

P Is for Propaganda: Disinformation and Manipulation of the State Broadcaster in Poland



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MIŁOSZ
HODUN

"You remember me as a tough politician. Because I used to be such a tough politician, and I understand the world of media. I am the guarantor, and I will know how to protect the independence of public television of the threats from the world of politics".

Jacek Kurski, President of TVP
(January 8, 2016)

The Law and Justice (PiS) party won the presidential and parliamentary elections back in 2015. For the first time after the 1989 peaceful transition, one party had the absolute majority in both the Sejm and the Senate. But for Jarosław Kaczyński, *de jure* an ordinary member of parliament, the *de facto* leader of the populist right-wing ruling camp in Poland, and the architect of the deep refurbishment of the country's institutions, it was not enough. Kaczyński knew he needed more than one term to complete his revolution, to ingrain the changes in the state and society, so that (potential) future governments would not be able to reverse them.

Already in 2015 it was obvious for PiS that everything must be done to win the 2018, 2019, and 2020 elections. The first, namely the regional and the European elections,

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were only a prelude before the grand finale between the autumn 2019 and spring 2020, when a new parliament and a president would be chosen.

PiS had armed itself well, with everything that the state had to offer. It took control – to a certain extent limited by popular protests, internal mobilization within the independent system, and pressure from the EU – over the judicial system. Shortly before the 2020 presidential election it managed to fill the position of the First President of the Supreme Court with its associate¹.

The government has also changed the school structure and the curricula² in order to bring up – in the long run – its own voters within the official system. In the short run, PiS politicians, its loyalists, and their families took control over state-owned companies and built an uninterrupted stream of cash to the party and its candidates. This took place both in form of the companies' support for initiatives ideologically close to the right-wing populists and direct transfers from forever thankful newly employed managers and directors to PiS's electoral fund³.

One last element of this well-oiled machine was the state-owned media, especially the public service TV broadcaster – TVP. In 2015, TVP channels, especially TVP1 and TVP2, were still among the most popular in the country. TVP was the most watched media group, with TVP1 being one of the most watched channels. What is more, the public broadcaster was the most favored

¹ Małgorzata Manowska was appointed to the Supreme Court in 2018. Before that, she had been the under-secretary of state in the Ministry of Justice for several months in 2007.

² Curricula focus more on domestic issues and promoting conservative values now.

³ <https://www.polityka.pl/tygodnikpolityka/kraj/1958-820,1,haracz-na-wladze--kto-i-za-co-placi-partii-kaczynskiego.read> [in Polish]

source of information for Poles, especially its flagship news programs – “Wiadomości” and its lighter version “Teleexpress”. TVP Info was the only publicly available (and free of charge) news channel in Poland⁴. Hence, TVP was a tasty morsel for the new government, and was very quickly eaten, swallowed, and had its image change from a “public broadcaster” to “a tube of propaganda of PiS”.

CHANGES

The new government started with personnel changes very rapidly. Four senior managers at TVP had announced their resignations. The resignations came from the heads of the channels TVP1, TVP2, TVP Kultura, and the human resource department of the TVP group. They have intended to pre-empt their anticipated dismissals from TVP after a new law passed through both chambers of the Polish parliament, which would allow the ruling party to choose their own heads for the public broadcaster.⁵ This new law included firing all senior management at TVP – including the boards of directors and their members, both on national and regional level – with the country’s treasury being left in charge of choosing their successors.

Reshuffling began. Among those who lost their jobs were not only managers, but also journalists – including the iconic ones, like Tomasz Lis, the current Editor-in-Chief of

Newsweek Polska. “No one can force Poland to shut its mouth. No one can force me to shut my mouth,” he commented when leaving TVP.⁶ “The independence of Poland’s media is enshrined in the law but, in practice, it is very relative,” Reporters Without Borders Editor-in-Chief Pauline Adès-Mével said at the time: “[f]iring experienced journalists whose professionalism has never been disputed violates a democratic society’s rules and threatens press freedom. Employment policy must be based on merit and transparency, not on affinities with ruling party leaders”⁷.

Experienced journalists were replaced, mostly by unskilled and untalented newcomers, eager to show up and prove themselves as valuable activists for the right-wing formation. Many of them were graduates from the College of Social and Media Culture (owned by father Tadeusz Rydzyk, an ally of PiS and a manager of the ultra-conservative media empire), and former reporters of niche right-wing channels (e.g. *Telewizja Republika*, *TV Trwam*). This new team was not only unprofessional (with difficulties speaking proper Polish and unable to provide reliable sources for their materials), but also highly politicized. Agnieszka Romaszewska-Guzy, a Polish TV and newspaper journalist and the director of Belsat TV, commented on this change:

“Today there are these journalists who call themselves ‘disobedient’⁸ and they may well be, but not towards Kaczynski. Maybe they don’t have a close relation-

⁴ http://www.krrit.gov.pl/Data/Files/_public/Portals/0/publikacje/analizy/roznorodnosc-tresci-informacyjnych-w-polsce.pdf

⁵ New legislation undermined the National Broadcasting Council (KRRiT), which is empowered under the Constitution to regulate broadcast media and oversee public radio and television. The new measure terminated the KRRiT’s board members and temporarily shifted its responsibilities for management and appointment of public media personnel to the treasury minister. The National Broadcasting Council was circumvented a few months later, when the ruling majority passed a bill creating a new National Media Council, “with the right to hire and fire personnel for state television and radio”. The Council is totally dominated by PiS politicians and decides according to the PiS leadership’s will.

⁶ <https://www.wirtualnemedial.pl/artykul/tomasz-lis-przemawial-na-manifestacji-kod-nigdy-nie-zamknalam-ust-wideo>

⁷ <https://rsf.org/en/news/unjustified-firing-journalists-polands-state-broadcaster>

⁸ The so-called “disobedient journalists” (*dziennikarze niepokorni*) are an informal group of self-declared right-wing and conservative journalists who rejected liberal and left-wing mainstream media.

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*ship with Kaczynski, as he is a man who doesn't maintain a relationship with every journalist. But, in general, there is a group of journalists with whom he is in good relations*⁹.

TVP is legally obliged to produce diverse programs characterized by “pluralism, impartiality, balance”¹⁰. But currently the case is far from that. Katarzyna Chojnowska, a former foreign desk journalist, said that after the 2015 election, reporters were forbidden to use the terms “far-right” and “populism.” “There is also a ban on criticizing [US President Donald] Trump and [Hungarian Prime Minister] Viktor Orban,” she said, who are both seen as allies of PiS¹¹. On the other hand, some progressive leaders' words were censored, like Barack Obama's concerns about PiS's attempts to assert direct control over the Constitutional Tribunal expressed at the 2016 NATO summit in Warsaw. They were edited in such a way so that only his praise for Poland was aired in

TVP. In other words, practices known from channels like Russia Today were domesticated and given its finishing national touch by party-loyalists and journalists committed to the local right-wing populist revolution. Poland, which has been mostly immune to hostile Russian propaganda, created its own disinformation factory, known as TVP, responsible for spreading fake information, challenging democratic values, and dividing the European Union.

What is more, the government was accused of using TVP outlets to target journalists it found disagreeable. Mariusz Kowalewski, a former employee of the state-owned Television News Agency (TAI) said that he received orders from his superiors to find dirt on top liberal journalists¹². Jacek Kurski¹³, the new head of TVP, became the poster boy of the entire revolution in the Polish public media. Kurski started off as a journalist – he worked with *Tygodnik Solidarność*, and as a *BBC* correspondent at TVP in the early 1990s. He was formerly an MP, MEP, and a Deputy Minister of Culture in the government of former Prime Minister Beata Szydło. It is nothing new that a politician was appointed as head of TVP, since over twenty people who were running the company were former MPs and members of government. But none of them was a frontline political fighter of their parties. Kurski was. He is known as the self-declared “Kaczynski's bull terrier” and a spin-doctor of PiS. He became a guarantor of the replacement of factual information with disinformation in all state broadcasters as expected by his political superior.

It is obvious that under the rule of the PiS party, state media has been used to promote

⁹ Dzieciolowski, K. (2017) *Is There a Chance for Non-Partisan Media in Poland*, Oxford: Thomas Reuters Foundation, p. 28.

¹⁰ <http://www.krrit.gov.pl/dla-nadawcow-i-opera-torow/publiczni/status-zadania-finansowanie>

¹¹ <https://foreignpolicy.com/2019/11/25/poland-public-television-law-and-justice-pis-mouthpiece/>

¹² <https://www.nytimes.com/2019/10/11/world/europe/poland-election-state-television-tvp.html>

¹³ Jacek Kurski's brother, Jarosław Kurski, is the Editor-in-Chief of the most influential Polish daily newspaper, *Gazeta Wyborcza*.

the government's narrative and attack its opponents, including in news coverage. The right-wing politicians and commentators do not deny this shift, but they see it as bringing back pluralism on the market dominated by media not leaning towards PiS. Jacek Karnowski, the editor-in-chief of the PiS-oriented *Sieci* weekly magazine commented on this phenomenon in the following manner:

"We need to see how deeply rooted the communist and post-communist staff in the public media is. Not only the faces, bosses, as these faces were frequently taken from the outside – e.g. a TV reporter. There is like thousands of people who are silently working in one direction and they stub, and they never let help to those who have been willing to help. When the right wing was governing the public media, everything was being destroyed, it was out of order, or it simply didn't work. When the left-wing party was ruling, or left-liberal formation, everything was fine".

However, this narrative is only a smoke-screen and an excuse for PiS. TVP mutated into a propaganda tool of the government, notes the Reporters Without Borders in its 2020 ranking on press freedom. It is one of the reasons, besides the libel suits against journalists, for Poland's worsening performance compared to the previous year. This is the fifth year in a row that Poland has recorded a decline in the ranking, which coincides with PiS taking over power in the country¹⁴. In 2015, Poland's position was

¹⁴ According to the 2020 ranking, in Poland (down three positions – to the 62nd place), the government's control over the judiciary has adversely affected the press freedom. Some courts use Article 212 of the Penal Code, which allows sentences on journalists of up to a year in prison on defamation charges. Up to now, judges have only imposed fines but the damage has been done and an underlying climate of self-censorship has now come to the surface. Find out more: <https://rsf.org/en/poland>

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TVP IS LEGALLY OBLIGED TO PRODUCE DIVERSE PROGRAMS CHARACTERIZED BY "PLURALISM, IMPARTIALITY, BALANCE". BUT CURRENTLY THE CASE IS FAR FROM THAT

the best, and it had reached a record high of 18th in the index. Now, five years later, it finds itself below Armenia (61st), Niger (57th), and Papua New Guinea (46th).

Thousands of Poles took to the streets in 2015 and 2016 to protest against the evident direct subordination of TVP to PiS. At the same time, then-EU Commissioner Günther Oettinger indirectly supported protesters, openly accusing Poland of infringing "common European values", and Frans Timmermans, the European Commission's Vice-President at the time, sent a letter to Poland's top officials, stressing that "media freedom and pluralism is essential to the functions of the EU"¹⁵. TVP portrayed these protests (such as the "Free Courts" protest or "Black Strike" protest) as

¹⁵ https://ec.europa.eu/commission/presscorner/detail/de/SPEECH_16_114

mobs with a secret agenda guided by hostile foreign powers, backed by EU leaders, as a revenge for the refusal of PiS to accept migrants under a European relocation scheme.

THE EUROPEAN ELECTIONS

Why all these changes made in 2015 and 2016 were so highly desired by Jarosław Kaczyński, became obvious in the 2018-2020 electoral period, when TVP turned into another media channel of PiS, with propaganda no different from the official party channels. The propaganda was composed of false news, hate speech and manipulation tailored to destroy all public actors and social groups labeled by PiS as its enemies, this included all other political parties to minorities to critical professional groups. Independent bodies, both Polish and international, have confirmed this opinion.

During the European Parliamentary election campaign, the Society of Journalists (*Towarzystwo Dziennikarskie*)¹⁶ in cooperation with the Stefan Batory Foundation, monitored Polish media¹⁷. The goal was to find out how TVP fulfills its obligation, as per Article 21.1 of the Law on Radio and Television, to ensure “pluralism, objectivity, balance, and independence” in its broadcasting. The analysis focused on the main evening news program “Wiadomości”.

During the monitoring period, two thirds of the material on “Wiadomości” (105 out of 153) pertained to the European elections, in which the main rival for PiS was the Euro-

pean Coalition¹⁸. 69 of the news items had to do with PiS, with 68 of these positive, and one neutral. 33 news items concerned the Coalition, with all of these being negative. There were also two negative reports on the Confederation party, a far-right competitor of PiS.

There was no mention at all of the other parties, including the left-wing Wiosna movement. The same happened with the announcements at the beginning of the news broadcasts of what was to appear on air. Of the 30 that concerned the elections, 20 were about PiS (and presented the party in a positive light), and only 9 were about the Coalition (and were all negative).

Jarosław Kaczyński was the most visible politician in “Wiadomości”, with the most extensive and frequent coverage. His picture and voice (PV) appearances reached 12 min 18 sec., i.e. amounted to 11% of all PVs in the monitoring period. On the last day before mandatory “election silence” (May 24, 2020), Kaczyński was invited for an interview to the after-news programme “Wiadomości’s Guest”, which was being introduced in the main news for 8 min. 32 sec. Among the five most frequently covered politicians in “Wiadomości” were the leaders of the ruling party: Jarosław Kaczyński, Beata Szydło, Zbigniew Ziobro, and Joachim Brudziński. The leader of the oppositional European Coalition, Grzegorz Schetyna, was fourth in the ranking; Prime Minister Mateusz Morawiecki was the sixth.

In the pre-election period, there was a good practice – the report says – in electronic media to mark politicians being shown in

¹⁶ Not to be confused with the Association of Polish Journalists, the oldest organization of journalism in Poland, which was taken over by the PiS-related journalists and politicians.

¹⁷ https://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/RaportTDEnglFin_June%2010N.pdf

¹⁸ European Coalition (*Koalicja Europejska*) was a political alliance and electoral list created for the 2019 EP election. The Coalition was created by Civic Platform, Nowoczesna, SLD, PSL, the Greens, the Poland Initiative, among others. It came in second place in the election with 38,5% of the vote, returning 22 MEPs.



JACEK KURSKI, THE NEW HEAD OF TVP, BECAME THE POSTER BOY OF THE ENTIRE REVOLUTION IN THE POLISH PUBLIC MEDIA

news and other programmes as “electoral candidates”, regardless of the reason why they appear on the screen. “Wiadomosci” were not following this good practice. In some reports PiS politicians are marked as “electoral candidates”, in others not.

TVP not only promoted PiS and their candidates, but also used all manipulation techniques to help PiS win the European election. It was especially visible in the case of the LGBT+ topic, which PiS was trying to frame as a main axis of the campaign¹⁹. And it succeeded with the inestimable help of TVP. Not only did TVP promote the PiS’s spin about LGBT+ being an “ideology” connected to pedophilia, but also did everything to root this message in voters’ heads. For example, a conversation between a Coalition MP and two reporters pretending to be Pride participants, was recorded by a hidden camera during the Warsaw Equality March. Later, this MP’s comment on gay marriage was shown in seven

successive broadcasts of “Wiadomosci”.

Almost every day in the monitoring period, “Wiadomosci” ran items that criticized the past and present performance of the Coalition. There were days when the news programme ran such items twice. The materials regarding the Coalition were characterized by a regular use of epithets such as “total opposition”, “roguery”, “betrayal”, “unfulfilled promises”, and absence of any balancing opinions. The party was not given possibility to refute the attacks.

News material which showed PiS in a bad light were left out. The TVP audience was never informed, for instance, about the report of the National Chamber of Audits (NIK), which criticized the school reform carried out by then Minister of National Education Anna Zalewska, a PiS candidate to the European Parliament, or about two critical biographies of the Prime Minister published during the campaign. There was also no mention of a devastating film about pedophilia within the Polish Catholic Church, although the film had been viewed on YouTube by 20 million people and was undoubtedly in the public interest.

TVP also ran PiS election materials directly on its channels. PiS rallies were broadcasted live on TVP Info and crucial captures were shown in “Wiadomosci” without any critical commentary.

In this period, TVP was also using misleading graphics – for example when talking about economic successes of the PiS government. What is more, visual and sound manipulations, which favored PiS, were fairly common, too. Jarosław Kaczyński was invariably shown in wide-lens shots being applauded as he entered and left meetings. Meanwhile, whenever Grzegorz Schetyna, the leader of the European Coalition, was featured, there was scant

¹⁹ <https://www.politico.eu/article/polands-law-and-justice-plays-the-lgbt-card-ahead-of-elections/>

or muted applause or enthusiasm shown. Visuals of the opposition leader were often badly lit and shot close up. “Wiadomości” also exposed lapses, facial grimaces, and ill-judged gestures made by politicians of opposition parties. In this context, it must also be mentioned that according to the report, TVP was also producing so-called “fake news”. A very clear example of blatant false news coverage could be observed on May 24, 2019. “He is scornful of Poland and Poles. Tusk is damaging Poland,” said a young man in French, introduced as a “journalist from Belgium” in a plug for TVP Info²⁰. Actually, as revealed by independent journalists, Sebastien Meuwissen was an intern in TVP2. He speaks Polish fluently, works for the Visegrad Post portal, and

²⁰ Find out more: <https://wiadomosci.gazeta.pl/wiadomosci/7166611,24826877,dziennikarz-z-belgii-krytykowal-tuska-po-francusku-w-tvp-info.html> [in Polish]

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states Warsaw as his place of residence on his Facebook profile. Hence, such a manipulation is reminiscent of Russian propaganda channels rather than European public broadcasters.

This comprehensive report can be complemented by another one launched about the same time. The Council for the Protection of the Polish Language under the Polish Academy of Sciences sent the Speaker of the Polish Sejm its submission on the captions or headlines used by TVP on “Wiadomości”²¹. In this 150-page-long study based on monitoring covering the years 2016-2017, it was reported that only 25% of the captions served to inform, whereas the remaining were 75% mainly used for ‘persuasion’ (influencing the audience); creating a reality, and for expressive purposes (expressing judgments or emotions).

The captions are essentially a tool aimed at influencing the views and judgments of the audience. According to the study, the world in TVP is sharply divided between the good government and *the bad* opposition (and other actors, like the EU or civil society, linked to it). TVP uses manipulation, mockery, or irony to build and cement a negative picture of the opposition. When talking about those not supporting the government, the terms used are unmistakably negative: ‘scandalous’; ‘provocation’; ‘putsch’, etc.. The Council’s report was supposed to have been adopted by the Sejm’s standing committee, but was – unprecedentedly – not.

One last example should be mentioned here. And this one is special, because the study was commissioned by the PiS-dominated National Broadcasting Council (KRRiT) in 2017. It was conducted by the Pontif-

²¹ http://www.rjp.pan.pl/images/Sprawozdanie_o_stanie_ochrony_j%C4%99z._pol._2016-2017.pdf

ical University of John Paul II in Cracow and posted on its website in May 2019 and later removed. According to the *Gazeta Wyborcza* daily, the report stresses that those who watch public TV can get the impression that Poland is a single-party state. “Wiadomości” is criticized for being radically subjective, always echoing PiS’s messages²².

THE 2019 PARLIAMENTARY ELECTION

Similar observations were made before the 2019 parliamentary election. Once again, TVP worked as the propaganda machine for the PiS party and its candidates. According to the Society of Journalists, TVP omitted some news (including the biggest scandal of the year that involved the newly appointed head of the Highest Court of Auditors), downgraded others (Nobel prize for Olga Tokarczuk known for her left-wing ideas), used human stories to promote the government (e.g. a story of a sick boy who was transported by the army to the USA for a surgery), discredited independent courts, manipulated sound and vision, and – last but not least – again produced false news (e.g. “Government found one billion for investments” or much inflated number of newly built social houses)²³.

The election was criticized by international bodies, primarily because of the actions of the state media. According to the Organization for Security and Cooperation in Europe, the election was “administratively prepared well.” But the voters’ “informed choice was undermined by a lack of impartiality in the media, especially the public broadcaster,” noted Jan Petersen, the head of an elec-



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tion observation mission in Poland²⁴. The ODIHR media monitoring results indicated that TVP1 and TVP Info displayed a clear bias against the Coalition and Polish Peasant’s Party (Polskie Stronnictwo Ludowe (PSL)) candidates, contrary to their legal obligations and public mandate²⁵.

ODIHR also noted, “that the campaign environment was highly polarized and became increasingly negative. Some contestants’ campaign messages were inflammatory, including instances of nationalist

²² <http://www.krrit.gov.pl/krrit/bip/raporty-z-monitoringow/raport-uniwersytetu-jana-pawla-ii-w-krakowie/>

²³ Raport z monitoringu „Wiadomości” TVP, „Wydarzeń” Polsatu, „Faktów” TVN oraz serwisów Polskiego Radia w okresie kampanii wyborczej do Sejmu i Senatu 27 września -11 października 2019 r., available at <http://towarzystwodziennikarskie.pl/wp-content/uploads/2019/10/2019RaportTDPParFin5.pdf>

²⁴ Republic of Poland Parliamentary Elections 13 October 2019. ODIHR Limited Election Observation Mission Final Report, 14.02.2020, available at https://www.osce.org/files/f/documents/c/7/446371_1.pdf

²⁵ Journalists on these newscasts often referred to opposition candidates with such terms as “pathetic”, “incompetent” or “lying.” During the monitored period, the Coalition and PSL received 40 and 6% of political coverage on TVP1 and 40 and 4% of coverage on TVP Info, which was predominantly negative in tone. By contrast, PiS and the government received 17 and 24% of political coverage on TVP1 and 25 and 18% on TVP Info, which was mainly positive. Coverage of the ruling party was often intertwined with the coverage of the government, with its achievements often being attributed to PiS.

and homophobic rhetoric and hate speech. Such messages provoked a sense of threat and elicited negative emotions towards the LGBT+ community, non-Christians, and other minorities.” These main messages of the PiS campaign were creatively elaborated by TVP, especially with regards to sexual minorities. On Thursday night, three days before the election, TVP1 broadcasted what it described as a documentary: *Inwazja (Invasion)*, billed as an “exposé of the true agenda of the LGBT movement”. LGBT people were portrayed as a threat to Polish culture and identity, echoing a primary campaign message of Jarosław Kaczyński. That fall of 2019, 54 members of the Parliamentary Assembly of the Council of Europe called TVP “a propaganda channel for the ruling party.” Their declaration reads: “

“We are concerned that public service broadcast media should cover the election campaign fairly and impartially, so that all the participants can benefit from

balanced media coverage. Independent studies have shown that coverage of recent elections in Poland by public service news organizations such as Telewizja Polska (TVP) have been strongly biased in favor of Law and Justice (PiS), the ruling party. (...) TVP reporting before the forthcoming general election shows that the public service media continue to act brazenly as a propaganda channel for the ruling party. This failure by Poland to abide by its Council of Europe obligation is causing damage to the country's reputation as a democratic member of the Council of Europe”.

The practices of the public broadcaster cause much more harm than merely damaging Poland's reputation. They divide the country and society. They also antagonize various groups and irresponsibly employ hate speech for short-term benefits in a political fight. The symbolic tragic consequence was observed in January 2019, when Mayor of Gdańsk Paweł Adamowicz was murdered during a concert for Poland's largest annual charity event, which was raising money for hospital equipment to treat children. It was a crime committed by a mentally ill person, but it was also a hate crime preceded by a months-long hate campaign run by TVP against the mayor and the charity. The widow of Adamowicz said that TVP was “responsible” for the death of her husband²⁶. TVP responded that it would sue anyone suggesting that its programmes were in part to blame for the politician's death.

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²⁶ In February 2020, Magdalena Adamowicz, who was elected to the EP, announced: “As a member of the LIBE Committee (Committee on Civil Liberties, Justice and Home Affairs) in the European Parliament, which deals with the rule of law and safeguarding citizen rights, I've been chosen to prepare a report for the needs of the EU Parliament, aimed to set a road map to free media, and how to free media content from hate speech, without violating the freedom of speech”.

THE 2020 PRESIDENTIAL ELECTION

As regards the TVP's behavior during the 2020 presidential campaign, some commentators stressed that it was not a race between Rafal Trzaskowski and Andrzej Duda, but between Rafal Trzaskowski and Jacek Kurski, the head of TVP.

TVP standards themselves became one of the most significant topics of the first part of this campaign²⁷. In February, PiS pushed for PLN 2 billion additional subsidies for TVP and Polish Radio. The extra money was needed to make up for gaps in payments of the license fee, which is supposed to be paid by all TV and radio owners. This fee is widely ignored, also due to the politization of TVP²⁸. During the debate in the Sejm Malgorzata Kidawa-Blonska, then the Coalition's presidential candidate said, "Public media in Poland has been long gone". The opposition suggested that this sum should rather be spent on cancer treatment. The heated debate in the Sejm reached its climax when Joanna Lichocka from PiS (an ex-journalist) extended her middle finger to the opposition – becoming one of the symbols of the audacity of the current administration²⁹.

²⁷ PiS postponed the presidential election initially planned for May. The National Electoral Commission declared that the presidential election intended to be held on May 10, 2020, was invalid since there was no possibility to vote for any of the registered candidates. The speaker of the Sejm declared the new elections would be held on June 28. A few days after the National Electoral Commission's declaration Malgorzata Kidawa-Blonska resigned from running and she was replaced by Rafal Trzaskowski as the Coalition's candidate.

²⁸ There is a major problem with license evasion in Poland. It is estimated that back in 2012 around 65% of households evade paying the subscription fee, compared to an average of 10% in the European Union. In 2020, it was revealed by KRRiT that only 8% of Polish households paid the fee.

²⁹ Joanna Lichocka was a deputy chair of the Sejm standing committee on culture and was supposed to present on behalf of PiS its anti-hate speech declaration.

The Senate opposed the subsidies, but the PiS majority in the Sejm finally approved it, and Andrzej Duda signed it. The opposition accused the government that this was the money needed for Duda's campaign in TVP before the elections. What is interesting is that Duda demanded PiS to dismiss Jacek Kurski in exchange for this costly signature. Kurski lost his job, but he did not lose his power. He was replaced by his close ally and Kurski himself became an adviser to the TVP Board, which *de facto*, still runs the channel. Donald Tusk, back then president of the European Council and a former Polish prime minister, tweeted: "Lies, organized by the authorities with the use of public funds are a terrible and dangerous form of violence, of which we are all victims."

TVP organized a debate with all the presidential candidates before the first round. Many commentators said the questions were tailor-made for Duda and side-lined the most salient current issues in Poland (e.g. the question about the preparation for the First Communion in schools). Complaints were filed with the KRRiT alleging, *inter alia*, that president Duda had been given the moderator's questions in advance. The second debate, before the runoff, can be seen as a trap for Trzaskowski. It was organized in a small town where Duda won a significant majority and questions were asked by "regular people" who were later identified as PiS activists and former candidates.

What is more, four days before the first round of the election, a four-minute segment entitled "Pre-election mobilization" in "Wiadomosci" showed Duda surrounded by crowds of supporters, with warm colors and stirring music. It was a very long free ad for the PiS candidate. "Towns, municipalities, and villages, millions of people, loads of important topics, and one shared goal," says the voiceover in the video. "Pride,



THE OSCE'S ELECTION ASSESSMENT ALSO FOUND THAT SOME OF TVP'S REPORTING "WAS CHARGED WITH XENOPHOBIC AND ANTI-SEMITIC UNDERTONES"

dignity, respect, history and tradition, responsibility, credibility, keeping one's word," it adds. Such an ad, just like many other TVP materials broadcasted to help Duda, have a measurable price that should be paid for by his campaign committee. But it was not – Polish law on campaign finances was violated – but there is no institution under the PiS-rule that could draw legal consequences.

Once again, TVP was not even trying to be objective. According to a report published on June 19, 2020, by the Press-Service Monitoring Mediow agency, 97% of the items on "Wiadomosci" from the start of the campaign presented President Duda in a positive light and 3% were neutral. At the same time, of the 31% fewer references to Trzaskowski, 87% were negative and 13% were neutral³⁰. According to Ombudsman

Adam Bodnar this disproportionate election coverage violated the electoral code. In their assessment of the presidential election, the Organization for Security and Cooperation in Europe stated 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 this campaign, in the period qualitatively followed by the ODIHR SEAM, the TVP failed in its legal duty to provide balanced and impartial coverage"*³¹.

Kurski's campaign against the opposition candidate had been so offensive that Trzaskowski filed a complaint alleging "violation of privacy rights" after a report broadcast on June 9 accused him of "representing [...] a powerful foreign lobby", because he "had supported the entrance of illegal migrants into Poland" and "had not wanted to defend Poles against mendacious accusations of complicity in the Holocaust". The OSCE's election assessment also found that some of TVP's reporting "was charged with xenophobic and anti-Semitic undertones", which portrayed Trzaskowski as "a threat to Polish values and national interests"³².

According to a poll conducted at the end of the presidential campaign by Ipsos, 51.6% of Poles believe that TVP is not fulfilling its mandate³³. In TVP, the PiS hardliners seem to have won with the PiS centrists. Even for Duda moderate voters TVP became a problem and could demobilize some of

³⁰ https://www.press.pl/tresc/62151_wiadomosci-tvp-o-rafale-trzaskowskim-tylko-negatywne

³¹ <https://www.publicmediaalliance.org/focus-on-psm-public-media-in-poland/>

³² Ibid.

³³ <https://oko.press/sondaz-3-4-wyborcow-dudy-uwaza-ze-tvp-jest-rzetelna-w-kampanii-bez-kurskiego-prezydent-nie-mialby-szans/> [in Polish]



TVP BREACHES THE CONSTITUTION WITHOUT ANY CONSEQUENCES

his voters, contributing to his failure. But it did not happen...

Andrzej Duda won the Polish presidential election by a wafer-thin margin. He narrowly beat the Warsaw mayor with 51.2% of the vote. The difference between them was ca. 420,000 votes – less than 20% of the daily audience of “Wiadomości”. Without TVP’s disinformation strategy PiS would not have won these elections. Jaroslaw Kaczynski is aware of this and he will not give up on the state-owned media. He will stop at nothing to force his worldview in the media, and he needs his obedient knights in this fortress, he needs Kurski to control all state propaganda on TV.

The opposition is also aware of the importance of TVP for the Polish democracy. Civic Platform has lodged an official complaint against the election, with its leader claiming that the contest did “not meet the democratic standards”. “The act of voting itself can be carried out well, but the whole surroundings, the engagement of public finances, the engagement of the so-called public media, meant that this was not a fair situation,” said Borys Budka, the new leader of the Civic Platform party. But the newly PiS-created Supreme Court chamber said that even though there had been dozens of irregularities, it approves the results of the vote.

CONCLUSIONS

Three days before the 2020 presidential election in Poland, Timothy Garton Ash wrote for *The Guardian*: “For a bitter taste of Polish populism, just watch the evening news” claiming that Poland’s public broadcaster had entered the paranoid realm of the far right³⁴. And it is hard to fight this opinion, as TVP is not really *public* anymore. Therefore, the “P” in TVP now stands for “Propaganda”, or “PiS”.

And propaganda is just another word for disinformation. Disinformation is more than information that is false. Disinformation in a board sense is any information that was deliberately created to harm a person, social group, organization, etc. It is also information that is based on reality and used to inflict harm; it is all forms of manipulation and brainwashing, aggressive one-sided comments, subjective opinions presented as facts to influence political choices of their receivers. A TV channel that does everything to drown any criticism directed at its mighty patrons and leaves no space for discussion and real democratic dispute about visions and ideas is nothing more than a political gadget and disinformation machine. TVP does all that. Its disinformation is simple and straightforward, often crude, like from a textbook written in Moscow or Pyongyang, but is also more subtle and hard to track (like video and audio manipulation). Regardless of the methods, it has been very successful.

TVP breaks not only all democratic rules and moral standards, it also directly acts against the law. As the public broadcaster, TVP is bound by its public mission. This includes a commitment to impartiality:

³⁴ <https://www.theguardian.com/commentisfree/2020/jun/25/polish-populism-evening-news-public-broadcaster-presidential-election>

"As an institution serving all of society, TVP, in its programmes [...] does not formulate its own stance. It does not formulate or express its own views on political matters or others that are the subject of public debate. It does not favor or promote any party, organization, group or option".

Despite this mission, TVP's vision and message are far from impartial. Principles of press freedom are enshrined in Poland's Constitution (Articles 14 and 54). However, in reality, TVP breaches the Constitution without any consequences. Anyone can observe it: the opposition, media experts, international institutions. But TVP continues the illiberal system created by PiS. Even criticisms from the only foreign authority PiS still listens to, the US government, have no impact.

TVP creates and affirms its own world. A world designed by Jaroslaw Kaczynski, where there is no room for anybody who thinks differently. *The New York Times* described it in the following manner:

"In the TVP universe, Germany and France are treated with suspicion if not outright hostility. President Trump is the greatest American president in generations and his love for Poland goes hand in hand with his affection for Law and Justice. Migrants are overrunning much of Europe, forcing families from Hamburg to Marseilles to huddle in their homes at night in fear of being raped or assaulted. And when the migrant issue started to fade as a public concern, TVP started broadcasting frightening stories about a new threat — the rainbow plague of homosexuality".

This universe is made of false news, disinformation, and manipulation. It is financed by taxpayers, whether they want it or not, and distributed to all corners of the country.

Now, with a PiS majority in the parliament, the key issue is to maintain and protect independent media in Poland. Luckily, the Polish media scene is, unlike in Hungary, big, diverse, and vibrant. There is a wide range of independent outlets, among them are niche online sites, influential blogs or podcasts, but also mainstream and powerful TV stations. Law and Justice has long called for a "re-polonization" of the media, which would reduce and restrict foreign ownership of Polish outlets and give PiS' allies chances to buy popular titles, including regional newspapers. However, since 2015, PiS has not presented any legislation to that effect. It is suspected that now, after Andrzej Duda's re-election victory, it will be among the first key bills sponsored by PiS in the Sejm. Such legislation must be stopped as it endangers Polish pluralism and democracy as such. Another measure tackled is adding more 24/7 news channels to the digital terrestrial television platform in Poland. Everybody in the country has free access to this platform. For years, TVP Info was the only news channel available there, limiting the scope of information available for its viewers, especially in the countryside, where some 50% of residents get their news solely from the public broadcaster. Adding TVN24, the oldest and the most popular news channel in Poland, to the platform would help break this monopoly.

However, what about TVP itself in the long run? Is there any hope for it, even if PiS should lose the next elections? Answers to this question vary even on the opposition's side. Some people believe it will be a return to business as usual. A new majority will have to replace the current board with professional managers and media experts, and replace current pseudo-journalists with real, independent ones. Others believe that the damage is so deep that TVP should be privatized and the so-called "state mission" sponsored by the government, in the form

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of orders that could be realized by all private channels. However, the liberal solution should be different. It should form a middle way, with a special emphasis on good legislation and strengthening of the institution. There is no room in Poland for a state broadcaster that produces disinformation and hate speech, that ruins the young democracy, undermine civil society or intimidate minorities. TVP should stay, as there is space and need for a public broadcaster, like everywhere in Europe, but it must become truly public once again. To accomplish this, a new management and new control mechanisms should be introduced.

First of all, the highly politicized National Media Council with the right to hire and fire personnel for state television and radio—that currently is the political backer of disinformation in TVP—should be replaced by the Civic Media Council. The latter should be composed of numerous politically independent representatives of regional governments, universities, art industries,

various minorities, and social groups that would guarantee high quality and diversity of programs and shows. The TVP Board should be collectively appointed by the Council to avoid single-handed control over TVP. Also, the National Broadcasting Council and Media Ethics Council, institutions that are authorized to fight against hate speech, false news, and disinformation at TVP, should be enhanced.

The current state of TVP resembles that of Poland. The damage done to its image, to all mechanisms and processes is huge and seems irreversible. But its importance for liberal democracy and open society is so great that the new majority will have to accept this gigantic challenge and fix it.



*

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