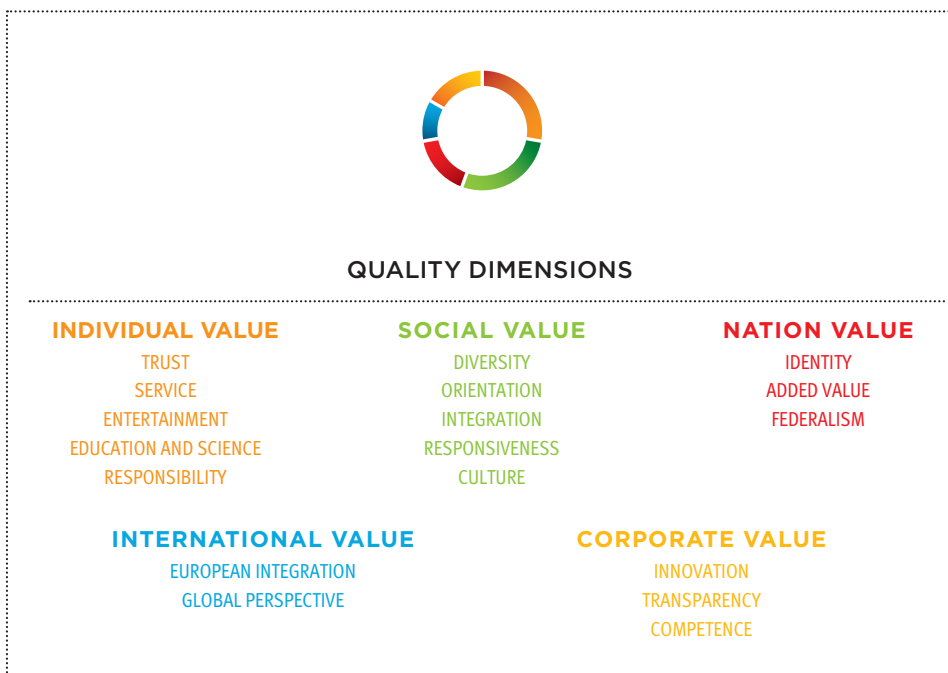


TEXTE



PUBLIC SERVICE MEDIA
IN EUROPE

**WHY
INDEPENDENCE
MATTERS**



In order to define distinctive media quality Austrian Broadcasting Corporation has created a structure of five Quality Dimensions. Comprehensive media production in TV, radio and online is described along 18 categories to prove how ORF fulfills its Public Service Mission in the context of the current media environment and its challenges.

“TEXTE” publishes contributions from international and Austrian media experts focusing on Public Service Media quality.

More information, statements and documents you may find on <http://zukunft.ORF.at>.



PUBLISHED AND PRODUCED BY:
 Österreichischer Rundfunk, ORF
 Würzburggasse 30
 1136 Wien

CONCEPTION OF DESIGN:
 Rosebud, Inc. / www.rosebud-inc.com

DESIGN:
 ORF Marketing & Creation GmbH & Co KG

RESPONSIBLE:
 ORF Generaldirektion Public Value

TRANSLATIONS:
 Mag.ª Mira Obersteiner

PRINTED BY: ORF-Druckerei

© ORF 2016
 Send reviews and hints to:
zukunft@ORF.at

CONTENT

4

FOREWORD

KONRAD MITSCHKA AND KLAUS UNTERBERGER, ORF GENERALDIREKTION PUBLIC VALUE

5

QUO VADIS PUBLIC BROADCASTING?

BORIS BERGANT, MEDIA ADVISER

12

IT'S JUST THE STARTING POINT

DR. MICHAŁ GŁOWACKI, UNIVERSITY OF WARSAW

15

POLES APART: NEW MEDIA LAWS SPLIT THE NATION AND CHALLENGE THE EU

JANE WHYATT, EUROPEAN CENTRE FOR PRESS AND MEDIA FREEDOM

20

TIME TO BREAK THE HABIT

SCOTT GRIFFEN, INTERNATIONAL PRESS INSTITUTE

24

THE PUBLIC MEDIA IN POLAND: AN ENDANGERED TURN

PROF. STANISŁAW JEDRZEJEWSKI, KOZMINSKI UNIVERSITY

29

AN OBSERVATION OF THE POLISH MEDIA LANDSCAPE

DR.TM KARIN KOLLER, ORF RADIOINFORMATION

32

WHERE WILL BE NEXT?

MOGENS BLICHER BJERREGÅRD, EUROPEAN FEDERATION OF JOURNALISTS

34

SHIFTING TOWARDS RIGHT!

MAG.^A BEATE HASELMAYER, ORF WELTJOURNAL

It's simple. It's reasonable. Even the fiercest critics agree:

INDEPENDENCE MATTERS

In order to be a trustful source of information quality media has to be accountable and beyond reach of external influence such as political parties, governments, lobby groups or individual or business interest. This is why EBU is defining “independence” as one of its core values of program production.

However, facing today's reality in Europe it is obvious: Independence of media is at stake. Increasing pressure on journalists, growing commercial and governmental interest, new authoritarian mindsets threaten the credibility of media production. How can Public Service Media resist? How can they defend editorial independence? Should there be a “Chinese wall” between journalists and external influence?

Some of the contributors of this issue of “TEXTE” focus on the current situation in Poland and its media. Jane Whyatt, Scott Griffen and Mogens Blicher Bjeeregard represent international media organizations, Michal Glowacki and Stanislaw Jedrzejewski point out the scientific view, Karin Koller and Beate Haselmayer recently reported from Poland and Boris Bergant, a distinguished media consultant with a long history in Public Service Media, summarizes his point of view concerning PSM in Eastern Europe. In fact, the struggle for independence of media is an European challenge. No matter what country: Democracy depends on the quality of the public sphere and therefore the quality of media. This is why independence matters to all of us.

If you want to read more articles on Public Value, explore facts and figures or get an understanding for scientist's and the ORF's point of view – please visit Zukunft.ORF.at. •

KONRAD MITSCHKA

KLAUS UNTERBERGER

ORF GENERALDIREKTION PUBLIC VALUE

QUO VADIS PUBLIC BROADCASTING?

BORIS BERGANT
MEDIA ADVISER, SLOVENIA

The upheaval at the public broadcasting service having taken place just before New Year in Poland followed by similar developments in March this year in Croatia has not drawn our attention only to the relapses of similar subversive activity staged in Hungary at the inauguration of Orbán's second government.

The rudeness of methods selected by the new governments kept strongly reminding of the Bolshevik approach putting the existence, destiny and perspective of the public broadcasting media across broader Eastern Europe and consequentially in a long-term perspective also in Europe under a question mark. Poland and Croatia certainly represent a relapse of a far too faint and confused reaction by democratic Europe to Orbán's plundering and the consequence of naivety that the ruling elite will eventually become aware of its misapprehension that such methods will not prove effective and be recycled.

Instead of disenchantment a new volcano has erupted. If it will prove legitimate considering the nature and size of Poland and Croatia as the new and most recently adopted EU member it will beyond any doubt encourage the intolerant potential imitators across a wider region who consider freedom of press, plurality and democracy a thorn on their side. It may also trigger a domino effect. Many incompetent, corrupt elites and regimes in the region are faced with a number of accumulated problems which they cope with inadequately not only for objective reasons. They would prefer to solve them by taking short-cuts – if possible without the disturbing public or at least continuous supervision. Therefore, getting a grip on media is their dream which they will increasingly try to imitate – if the new examples will remain unsanctioned and become socially acceptable since this is about two EU member countries and the EU is based on democratic values, liberties and transparency.

Regarding the anyhow problematic relationship by East-European rulers towards media the new Polish government topped all the negative records. By simultaneously limiting the autonomy of the constitutional court (following the example by Orbán in Hungary) it literally overnight by using its parliamentary majority abolished all the existing media legislation and

competences by the media regulators elected on a plural basis and without conducting any public discussion or consultation with independent media experts subordinating the management of public broadcaster to the direct authority of the government, and the appointing and dismissal of management boards to the treasury minister (not even the minister of culture) without any recourse who completed his task overnight. At the same speed, the new managers have changed the complete structure concerning other managing directors, responsible editors and other managerial staff thus changing the concept and mission of the public broadcaster.

The changes to the public service broadcaster in Croatia took place even without any amendments to the legislation however in the light of menacing demonstrations by loud extremists in front of the regulatory body and obvious intimidation of the HRT management board. Similarly, within a record time the acting general manager dismissed 35 managerial staff and keeps pursuing its fundamental staff and concept reform.

In both cases this represent a political take-over of media.

Let's just hope that this is not a new strategy by the EU Visegrad group. In both cases, this was also a measure of high priority – even before the conservative governments and other governmental bodies became completely operational and without having mentioned such a goal during the election campaign at any time. This is another aspect raising the question of legitimacy of such a government which has obviously concealed its strategic goals and intentions. It is no wonder that in Poland this led to resistance and mass public demonstrations, while in Croatia to an increase of political polarization and fears in the media industry. In Poland, there have been lay-offs of staff legitimated by the termination of the existing employment contracts. In Croatia, there have been no lay-offs (so far).

However, can anybody imagine the atmosphere in media institutions which should act integrating and affirmatively while people (and the people themselves) are clearly divided by political affinity into “ours and theirs”, in institutions where creativity, innovativeness and team work should be the fundamental principles? Is there a potential model of recruiting a fifth column and subversive activity for the next opportunity currently being created? In Romania, which unsuccessfully keeps seeking a solution to the politically induced problems of the public service broadcaster the staff from the other political option undermined the acting president and general manager of TVR (representing a personal union) by not having in the middle of the night reported on a major tra-

gic accident in the centre of Bucharest claiming that she failed to provide rules on interrupting the program and responding to exceptional events. There was no mentioning of personal liability and professional attitude.

In the case of Poland and Croatia it is also about modifying the paradigm on the role and mission of the public broadcasting service, a new “re-education of the public and raising its awareness”, on imposing new ideological values and on the strong role of the catholic church which is in both cases considered the most conservative part and an opposition to the guidelines by the Pope in Rome. Apart from that this represents also an imposition of the majority model even in relation to other national and religious groups. By all means, this is a considerable discrepancy to the generally accepted understanding of the plural role, function and structure of the public broadcasting service.

In all of the three cases of assuming direct control by new governments over public broadcasting services in a violent manner this represents an unfortunate episode in the series on the uncompleted transition in East-European countries. If such a story continues the transition may obviously never end. It is absurd that the most blatant examples of taking possession and subversive activity in media are taking place in the new EU members who should attract the interest by non-members for membership and motivate them. During the accession negotiation period these countries were subject of scrutiny and harmonization with the EU Acquis, practice and values, while after the accession it seems that their violations and aberrations do not trigger adequate reactions.

There are of course examples of good practice in the region but it can not be denied that despite the unpopular character of such statements there are at least two kinds of Europe and at least two different speeds of raising democratic awareness. Unfortunately, there are also at least two examples regarding models and understanding of public broadcasting services.

Quite clearly, politics is making every effort to have influence over media or even control it since they represent its natural rival and potential enemy. However, between east and west this is not only about different periods of democratic tradition and differences in experience but also differences in political culture and awareness.

During the last ten years there have been few examples of West-European countries where victorious political forces after any change in government and as a rule would change and adapt media legislation. This remains stable and predictable. On the other hand, there is hardly

any East-European country which after a change in power would not immediately amend in particularly media legislation in order to serve its particular interests to the maximum extent. The legal framework in such environments is in general unstable and unpredictable.

The new elites did not want to focus on the actual transformation of state-run to public media. At first, they relied on privatisation and gaining commercial allies, while in relation to media instead of the plural character the dictate by a single party was replaced by the dictate and interference by several parties using approaches strongly reminding of Bolshevik ones. In controlling the media one elite took the place of the other, the situation keeps being recycled, actions provoke counter-reactions and so on (obviously) until exhaustion. The quality of media offer in general has dropped considerably.

The looting in such companies is the name of the game. By such an approach, economic elites, tycoons and oligarch are gaining momentum and are increasingly taking over politics. They operate their own media so the public ones remain a thorn in their side. The Ukrainian president Poroshenko, a transition millionaire, remains owner of a TV channel and keeps dismissing any demand to give up its ownership.

Legislation and assurances on independent and editorial autonomy have been put to paper. However, they remain far from being enforced both in terms of awareness and practice.

Still today the statement by the earlier Slovak prime minister keeps echoing in my ears. At the occasion of a visit by an international group for media freedom he unveiled his understanding of democracy: “even you have confirmed that our elections were free. My government has been elected based on free will and legitimately. As long as I will be in power I will direct media according to my principles, I will allow the government to succeed me to do the same”. “Res publica” in fact exclusively means “res pars” being the majority model of understanding democracy, political culture and dialogue in the region.

In Poland, the TVP rating has already dropped considerably in January, while the rating of the main news program in February dropped by another 15 %. In Croatia, the concept has changed virtually overnight and all the anchors of news programs have been replaced, even so the layout in order to let people know that the changes were all-embracing. Government propaganda is a slow seller but this does not concern the “reformers”. Most of the public broadcasters of East-European type have poor

ratings and limited viewership which is also the result of low credibility and mistrust among the public. However, this is also a collateral consequence of supervision and constant interference by politics.

While most of West-European public service broadcasters are financed by a “license fee” requiring by its nature a more direct relationship with the public and the citizen as the payees, the majority of related services in Eastern Europe depends on budget financing. State budgets never provide sufficient means for providing competitive content, while in all cases – despite formal statements on autonomy – this provides a reliable control. Governments control and ensure the subordination of media also in other ways – by lack of transparency and manipulating media ownership as well as in particularly by government/state advertising which is the most perfidious form of control and potential corruption.

Financing from the state budget remains by all means the best form of control. This is also a method of party populism and line of least resistance since in order to enforce other forms of financing they would need to face the voters – and to give up supremacy.

Meanwhile, in the region even other populist and party pressure on public media keeps intensifying – by demonstrations and organised protests in front of media institutions or by appeals put forward by politically influential persons calling for non-payment of the license fee or cancellation of subsidies – should the content not be compliant with particular interests. Such cases have been identified for example in Croatia, Moldova, Georgia, Serbia, Montenegro, Bosnia and Herzegovina and even in Slovenia.

It is true that political interference, legal and financial uncertainty cause instability regarding staff and managerial structures. The specific nature of public broadcasting services in Eastern Europe is that the staff is replaced far too quickly discouraging stable management. Pressure and instability is often caused due to inability of the political elites to agree about the loot, blocking the nomination of the governing organs and managers (as currently in Romania and Albania).

On the other hand, there is often lack of professionalism at-large, lack of personal initiative, boldness and expertise regarding internal organization of media. In most cases they have no strategies nor adequately defined mission and vision nor analyses of work processes and adequate norms and standards. This is of crucial importance considering the gigantic technological modifications and digitalization which keep

revolutionizing the content and organization. One can no longer rely on (obsolete) practice and tradition. They need to adjust to new conditions and to find their own original solutions to them. Regardless of the revenues it would be necessary to calculate on a professional and undisputed basis the actual cost and cost-effectiveness of the operations. This way the PBM could at least partially have an influence on political decisions. There is far too little effective self-regulation.

In the light of the perception by Yanis Varoufakis on the physical phenomena of parallax meaning that “several different observations can be accurate and at the same time misleading” it needs to be pointed out however that during the last years of transition of the public broadcasting services in Eastern Europe the borders have opened and membership in professional organizations like the EBU have become accessible. This has encouraged comparison and the desire and need to exchange practical approaches and professional training. A critical and potentially increasingly bold internal force has been created fostered by an imminent change of generation which is opposing dictates and automatically requires richer and enhanced content (including investigative journalism). Examples inspire therefore we should not underestimate the effects of solidarity and external assistance.

Last but not least, as a prerequisite for the upcoming early elections the opposition in Macedonia and Montenegro is demanding in particularly the pluralisation and democratisation of the public service broadcaster. Are things moving anyway? But after all: is there a sufficient ratio and perspective of public media services in Eastern Europe?

The condition is that the traumatic practice of looting and subordinating public media is contained, that a discontinuance of transition is ensured and that the protagonists take a step back – in the name of preventing and recycling the evermore same problems, that by the anticipated modified legislation in Poland and Croatia they try to correct and balance the impression and the effect of subversive activity and to replace it with the essence and nature of the public service: by operating media according to the needs of citizens, the majority and all kinds of minorities as well as made to the their measure, ensuring different views and their democratic confrontation with the public and the transparency of procedures of adopting and implementing the rules, by releasing deregulation instead of regulation and by including political pluralism and civil society – without excluding anybody and without always referring to the past and making reference to it finding it a suitable excuse.

After all, this should also be a wake-up call for the international society and the superstructure. Despite the justified specifics of culture and traditions which can protect only a genuine and authentic public media service according to the specific requirements of an individual society and country, for the future in a civilized and democratic Europe it is however necessary to sanction at least the fundamental rules for ensuring the basic liberties, freedom of expression, independence of media and equality of citizens.

An EU membership is not a self-service market but moreover also respect for minimum uniform rules and obligations with the Council of Europe having codified the conditions and the environment. In 2013, the EBU adopted the deontological and ethical Core values and Editorial principles of PBM. Only a bolder professional differentiation and more effective functioning of the EU can lead to their implementation. No such strict standardization as defining the length of bananas is required however it needs to be more determined than by now.

Therefore, it is necessary to intensify the control over state aid and conditions for it (this refers not only to the license fee but also financing from the state budget and subsidising of projects) not only by verifiable triggering mechanisms regarding independent content but also plural governance and control over public broadcasters. This does not mean only the required qualified majorities in parliaments but also a more balanced role of politics and the civil society.

Only this way public media also in Eastern Europe will become socially relevant and credible. Otherwise the recent entanglements in Poland, Croatia and Hungary will not only represent a new transitional episode but a perpetuum mobile which every time being recycled will make it more trivialised and worn out until it will become overridden. A more recent assessment is that this may happen much sooner than expected.

Last but not least, as a prerequisite for the upcoming early elections the opposition in Macedonia and Montenegro is demanding in particularly the pluralisation and democratisation of the public service broadcaster. Are things moving anyway? The Ukrainian president Poroshenko a transition millionaire remains owner of a TV channel and keeps dismissing any demand to give up its ownership. Let's just hope that this is not also a new strategy by the EU Visegrad group. •

IT'S JUST THE STARTING POINT

DR. MICHAŁ GŁOWACKI
UNIVERSITY OF WARSAW, POLAND

Recent developments in media law in Poland, which resulted with changes in the way of appointing of executives of both public service radio and public service TV enterprise agenda. Recent changes in governance processes have resulted in a significant number of discussions on the importance of independence of PSM outlets in Poland and beyond. Securing independence from Government intervention and maintaining sufficient funding through the exploration of a variety of economic models might need to be the guiding principle of any PSM firm going forward. This would ensure the financial independence of PSMs firms who are, as we know, tasked to serve individual citizens and minority groups, sustain culture, foster cultural diversity – and further – to enhance the societal, political and cultural cohesion. All of this, however, requires a more holistic view on how public service media could respond to contemporary mediascapes; typified by network practices, the rise of creative audiences, and easy access to online production tools. Thus, media independence is critical but needs to be complemented by discussions on how independent public service media enterprise might respond and adapt to the growing economic importance of social media, co-located creative hubs and innovation clusters. In addition to, what institutional and leadership approaches (organisational cultures and structures included) will support public service media evolution. Overall, the new discourse is emphasizing the ways in which PSM firm can remain a viable vehicle for democratization by engaging in innovation partnerships with a range of different media stakeholders (publics, academia, non-governmental organisations and so on). The thesis is that such embedding would strengthen the PSM enterprise and therefore potentially limit political interference.

As in many other countries public service media in Poland has never been completely free from political interference. The last 27 years have proven that Governments formed by political parties regardless political ties (center, left-wing, right-wing and so on) were interested in influencing PSM's executive bodies which might result in biased reporting within the existing hierarchical structures. In the early 1990s when the state radio and TV were transformed into public service enterprises they were organized as vertical structures and traditionally separated genres of media

(television from radio for example), discipline skills, mass production, a pyramid of power and related management hierarchies. Within such structures serving political elites by PSM was likely to become a norm and – together with insufficient tools for engaging the public as stakeholders within debates on how PSM should function – might have contributed to a lack of public support towards public service media.

The current context of the media and communications environment is now far from the times when the idea of public service media was first introduced. In Poland, as in many other countries, PSM outlets now operate and work within a borderless global media and communications distribution system; a network of networks which offers tools for democratization, interaction and participation, and within which the idea of a truly public and independent public service media might flourish. Following the thesis that in order to make things a new way, one needs to construct companies in a new way too, the present aim should be to identify potential factors that might be able to stimulate change. Initiatives or competencies supporting responsiveness to change and producing knowledge on how PSM could deal with a set of new challenges such as the use of big data in audience analysis (Predictive Analytics), media literacy, migratory populations resulting in the need to address increasingly diverse audiences, and so on. Recent changes in the Polish case have so far evidenced that the suggested more complex organizational structures are sadly missing. This indicates a particular need for the opening-up of PSM firms and an urgent evolution towards participatory-oriented mediascapes.

The structures of many commercial creative communications and media companies in Poland (and further afield) have changed due to transmedial approaches situated within or diffused by networks and recombinatory practices. A recent in-depth observation of the current situation in the city of Warsaw shows an increased clustering and aggregation of symbiotic creative companies in response to skill-sharing and the emergence of adaptive, agile, work flows. The opening of the Google's offices (Warsaw Campus), and Facebook's centre alongside the creation of neighboring co-working spaces focusing on new technology in the districts of Żoliborz and Praga indicates the potential for re-making media firms and overhauling production processes. The example of Soho Factory – a vibrant regeneration area offering contemporary media offices for small to medium-sized businesses and embedded think tanks in a geographical location surrounded by museums, cinema, cafes and restaurants – is one example of how citizen-driven and bottom-up approaches can both benefit local communities. The small to medium-sized businesses within

these creative hubs offer new motivation strategies for employees, they have little need for complex internal communication systems, and they follow agile recruitment policies and strategies.

PSM cannot act in isolation anymore, separated from the new media and communications entrants. It needs to benefit from their fluid organisational culture and structures and – furthermore – become continually adaptive in order to compete, follow available audiences, and continue to draw attention through the delivery of high value media goods and services, available anytime, anywhere, anyhow. It is going to be increasingly important to be engaging with clustered and co-located complementary firms that have different skills, and to develop partnership networks. Proximity within such emerging hubs and clusters might also result in the adjustment of organisational structures and creating model which is likely to enable PSM to act as a catalyst for cultural and local initiatives. If we accept the thesis posed earlier that embedding would strengthen the PSM enterprise and therefore potentially limit political interference the salient questions to be addressed are: How to create the right climate for organisational change? What managerial support needs to be provided for approaches that involve publics/citizens, creative hubs and commercial media firms? What kind of institutional structures are needed in the 21st Century in order to fulfill all the responsibilities, principles and tasks historically delivered by PSM? Finally, what skills are needed in order to assist PSM to explore more decentralized, distributed, or disaggregated forms whilst – at the same time – maintaining coherency?

Designing new scenarios for possible PSM futures requires a fundamental mind shift in order to move the fabric of public service media forward and to assist the enterprise to find its new place in the contemporary mediascape and society. Thus, the future of public service media in Poland like in many other countries is dependent on the willingness of PSMs to evolve, which is – in turn – dependent on having a suitable organisational culture and the political will to support such evolution. The discussion on the need for PSM to regain independence is therefore just a starting point; if such a debate were possible it would create the possibility for a pause, during which representatives of non-governmental organisations, the public, academia and civil society might have a chance to make sure their voices are loudly heard. •

POLES APART: NEW MEDIA LAWS SPLIT THE NATION AND CHALLENGE THE EU

JANE WHYATT
EUROPEAN CENTRE FOR PRESS AND MEDIA FREEDOM

It's breakfast time in Warsaw: the Finance Minister settles comfortably into his chair and listens politely as the young female TV presenter puts her questions. "Coffee and Politics", the morning interview slot on Polish public broadcaster TVP, is very different from the combative talk show of sacked journalist Tomasz Lis. Now there is a different style, different substance. But that's television – TV journalism must always move with the times.

The change of government from Liberal Platform to conservative Law and Justice (PiS) brought mass sackings and resignations across the whole public service broadcasting landscape – first at the national level and then throughout the regions. Protestors filled the streets of Polish cities – not just because of the media reforms but amidst fears that the constitution itself is under threat following political appointments to the panel of constitutional tribunal judges.

At the European Union Commission there is concern, because the media reform is part of a package of measures that appear to threaten the EU's Rule of Law convention. The Commission started a dialogue that could (in theory) lead to Poland's right to vote being suspended under Article 7 of the Treaty.

Media freedom campaigners from The European Centre for Press and Media Freedom (ECPMF), with the European Federation of Journalists (EFJ) and the International Press Institute (IPI), sent a fact-finding mission to Warsaw and Wroclaw in January 2016 to investigate. Some of their findings are described below.

An inspection visit by the Council of Europe's Venice Commission and an ongoing dialogue between the EU Commission and Polish Prime Minister Beata Szydło have resulted in the Commission adopting an opinion on 1st June 2016. The Opinion has not been published, and the dialogue continues. All the international pressure appears to be working – at least it has caused the PiS government to slow down the pace of its rapid fundamental changes.

This law brought in a structural change that puts the Treasury Minister in charge of hiring and firing the senior management of TV and radio channels and making top editorial appointments. It has a big effect. Yet it is known as the ‘small media law’. What will follow, the ‘big media law’ threatens to be even more far-reaching. It was due in July 2016.

Still, that has now been postponed and a transitional arrangement is being enacted so that broadcasters and journalists whose contracts expire at the end of June can continue in post.

Explaining the reasons why he has pushed the PAUSE button on the ‘big law’, deputy culture minister Krystof Czabański told the PAP official news agency that “We must introduce a so-called ‘bridge law’ which will allow us to prepare a package of media laws now being reviewed (by a subcommittee of the Sejm, the Polish parliament),” He added that the package should include all remarks voiced during public hearings as well as by the Council of Europe and the European Union.

Next, new funding and governance arrangements are expected. The licence fee will be scrapped and the public broadcaster will be funded by a levy on electricity bills, based on the number of electrical sockets in the home or business premises. The aim is to bring financial stability to the public broadcaster.

The government will create a National Media Council to oversee broadcasting and this will have the effect of sidelining the KRRiT supervisory board. PAP reports: “According to filed drafts, public broadcasters are to be transformed from commercial companies into national media institutions. The public media management is to be chosen by a six-member National Media Council elected by the Sejm, Senate and president for a six-year term. Directors of the individual media would be chosen in open competitions from candidates put forward by community organizations and artistic associations.”

Already the new regime has resulted in the mass sacking of journalists and other media workers. ECPMF found that most of those who lost their jobs were considered to be too closely allied to the politics of the previous government headed by Liberal Platform.

The changes have caused an outcry in Poland, because they coincide with moves to change the country’s constitution. Street protests started in autumn 2015 and continue at the time of writing, co-ordinated across all Poland’s cities by a new popular movement called KOD (committee

for the defence of the constitution). They organise demonstrations and urge Poles to sign a Declaration that they are proud to be Polish, proud to belong to the European Union and proud to support their constitution. Journalist Mateusz Kokoszkiewicz, political correspondent of the leftliberal newspaper *Gazeta Wyborcza* in Wrocław, told ECPMF: “Constitution is what matters. The new media laws are just a small part. We must defend the constitution.”

Poland’s journalists’ trades unions and associations are split on the question of whether or not the wholesale re-organisation of public service broadcasting is a good thing.

SDP, the Association of Polish Journalists is the longest-established journalists’ union and a member of the European Federation of Journalists, its leadership broadly favours the new way of working. At a briefing in Warsaw they told the ECPMF that under the previous Liberal government, it was mostly government supporters who were given airtime. SDP members told ECPMF that colleagues had been threatened and harassed for investigating the forensic examination of the 2010 Smolensk plane crash, in which former Polish President Lech Kaczyński and everyone else on board lost their lives in a remote part of Russia. It is a politically charged incident, since the reason for the presidential visit to Russia was a memorial service for the Polish victims of the Katyn massacre of 1940 and the late president’s twin brother Jarosław Kaczyński is the leader of PiS Law and Justice party and regarded as the driving force behind the moves to change public broadcasting.

Another reason cited by SDP for supporting the new system at TVP and Radio Poland is that journalists and broadcasters have now been hired on staff contracts. Outsourcing and day-by-day freelance contracts were the norm before the changes. So those journalists who kept their jobs and new recruits have more secure employment. The union’s spokesperson says that many TVP staff had been in their posts for over 20 years (for example, Tomasz Lis) and that it was time for a new generation of journalists to be given a chance.

According to SDP, the new TVP has a more open policy of inviting a wide range of different political perspectives to be aired on TV and radio, which compares favourably to the Liberal domination under the previous government. This perspective was challenged by Tomasz Sawczuk of *Kultura Liberalna*. “I get more and more invitations to appear in TV and radio debates,” he says. “It’s because the real opposition spokespeople are boycotting these talk shows in protest against the reform.”

SDP backs the PiS plan for new funding arrangements, believed to be based on a levy on each citizen's electricity bill and calculated according to the number of electrical sockets in the household or business premises. Poland has a woefully low licence fee collection rate: only 7% of the population pay their dues. This has been the case since 2008 when Poland's then Prime Minister Donald Tusk openly admitted that he himself does not pay the fee! (Tusk is now president of the EU Council). And the union's leadership welcomes the idea of a National Media Council to take charge of the public service broadcaster as a means to unite the politically-polarised population around traditional Polish values.

This view finds an echo in ECPMF's interview with Piotr Gursztyn, head of TVP Historia, the specialist television network devoted to historical documentary films. "Viewers love Polish history. Especially young people – they wear our T-shirts," he claims. Gursztyn explains that for many older Polish people, the European Union has meant only that their sons and daughters were free to emigrate to the UK, Ireland, USA and Canada. People are afraid of losing their families, he claims, and they also worry about their national identity and religion in a time of general insecurity and immigration. He says The History Channel gives them a sense of pride and belonging.

All the pro-PiS evidence to the ECPMF rests on the fact that the party won a landslide victory in spite of the previous government's controlling influence over public service broadcasting and most of the newspapers and magazines. For example *Gazeta Wyborcza*, *Newsweek*, *Kultura Liberalna* and others were highly critical of Law and Justice (PiS). *Gazeta Wyborcza* urged readers to 'vote for democracy', (that is, against PiS) and is now under pressure from the PiS government. This pressure includes the use of the defamation law and 'trolling' on the newspaper's online comment portal. *GW* Wrocław correspondent Mateusz Kokoszkiewicz comments that the trolls go so far as to post political comments on the sports pages, alongside the views of football fans. *GW* journalists were even shocked to find a right-wing Catholic group on the steps of the newspaper's Warsaw building performing an exorcism! Of course none of this can be directly traced to instructions from ministers, but editor Adam Michnik notes that it creates a climate of intimidation.

Against the PiS, lawyer Dominika Bychawska-Siniarska of the Helsinki Foundation for Human Rights in Warsaw cites the Foundation's study of the new laws in May 2016. "The HFHR's concern arose from the definition of the public mission of the new package, which does not include any mention of pluralism, independence or an apolitical aspect of public

media. The absence of any prohibition on hate speech is alarming, as is the introduction of several ambiguous notions, such as ‘national tradition’ and ‘patriotic values.’”

Now the Polish situation is at a crucial stage. The delay in implementing the ‘big law’ allows time for further negotiation with the EU. The European Parliament will debate this issue at its July 2016 meeting. Meanwhile the two Polish members of the Venice Commission have been replaced at the end of their terms of office by PiS supporters – one of them is a judge in the controversial new constitutional tribunal. However, VC members are not allowed to vote on their own countries so this is unlikely to have a big effect.

Nor is this a little local difficulty. In Hungary the government successfully defied EU pressure to reform its public service broadcaster. In the UK, Serbia and Croatia there are reforms that show a “Polish” tendency towards national broadcasting rather than public service – with its ideal of plurality, diversity and independent from government. In Spain workers at the ETV have complained of political interference in their journalism, and at Finland’s YLE the reporters who worked on Finnish stories from The Panama Papers offshore tax haven leaks are being intimidated by government officials. What happens to Poland this summer will surely have an effect on public service broadcasting across the whole continent – and may damage the authority of the European Union institutions for generations to come. •

TIME TO BREAK THE HABIT

SCOTT GRIFFEN

DIRECTOR OF PRESS FREEDOM PROGRAMMES, INTERNATIONAL PRESS INSTITUTE (IPI)

Do three decades of wrongs make a right?

In Poland, the answer can sometimes sound like ‘yes’. There, a long-established tradition that has seen the editorial line of the country’s public service broadcaster shift with each change in government is being used to defend a controversial reform that drastically reduces public media independence.

“In the last 25 years, Poland never had independence in public television,” Wiktor Świetlik, director of the Warsaw-based Press Freedom Monitoring Center told members of an international media freedom delegation including the International Press Institute (IPI) that visited Poland in January. The Center is associated with the Association of Poland Journalists (SDP), which has vigorously backed the changes. “Most people who were fired this month fired people before them,” Świetlik said. “This always happens when governments change. It’s the way it works, even if it’s not the best way.”

Last December, Poland’s ruling Law and Justice (PiS) party rushed through an amendment to the country’s media law that radically changed the governance structure of the public broadcaster. The amendment, as described by the delegation, “allows the Minister of State Treasury to directly appoint and dismiss at will members of the broadcaster’s supervisory and management boards. Passed by the PiS-controlled Parliament in a late-night sitting and signed by President Andrzej Duda (elected as PiS’s candidate) just days later, the amendment has sparked international concern and protests across Poland over what critics see as the removal of checks and balances necessary to guarantee the broadcaster’s editorial freedom.”

The SDP, one of two major journalist associations in Poland, sees the amendment as a chance to restore balance to the public broadcaster after years of alleged bias in favour of the Civic Platform, which governed Poland from 2007 until 2015. “At the news level, the public media was 99 percent dependant on the the former government,” SDP President Krzysztof Skowroński told the international delegation. “The SDP pointed this out often and we saw a reform as necessary.” Those in favour of change certainly seem to be getting what they wanted: Opponents of the

amendment allege that PiS is now working to “purge” public media of unwanted persons and opinions. Since early January, a total of 65 journalists working for the public broadcaster have been fired, according to Newsweek Polska (a number of others have resigned in protest at the perceived government interference). Many of the dismissals have occurred suddenly and without explanation.

“They told me that I was no longer needed, that a new time is coming and that they don’t think I’m going to fit in,” recounted former Telewizja Polska (TVP) managing editor Maciej Czajkowski in January. Kamila Terpiał, who had worked for the public radio broadcaster for 10 years, told Newsweek Polska that she found out she’d lost her job after being denied entry to the studio an hour and a half before her scheduled broadcast. “I didn’t expect that. I tried to stay cool ... But I cracked up and started to cry,” she said. Many of those dismissed have been replaced with journalists from conservative or religiously affiliated broadcasters such as TV Republika and TV Trwam.

Observers say that, as a result, reporting has suddenly become much friendlier to the government and its policy aims. *Gazeta Wyborcza* – a private daily that has been described as the “main ideological enemy” of the PiS government – in late February noted that developments unfavourable to the government now had a habit of “disappearing” from TVP coverage, or only showing up days after the fact. PiS’s ongoing fight with the Constitutional Court was said to be barely mentioned, for example. Public media fervently attacked Nobel Peace Prize winner and prominent PiS critic Lech Wałęsa over recently unearthed documents linking Wałęsa to the Communist-era secret service without reporting that some of the documents may have been falsified.

It’s absolutely possible to sympathise with PiS supporters who feel that their views got short shrift in previous years. After all, public media have a responsibility to give fair representation to all political blocs in society and there’s enough evidence to suggest this principle was not being fully respected. Indeed, the international delegation “met with journalists who had been dismissed from the broadcaster under the previous regime due to alleged political interference. This group of journalists also emphasised that the new regime at the broadcaster brought back secure staff employment for journalists after a period when their jobs were outsourced.” In this sense, the problem isn’t with PiS supporters’ underlying claim that the Polish public broadcaster wasn’t working as it should. It’s with the response, which for many speaks volumes about the government’s true intentions. Supporters of the recent changes seem

to be using past abuses to justify present ones, which is hardly inspiring public policy. And if that were all, one might simply despair over a never-ending pattern of shifting political influence with each new government (observers say PiS is even seeking to gain points for sincerity by saying: The broadcaster was always politicised; we're just not trying to hide it).

But the December amendment, far from changing Poland's public media for the better, doesn't even maintain the status quo. Establishing direct governmental control over the public broadcaster where such control did not exist before makes a less-than-ideal situation objectively worse. Seen in this way, it's no wonder that domestic and international critics are accusing PiS of a power grab. "Every [Polish] politician treats the public media as a bonus after winning elections," noted Jarosław Włodarczyk, chairman of Press Club Polska. "[But] usually politicians wait for this prize until the end of the term. This time, the hands moved more quickly."

Other observers point out that while the previous law wasn't perfect, there were enough checks and balances in place that required parties to compromise or at least placed some distance between the government and the broadcaster's day-to-day operations. In particular, the fact that public media directors had fixed term limits meant that, even if a person were appointed to the post for political reasons, "you could at least act independently within this space and time", as one Polish human rights official put it. That protection is now gone, as the Minister of State Treasury has the power to appoint and dismiss directors anytime at will.

IPI, which has promoted independence in public broadcasting throughout its 65-year history and led efforts to transform the former Eastern European state broadcasters following the fall of the Iron Curtain, has followed the events in Poland with increasing concern. In January, IPI joined the European Federation of Journalists (EFJ) and the Leipzig-based European Centre for Press and Media Freedom (ECPMF) on a fact-finding mission to Poland in January, where the group met with a diverse range of actors among journalists, lawyers and civil society activists.

"We recognise that Poland's public broadcaster has for many years been seen as a political pawn and a prize for the governing party," delegates said following the mission. "This must stop. Nevertheless, past wrongs do not justify the passage of legislation that conflicts with international standards for press and media freedom. The amendment clearly falls short of these standards and represents a step backwards for public broadcasting in Europe." Supporters of the amendment have stressed

that it is merely a temporary measure. Indeed, the act will automatically expire at the end of June, when the government aims to have passed a completely new media law. SDP representatives explained to IPI that the new media law would have two aims: firstly, to ensure the independence of journalists and free debate; and secondly, the guarantee stable financing. With respect to the latter aim, there is nearly universal agreement that financing has been a major problem for Poland's public media. The SDP pointed out that only seven percent of the broadcaster's revenue comes from license fees, leaving TVP to "struggle" in the commercial advertising market. Numerous observers from all sides of the political spectrum have faulted former Prime Minister Donald Tusk for publicly suggesting during his term in office that citizens didn't have to pay their license fees. Similarly, there is, in fact, nearly universal agreement that the media law needed to be changed to promote independence and professionalism in the public broadcaster. In that sense, there's nothing wrong on paper with PiS's intention to do so – on the contrary, it's welcome.

The concern lies with the signal that the party has set thus far. Its whirlwind rewriting of the rules in December simply don't bear the signs of a genuine attempt to create a truly balanced public broadcaster that is fair to all sides and independent as possible from government interference. This concern is heightened when seen in context with a series of other controversial changes that challenge pluralism and democracy, including changes weakening the Polish Constitutional Court, fusing the offices of the Justice Minister and the General Prosecutor and increasing party control over the civil service.

IPI and its partners have called on the Polish government to "take a courageous stand and use the opportunity of drafting a new media law to guarantee public broadcasting independence for future generations". With the drafting process set to begin next month, that's what we continue to hope for. Nevertheless, it's likely that strong international pressure will be needed to ensure that the new media law is framed in compliance with international standards on public service broadcasting. These standards "demand the inclusion of measures to secure independence in public service broadcasting governance and the highest level of journalistic ethics in support of the public's democratic right to balanced news and information on topics of general interest".

Doing what others did before doesn't make a wrong policy right. Poland's governing party should recognise this, break the habit and pioneer a new pattern of public media independence. •

THE PUBLIC MEDIA IN POLAND: AN ENDANGERED TURN

PROF. STANISLAW JEDRZEJEWSKI
KOZMINSKI UNIVERSITY

On January the 7th, Andrzej Duda, the President of Poland, signed a bill of the so called small amendment of the Broadcasting Act of December 1992, which contains four articles. One day later, the Act took effect. An immediate replacement of the Polish TV and Radio Boards and Supervisory Boards members followed. Soon, replaced will be the heads of 17 Polish Radio regional stations and the Polish Press Agency. The new boards have been appointed by the Minister of Treasury who failed to define their term of office which means that they may be recalled at any time.

Many observers have seen the amendment as a boarding of an enemy's ship. However, the obvious unconstitutionality of the amendment cannot be stated due to the functioning of the Constitutional Tribunal having been paralyzed which, in turn, has been the effect of the earlier amendment of the Law on the Tribunal.

I am dismayed by the president's decision, said EBU Director General Ingrid Deltenre. Sadly, it was not unexpected (...). What comes as a surprise to us is the underlying objective of this reform, which translates into a worrying interpretation of the civil service media remit. The new regime's ambition is to turn Polish radio and TV into media instruments for the government, and not for its citizens. (<http://www3.ebu.ch/news/2016/01/ebu>)

The new regulations on the public media in Poland have been criticised by the European Commission, the Council of Europe, the international journalists' organisations and, recently, also by the European Regulators Group for Audiovisual Media Services (ERGA).

What has recently happened in Poland with respect to the public media proves the media's position vis a vis the authorities and the politics typical for the Central and Eastern Europe where the deeply rooted traditional media philosophy has still been in force in line with the well-established behavioural patterns connected with the post-authoritarian culture; the degree varying from country to country. Ironically, the latter facilitates the development, in Central and Eastern Europe, of the phenomenon named "Italianisation of the media". The notion occurred in

1980s as a result of the then developed model of the Italian media. Let's recall its characteristic features:

- Strong state control of the media.
- Close relations between the media and the political elites.
- Lack of any consolidated and shared ethical standards.

At the political level in general, the afore mentioned facts are closely linked with the instability of the political systems in Central and Eastern Europe. Following the report *La television publique en Europe* (1998), there are three different types of public media as regards their interrelations with the politics:

- Systems formally isolating the decision making process in the media organisations from political bodies (Sweden, Ireland, UK).
- The bodies supervising the media are composed of members recommended by the major political parties (Germany, DK and Belgium).
- State institutions have a right to interfere in the broadcaster's decisions (Greece, Italy, Portugal and Spain).

Before 2006 (i.e., prior to the PiS /the Law and Justice/ having won the elections for the first time), the Polish way had been that of the second model shown here above. It assumed having opposition representatives as members of the regulatory body, while its composition changed along with the National Broadcasting Council (KRRiT Krajowa Rada Radiofonii i Telewizji) members assuming position. The "Law on Transformation of the Task and Remit Division between State Organs Responsible for Communication, Radio and Television Broadcasting" of December 2005 r. (Journal of Laws 2005 No. 267 item 2258), passed by the parliamentary majority dominated by the PiS, explicitly infringed the rules and went against the parliamentary good practice. The National Broadcasting Council obedient to the PiS, nominated the boards of the public Radio and Television broadcasters that supported the parliamentary majority and the government formed by the PiS. What we then had at stake was an explicit political appropriating of a regulatory body bound by the constitution.

Putting public broadcasters under political control has been most of all reflected in questioning their autonomy vis a vis political authorities and in having political elites control the public broadcaster. The latter is linked, generally speaking, with the political parties' so called strategic focus on state institutions, known as colonization of the civil service by the governing parties. The phenomenon can be explained by

the different than in the Western Europe situation of political parties which in the Central and Eastern Europe follow, due to the electorate's low identification with political parties, the model of a cartel-party or an election committee. A method of affecting the eclectic, changeable and indecisive electorate is to gain control of the institutions of political power, the local government and the public institutions, including the media (which is of particular interest here), by means of appointing "our people" to the key positions. In a situation where the "political society" has marginalized the "civil society" and has tried to control the "economic society" and affect the rule of law, there are practically no areas free from the influence of political parties, with the political recommendation being the only righteous one.

Bearing that in mind, the independence of the public media managers, editors and journalists seen as non-commitment and impartiality in the relationships with public figures and institutions, is a prerequisite for the broadcaster to operate properly. All that must be based on the civil service ethos. Provisions of this kind are included in some major European documents, including the Protocol to the Treaty of Amsterdam of 1997, the Declaration of the Committee of Ministers of the Council of Europe on the independence of the public media, 2006 or the Directive 2010/13/EU on audiovisual media services.

We are facing fundamental changes in the organisation and operation of public media in Poland. The basic change regards the legal form of the public media organisations. The hitherto state-owned companies shall be transformed into national legal persons and become the "national media". By the way, the modification of the terms – the "public media" to be replaced by the "national media" – seems to be quite significant. The intention of the Law-makers is nothing but ideological, while the term "public media" has had a far reaching history in Europe, having built its historic and social context. All it means is that public media represent public interest. In my opinion, the transformation, in its organisational and legal aspect, is redundant and it has corrupted the institutional values that have been built through the last 26 years. The "one person joint stock companies of the State Treasury" have had a long history of legal precedence, court verdicts or the use of law; the latter being extremely important, in particular in case of conflict, disagreement or dispute between the institutions. The imposition of the new regulations means that we shall start from scratch by getting the experience of everyday functioning of the media in the changed legal and economic formula.

Despite numerous disadvantages, the legal form of a commercial company assigned to media institutions disciplines its financing while making its business transparent. Now the fact that media companies have been, in some areas, excluded from the commercial code means that the code will never restrict its business more than necessary. Both the state-joint status of the media entities and the method for the CEOs and directors to be appointed by the regulator, through competition, together with their pre-defined tenure used to balance the unavoidable political impact on the media. The new formula shall sweep away the typical buffer between politicians and journalists who will lose independence.

The new bill involves the appointment, by the Parliament and the President, of the Council of the National Media which, unnecessarily doubling up with the National Broadcasting Council (KRRiT), shall obtain the powers to appoint the managing boards of public broadcasters, to manage the subscription funds or supervise the broadcasting entities, and also to institute the public media's articles of association. The head of the Council of the National Media, nominated by the Parliament Speaker and virtually impossible to dismiss, shall appoint and recall the media directors and deputy directors. At the moment, it is difficult to say if there will be established any list of possible reasons for the recall or will it be at the discretion of the Council of the National Media's chairman. The latter being of crucial importance as to the degree of independence to be granted to the media managers. Today, the National Broadcasting Council (KRRiT) is also allowed to recall the media heads, yet, it is bound by three restrictive circumstances where it is allowable.

Another important question is the question of pluralism of the Council of the National Media which is directly dependent on the procedure for nominating the candidates and, subsequently, the elections method. In this particular case, a simple majority of votes shall decide, at least in the Parliament, which shall consequently stipulate the one-party composition of the Council. Finally, the bill on the national media provides not only for the termination of the former tenure of the media management but also for the expiry, three months following its taking effect, of employee contracts. Wherein, it is the directors who shall evaluate the grounds for maintaining the former jobs and the people holding the posts. No criteria have been given, though, or who should set these forth: the managing directors, the channel heads, other managers or the Council of the National Media.

I am afraid that the social broadcasting boards provided for in the bill will not fulfil their role, either. Similarly to the German ZDF, significant

powers could be vested on them. The ZDF Television Council enjoys particular powers, including the power to appoint the CEO. Unfortunately, the Polish social broadcasting boards shall not have such powers. Therefore, the fact that the bill provides for having representatives of numerous organisations as members of the boards seems insignificant in a view of depriving them from the respective powers.

The crucial issue, however, is that the bill does not solve the basic problem of Poland's public media, i.e., the financing. True, the bill provides for an inter-ministerial team to be set up tasked with the development of a modern media financing framework and such framework. However, judging from experience, the perspective can be put *ad kalendas graecas*. What we mean here is, among other things, that a new, innovative financing system for the public media must undergo the EC notification. That may take several months. Now, if a new audiovisual charge should take a form of e.g., a tax (PIT, CIT), for the charge to take effect on January 1, 2017, the relevant provisions must be adopted by November 2016.

The bill on public media sustains the division, typical for the analogue era, into radio and television. Today, following the deep technology changes, such division should be avoided and the radio and television broadcasting (plus internet and multimedia) should be combined starting from the regions. Regrettably, in Poland, the concept is unlikely to find its way into practice before long.

In conclusion, the public media in Poland have reached a critical point. The new regulations on the public media mean that they fall under political control, lose their independence and are subjected to centralised management. Having said the foregoing, the regulations fail to tackle any of the significant problems and challenges they face, in particular the insufficient financing, the technology dilemmas, a broader social and cultural representation, pluralism of political views or active participation in the construction of the civil society. •

AN OBSERVATION OF THE POLISH MEDIA LANDSCAPE

DR.^{IN} KARIN KOLLER
ORF RADIOINFORMATION

Saturday 7th May 2016, a mass demonstration against the Polish government is taking place in Warsaw. KOD, a body fighting for democracy established after the national conservative party PiS won the general elections in November 2015, invoked the demonstration. Over 240 000 people are marching down the streets of Warsaw holding European flags and chanting their demands. The crowd demands that the government of premier minister Beata Szydlo should acknowledge the supreme court, in order to secure Poland's constitution. The country shouldn't position itself in Europe's political outside right wing. Many politicians such as former president Bronisław Komorowski, Liberal civic platform, are amongst the marching crowd.

That same evening everyone who watched the public broadcaster TVP news could only see a 20 second mute video clip of this huge event. In lieu of watching a detailed report of the demonstration, the audience saw a couple of minutes long speech of Jarosław Kaczyński, president of ruling party PiS, in which he aggressively talks of traitors of their homeland. People who wanted to receive more information about the demonstration had to switch the channel to the opposing broadcaster TVN. TVN provided detailed live reporting from the Warsaw centre, featuring multiple speakers who warned of an end of the Polish democracy. Kaczyński's appearance found only a minor place that evening.

One could say at least we have got multiple media channels. The pluralism of voice and opinion is present. One has to know, what channel to consume in order to get more information about what one seeks to know. However, shouldn't we be able to see things what we haven't chosen on the news channels? Isn't the other, what we haven't chosen also reality? Currently a half-decent overview of the political situation in Poland is ineffectively looked for. Political scientists, sociologists and journalists repeatedly say that the country is divided like never before. My Polish acquaintances can confirm too, that the country is split in two irreconcilable camps; the Kaczyński-camp and the other camp. It's black and white, or white and black; depending on the view point. There are currently no grey zones. Both parties hold the view point that one who isn't for them, is against them. There is no connection between the opposing

camps, no bridges, no discourse! The longer PiS is in power, the stronger the two camps drift apart.

“Hate grows between the two groups”, says my Polish friend, who works as a lawyer in Warsaw and supports the neo-liberal party *Nowoczesna*. Before she got scared by the inauguration of PiS-government, she used to support the liberal-conservative civic platform *PO*. The current government paralysis the supreme court, so now legislative can be passed through uncontrolled which causes a circumcision of the civic rights. According to her, the aims and objectives of Kaczyński and his government are unpredictable. Nevertheless, the current camp mentality distresses her even more. “We are completely divided. Our society is incapable of communicating with one another. Everyone remains in their camps, supports their groups, we don’t care about what the others are doing. I’m forced to approve; otherwise people claim I support the opposing camp. Only the extreme viewpoints are left. It is absolutely dangerous that our division is set so deep that we can’t even communicate with each other.” One nation, two worlds; each advocating their own opinions, against the opposing group.

It is obvious that one can’t have a balanced picture of the current political situation. In order to get a half-decent not biased overview one has to skim read through all the newspapers, zip through all news channels and additionally, has to bear in mind who finances the private media institutions. Of course, one could move across both political camps; listen to both arguments, be aware of both worlds, and then try to draw one’s own conclusion. On the other hand, this approach is exhausting, time consuming and on top of that political understanding and knowledge is required. This is a high professional approach which is normally executed by journalists and media researchers. Moreover, this approach is easier from an observer perspective. Since people inside of a camp are stuck with their own camp philosophy, they find it hard, nearly impossible, to understand this approach.

This is the moment when the public service broadcaster enters the game. Showing societies all relevant information of the world is the nature of public service broadcasters. On May 7th 2016, when the mass demonstration against the government took place, the PSB should have critically assessed the situation, and, if journalistic relevant, show the appearance of PiS president Jarosław Kaczyński, in order to make both camps feel represented. One could claim these are banalities, that should be self-evident. The camp fight in Poland proves that these are not banalities, and definitely not self-evident. Since 1989 all Polish governments failed

to establish a PSM which acts independent of the country's political institution. Especially now in this situation where politics have come to a crisis and society is split in camps, the democratic power of the country is suffering. The political camp fight is mirrored in the media landscape. The media either represents the viewpoints of one camp side or the other. A platform in which both parties are represented without polemic is missing. Media consumers have to decide beforehand which political world view they want to be exposed to. It's like a parallel world to Facebook, in which I see what I like, what I'm interested in, my shared opinions. On this social media platform, I choose my friends, the pages I like and the people I follow. I create my own unique information bubble of things I like and opinions I share and stand for. Posts of things which don't match those requirements rarely appear on my Facebook world; if so, then they are usually branded advertisements. Facebook gives me the opportunity to create my own media bubble and if I don't watch out, I will forget that there is another world outside of this created bubble. I wouldn't come into contact with the "other", if I didn't try actively; it's a distorting mirror. This is happening to the others as well. They build up their own world, with their own perspective and think that is the absolute truth.

This all isn't an issue when we are talking about music genre, club nights or holiday vacations. However, when we consider Facebook as a political exchange platform, issues are arising. A platform in which similar opinions are shared; a platform in which one finds approval of one's own opinion and feels safe; a platform where public opinion is created. This is how Facebook works; Facebook has its own rules. What happens when other media channels follow the same rules? What is if media channels would only serve one audience, ignore the other worldviews and treat them like enemies? This is what my Polish friend warns about; this is what scares my friend – the current media landscape.

What will happen if there is no public platform where different political opinions can meet and compete? A platform for same level discourse battle of political ideas and ideologies is threatening to disappear; hence the fundament of a functioning democracy is threatening to disappear. •

WHERE WILL BE NEXT?

MOGENS BLICHER BJERREGÅRD
EUROPEAN FEDERATION OF JOURNALISTS (EFJ)

Europe's media freedom is under threat – not only from Hungary, but now also from Poland. On 7 January, Polish President Andrzej Duda signed one of the most contentious media laws in the history of the European Union. President Duda's government flouted several fundamental EU rights and signed legislation to allow the government to appoint the senior management of public broadcasters. He also introduced a number of controversial amendments to the country's constitutional court.

Despite international uproar, the new media law came into force the following day. In response, on 13 January, the EU Commission decided to take action against Poland under the so-called "Rule of Law" framework, and launched a "preliminary assessment". Following the probe, a recommended course of action will be suggested, and Poland's voting rights could be suspended from the EU Council, as laid out in Article 7 of the Lisbon Treaty.

The European Federation of Journalists (EFJ) welcomes this unprecedented move as an important step in protecting media freedom in Poland. As it is a new tool for the EU, the Commission might also want to consider the impact such an assessment could have on Hungary where President Viktor Orbán has made a concerted effort to muzzle the press. As a member of the EU, Poland must respect of the rule of law and the Charter of Fundamental Rights. Article 11 of this Charter is the guiding principle for media freedom in Europe. It states: "*11.1: Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. 11.2: The freedom and pluralism of the media shall be respected.*"

It is clear that Poland's new media law violates these core principles – despite its commitment to respect them on joining the Union. According to the new law, the Minister of Finance has the right to appoint and sack senior figures in the public media. Understandably, journalists working in the public media are fearful that dissenting from the government's view will result in purging, with politicians effectively in charge of newsrooms.

In 2013, the European Commission published a report on media freedom and pluralism written by experts at a High Level Group. Amongst the many recommendations in the report, there are two regarding the public media. They are: Any public ownership of the media should be subject to strict rules prohibiting governmental interference, guaranteeing internal pluralism and placed under the supervision of an independent body representing all stakeholders. The Audiovisual Media Services Directive, the main EU legislation in this field is committed to safeguarding the independence of national media regulators.

It is high time for the EU to show leadership. If not, Europe's media will find itself on a slippery slope downwards, closely followed by our democracies – and not to mention the credibility of the EU. Lessons must be learned from the past. In 2003, the EU allowed Italy's then Prime Minister, Silvio Berlusconi, to control the media in such a way that if Italy was applying for EU membership, it wouldn't have fulfilled the criteria.

In 2011, Hungary passed a media law giving a centralised council the authority to impose fines of up to €700,000 on media houses that publish content considered to be against the public interest or common moral values. Again, the High Level Group report is very clear on the importance of media self-regulation.

If we let media freedom fall in Poland, where will be next?

How can we ensure the Turkish government respects media freedom if we do not take action against an EU member state? Therefore, it is up to the Commission to reaffirm the importance of the EU's fundamental values by following-up the decision taken on 13 January.

Poland has argued, with the support of one of the country's journalists' organisations, that the new law is a temporary measure designed to "clean up" and update existing media laws, ironically to bring them into line with European standards. They say the amendments will be voted on later and that the situation could improve within a few months. However, this cannot in any way justify what the Polish government has undertaken. In such a situation, it is extremely important to stick to the principles. This is why we urge all international organisations and institutions, as well as national organisations and institutions in Poland, to do the same.

The article was published on www.equaltimes.org •

SHIFTING TOWARDS RIGHT!

MAG.^A BEATE HASELMAYER
ORF WELTJOURNAL

It was a normal coach like any other; nothing special. A double-decker bus equipped with air-conditioning and seatbelts. There are odd signs fixed to the bus windows: a bottle with a percentage sign and crossed with a red colour. The message is obvious: “Consuming alcoholic beverages on the coach is forbidden.” Every country has to handle clichés. Austria associates Poland with cheap labour, criminality, church and an extensive consumption of alcoholic beverages. Today nationalism, censorship and the loss of democracy are added to the list of clichés. But are these new clichés reality? What do Polish people think about the new image central Europe has about their homeland?

I paid nine euro for my ticket on the “Polski-bus”. It is certainly the cheapest way of travelling from Vienna to Krakow; but definitely not the most comfortable one. The bus journey will be about six and a half hours. I will try to talk to some bus passengers, so the bus journey won’t be a complete waste of my time. I won’t meet business people, celebrities or academics on the bus. Everyone who chooses this kind of travelling belongs to the “simple” people. Those are exactly the ones I want to get to know. I would like to know what their thoughts are on the new approach of the Polish government. What do they think about the amendments and the current situation of dealing with refugees?

Traffic is terrible; it takes us about an hour to actually get out of Vienna. Tomorrow is the religious holiday Feast of Corpus Christi, which means we have a long weekend ahead of us. It appears that half of Vienna’s population is fleeing the city on this particular Wednesday evening. The Feast of Corpus Christi is the reason why I’m travelling all the way to Poland. Thousands of people will participate in a traditional procession on that day. This is a perfect opportunity for a TV reporter like me to investigate and demonstrate the importance of the Catholic Church in Poland. During my research phase for the WELTjournal reportage “Poland shifting to the right”, I have come across multiple obstacles. One obstacle is getting permission to film in a church. The mistrust towards foreign media institutions is immense. The main reason for this huge mistrust is allegations of manipulation. The little bit of traffic seems worth when I think about the possibility of getting good video footage without a filming permission.

To my left there are two women. One has got long hair, tied up in a messy bun. Her ear is pierced and her arm-bed is tattooed. A right shifted Poland is not exactly what I associate with her. When she finally stopped trying to fall asleep on her little chair I used the chance to involve in a conversation with her.

Joanna is in her mid-twenties and an archaeology student. She moved to Vienna a couple of months ago. Like many others on the bus she is visiting her family over the long weekend in Poland. Her political view took me by surprise: “Politics are quite a tough topic, if you know what I mean?” After a short break the surprise: “I will always support the right parties in my country. That’s totally obvious to me.” Why, I want to find out? “The communist rules made a lot of mistakes in my country. They made our economy and our society suffer. They were taking our freedom. My parents used to live in a communist country. They told me that shops were lacking of supply and you were not allowed to share your opinion in public”, explains Joanna.

Joanna won’t be the last person I will encounter with who holds an anti-communist view because of the Polish communist past. I’m intrigued what her thoughts are on the criticism towards the Polish current right wing government. “Everyone who claims the government regulates and limits the Polish society, exaggerates”, mentions Joanna.

Let me give you a brief overview of the changes which have been made and initiated by the PiS government. In the end of December 2015 the parliament decided to reform the Supreme Court. This evoked a lot of criticism in and outside of the country. People claim that the government attempts to silence the country’s main control instance. Since PiS is in power, over 135 people have lost their jobs at the Polish public service broadcaster. Additionally, the Polish Prime Minister Beata Szydlo supports the intensification of the abortion law. In the future abortion will be only legal if the mother’s life is under threat. In other words, a deformity of the foetus or a rape is not a justified reason to undertake an abortion. Moreover, a violation of this law will be fined with 5 years prison.

Due to the fact that the main reason of my travelling is going to the Feast of Corpus Christi processions in Poland, I asked Joanna about her religious belief. She tells me that she believes in god and that she grew up in a catholic family. Joana is full of surprises; she takes the hand of the woman next to her and introduces her as her partner.

“You mean your girlfriend?”, I ask. “Yes”, she answers and smiles at her girlfriend. Joanna and Julia have been dating for a couple of months; they both live together in Vienna. But what does Joanna’s catholic family think about Joanna dating a woman? “My parents just accept it. They never had a problem with Julia.”, Joanna answers. “We never had any problems in Poland. We were walking around holding hands and never ever had any bad experiences so far”, confirms Julia.

The bus journey was definitely worth it. It only cost me nine euro to break all clichés and prejudices I had. I never imagined meeting a young woman, who is cosmopolitan, believes in god, is homosexual, supports the right wing party and thinks it is great that Poland isn’t taking in a lot of refugees. It took Joanna only 10 minutes to proof my initial opinion about her wrong. Nationalism and reservations towards refugees I would have associated with the bus drivers and definitely not with Joanna. Since we are not taking a break on this bus journey we need two bus drivers, so the wheel is always occupied. Those two men with their short shaved hair, strong arms, red cheeks don’t seem sympathetic to me. “Can I ask you a few questions?”, I approach them.

“No. No media! We don’t want to have anything to do with the media”, one answers. “Just a couple of shots from the back?”, I ask politely. A hand in front of my camera objective signifies me a definite no. They won’t be the last people on my journey who don’t want to talk to foreign media institutions. Surprisingly the bus journey goes quite quick. I arrive shortly after midnight in the sleepy dark town Krakow. Krakow seems quiet and peaceful to me right now; but tomorrow this place will turn into a vibrant and busy city.

I meet my Polish camera team and Marta, a freelance journalist from Warsaw in the morning. During my filming process Marta will assist me as a translator. The Feast of Corpus Christi procession starts at a small hill Wawel. This location is also known as the former residence of the royal dynasty. Marta runs up the hill; she runs as fast as she can speak German. When Marta was a child she and her parents moved to Germany. Marta went to school and studied in Germany; she has only moved back to Poland a couple of years ago.

Marta is able to give me great insight on the journalistic changes in Poland. “How did journalism and working for media institutions change after the inauguration of PiS?” According to Marta the PiS party has always been shy when it comes to interview requests. It has become increasingly difficult to get hold and speak to the ministers of the coun-

try. She mentions that critical news content towards the government has completely disappeared from the public service broadcaster TVP. “The news editorial department were the first to feel the changes. It was the first department who was forced to dismiss staff”, explains Marta. The reasoning for the increased suspension of staff is a bit dull. The people got told that they don’t fit into the concept of the broadcaster anymore. After the suspensions only people who graduated from the journalistic broadcaster academy Radio Maryja got hired for those jobs.

Radio Maryja represents the catholic voice of society. Most of the people who climb the Wawel hill this morning probably started their day by listening to this radio station. Praised the lord Jesus and holy virgin Maria, is probably the first thing what they heard this morning. The conservative catholic radio station Maryja established itself in 1991.

According to the reporters without border, Poland has dropped 29 ranks on the list of press freedom countries over the last year. In December 2015 shortly after the national conservative party PiS won the elections, the government abolished the media law, which resulted in making the broadcasting council obsolete. Furthermore, the CEO can be dismissed instantly. On July 1st 2016 a huge media law was supposed to come into effect. The new law would change the public service media and the news agency PAP into a culture institute. Opposing parties, voices of society and expert groups of the Council of Europe have criticised the planned reforms. It seems that the government wants to disable the critical news coverage of the country politics. The big media reform has been postponed. However, since only graduates of the media academy Radio Maryja are hired at TVP, the current media landscape reminds one of the medieval time.

The Feast of Corpus Christi has started. Dozens of loudspeakers play pray songs. Thousands of people came to celebrate the huge church holiday. Hundred of nuns, brothers, priests and altar boys have come to enjoy the Corpus Christi processions. At the procession girls in traditional clothing cover the pavements with spring flowers. Men carry a statue of Jesus and a statue of mother Maria on their shoulders. Approximately 20 young women are needed to carry one massive wooden cross through the crowd. The city is filled with devotion and incense. The epicentre of the procession has formed a golden monstrance, who demonstrates a spiritual man under a baldachin. The whole procession will take about three hours. During the procession Marta and I will encounter people who think that Poland is currently on the right track. Those people believe that the current right wing political view point in Poland will spread over

the rest of Europe. Furthermore those people believe that Poland needs stricter laws to function efficient as a society. They think that vigilantes and anti-terror legislative will protect the state. On the other hand we will also meet people who will think critically about the current situation in Poland, as lots of people from Central and Western Europe do.

In the back of the bus I meet 18 year old Oliver. He grew up in Austria. Since his parents are originally from Poland, he is going to visit his relatives in Krakow this weekend. Oliver tells me that he would like to study nutrition science in Vienna. Although Oliver is not satisfied with the European news coverage about Poland, he is willing to give me an interview. “In the Western news Poland is represented as an extreme right winged country. Believe me it’s not that bad!”, he assures me. “The current government only wants the best for Poland. I know sometimes it’s impossible, but the government does try it’s best.”, Oliver says confident. “Quite frankly I don’t agree with a lot of things what the church advocates; but I still respect the church. The current issues regarding abortion and refugees are not easy to handle, I suppose. We have a saying in Polish –every stick has two endings-. In other words we can’t look at a situation from just one perspective. We should listen to different opinions before we come up with a solution. Bear in mind we are all different; we have got a different history. People think we are against refugees, but that’s not the case. I think we should be wise in those kind of situations. That’s all. People should not judge us before knowing us.”

You could watch more of Beate Haselmayer’s observations on Sept., 24th, in “WELT journal” on ORF2. •

An evaluation of public broadcasting in the international context

Anthony Mills, Texte 4

A search for quality – Journalism from the vantage point of the user*

Irene Costera Meijer, Texte 13

A state of emergency

Rubina Möhring, Texte 9

Channelling diversity

Gunilla Hultén, Texte 13

Creating public value in a digital media landscape

Inta Briķe, Texte 13

Crisis or dismantlement?

Isabel Fernández-Alonso and Marc Espin, Texte 13

Eurovision and the "new" Europe

Karen Fricker, Texte 14

Evolving PSB core values: The maltese experience

Joseph Borg, Texte 13

Greek public media in Turmoil

Marc Gruber, Texte 9

How important shall public service media be in the European digital media age?

Roderich Flynn, Texte 13

Le face à face public-privé: la regulation, entre les règlements et la concurrence

Francis Balle, Texte 13

Majorities and minorities

Vasilis Vasilopoulos, Texte 9

>>MyBBC<<, in the digital media age

Lizzie Jackson, Texte 13

Necessary for a liberal democracy

Andrej Školkay, Texte 13

No signal

Hans Laroes, Texte 9

Pluralism and public service media

Petros Iosifidis, Texte 13

Public media is the pillar of europeanism that unifies all states and nations

Maarja Lõhmus, Texte 13

Public service broadcasting in Hungary: A mission impossible?

Péter Bajomi-Lázár, Texte 13

Public service media: A means to an end

Caroline Pauwels and Karen Donders, Texte 13

Public service media in Europe at times of crises: Some reflections

Alessandra D'Arma, Texte 13

Recharging public service media discourse: Diversity focus

Kristina Juraitė, Texte 13

Snatch the public service!

Sandra Bašić Hrvatinić, Texte 13

The challenge of digitalization to the Bulgarian public service media*

Lilia Raycheva, Texte 13

The challenge of maintaining community in the face of the market

Zrinjka Peruško, Texte 13

The diversity of musical expression

Harald Huber, Texte 14

The four horsemen of the post-broadcast era

Marko Ala-Fossi, Texte 13

The international value of public broadcasting

Alison Bethel McKenzie, Texte 1

The plea for history and the return to Europe

Dana Mustata, Texte 13

The present and future of PSM und austerity: The case of CYBY

Lia-Paschalia Spyridou and Dimitra L. Milioni, Texte 13

The price to pay

Ernst Gelegs, Texte 9

The «SuccERT» story

Annita Paschalidou, Texte 9

The unity of plurality

Werner Jauk, Texte 14

Three challenges and a fine kept balance

Anker Brink Lund and Christian S. Nissen, Texte 13

Tolerant creativity and innovative art

Ludovít Garzik, Texte 14

Transnational television

Kati Förster and M. Bjørn von Rimscha, Texte 14

We are all Greeks

Katharine Sarikakis, Texte 9

When the self-evident is endangered

Kostas Argyros, Texte 9

Whiter public service entertainment – or how it helped to save the future of PSM

Mikko Sihvonen, Texte 13

