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**Joint-Contribution by  
the Committee to Protect Journalists (CPJ),  
Reporters Without Borders (RSF), the International Press Institute (IPI), NGOs  
with special consultative status,  
on press freedom and the freedom to inform in Poland**

**Committee to Protect Journalists**

UN HRC: Universal Periodic Review (Third Cycle): Stakeholder Submission: 2021

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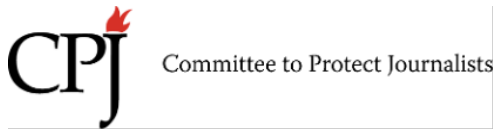
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#### **Brief description of CPJ:**

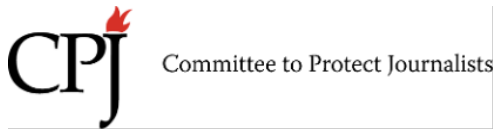
1. The Committee to Protect Journalists (CPJ) is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

#### **Brief description of IPI:**

5. The International Press Institute (IPI) is a global network of editors, media executives and leading journalists representing leading digital, print and broadcast news outlets in nearly 100 countries who share a common dedication to quality, independent journalism.
6. IPI's mission is to defend media freedom and the free flow of news wherever they are threatened. We conduct direct advocacy with governments, raise awareness on violations of media freedom through news coverage, research and analysis, and lead programmes and campaigns to further change

#### **Brief description of RSF:**

7. Reporters Without Borders (RSF) is an international non-profit organization working to defend and promote free, pluralistic and independent journalism.
8. Working for more than 30 years, RSF has fourteen bureaux worldwide, a network of correspondents in 130 countries and consultative status with the United Nations, the Council of Europe, the Organisation Internationale de la Francophonie and the African Commission on Human and Peoples' Rights.
9. In order to concretely reflect the evolution of press freedom in each of the 180 countries that RSF monitors, we publish our World Press Freedom Index on a yearly basis, that serves as a point of reference that is quoted by media throughout the world and is used by diplomats and international entities such as the United Nations and the World Bank. The Index ranks 180 countries and regions according to the level of freedom available to journalists. It is a snapshot of the media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists in each country and region. It does not rank public policies even if governments obviously have a major impact on their country's



ranking. Nor is it an indicator of the quality of journalism in each country or region.

## Summary

10. This submission was prepared for the Universal Periodic Review (UPR) of Poland in March 2022. In it, CPJ, IPI, and RSF assess the press freedom framework and the situation in the country.
11. CPJ, IPI and RSF acknowledge Poland's stated commitment to ensuring freedom of the press, as shown in the country's decision to accept five recommendations concerning freedom, independence and pluralism of the media, freedom of speech, freedom of expression, and the right to access to information made by several countries in the 27th session of the UPR Working Group (May 1-12, 2017)
12. However, CPJ, IPI and RSF remain concerned that Poland has continued to wage a multi-layered strategy to limit critical journalism, muzzle independent reporting, and undermine watchdog journalism. This strategy includes enacting policies which effectively turned the country's taxpayer-financed public broadcaster into a government propaganda tool, with biased news coverage that serves the government's political agenda; pursuing measures which aim to deliberately distort the media market in order to worsen the business environment of independent private media and facilitate their take-over by state-controlled businesses; and instrumentalizing state institutions, state resources, and the use of a wide range of legislative and regulatory powers to retaliate against critical reporting. The activities of independent journalists are systematically hindered: state authorities restrict journalists' access to information, target critical journalists and media organizations using legal methods including vexatious civil defamation and libel cases, and subject them to smear campaigns. Journalists also face delegitimization efforts by pro-government media and ruling party politicians. Journalists covering demonstrations increasingly face physical violence, sometimes also from the police, and police also restrict, obstruct and harass their reporting – especially in the border area with Belarus.
13. In this document, CPJ, IPI and RSF draw on the Polish government's actions since 2018 that restrict independent media and limit critical coverage and the capacity of journalists to exercise scrutiny over government activities.
14. In the final section, CPJ, IPI and RSF make a number of recommendations to the government to address the press freedom concerns raised in this submission.

## Legal framework

15. Poland, as a member of the European Union, has passed national legislation that guarantees press freedom which is in line with ratified international treaties and EU laws. Among them are:
16. Article 14 of the Polish [Constitution](#)<sup>1</sup> stipulates that Poland “shall ensure freedom of the press and other means of social communication”. Article 54 states that “the freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone” and that “preventive censorship of the means of social communication and the licensing of the press shall be prohibited.” Article 61 recognizes the right to information.
17. Sectoral legislation, Article 1 of the [Press](#)<sup>2</sup> Law of 1984, recognises freedom of expression and the right of citizens to reliable information, and transparency of public life.
18. Article 6 of the [Broadcasting](#) Act of 1992<sup>3</sup> regulates the licensing process for the broadcasting of radio and television programmes and stipulates the protection of freedom of expression as the task of the National Broadcasting Council. Article 13 stipulates that broadcasters will enjoy full independence in determining the content of the programme, no state administration body may influence the programming or staffing decisions of public broadcasters. Article 21 states that the public broadcaster must ensure diversified programmes in a pluralistic, impartial, well-balanced, independent and innovative manner, marked by the high quality and integrity of broadcast.
19. The right to information is protected by the [Law](#)<sup>4</sup> on Access to Public Information of 2001.

#### Main submission

20. The following submission is drawn from research conducted by CPJ, IPI and RSF. All CPJ publications on Poland can be found at [this link](#)<sup>5</sup>, all RSF publications are [here](#)<sup>6</sup>, and all of IPI’s advocacy and reporting work can be found [here](#)<sup>7</sup>.
21. Poland accepted five recommendations concerning freedom, independence and pluralism of the media, freedom of speech, freedom of expression, and the right to access to information made by several countries in the previous UPR cycle.

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<sup>1</sup> [Constitution of the Republic of Poland of 1987](#) (accessed March 24, 2022)

<sup>2</sup> [Press Law Act of 1984](#) (accessed March 24, 2022)

<sup>3</sup> [Broadcasting Act of 1992](#) (accessed March 24, 2022)

<sup>4</sup> [The Act On Access To Public Information of 2001](#) (accessed March 24, 2022)

<sup>5</sup> [CPJ Poland Archives](#), (accessed March 24, 2022)

<sup>6</sup> [RSF Poland Archives](#), (accessed March 24, 2022)

<sup>7</sup> [IPI Poland Archives](#), (accessed March 24, 2022)

22. CPJ, RSF and IPI would like to raise ongoing and grave concerns pertaining to the following accepted [recommendations](#) from the 3rd UPR Cycle of 2017 (27th session):
- paragraph 120.104 Take decisive steps to decrease political control over State-owned media and to ensure independence of private and State-owned media (Sweden);
  - paragraph 120.105 Guarantee freedom and independence of the media and ensure that rules regarding media ownership comply with European Union law (no discrimination and no retroactive legislation) (Germany);
  - paragraph 120.106 Ensure that the implementation of its legislation in the field of media respects the independence and pluralism of the media, by, inter alia, applying the decision of the Constitutional Tribunal of December 13, 2016, which aims at restoring the competences of the National Broadcasting Council (Switzerland);
  - paragraph 120.107 Promote the right of access to information by protecting the freedom of press and the use of mass communication (Holy See);
  - paragraph 120.108 Guarantee the full right to freedom of expression, through amendments to laws adopted from 2015 that limit the independence of the media, undermine trust on its impartiality and, in anti-terrorism cases, could violate privacy (Mexico).

23. The concerns are as follows:

24. Since its previous UPR cycle, Poland has not addressed concerns related to the independence of its media regulation bodies. According to a 2021 [report](#)<sup>8</sup> by the Batory Foundation, an independent NGO, Poland failed to restore the competences of the National Broadcasting Council (NBC) in relation to overseeing the public service media as it was required by the decision of the Constitutional Tribunal of December 13, 2016. The decision said that the government in 2015 acted unconstitutionally when it “removed the council’s influence on appointments to the executive and supervisory boards of the public television and radio broadcasters” and transferred these powers to the newly created National Media Council (NMC). Moreover, Poland maintained an “entirely politicized” procedure in appointing members of the National Broadcasting Council, where “the deciding vote in appointments to the institution has belonged” to the ruling majority. The report also said that the NMC, is “directly dependent on the parliamentary majority”, (...) “as a result, politicians from the ruling party currently have full power in the NMC.”

25. The relevant sectoral law (Broadcasting Act of 1992) stipulates that the public broadcaster must ensure independent, impartial, well-balanced and diversified coverage. The 2021 Media Pluralism [Monitor](#)<sup>9</sup>, an independent study by the Centre

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<sup>8</sup> [The politicization of the Polish National Broadcasting Council \(KRRiT\): a new front in Poland’s rule-of-law conflict with the European Union?](#) Batory Foundation, 2021, (accessed March 24, 2022)

<sup>9</sup> [Monitoring media pluralism in the digital era, Country Report Poland, 2021](#), (accessed March 24, 2022)

for Media Pluralism and Media Freedom (CMPF), a European research institute, said that there is “a lack of sufficient political balance” and “weak independence” in public service media. It concluded that in terms of editorial interference, “a direct involvement of the government” in appointments of the public service media” present a deepening of this problem.

26. According to research by [CPJ](#)<sup>10</sup>, [IPI](#)<sup>11</sup> and [RSF](#)<sup>12</sup>, since 2018, Poland has dismissed more than 200 journalists from the public broadcaster in order to exert tighter control, turned the country’s public service media into a propaganda tool for the government and the ruling Law and Justice (PiS) party, and the broadcaster has shown a consistent pro-government [bias](#)<sup>13</sup> in its coverage.
27. The public broadcaster’s bias towards the government is especially worrisome during election periods. A [statement](#)<sup>14</sup> by The Office for Democratic Institutions and Human Rights (ODIHR), an institution of the Organization for Security and Cooperation in Europe (OSCE), an intergovernmental organization with observer status at the United Nations said that during the 2019 parliamentary election campaign “the distinct editorial bias of the media, especially the public broadcaster, and the absence of active oversight, adversely impacted the opportunity of voters to make an informed choice.”
28. Similarly, a [statement](#)<sup>15</sup> by the ODIHR said that during the 2020 presidential election campaign “the public broadcaster failed to ensure balanced and impartial coverage, and rather served as a campaign tool for the incumbent.” It said that “the governance and funding of the public broadcaster TVP does not ensure editorial independence and enables the government to exert pressure on TVP content.” During the campaign, the public broadcaster “failed in its legal duty to provide balanced and impartial coverage. Instead, it acted as a campaign vehicle for the incumbent and frequently portrayed his main challenger as a threat to Polish values and national interests. Some of the reporting was charged with xenophobic and anti-Semitic undertones.”

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<sup>10</sup> [Mission Journal: In Poland, some journalists fear worst is yet to come, CPJ, March 12, 2018](#), (accessed March 24, 2022)

<sup>11</sup> [Poland’s public media serve as propaganda tool, IPI, July 8, 2019](#), (accessed March 24, 2022)

<sup>12</sup> [Polish public broadcaster peddles government hate speech in presidential election run-up, RSF, June 24, 2020](#) (accessed March 24, 2022)

<sup>13</sup> [Polish public broadcaster veers from impartial mission, IPI, January 31, 2018](#), (accessed March 24, 2022)

<sup>14</sup> [Statement of preliminary findings and conclusions, ODIHR, October 19 2019](#), (accessed March 24, 2022)

<sup>15</sup> [Statement of preliminary findings and conclusions, ODIHR, June 28, 2020](#), (accessed March 24, 2022)

29. Besides direct political influence over its public service media, a [report](#)<sup>16</sup> by a joint December 2020 mission of international press freedom organizations concluded that Poland has “waged a coordinated campaign of administrative harassment aimed at destabilizing and undermining the businesses of critical media. This involves the use of antimonopoly investigations, licensing and regulatory changes and retroactive tax penalties.”
30. According to this [report](#)<sup>17</sup>, the government has instrumentalized the Office of Competition and Consumer Protection, a state body overseeing market competition, which is “increasingly being used as a tool of the ruling party to stall and prevent mergers that would strengthen media companies perceived as opponents” of the government’s agenda, while “approving mergers among pro-government media, facilitating the concentration of pro-government ownership.”
31. According to research by [CPJ](#)<sup>18</sup>, [IPI](#)<sup>19</sup> and [RSF](#)<sup>20</sup>, in 2020 the Office of Competition and Consumer Protection – despite concerns formulated by Poland’s constitutionally independent national human rights commissioner, Adam Bodnar over independent journalism and media pluralism – permitted that a partly state-owned and state-controlled petrol company, PKN Orlen purchase Polska Press, a major independent regional publisher of hundreds of news outlets with an audience of 17.4 million people from German company Verlagsgruppe Passau.
32. In 2021, following an appeal by the independent national human rights commissioner a court [suspended](#)<sup>21</sup> the approval of the sale. However, PKN Orlen pushed ahead by replacing Polska Press board members and editors-in-chief: at least eight editors-in-chief were [dismissed or pushed out](#)<sup>22</sup>, with other editors and journalists at Polska Press titles across the country resigning. They were replaced by numerous journalists arriving from the state-controlled public broadcaster and other pro-government media. The appeal of the sale is ongoing as of March 2022.

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<sup>16</sup> [Democracy Declining: Erosion of Media Freedom in Poland, Media Freedom Rapid Response, November-December 2020](#), (accessed March 24, 2022)

<sup>17</sup> [Democracy Declining: Erosion of Media Freedom in Poland, Media Freedom Rapid Response, November-December 2020](#), (accessed March 24, 2022)

<sup>18</sup> [Mission Journal: ‘Trench warfare’ in Polish press as government eyes next election cycle, CPJ, April 1, 2021](#), (accessed March 24, 2022)

<sup>19</sup> [Purchase of Polska Press by state energy giant spells disaster for media freedom in Poland, IPI, December 10, 2020](#), (accessed March 24, 2022)

<sup>20</sup> [With firing of four editors, “repolonisation” under way in Poland, RSF, May 10, 2021](#), (accessed March 24, 2022)

<sup>21</sup> [Poland: Court suspends sale of newspaper group to state-controlled PKN Orlen, IPI, March 4, 2021](#), (accessed March 24, 2022)

<sup>22</sup> [Poland: Orlen continues editorial purge at Polska Press, IPI, June 10, 2021](#), (accessed March 24, 2022)

33. According to research by [CPJ](#)<sup>23</sup>, [IPI](#)<sup>24</sup> and [RSF](#)<sup>25</sup>, in 2021, the government targeted TVN, the country's largest commercial broadcaster owned by the U.S.-based media group Discovery Inc. for its independent and critical coverage with a series of regulatory and legislative initiatives.
34. In August 2021, the ruling majority led by the PiS party [adopted](#)<sup>26</sup> [amendments](#)<sup>27</sup> to the Broadcasting Act which aimed to restrict broadcast licenses solely to companies that are majority-owned by entities inside the European Union, Iceland, Liechtenstein, and Norway, thereby blocking the license of TVN24, TVN's news channel. The amendments would have forced Discovery Inc. to sell its majority stake in TVN. The amendments did not enter into force after Poland's [president](#)<sup>28</sup> exercised a veto.
35. At the same time, the National Broadcasting Council exerted [pressure](#)<sup>29</sup> on TVN by waiting until September 22, 2021 to approve the extension of the operating license for [TVN24](#)<sup>30</sup>, only four days before the license expired.
36. A [report](#)<sup>31</sup> by a joint December 2020 mission of international press freedom organizations concluded that Poland followed a policy of instrumentalization of state resources and state advertising and to distort the media market "in favor of outlets which align with the government's views and values." According to the report, state institutions and state-owned and controlled companies ceased to subscribe to or place advertising in independent media, cutting off an important source of funding in a policy of economic strangulation.
37. The [report](#)<sup>32</sup> showed that advertising budgets of state institutions, ministries, public bodies and state-owned companies have been distributed in a politically motivated manner to fund pro-government media outlets that provide supportive coverage,

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<sup>23</sup> [CPJ TVN Archives](#), (accessed March 24, 2022)

<sup>24</sup> [Independent media under attack in Poland: the case of TVN24](#), IPI, July 21, 2021, (accessed March 24, 2022)

<sup>25</sup> [RSF declares "press freedom state of emergency" in Poland](#), RSF, September 14, 2021, (accessed March 24, 2022)

<sup>26</sup> [Polish parliament to vote on media bill targeting broadcaster TVN24](#), CPJ, September 15, 2021, (accessed March 24, 2022)

<sup>27</sup> [RSF declares "press freedom state of emergency" in Poland](#), RSF, September 14, 2021, (accessed March 24, 2022)

<sup>28</sup> [CPJ joins call urging Polish president to veto media bill](#), CPJ, December 21, 2021, (accessed March 24, 2022)

<sup>29</sup> [Polish broadcast regulator approves licence for U.S.-owned broadcaster](#), Reuters, September 22, 2021, (accessed March 24, 2022)

<sup>30</sup> [Polish parliament to vote on media bill targeting broadcaster TVN24](#), CPJ, September 15, 2021, (accessed March 24, 2022)

<sup>31</sup> [Democracy Declining: Erosion of Media Freedom in Poland](#), Media Freedom Rapid Response, November-December 2020, (accessed March 24, 2022)

<sup>32</sup> [Democracy Declining: Erosion of Media Freedom in Poland](#), Media Freedom Rapid Response, November-December 2020, (accessed March 24, 2022)



while withdrawing financial support to critical publications, thus undermining the business model of independent media.

38. According to research by [CPJ](#)<sup>33</sup> and [IPI](#)<sup>34</sup>, the government's 2021 initiative to put forward a legislative proposal to tax media outlets two to 15 percent on their advertising revenue was perceived by independent media as a deliberate distortion of the market in order to worsen the business environment in which Poland's private media operate and exert financial pressure on them. Following protests by media outlets, the proposal was not put forward to parliamentary vote.
39. Independent journalists' access to public information is seriously hindered. A [report](#)<sup>35</sup> by a joint December 2020 mission of international press freedom organizations said that public officials connected to the ruling party routinely refuse communication or interviews with critical media outlets, and reporters are often denied access to legally guaranteed and publicly held information without explanation, including Freedom of Information (FOI) requests.
40. Critical reporting about officials or institutions is sometimes met with [retaliation](#)<sup>36</sup> in the form of [cancellation of accreditation](#)<sup>37</sup> or blocked entry to political events. These issues worsened further during the COVID-19 pandemic, during which official requests for public health information routinely went unanswered, in violation of the Freedom of Information Act.
41. State authorities and state companies have continued to harass independent media using legal methods, threatening journalists with criminal defamation lawsuits, [CPJ's](#)<sup>38</sup> research shows.
42. A [report](#)<sup>39</sup> by a joint December 2020 mission of international press freedom organizations said that publishers and journalists have been targeted with vexatious civil defamation and libel cases. Many lawsuits are initiated by government agencies, state bodies or PiS politicians and are aimed at draining newspapers' financial resources. According to the report, "the abusive nature of these cases means many

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<sup>33</sup> [Mission Journal: 'Trench warfare' in Polish press as government eyes next election cycle, CPJ, April 1, 2021](#), (accessed March 24, 2022)

<sup>34</sup> ['The Hungary model': How Poland copied illiberal tactics for weakening independent media, IPI, March 18, 2021](#), (accessed March 24, 2022)

<sup>35</sup> [Democracy Declining: Erosion of Media Freedom in Poland, Media Freedom Rapid Response, November-December 2020](#), (accessed March 24, 2022)

<sup>36</sup> [Journalists from Fakt tabloid denied accreditation for presidential visit, Mapping Media Freedom, September 23, 2020](#), (accessed March 24, 2022)

<sup>37</sup> [PM's office refuses accreditation for photojournalist Jaap Arriens without justification, Mapping Media Freedom, September 10, 2021](#), (accessed March 24, 2022)

<sup>38</sup> [Mission Journal: In Poland, some journalists fear worst is yet to come, CPJ, March 12, 2018](#), (accessed March 24, 2022)

<sup>39</sup> [Democracy Declining: Erosion of Media Freedom in Poland, Media Freedom Rapid Response, November-December 2020](#), (accessed March 24, 2022)

can be classified as Strategic Lawsuits Against Public Participation (SLAPP), a form of legal harassment used to intimidate and silence public interest journalism.”

43. Criminal investigations, though rarer, have also been brought disproportionately against critical journalists.
44. In November 2021, a Polish court fined Ewa Siedlecka, a columnist for the weekly newsmagazine *Polityka* for criminal defamation as part of a private criminal defamation lawsuit brought against her by two judges for her critical reporting on the judges, [CPJ's](#)<sup>40</sup> and [IPI's](#)<sup>41</sup> research show.
45. According to IPI's [research](#)<sup>42</sup> In October 2021, Katarzyna Włodkowska, a reporter working for daily newspaper *Gazeta Wyborcza*, was questioned by the District Prosecutor's Office in Gdańsk after the Court of Appeal upheld a ruling ordering her to reveal her confidential source. She refused and faced potential jail time of 30 days.
46. In October 2021, Polish police officers carrying guns entered and searched the home of Piotr Bakselerowicz, a reporter for daily newspaper *Gazeta Wyborcza*, seized his equipment in a criminal investigation into threats allegedly received by members of the Polish lower house of the parliament, CPJ's research [showed](#)<sup>43</sup>.
47. In 2021, Polish authorities charged, detained, and harassed journalists covering refugee movements in the border area with Belarus after the government in September imposed a state of emergency decree which barred journalists reporting from the area.
48. CPJ and RSF documented that Poland [charged](#)<sup>44</sup> two journalists with violating state of emergency rules, [stopped](#)<sup>45</sup> and questioned a reporter, and [detained](#)<sup>46</sup> and [obstructed](#)<sup>47</sup> at least seven other reporters.

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<sup>40</sup> [Polish court fines journalist Ewa Siedlecka for criminal defamation, CPJ, December 15, 2021](#), (accessed March 24, 2022)

<sup>41</sup> [Poland: Journalist's criminal defamation conviction may impair freedom of expression, IPI, December 1, 2021](#), (accessed March 24, 2022)

<sup>42</sup> [Poland: Journalist must not be jailed for refusing to disclose source, IPI, November 29, 2021](#), (accessed March 24, 2022)

<sup>43</sup> [Polish police search journalist's home, seize equipment over alleged threats to legislator, CPJ, October 6, 2021](#), (accessed March 24, 2022)

<sup>44</sup> [Polish authorities charge 2 journalists with violating state of emergency in coverage of Belarus border area, CPJ, September 17, 2021](#), (accessed March 24, 2022)

<sup>45</sup> [Polish authorities question reporter covering Belarus border area, CPJ, October 8, 2021](#), (accessed March 24, 2022)

<sup>46</sup> [Polish authorities detain, harass journalists covering refugee crossings from Belarus, CPJ, November 23, 2021](#), (accessed March 24, 2022)

<sup>47</sup> [Polish soldiers cannot treat journalists as if it were a military dictatorship, RSF, November 23, 2021](#), (accessed March 24, 2022)

49. In January 2022, the Supreme Court said<sup>48</sup> that the government's state of emergency decree violated press freedom. A new legislation in force since the expiration of the state of emergency allows journalists to enter the border area, but subjects them to discretionary and arbitrary restrictions of the Border Guard in charge of giving permissions and accompanying the journalists.
50. Journalists in Poland covering demonstrations also faced physical violence, sometimes also from the police, and police obstructed and harassed journalists, CPJ's, IPI's and RSF's research shows.
51. In [October](#)<sup>49</sup> 2020, at least three journalists have suffered injuries, including one from daily newspaper *Gazeta Wyborcza* who was taken to hospital in after being assaulted by masked men during the so-called Women's Strike demonstrations in Wrocław against a controversial ruling by the Polish Constitutional Tribunal restricting access to abortions.
52. In [November](#)<sup>50</sup> 2020, Agata Grzybowska, a photojournalist working for the RATS Agency, the Associated Press and daily newspaper *Gazeta Wyborcza* was charged with "violation of a policeman's physical integrity" as she was documenting the Women's Strike in Warsaw for allegedly blinding a police officer with her camera flash, the police officer then manhandled her and threw her into a police van.
53. In [November](#)<sup>51</sup> 2020, Angelika Pitoń, a reporter for daily newspaper *Gazeta Wyborcza* was charged with using indecent language and not wearing a mask while covering the Women's Strike in the southern town of Zakopane.
54. In [August](#) 2019<sup>52</sup>, during a march in Warsaw by far right nationalists, police physically attacked a reporter documenting the event, and forced two reporters to leave the demonstration at the request of its organizers, who did not want their presence during the demonstration.
55. In November 2020, [during](#)<sup>53</sup> clashes between riot police and protesters in Warsaw, at least one journalist was shot with a rubber bullet that was fired by police, and police officers beat multiple journalists with batons and fired tear gas and pepper spray at

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<sup>48</sup> [Polish Supreme Court Judgement of January 18, 2022](#), (accessed March 24, 2022)

<sup>49</sup> [As violence escalates in Poland, journalists come under attack, IPI, October 30, 2020](#), (accessed March 24, 2022)

<sup>50</sup> [Poland: Drop charges against reporter who covered women's rights protest, RSF, November 25, 2020](#), (accessed March 24, 2022)

<sup>51</sup> [Poland: Drop charges against reporter who covered women's rights protest, RSF, November 25, 2020](#), (accessed March 24, 2022)

<sup>52</sup> [Police violence against reporters in Poland, RSF, August 7, 2019](#), (accessed March 24, 2022)

<sup>53</sup> [Polish riot police attack journalists covering demonstrations, CPJ, November 16, 2020](#), (accessed March 24, 2022)

members of the press. The attacks took place at the Independence March, an annual event organized by right-wing groups, which was held despite being officially banned due to the coronavirus pandemic.

56. Independent journalists are often subject to campaigns of delegitimization by government politicians and pro-government media outlets, hate speech, smear campaigns, they are routinely vilified as “anti-Polish”, “political activists” or “foreign agents”, concluded a [report](#)<sup>54</sup> by a joint December 2020 mission of international press freedom organizations.
57. In 2021 unidentified persons [surveilled](#) and smeared journalist Jacek Harlukowicz on social media following his reporting on alleged corruption of government officials.<sup>55</sup>
58. According to CPJ’s [research](#),<sup>56</sup> in January 2022 the phone numbers for family members of Wojciech Czuchnowski, a reporter for daily newspaper *Gazeta Wyborcza*, and Tomasz Lis, editor-in-chief of the *Newsweek Polska* weekly were spoofed and they also received death threats on their phones.

## Recommendations

- Ensure independence of Poland’s media regulation bodies from the government, and depoliticise state entities involved in oversight of the media market to ensure fair and transparent market competition and media pluralism.
- Restore politically neutral governance to the public broadcaster and guarantee independence, accountability, and transparency.
- Stop direct involvement of the government in appointments of the public service broadcaster and take appropriate steps to ensure independent, impartial, well-balanced and diversified coverage of the public broadcaster.
- Cease regulatory and legislative practices that impose unnecessary obstacles on news outlets, that threaten and harass independent media or force them from the market, especially via the rejection or unnecessary delay of broadcast licenses.
- Actively involve journalists and media associations representative of the Polish media landscape into consultations on new sectoral legislation and take into account their opinions.
- Reform the system for state advertising to guarantee fair competition in media markets; halt the instrumentalization of public resources to distort the media market; end political financing of media by creating a new framework based on

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<sup>54</sup> [Democracy Declining: Erosion of Media Freedom in Poland, Media Freedom Rapid Response, November-December 2020](#), (accessed March 24, 2022)

<sup>55</sup> [Dziennikarz "GW" zawiadamia prokuraturę w sprawie oczerniających go publikacji, Press.pl, July 23, 2021](#) ((accessed March 24, 2022)

<sup>56</sup> [Polish journalists’ children targeted with death threats, phone harassment, CPJ, February 7, 2022](#), (accessed March 24, 2022)

transparent criteria.

- Stop all efforts to facilitate the ownership acquisition of independent media by vested business interests linked to the ruling party, including via state-controlled companies such as PKN Orlen; and refrain from developing legislation which could undermine the ownership structure or otherwise jeopardize the editorial independence of critical media organizations, including TVN.
- After consultation with journalists and media associations representative of the Polish media landscape, adopt a new strategy of law-enforcement to guarantee the rights and the protection of journalists covering public events; and systematically prosecute on both administrative and criminal levels officers who attack journalists or otherwise violate their rights during public events in line with the [recommendations](#)<sup>57</sup> of the European Commission.
- After consultation with journalists and media associations representative of the Polish media landscape, adopt new legislation reducing the arbitrary and disproportionate power of the border authorities over journalistic reporting from the border with Belarus, and adopt new policies that institutionalize respect for press freedom and the right to information.
- Vigorously condemn all attacks, threats, or harassment of journalists both online and offline and ensure that any such incidents are investigated in an efficient, independent and transparent manner.
- Treat complaints of journalists subjected to violence and threats with priority (law-enforcement authorities); and set up an early warning mechanism for journalists subjected to attacks and threats online and offline (police).
- Introduce anti-SLAPP legislation in line with [upcoming EU measures](#)<sup>58</sup> to protect journalists and media organizations from vexatious defamation lawsuits launched by powerful individuals or institutions.
- End all efforts to inhibit the work of independent journalists through restrictions of access to information, including accreditations, or access to press events and press conferences, allow all journalists to ask questions without discrimination on the basis of their reporting, and halt the cancellation of accreditation in retaliation for critical coverage.
- Reform the system for FOI to ensure timely responses from all public bodies and ministries and remove unnecessary obstacles.

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<sup>57</sup> [European Commission recommendation on ensuring safety of journalists in the European Union, September 16, 2021](#), (accessed March 24, 2022)

<sup>58</sup> [EU action against abusive litigation \(SLAPP\) targeting journalists and rights defenders](#), (accessed March 24, 2022)

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