

His Excellency
President Lech Kaczynski
President of the Republic of Poland
Krakowskie Przedmiescie 48/50
00-071 Warszawa,

Via facsimile: +48 22 695 22 38

16 July 2009

Re: The Law on Public Activity within the Sphere of Media Services

Dear Mr. President,

I am writing to you on behalf of ARTICLE 19: Global Campaign for Free Expression to urge you to veto the Law on Public Activity within the Sphere of Media Services ("*Ustawa o zadaniach publicznych w dziedzinach mediów*" –"the Media Law") and to return it to Parliament for further revision.

ARTICLE 19 believes that public service broadcasting plays a crucial role in a democratic society, as it ensures that a pluralistic range of voices and opinions are accessible to the public and enables the free flow of information and ideas. We welcome this initiative of the Government of Poland to improve existing legislation in this area. However, we are concerned that the recently passed Media Law fails to meet international standards on public service broadcasting, as well as its purported goals. We believe the Law should not enter into force unless significantly improved.

Our concerns are based on international standards on freedom of expression and broadcast regulation, especially on *Recommendation No. (96)10 on the Guarantee of the Independence of Public Service Broadcasting*, passed by the Committee of Ministers of the Council of Europe in 1996, and ARTICLE 19's *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation* (2002). The former represents standards developed under the Council of Europe system, while the latter takes into account wider international practice, including under UN mechanisms, as well as comparative constitutional law and best practice in countries around the world.

In particular, we are concerned about the failure of the Media Law to provide for the financial and editorial independence of public service media from political pressure. We note that public service broadcasters can fulfil their mandates if they are guaranteed sufficient funds for that task. At the same time, their true independence and



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Article 19 of the Universal Declaration of Human Rights:

'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'

institutional autonomy is only possible if their funding is secure from arbitrary government control and is transparent. We are concerned about the provisions on the regulatory regime and the fact that the regulatory body is entirely dependent on the Governmental structures, making it susceptible to political pressure.

In light of the foregoing, we urge Your Excellency to refuse to sign this draft into law and, instead, to use your authority to ensure that a genuine independence of the public service broadcaster is guaranteed and entrenched under Polish legislation. ARTICLE 19 has considerable expertise in this field and we would be happy to provide any assistance we can to this end.

Yours truly

Dr Agnès Callamard
Executive Director,
ARTICLE 19