Experts Mr. Jean-François Furnémont and Dr. Eve Salomon on the Three Draft Acts Regarding Policy Public Service Media," Council of Europe, June 6, 2016, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTM-Content?documentId=090000168065e9eb>.
42. "'Pomostowa' ustawa medialna przyjęta. Zakłada utworzenie Rady Mediów Narodowych," TVN 24, June 22, 2016, <http://www.tvn24.pl/wiadomosci-z-kraju,3/pomostowa-ustawa-medialna-przyjeta-przez-sejm,655079.html>.
43. "Rada Mediów Narodowych," Sejm, http://www.sejm.gov.pl/Sejm8.nsf/page.xsp/rmn_sklad.
44. "Informacja O DZIAŁALNOŚCI RADY MEDIÓW NARODOWYCH W 2016 R.," Sejm, http://www.sejm.gov.pl/Sejm8.nsf/page.xsp/rmn_komunikaty.

45. "Juliusz Braun: informacja o działalności Rady Mediów Narodowych to dokument propagandowy," Wirtualnedia.pl, April 7, 2016, <http://www.wirtualnedia.pl/artykul/juliusz-braun-informacja-o-dzialalnosci-rady-mediow-narodowych-to-dokument-propagandowy>.
46. On the "white" protest: "W Obronie Bezbronnych," Wiadomości, October 3, 2016, <https://wiadomosci.tvp.pl/27187630/w-obronie-bezbronnych>; "Niemcy nas biją w Wiadomościach," Zaraz Wracam (blog), October 3, 2016, <http://szacki.blog.polityka.pl/2016/10/03/niemcy-nas-bija-w-wiadomosciach/>; "Niecna zagrywka 'Wiadomości.' Co zrobili?," FAKT 24, October 4, 2016, <http://www.fakt.pl/wydarzenia/polityka/wiadomosci-tvp-zmanipulowaly-material-o-czarnym-protescie/zptcheg>.
47. "'Wiadomości' po zmianach straciły widzów i zaczęły przegrywać z 'Faktami' (dane tydzień po tygodniu)," Wirtualnedia.pl, May 2, 2016, http://www.wirtualnedia.pl/artykul/wiadomosci-po-zmianach-stracily-widzow-i-zaczely-przegrywac-z-faktami-dane-tydzien-po-tygodniu_1.
48. "'Fakty' wyprzedziły 'Wiadomości' w 2016 roku. 'Teleexpress' na czele dzienników," Wirtualnedia.pl, January 4, 2017, <http://www.wirtualnedia.pl/artykul/fakty-wyprzedily-wiadomosci-w-2016-roku-teleexpress-na-czele-dziennikow-raport>.
49. "TVP1 pokaże dokument 'Pucz' o zamieszczeniu sejmowym. 'Kto i od kiedy przygotowywał zamach stanu?'," Wirtualnedia.pl, January 14, 2017, <http://www.wirtualnedia.pl/artykul/tvp1-pokaze-dokument-pucz-o-zamieszczeniu-sejmowym-kto-i-od-kiedy-przygotowywal-zamach-stanu>; video here: Pucz, January 15, 2017, <https://www.youtube.com/watch?v=39bAPEPqtBc>.
50. "Nowe Centrum Medialne," Sejm, December 18, 2016, [http://www.sejm.gov.pl/media8.nsf/files/EPIA-AGMN5J/%24File/Informacja na temat zmian w organizacji pracy mediów w Parlamencie.pdf](http://www.sejm.gov.pl/media8.nsf/files/EPIA-AGMN5J/%24File/Informacja%20na%20temat%20zmian%20w%20organizacji%20pracy%20mediow%20w%20Parlamencie.pdf).
51. "Prezydent ogłosił reset w sprawie mediów. PiS w całości wycofuje się z proponowanych zmian," Wprost, December 19, 2016, <https://www.wprost.pl/kraj/10035604/Prezydent-oglosil-reset-w-sprawie-mediow-PiS-w-calosci-wycofuje-sie-z-proponowanych-zmian.html>.
52. Estimate by SGM Polska, quoted here: "Wpływy ze sprzedaży 'Gazety Wyborczej' przestały spadać, przychody reklamowe w trzy lata zmalały o połowę," Wirtualnedia.pl, November 2, 2016, <http://www.wirtualnedia.pl/artykul/wplywy-ze-sprzedazy-gazety-wyborczej-przestaly-spadac-przychody-reklamowe-w-trzy-lata-zmalaly-o-polowe-analiza>.
53. "Ministerstwa i spółki państwowe mocno zmniejszyły wydatki reklamowe," TVN 24, August 18, 2016, <http://www.wirtualnedia.pl/artykul/ministerstwa-i-spolki-panstwowe-mocno-zmniejszyly-wydatki-reklamowe-w-tvn-i-tvn24#>.
54. "Wpływy ze sprzedaży 'Gazety Wyborczej' przestały spadać, przychody reklamowe w trzy lata zmalały o połowę," Wirtualnedia.pl, November 2, 2016, <http://www.wirtualnedia.pl/artykul/wplywy-ze-sprzedazy-gazety-wyborczej-przestaly-spadac-przychody-reklamowe-w-trzy-lata-zmalaly-o-polowe-analiza>.
55. "Konsultacje w sprawie zwiększenia liczby osób objętych zwolnieniem grupowym w Agorze S.A.," Agora, December 6, 2016, <http://www.agora.pl/agora/1,111607,21078768,28-2016-konsultacje-w-sprawie-zwiekszenia-liczby-osob-objetych.html>.
56. "Tomasz Lis: 'Newsweek' i 'Gazeta Wyborcza' są chowane na stacjach Orlen. Agora z rozwiązaną umową na ekspozycję tytułów," Wirtualnedia.pl, July 7, 2016, <http://www.wirtualnedia.pl/artykul/tomasz-lis-newsweek-i-gazeta-wyborcza-sa-chowane-na-stacjach-orken-agora-z-rozwiazana-umowa-na-ekspozycje-tytulow>.
57. "Ulubione Gazety Klientów stacji Lotosu," Trojmiasto, January 9, 2017, <http://biznes.trojmiasto.pl/Ulubione-gazety-klientow-stacji-Lotosu-n108873.html>.
58. "'Gazeta Polska' i 'W Sieci' dużo więcej z reklam, najbardziej w dół 'Polityka' i 'Tygodnik Powszechny,'" Wirtualnedia.pl, August 1, 2016, <http://www.wirtualnedia.pl/artykul/gazeta-polska-i-w-sieci-duzo-wiecej-z-reklam-najbardziej-w-dol-polityka-i-tygodnik-powszechny>.
59. "Hungary," in Freedom of the Press 2016, Freedom House, <https://freedomhouse.org/report/freedom-press/2016/hungary>.
60. "Orbán's Media Playbook, Now Coming to Poland," Politico, January 13, 2016, <http://www.politico.eu/article/orban-media-playbook-coming-to-poland-media-law-human-rights-european-values/>.
61. "DamyRadę," Prawo i Sprawiedliwość, September 26, 2015, <https://www.youtube.com/watch?v=wP8ZBg2FLFY>.
62. "New Tech Helps Poland's Old Guard," Politico, October 21, 2015, <http://www.politico.eu/article/polands-old-guard-jaroslaw-kaczynski-law-and-justice-party-poland-election/>.
63. "About OKO.press," OKO.press, 2016, <https://oko.press/about-oko-press/>.



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