

Artistic Freedom Monitor:

Poland

Cultural Control

Censorship and Suppression

of the Arts in Poland

Artistic Freedom Initiative ([AFI](#))

Charter of Fundamental Rights of the European Union ([CFR](#))

Committee on Civil and Political Rights ([CCPR](#))

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Court of Justice of the European Union ([CJEU](#))

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International Covenant on Civil and Political Rights ([ICCPR](#))

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Non-Governmental Organization ([NGO](#))

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Organization for Security and Co-operation in Europe ([OSCE](#))

Prawo i Sprawiedliwość ([PiS](#))

United Nations ([UN](#))

United Nations Educational, Scientific and Cultural Organization ([UNESCO](#))

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Universal Declaration of Human Rights ([UDHR](#))

Strategic litigation against public participation ([SLAPP](#)).

Ujazdowski Centre for Contemporary Art ([CCA](#));

Adam Mickiewicz Institute ([IAM](#));

Polish Film Institute ([PFI](#));

National Film Archive and Audiovisual Institute ([FINA](#));

Polish Book Institute ([BI](#));

Telewizja Polska ([TVP](#))

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Polityka episkopat (Episcopal policy)
By Marta Frej

Executive Summary

In 2015, the Polish right-wing party Law and Justice (Prawo i Sprawiedliwość; PiS) returned to administrative power with Poland's first-ever legislative majority, demonstrating the nationwide reach of their populist movement. Staunchly Catholic and nationalist in its political ideology, PiS ran its campaign under the banner of the party-created slogan "God, Honor, Fatherland."¹ Indeed, since the beginning of their most recent term in office, PiS has made a concerted and highly effective effort to reshape Polish governmental institutions to serve a Catholic, nationalist agenda. Pursuant to the same strategy, PiS has implemented policies to marginalize alternative political discourses and suppress the voices of LGBTQ+, women's and refugee rights activists.

A central part of PiS's efforts to 'rebuild the Polish state' is the near complete remodeling of Poland's arts and cultural landscape to more closely reflect the Party's socially conservative and nationalist ethos. Under the leadership of Piotr Gliński, the Ministry of Culture and National Heritage ("The Ministry of Culture") has sought to reorient artistic and cultural production to foreground the glorification of the Polish nation, the heroism of ethnic Poles, the primacy of Catholic values, and the centrality of the patriarchal family unit in Poland's daily life.² As early as 2016, PiS's Deputy Minister of Culture, Wanda Zwinogrodzka, clearly articulated the party's cultural agenda: "The aim of this new policy should not be [...] a will to reconstruct an inherited tradition according to a pattern of contemporary political correctness that re-educates backward Poles for postmodernity [...] The aim should be defined completely differently, namely as the strengthening of the crumbling and ever shredding communal bonds of the nation."³

In an effort to establish a unitary, ultraconservative cultural narrative, PiS has strategically stacked the country's major museums, theaters, historical institutes, and public media outlets with PiS loyalists to promote its political vision. The new conservative leaders of such institutions have not hesitated to cancel or censor expressions that do not conform to PiS's political and social agenda. Simultaneously, the party has harnessed the justice system to censor creative expression that challenges the sanctity of the Polish Catholic Church or the reputation of the nation. Artists and culture workers that reject the political or social mainstream struggle to find work opportunities, are subjected to legal and financial repercussions, face the ire of sensationalist, government-controlled media outlets, and in some cases, are threatened with personal or physical

harm for the views expressed in their work. Fearing the severe consequences to their livelihoods, Polish artists and culture workers may choose to self-censor. Furthermore, independent cultural institutions—such as galleries, music festivals, theaters, and literary publications—have faced similar sorts of pressures from the government and have often steered away from controversial programming out of concern over the loss of state subsidies, unfavorable reporting, and civil or criminal liability. These anti-democratic developments have taken a steep toll on Poland's artistic community and civil society.

Artistic Freedom Initiative (AFI) has published this report in the context of the rapid enclosure of the arts and cultural space in Poland under PiS; the intention is to shed light on this administration's concerted efforts to suppress free and open artistic expression. AFI's overarching interest in researching and reporting on the modes of suppression in Poland is to better understand how they are wielded by the government to limit free expression, restrict plurality in the arts, and bring about self-censorship among artists functioning outside of the mainstream political and social environment. We also hope that our work will contribute to the greater body of critical reporting on artistic expression and the rights of artists in Poland, draw attention to the nature of Poland's restrictions on artistic freedom, and influence stakeholders both in Poland and in the region to take measures to thwart and reverse dangerous and anti-democratic trends.

Methodology

In order to draw analytical conclusions and provide comprehensive recommendations regarding the state of artistic freedom in Poland, AFI researched the relevant laws, policies, practices, and events which have shaped the artistic environment in the

Under the rule of PiS, the Polish government has actively pursued criminal defamation charges against individuals and entities critical of the government.

and prosecution of artists producing anti-nationalist or anti-Catholic works of art; (2) the bureaucratic overhaul of state and local arts institutions through the installation of right-wing leaders; (3) the deployment of state media to advance conservative cultural narratives and to denigrate leftist or non-conforming art; and (4) the emboldening of non-state actors—such as right wing organizations and ultra-orthodox religious groups—which are actively intimidating dissident artists. We summarize our major findings in the points below.

(1) Legal Mechanisms of Suppression

In the first chapter of the report, we discuss how PiS weaponized the legal system to limit artistic expression. Though the Polish government is subject to constitutional, regional, and international legal protections on freedom of expression, PiS has subverted these protections by deliberately limiting minority perspectives from entering the public discourse, preventing government criticism from gaining legitimacy, and restricting how artists and creatives can express themselves.

Over the past six years, the PiS-led government has regularly deployed Poland's blasphemy law, promulgated in Article 196 of the country's Penal Code (1997), to punish creative expressions capable of harming the sanctity of the Catholic Church.⁴ Though most European countries have long-since repealed similar legislation, the number of arrests and charges for a violation of Article 196 has increased sharply under PiS rule. According to *Dziennik Gazeta Prawna*, criminal indictments alleging a violation of Article 196 rose from ten in 2016 to twenty-nine by 2020.⁵ Further, the number of cases filed with prosecutors' offices in Poland has climbed from 90 in 2018 to 136 in 2019 and 146 in 2020.⁶ Article 196 of the Penal Code and PiS's heavy-handed invocation of the law to punish creative expression clearly stand in violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on Human Rights.

This report details nine recent incidents where artists were investigated or charged with violating Article 196 for offending the "religious feelings" of others. Artists facing criminal proceedings for allegedly blasphemous conduct experience the

country over the past decade. A variety of resources in both English and Polish were consulted, including human rights reports, legal databases, policy briefs, news articles, and other media. Our findings were also reviewed by legal and policy experts in the field. Interviews were conducted with key participants who were identified through the research process. Participants were selected for their involvement and expertise in the arts and culture sphere; they were asked to speak to the lived experiences of artists and culture workers in Poland.

AFI's research and policy advocacy related to artistic freedom is anchored by our belief that while freedom of expression is indeed a fundamental right for all, this right is not absolute, particularly when the form of speech is capable of inciting violence or hatred toward a particular group of people.

Key Findings

PiS has made clear their desire to see Poland's arts and cultural sphere redirected to reflect what they deem to be a common Polish identity. This report identifies four major trends in PiS's cultural policy that have been instrumental in their transformation of the arts and culture sector: (1) the investigation

financial burden of securing counsel, the stigma of being branded as anti-Polish by the governing political party, the hostility of the right-wing media, and protracted litigation that could result in imprisonment. In one salient example featured in this report, Elżbieta Podleśna was arrested for blasphemy in May 2019 for distributing a work of art depicting the Virgin Mary with her halo painted in the rainbow colors of the LGBTQ+ pride flag.⁷ The work itself was not overtly offensive towards the Catholic faith as the artists simply sought to protest the efforts of the Church to ensure that only “traditional” narratives about family structure and values were presented in school curriculums. Still, Podleśna and her two colleagues were arrested and charged under Article 196 for offending religious feelings. The three activists stood trial and were ultimately acquitted; still they were forced to endure two and a half years of litigation.

AFI's report also details how Poland's defamation laws are being used to sanction creative expression. A civil matter in most countries, defamation is criminalized in Poland under Article 212 of the Penal Code, with a conviction resulting in up to one-year imprisonment and/or substantial fines.⁸ Further, Articles 133, 135, 137, 226, of the Penal Code criminalize defamation of the Polish nation, the President of Poland, national symbols and public officials, respectively.⁹ Lawsuits pursuant to these statutes are often meant to curb free speech and public debate on human rights issues and are referred to as strategic litigation against public participation (SLAPP). Under the rule of PiS, the Polish government has actively pursued criminal defamation charges against individuals and entities critical of the government. According to a report by the Helsinki Foundation for Human Rights, while there were “60 convictions [for media-related criminal defamation] in 2012, the number [...] more than doubled to 137 convictions in 2017 and 118 in 2018.”¹⁰

The legal section of this report explores several recent instances in which Poland's defamation laws have been used to suppress free creative expression. One notable and ongoing case of defamation involved the artist/activist Bartosz Staszewski, who posted signs reading “LGBT Free-Zone” at the entrance of PiS-aligned municipalities that passed resolutions declaring themselves free from “LGBT

ideology.”¹¹ The artist has since been the subject of four facially absurd defamation lawsuits and been forced to bear the psychological and financial burden of protracted litigation. One interlocutor interviewed by AFI specifically mentioned Staszewski's case as a cautionary tale for artists contemplating whether to challenge the current regime. Through this and the other examples cited in the legal section, we aim to illustrate how the legal process under PiS is being used to intimidate artists and culture workers into self-censorship.

(2) Bureaucratic Interventions into Arts and Culture

Over the past six years, PiS has asserted ideological, programmatic, and administrative control over the arts and cultural sector by deploying the Ministry of Culture's plenary authority to select the leadership of national museums and cultural institutions. Shortly after PiS ascended to power in 2015, the President of Poland appointed Piotr Gliński to lead the Ministry of Culture. Mr. Gliński has profoundly reshaped Poland's arts and cultural sector by exercising the Ministry of Culture's power to remove and appoint the directors of national cultural institutions, including arts and culture museums, performing arts theaters, film institutes, cultural diplomacy centers, state literary organizations, and music events and university programs. Poland's laws governing national cultural institutions clearly assert that the state is required to consider the recommendations of expert panels and boards of advisors in making leadership decisions. However, Gliński has largely ignored these recommendations, making appointments based on political ideology and a commitment to PiS's conservative and nationalist values rather than merit. In the first year and a half of his tenure, the Ministry of Culture unilaterally appointed ten directors out of fifteen open directorship positions.¹² It is relevant to note that a vast majority of Gliński's appointees were men.

The wholesale appointment of party loyalists to lead arts institutions—particularly at art museums and theaters—represents a significant change to the prior custom of holding open competitions for such positions. This has been accomplished through PiS's exploitation of ambiguity in Poland's Act on Organizing and Running of Cultural Activity of October 25, 1991.¹³ For national institutions, the Act authorizes the Minister of Culture to either consult with a relevant trade union or hold an open competition before authorizing the appointment of a director to a cultural institution.¹⁴ However, since 2015, PiS has rarely held open competitions. As merit-based hiring processes in the arts typically yield candidates that align themselves to the mission of the arts institution, PiS has upended traditional hiring practices at cultural institutions to ensure that upholding party orthodoxy would be the governing managerial principle.

PiS has also interfered in the management and programming of historical and cultural heritage institutions; their aim is to promote a view of Poland's history that emphasizes Polish heroism during conflicts of the past and refuses to acknowledge Polish acquiescence with the Nazis during the Holocaust. This has notably affected the leadership and programming of the POLIN Museum and the Museum of the Second World War in Gdańsk. We also detail recent developments in prominent film and literary institutions that suggest increasing strains on free expression also related to PiS's historical revisionist agenda.

In the bureaucratic section of the report, we discuss Poland's appointment and removal policies in detail and outline the Ministry of Culture's violations therein. In this section, AFI calls attention to PiS's interventions into 23 major Polish arts and culture institutions and artistic events from 2015 to present, including the Royal Castle in Warsaw; Royal Łazienki Museum in Warsaw; National Museum in Warsaw; Ujazdowski Centre for Contemporary Art (CCA); Zachęta National Gallery of Art; Silesian Museum; Zbigniew Raszewski Theater Institute; Polish Theater in Wrocław; National Stary Theater in Krakow; Jaracz Theater in Łódź; Ostwery Theater; The Juliusz Słowacki Theater in Kraków; Malta Festival in Poznań; POLIN Museum; Museum of the Second World War in Gdańsk; Auschwitz-Birkenau Museum; Adam Mickiewicz Institute (IAM); Polish Cultural Institute; Polish Film Institute (PFI); National Film Archive and Audiovisual Institute (FINA);

HER Docs Foundation Film Festival; the Polish Book Institute (BI); National Festival of Polish Song in Opole; and Academy of Music in Gdańsk. The removal of dozens of eminently qualified directors from thriving cultural institutions, as documented herein, has blighted artistic production and stunted the artistic communities that they serve. Further, these wholesale administrative changes have enabled PiS to usher in an era of government-curated arts and culture in Poland.

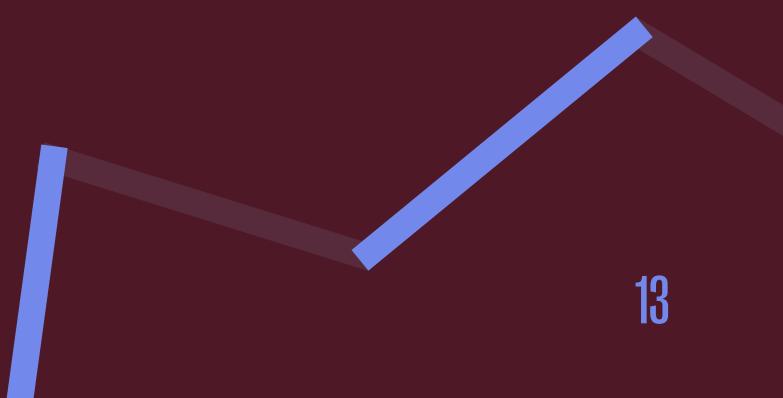
(3) Media and Public Opinion Control

Since 2015, PiS has implemented a restrictive, divisive, and highly politicized media policy. This has been characterized by the strategic intimidation and undermining of media outlets and journalists critical of PiS, the removal of independent media managers from key positions in public broadcasting, the re-orientation of public media's news content to align with PiS's political agenda, and the transfer of local and national media outlets to private Polish firms supporting PiS.

The gradual nationalization of media has had a profound effect on the arts and cultural sector. First, by asserting ideological control over public media, including television and radio, PiS has reoriented programming to align with the party's values and censor content that runs contrary to the same. For example, in 2016, the state-run television station Telewizja Polska (TVP) canceled the broadcasting of three films: *Pokłosie* (Aftermath) by Władysław Pasikowski, *In the Name of...* by Małgorzata Szumowska, and *Citizen* by Jerzy Stuhr.¹⁵ Two of the films presented themes on sexuality and the Holocaust that clearly clashed with the orthodox narratives promoted by PiS and one was directed by a prominent critic of the party.¹⁶ TVP then removed Paweł Pawlikowski's Oscar-winning film *Ida* from its scheduled broadcast, as the film has repeatedly proven to be problematic for the PiS-approved narrative on the Holocaust.

Second, artists and cultural producers who generally are dependent on independent media to highlight exhibitions, events, and concerts, can no longer count on a non-ideological media to report on and highlight their work. One interlocutor, a visual artist, spoke of the diminished bandwidth for objective reporting and its chilling effect on the arts: "We have been crippled and cannot do things that have true meaning[:]...[PiS] has all the means—they have all the money, the media."¹⁷

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The ideology and rhetoric of PiS has emboldened ultra-orthodox, non-State actors in Poland to act as party surrogates on the ground, monitoring expression that transgresses conservative values.

Third, PiS-controlled and affiliated media have gone to great lengths to publicly smear artists that challenge the nationalist cultural narrative. State and conservative media have played an active role in sensationalizing contentious works of art in order to trigger charges of blasphemy. For example, TVP provided negative coverage of Karol Radziszewski's work *F*g Fighters* which was intended to "visualize [...] harmful stereotypes about the gay community [...] during the Białystok Equality March in 2019."¹⁸ TVP labeled the work as "hate speech" and the conservative media at-large reported the piece to be "heterophobic," an irony indeed as the work highlighted the violent words and deeds of the far-right during an equality march.¹⁹ The gallery hosting the exhibition wrote that particular media coverage "[gave] a manipulated image of the exhibition, i[n] an attempt to censor the artists, intimidate the gallery and its employees, and distort the subject of the exhibition."²⁰ In part due to the media campaign, a report was filed at the district prosecutor's office requesting an investigation into an act of blasphemy.²¹

Artists exhibiting in Poland today must contend with the possibility that the majority of media outlets in Poland could construe even a mild critique of Catholicism, nationalism, racism, sexism or discrimination against members of the LGBTQ+ community, as an affront to the Church or the Polish nation. Consequently, many artists may understandably choose to self-censor when faced with threats to their livelihood or safety.

(4) Intimidation by Non-State Actors

Another important trend in Poland that AFI identified in the course of our research is the growing prevalence of harassment, violence, or other threats of harm committed by newly emboldened non-state actors against artists and arts institutions that advance ideas and lifestyle choices which run contrary to PiS's socially conservative and nationalist agenda. **The ideology and rhetoric of PiS has emboldened ultra-orthodox, non-State actors in Poland to act as party surrogates on the ground, monitoring expression that transgresses conservative values.** These entities include NGOs, legal service providers, religious groups, youth organizations, and private individuals. The political affiliation of these non-state actors lies at the core of their mission, which encompasses a zealous commitment to Polish nationalism, the Catholic Church, and an antipathy towards minorities, feminists, and members of the LGBTQ+ community. A notable example

of this phenomenon occurred in March 2021 when the Life and Family Foundation—an ultraorthodox Catholic group—collected signatures petitioning the Lublin City Council to suspend all financing of the Labirynt Gallery.²² The Labirynt considers itself as a forum for marginalized groups, hosting a first of its kind project called *Library of Refuge*, “one of Poland’s first public collections of LGBTQ+ literature.”²³ However the petition against the gallery claimed that the city was using taxpayers’ money to finance “divisive and controversial content,” promoting abortion and “LGBT ideology.”²⁴ The Life and Family Foundation is one of many organizations that have taken on a quasi-State role, particularly in monitoring and intimidating artists that create works challenging nationalist values, as well as referring cases to state prosecutors for the offense of “offending religious feelings.”

Our findings indicate that among those most at risk to be victimized by non-state actors in Poland are artists and culture workers that identify as sexual minorities and gender non-conforming groups, particularly members of the LGBTQ+ community, as well as institutions that support these artists. As anti-LGBTQ+ attitudes have also become widespread in Poland, artists who self-identify as LGBTQ+ or advocate on their behalf have been targeted with regularity. In June 2020, an LGBTQ+ mural was destroyed in Szczecin, Poland three days after its creation.²⁵ It is unclear whether the perpetrators were arrested, or indeed whether any efforts were made to identify them, but these sorts of actions have become all too prevalent. We highlight how sexist and homophobic rhetoric from PiS, a lack of recognition for the human rights of LGBTQ+ and gender non-conforming individuals, and growing reports of violence against Polish minority artists may be causing many to self-censor for their personal safety.

(5) Lived Experiences

PiS’s strategic remodeling of the arts and culture sector in Poland has profoundly impacted artists and culture workers’ professional opportunities. During our research, and in an effort to highlight the lived experiences of artists and culture workers in constrained environments, AFI interviewed more than 10 arts professionals based in Poland. Our conversations revealed a growing fear of legal and financial repercussions for artistic expression outside of the political mainstream. Our interview participants felt that these repercus-

sions would lead to substantial professional precarity and personal difficulties that would be challenging to overcome if they continued to live and work in Poland. Our interlocutors describe their first-hand experiences of censorship, being reported to the state prosecutor for an alleged violation of Poland’s blasphemy law, being the subject of attacks in the media, and experiencing job and funding losses as a result of views expressed in their work. They point to their own experiences, as well as high profile cases of artists facing legal and financial repercussions for controversial works, as triggering self-censorship among some of Poland’s arts community.

Notably, our findings on the rampant discrimination against anti-LGBTQ+ art, artists, and culture workers as described throughout the report were also illuminated by our interlocutors’ personal accounts of discrimination, harm, threats of violence, and politically-motivated arrests by the Polish police. Our interlocutors describe mounting frustrations among Poland’s LGBTQ+ arts community under PiS’s continued rule, as well as difficult decisions that some have had to make to leave the country for their safety.

(6) Policy Recommendations

In solidarity with our interlocutors, we conclude our report with actionable recommendations to Polish and EU legislators to strengthen existing protection frameworks, support sustainable livelihoods, and ensure meaningful equity for all Polish arts professionals. Building on both our analytical research and informed by the interviews we conducted with Polish arts and culture workers, in the final section of our report, AFI puts forth a list of actionable recommendations for Polish and EU stakeholders on opportunities to improve protections for free artistic expression and create the conditions necessary for an open and thriving arts and culture sector. Given the current socio-political climate, the recommendations that AFI would like to highlight as items in need of urgent address are as follows:

1. Guarantee that the rights of all artists and arts organizations are promoted, respected and protected. Artists should be free from intimidation and threats and any violations should be investigated through an independent body.
2. Ensure that Poland's legislation is in compliance with international and regional obligations on freedom of expression, in particular Article 11 of the EU Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights. This should include, but not be limited to:
 - a. Repealing Article 196 of the Penal Code, or Poland's "blasphemy law";
 - b. Decriminalizing Poland's defamation law under Article 212 of the Penal Code; and
 - c. Repealing Poland's Holocaust Law, which outlaws the assignment of responsibility to Poland or its people for crimes committed during the Holocaust.
3. Enact legislative and policy changes to ensure independent management of national and regional arts and cultural institutions. This should include (but not be limited to):
 - a. Establishing a policy of open competition and merit-based hiring practices for directorships and other managerial roles in all arts and cultural institutions;
 - i. Ensuring the transparency and accountability of hiring practices by making candidates' applications for the position public;

- ii. Standardizing independent hiring committees with representatives from local trade unions, artists associations, and cultural institutions, along with representatives from the Ministry of Culture; and
- b. Respecting arts, cultural and historic museums' autonomy in presenting evidence-based narratives of World War II.

If implemented, the above recommendations will help bring about a more diverse and thriving cultural sphere in Poland by ensuring that artists and culture workers' rights are sufficiently protected.

Conclusion

Overall, AFI's research is driven by our commitment to calling attention to human rights violations related to artistic freedom. The intended audiences for this report are human rights organizations, human rights tribunals, legislators and policy makers in Poland, the Council of Europe and the European Union (EU), free expression activists and non-governmental organizations (NGO), arts institutions, university arts programs, practicing artists in and around Central and Eastern Europe, and defenders of the rights of artists, including the artist safety housing network. AFI believes that free artistic and creative expression is a human right that States have an obligation to recognize, protect, foster and promote. We share the concern of the interviewed artists and culture workers that the PiS administration's interventions are severely limiting creative expression and undermining plurality in the arts. We hope that this report will shed light on the impacts of the current administration on Poland's arts community.

Our findings indicate that among those most at risk to suffer harm at the hands of non-state actors in Poland are artists and culture workers that identify as sexual minorities and gender non-conforming groups, particularly members of the LGBTQ+ community, as well as institutions that support these artists.



Socio-political Context

PiS's rise to power has adversely affected Poland's artistic production and cultural life; it has had a totalizing effect on the country's political and social spheres.

The political environment in contemporary Poland is inextricably tied to the totalizing impact of the Law and Justice party's ascendance and hold on power from 2005 to 2009 and from 2015 to the present. Founded by twin brothers Lech and Jarosław Kaczyński, PiS is an umbrella party that brought together previously existing Christian democratic, Catholic-national, and conservative political groups.²⁶ From the inception of PiS, party members have expressed interest in seeing a redirection of the nation's institutions to reflect historic Polish culture and Catholic values.²⁷ Upon assuming office in 2005, Jarosław Kaczyński explicitly described the party's intentions to overturn Poland's then newly formed constitutional order, stating, "[We want] a new state. We don't want revolutionary tribunals, but we want new institutions."²⁸ The explicit goal of the new state, according to Kaczyński, would be to "break apart the system which is directing Poland's political, economic, and, in a certain sense, social life."²⁹ Governance under PiS has been characterized by legal and policy changes that have undermined the judiciary's inde-

pendence, an illiberal social agenda that marginalizes minorities, the suppression and weakening of an independent media, and cultural policies that reflect the Party's nationalistic interpretation of Polish identity. As this report will highlight, the highly politicized environment under PiS has had a deleterious effect on creative expression in the country.

PiS enjoyed a brief but impactful term in 2005 to 2009, and then won a resounding victory in 2015—Poland's first parliamentary majority in the post-Communist era.³⁰ Since their return to power, PiS has enacted a series of sweeping changes to Poland's democratic institutional framework. Most prominently, the Party systematically targeted Poland's judicial branch with laws to weaken the courts' ability to act as a check against legislative and executive power. In 2019, the lower house of the Polish parliament approved what is popularly referred to as a "muzzle law;" this allows a disciplinary chamber to bring proceedings against judges for questioning the ruling party's platform.³¹ Concurrent to the weak-

ening of judicial independence, a systematic erosion of independent media and journalism has also occurred.³² Most recently, the Party came under fire from the EU in 2021 for introducing legislation that would distill foreign ownership over media outlets—a brazen attempt at diminishing pluralistic political discourse.³³ PiS has also been met with criticism from the EU over referenda and legislation that undermine the reproductive rights of women and marginalizes Poland's sexual minorities. Two legal and policy changes enacted in 2020 drew particular attention: First, a referendum in which more than 100 Polish provinces declared themselves "LGBT Ideology Free Zones;" and second, a judicial finding declaring abortion in the case of fetal abnormalities illegal—an effective ban on legal abortions.³⁴

PiS's conservative policies are directly related to the historic importance of the Catholic Church and Catholicism to Polish culture. Throughout the course of the 19th century, the Polish Catholic Church played a foundational role in the creation of a common national identity. During the Cold War communists suppressed religious freedom; thus the Catholic church became a symbol of Polish resistance to tyranny.³⁵ Since then, the Catholic church has maintained a dominant position in Poland—according to a Pew Research study, more than 87% of adults in Poland identify as Catholic, the highest percentage of any country in Europe.³⁶ As such, it is unsurprising that values associated with nationalism and Catholicism are regularly conflated in Poland. Exploitation of religious discourse has been integral to the continued rule of PiS in Poland; overt alignment with Catholicism has been a useful tool in gaining Catholic voters and polarizing the electorate.

The rise of PiS and its steadily increasing control over all state institutions has seen an attendant intensification of government control over Poland's cultural sphere, as well as a concerted shift towards social conservatism and nationalism in the country's cultural policy. PiS has strategically reshaped the country's cultural landscape by centering conservative, nationalist voices in the arts—a move to promote their own political vision. As early as 2016, PiS's Deputy Minister of Culture, Wanda Zwinogrodzka, articulated the party's cultural agenda in the following manner: "The aim of this new policy should not be [...] a will to reconstruct an inherited tradition according to a pattern of contemporary political correctness that re-educates backward Poles for postmodernity [...] The aim should be defined com-

pletely differently, namely as the strengthening of the crumbling and ever shredding communal bonds of the nation."³⁷ In practice, PiS's cultural agenda relies on a particular conception of what it means to be 'Polish': namely, Catholic, anti-communist, and adhering to traditional gender roles and patriarchal family values. This rigid account of Polish national identity is central to PiS's ideological stance.

The party's agenda to impose its nationalist ideology on all aspects of cultural production is evident in the promotion of sociologist Piotr Gliński, to Minister of Culture and National Heritage in 2016. Gliński, who also serves as the Party's Deputy Prime Minister, has long maintained an anti-LGBTQ+ stance, and has carried himself as a "guardian of public morality."³⁸ In 2016, Gliński declared that there had to be a "correction in the financing of culture" and that "there shouldn't be a reason for groups aiming to deconstruct culture, traditions, and Polish identity to be favored as they have been up to this point."³⁹ Since then, Gliński has replaced personnel and reallocated funding in line with PiS's ideological aims; state cultural institutions have become battlegrounds in Poland's culture wars.

These acts of artistic suppression embody three ways in which PiS ideologically stifles cultural expression: (1) the promotion of historically revisionist and nationalist narratives; (2) the censorship of liberal feminist and pro-LGBTQ+ expression; and (3) the prohibition of artistic production that does not reflect the government's values. The severe and systematic restrictions on judicial, media, social, and individual autonomy are inextricably connected to restrictions on independent cultural producers and production. This indicates a consolidation of power by PiS that has created—and continues to create—a precarious and harmful socio-political environment for human rights and free expression. This will be detailed further in the report below.

The explicit goal of the new state, according to Kaczyński, would be to “break apart the system which is directing Poland’s political, economic, and, in a certain sense, social life.”²⁹



The Right To Freedom Of Artistic Expression In Poland

Freedom of Artistic Expression: International, Regional and Domestic Obligations

International and regional declarations, treaties, and conventions—beginning with the Universal Declaration of Human Rights (UDHR) in 1948—have established freedom of artistic expression and the right to culture as fundamental human rights. States such as Poland, which are party to the key instruments detailed below, must respect the freedom of expression of artists and take positive steps to facilitate the public’s participation in artistic and cultural life. National obligations to protect artistic freedom also flow from Poland’s constitution.

International Treaties and Conventions Governing Artistic Expression

International Covenant on Civil and Political Rights (ICCPR)

The ICCPR protects a broad range of civil and political rights, including freedom of opinion and expression. Poland is legally bound by the convention, having ratified it in 1977.⁴⁰ Article 19 of the ICCPR specifically guarantees freedom of expression, and sets forth permissible limitations to this right:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of this choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others;
 - b. For the protection of national security or of public order (*ordre public*), or of public health or morals.

The UN Committee on Civil and Political Rights (CCPR) has confirmed that Article 19 § 2 of the ICCPR protects “cultural and artistic expression”

and forms of “non-verbal expression,” as well as the right to access art.⁴¹

*International Covenant on Economic, Social and Cultural Rights (ICESCR)*⁴²

The ICESCR protects socio-economic and cultural rights, complementing the civil and political protections of the ICCPR. Poland has been legally bound by the ICESCR since it was ratified in 1977.⁴³ An important aspect of artistic freedom is guaranteed in Article 15:

1. The States Parties to the present Covenant recognize the right of everyone:
 - a. To take part in cultural life;
 - b. To enjoy the benefits of scientific progress and its applications;
 - c. To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.⁴⁴

The Committee on Economic, Social and Cultural Rights (CESCR) has defined culture as encompassing, “ways of life, language, oral and written literature, music and song, non-verbal communication, [...] the arts, customs and traditions.”⁴⁵

UNESCO Instruments on Artistic and Cultural Freedom

Conventions developed by the United Nations Educational, Scientific and Cultural Organizational (UN-

ESCO) have strengthened and reinforced the right to artistic and creative expression. Poland is a party to UNESCO’s *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, which outlines the manner in which artists, cultural professionals, practitioners, and citizens should be allowed to produce, create, disseminate and enjoy a broad range of cultural goods, services and activities.⁴⁶ It encourages governments, non-profit organizations, and public and private institutions to nurture artists to develop and promote the free exchange and circulation of ideas.⁴⁷

UNESCO’s *Recommendation Concerning the Status of the Artist to Recognize and Strengthen the Role of the “Creative Worker”*⁴⁸ calls upon member states to implement policies that promote the education, social security, employment, income and tax conditions, mobility, and free expression of artists.⁴⁹ While the recommendation is not legally binding on states, it reconceptualizes artistic freedom to account for the central role of artists in creating diverse cultural expressions; as such it is a useful framework for the interpretation of other, binding instruments.

Regional Treaties, Conventions, and Mechanisms of Enforcement

The European Convention on Human Rights

Forty-seven European states are bound by the European Convention on Human Rights (ECHR), including Poland, which ratified the Convention in 1993. The ECHR guarantees essential civil and political rights. Article 10 of the Convention protects freedom of expression, while also setting out limitations to the scope of the right:

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 [...]
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the

reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

European Court of Human Rights (ECtHR) jurisprudence has made clear that artistic acts are also protected under Article 10.⁵⁰ In cases of State interference with the right to free expression, the ECtHR employs a three-part test to ascertain the lawfulness of the restriction. First, as per Article 10 § 2 of the Convention, the interference in question must be “prescribed by law,” requiring the act restricting free expression to have “some basis in domestic law.”⁵¹ Second, a restriction on free expression must be in pursuit of one of the legitimate aims enumerated in Article 10 § 2 of the Convention. Third, the interference must be shown to be “necessary in a democratic society,” which can be demonstrated if it responds to a “pressing social need” and is “proportionate to the legitimate aim pursued.”⁵² While states are typically afforded a “margin of appreciation” in determining the proportionality of a restriction and the existence of a pressing social need, where freedom of expression is at stake this margin of appreciation is limited.⁵³

Charter of Fundamental Rights and the Court of Justice of the European Union

As a member of the EU, Poland is legally bound by its obligations and subject to its enforcement mechanisms. The EU first adopted the Charter of Fundamental Rights of the European Union (CFR) in 2000, and the document became legally binding for member states in 2009.⁵⁴ The CFR provides for freedom of expression and information in Article 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.
2. The freedom and pluralism of the media shall be respected.⁵⁵

Article 13 of the CFR, “Freedom Of The Arts And Sciences,” makes specific reference to artistic freedom: The arts and scientific research shall be free of constraint.⁵⁶ While Article 13 is worded broadly, the rights contained therein are “deduced primarily from the right to freedom of thought and expres-

sion.”⁵⁷ Limitations on the right to free expression under the CFR cannot exceed the scope of Article 10 § 2 of the ECHR.⁵⁸ Violations of the Charter of Fundamental Rights by EU member states such as Poland are adjudicated by the Court of Justice of the European Union (CJEU) following a pre-litigation phase known as infringement proceedings.

National Instruments

Constitution of the Republic of Poland

The Constitution of the Republic of Poland (1997) explicitly recognizes the right to free expression and cultural participation:

- Article 54 safeguards the freedom of all people to express and disseminate opinions and information, and it forbids censorship of the “means of social communication.”⁵⁹
- Article 73 provides for both the freedom of “artistic creation” and the right to “enjoy the products of culture.”⁶⁰
- Article 25 emphasizes the importance of state impartiality towards the dissemination of philosophical ideas and free expression in public life.⁶¹

The rights and protections listed in the document reflect the country’s commitments to international human rights frameworks, as elaborated throughout this section.



Legal Mechanisms of Suppression

Though Poland has ratified key treaties and conventions codifying freedom of expression, the current regime has subverted these protections by limiting the number of perspectives in the public discourse. This prevents anti-government opinion from gaining legitimacy and restricts how artists and innovators can express themselves.

The right to freedom of expression has always stood in contention with other rights, including the freedom of religion. However, such competing rights can be balanced thoughtfully and appropriately, without hampering healthy debate in a community. Conversely, an improper balancing of these rights can lead to disproportionate limitations on freedom of expression.

Poland has been increasing the ways that expression can be restricted through existing laws on blasphemy and defamation, as well as through newly drafted laws aimed at strengthening governmental influence on cultural, historic, and religious identities. This shows a disregard for the importance of pluralism and public criticism in the sociopolitical process. It is clear why Poland has deployed a legal strategy to punish creative expression: using judicial processes to suppress minority viewpoints makes the public more likely to view these as official actions by the government, rather than as arbitrary applications of power.

The deployment of the justice system by PiS to curate nationalist values became apparent when Zbigniew Ziobro was appointed as the Minister of Justice and Prosecutor General. Ziobro is the founder and head of the Catholic-nationalist Solidarity Poland party, which is oriented even further to the right than PiS.⁶² The party is “openly hostile to European integration, an independent judiciary, women’s rights, and the rights of minorities.”⁶³ This section of the report will detail how PiS has instrumentalized the law to protect conservative Catholic and nationalist values. It will demonstrate how public challenges to the party’s self-defined national identity by the LGBTQ+ community, feminists, and social activists are carefully suppressed.

Poland’s Blasphemy Law

Over the past six years, the PiS-led government has increasingly deployed Poland’s blasphemy law to punish a broad range of creative expressions. Blasphemy and religious insult laws are generally considered a relic of the past in Europe; almost all have either been repealed or fallen into disuse. However, in Poland, such laws have continued to play a role in limiting conduct capable of besmirching the reputation of the country’s central religion, Catholicism. Furthermore, PiS has instrumentalized

Poland’s blasphemy law to further its nationalist political ends at the expense of free expression.

The Incompatibility of Poland’s Blasphemy Law with the Right to Freedom of Expression

Under Article 196 of Poland’s Penal Code (1997), “anyone found guilty of offending religious feelings through public calumny of an object or place of worship is liable to a fine, restriction of liberty or a maximum two-year prison sentence.”⁶⁴ “Public calumny” is defined as a false statement intended to cause reputational damage.⁶⁵ Article 196 facially runs afoul of international and regional protections on the right to freedom of expression. With respect to the ICCPR, the United Nations Human Rights Committee unequivocally states that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant.”⁶⁶ The committee further states that it is not “permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”⁶⁷

Most critically, Poland’s blasphemy law transgresses Article 10 of the European Convention on Human Rights in three notable ways. First, the overbreadth of Article 196’s protection of “religious feelings” is violative of the requirement under Article 10 § 2 of the Convention that a restriction on freedom of expression be “prescribed by law.”⁶⁸ For example, an artist who chooses to critique the Catholic Church in their art would find it difficult to ascertain whether a work is capable of offending the religious sensibilities of a member of the community. As such, the artist cannot reasonably conform his or her conduct to the law and may choose to self-censor—a trend covered in greater detail below. Moreover, the ambiguity of Article 196 gives Polish legal authorities unconstrained discretion to determine what conduct could “offend[] religious feelings,” making it particularly dangerous. Given PiS’s own public statements on protecting the sanctity of Catholicism in Poland, such wide discretion has the capacity to enable the party to criminalize legitimate public discourse.

Second, the desire to protect “religious feelings” is not one of the enumerated permissible aims of restricting free expression outlined in Article 10 § 2 of the Convention. While restrictions on speech

to protect an individual's reputation are allowed under Article 10 § 2, safeguarding the reputation of a sacred "object or place of worship" is not. Further, while criminalizing incitement to hatred of a particular religious group does constitute a valid reason to limit expression, Poland's statute clearly targets a range of conduct that falls far short of encouraging violence.

Third, Poland's blasphemy law cannot be shown to be "necessary in a democratic society." On the contrary, Article 196 appears to stifle open debate and pluralism, both bedrock principles of democracy. As stated by the Venice Commission, "in a democratic society, religious groups must tolerate, as other groups must, critical public statements and debate about their activities, teachings and beliefs, provided that such criticism does not amount to incitement to hatred."⁶⁹ As for speech that can upset one's religious sensibilities, the European Court of Human Rights has consistently found that Article 10 specifically protects expressive conduct that "offend[s], shock[s] or disturb[s]."⁷⁰

The Impact of Poland's Blasphemy Law on Artistic Production

Since PiS won a parliamentary majority in 2015, the number of arrests and charges for violations of Article 196 have increased sharply. According to *Dziennik Gazeta Prawna*, there were ten criminal indictments alleging a violation of Article 196 filed in 2016, while twenty-nine were filed in the first eleven months of 2020.⁷¹ Further, the number of cases filed with prosecutors' offices in Poland has climbed from 90 in 2018, to 136 in 2019, and a further 146 in 2020.⁷² The use of the "blasphemy law" is indicative of a larger trend of conservative institutions and individuals weaponizing the Polish legal system to silence alternative social norms. The charges filed alleging 'religious insults' most frequently involve offenses to Catholicism, the majority religion in Poland. The effect is that this law insulates a particular institution from expression that might be seen as critical. Furthermore, it sends a message to the public that the Catholic Church enjoys special protection from critical narratives, artistic or otherwise.

While there have been few recent convictions under Article 196, arrests and criminal charges made pursuant to the blasphemy law have played a profound role in suppressing artistic expression in Poland.⁷³ Artists facing criminal proceedings on a charge of blasphemy experience the financial

burden of securing counsel, the stigma of being branded as anti-Polish by the governing political party, the hostility of the right-wing media, and protracted litigation that could result in imprisonment. One such case involved human rights activist Elżbieta Podleśna, who was arrested for blasphemy in May 2019 after distributing posters of an artwork called "Maria of Equality" around Płock, a city in Central Poland.⁷⁴ The image depicts the Virgin Mary with her halo painted in the rainbow colors of the LGBTQ+ pride flag. Podleśna and two other activists disseminated the artwork in order to protest the efforts of the Catholic Church to ensure that only "traditional" narratives about family structure and values were presented in school curriculums and educational programs.⁷⁵ In an act applauded by PiS, Podleśna and her two colleagues were arrested and charged under Article 196 for offending religious feelings.⁷⁶ The three activists were made to stand trial but were ultimately acquitted in March 2021, a decision that was upheld in appellate court in January 2022.⁷⁷

In a similar matter, the Olsztyn-Południe District Prosecutor's Office announced in November 2018 that they would launch an investigation into an exhibition at the Dobro Gallery in Olsztyn, Poland, which featured several allegedly controversial works. Two pieces attracted particular attention: one featuring an eagle bearing resemblance to the Polish coat of arms, and another depicting a woman descending a cross; both pieces had colorful phalluses painted onto them.⁷⁸ The Prosecutor's office investigated whether (1) the depiction of the eagle degraded a national symbol, (2) the images of the phalluses offended religious feelings, and (3) the director of the gallery, Mariusz Sieniewicz, failed to fulfil his obligation to remove the said works.⁷⁹ After over three years of investigations, the prosecutor discontinued the proceedings due to lack of evidence.⁸⁰ During the inquiry, the works were confiscated by law enforcement and removed from the exhibition.⁸¹

PiS has also enabled ultra-orthodox organizations to monitor and report controversial art to local law enforcement agencies. For example, in January 2020, the far-right group Camp of Great Poland (Obóz Wielkiej Polski) informed the district prosecutor office in Radom, Poland, of an exhibition by the Łódź Kaliska group, which featured a work showing a naked woman set against the national emblem of Poland.⁸² The Public Prosecutor's Office

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Fidei Defensor has a relationship with the Polish Ministry of Justice, whereby it “receives a grant for each case brought regardless of the outcome.”⁸⁶

initiated an investigation into whether the artwork insulted the Polish national symbol, however, after one year they declined to file charges against the artists.⁸³ It is important to note that The Minister of Justice, Zbigniew Ziobro, ordered the district prosecutor to review the decision to discontinue the investigation, thus opening the possibility that the Łódź Kaliska group could be prosecuted in the future.⁸⁴

In another matter involving a right-wing organization, the Fidei Defensor Christianophobia Monitoring Center filed a report in August 2021 with the district prosecutor’s office in response to a work by Karol Radziszewski. The artwork, entitled “Fag Fighters,” was featured at an exhibition at the Arsenal Gallery in Białystok, Poland.⁸⁵ Fidei Defensor has a relationship with the Polish Ministry of Justice, whereby it “receives a grant for each case brought regardless of the outcome.”⁸⁶ Radziszewski’s work explored LGBTQ+ discrimination in Poland, however Fidei Defensor accused the artist of “heterophobia and insulting the feelings of Christians.”⁸⁷ Although the exhibition continued and the artist was not ultimately charged, the event received negative coverage in the media; this caused Polish Radio Białystok to withdraw its financial support for the exhibition.⁸⁸

Two visible Polish organizations that have recently served as mouthpieces for the far-right, All Polish Youth (or Młodzież Wszechpolska) and Ordo Iuris, have both been active in referring blasphemy cases to law enforcement. These organizations’ activities in helping to suppress artistic freedom are discussed in greater detail in Chapter Six.

Media outlets controlled by PiS have also contributed to triggering Article 196 investigations through sensationalist reporting on art exhibitions. In one case out of Opole, Poland, Telewizja Polska (TVP) reported on the exhibition *What to do While Waiting?* at the Gallery of Contemporary Art. Their report, entitled “Cross with something that resembles genitals,” aired on February 7, 2021—the final day of the exhibition—and focused particularly on an installation by Tomasz Mróz.⁸⁹ This artwork consisted of a cross covered with objects that appeared to be worms or sausages.⁹⁰ Upon viewing, the work appears to be subject to interpretation and not overtly controversial. However, TVP’s piece suggested that the work “evokes obscene associations,” and did not include any interview or comments from the artist or gallery to clarify their artistic or curatorial intentions.⁹¹ As a result of this coverage, a private individual reported that her “religious feelings” were

offended.⁹² After an initial investigation, the prosecutor decided not to proceed with any criminal action, determining that “[t]he objects that were on the cross are worms symbolizing dying and stillness, which is the author's artistic statement about the pandemic period.”⁹³ However, another investigation for a violation of Article 196 was launched in April 2022, after an individual viewed Mróz's work on the Gallery's social networking website.⁹⁴

Poland's blasphemy law has also resulted in acts of self-censorship by artists who would prefer not to court controversy or subject themselves to prosecution. In December 2021, the artist Tomasz Opania agreed to have his work, “Ritual – Border,” removed from an exhibition at the Browar Mieszczański.⁹⁵ The work at issue—which employed the Polish flag, a rope, and a barrier to confine viewers of the installation—was intended to be a commentary on the border crisis with Belarus.⁹⁶ After discovering that a private party intended to file a report to the prosecutor's office for degrading a national symbol, the owner of the gallery requested Opania's permission to remove the work.⁹⁷ The artist himself declared his agreement to be a deliberate act of self-censorship.⁹⁸ However, he simultaneously expressed that artists had a role in commenting on the crisis at Poland's border and declared that he would find another venue in which to do so.⁹⁹

The increased deployment of the “blasphemy law” is indicative of a larger trend of conservative political parties, government agencies, right-wing organizations, PiS-affiliated media, and ultra-orthodox individuals weaponizing Polish law in order to silence alternative social norms. The aforementioned examples demonstrate how the criminalization of “religious insults” is interpreted within the context of Catholicism; the invocation of this law sends a message to the public on what type of cultural and religious life is most acceptable and creates a barrier insulating Poland's conservative brand of Christianity from criticism. The continued insidious use of this law manifested itself even further in April of 2022, when Ziobro's Solidarity Poland party proposed an addendum to Article 196. The addition to the law would criminalize “interrupting religious ceremonies such as masses and funerals” and extend the potential custodial sentence to up to three years.¹⁰⁰

Poland's Defamation Law

Poland's anachronistic defamation laws have also been used to sanction creative expression. Defamation is a civil matter in most countries, however Poland allows private parties to file civil or criminal actions for defamation under Article 212 of the Polish Penal Code.¹⁰¹ The criminal option offers a distinct advantage for aggrieved parties; they can initiate defamation suits but have the responsibility and cost of litigation covered by The State. A conviction under the statute includes up to one-year imprisonment and/or substantial fines.¹⁰² Further, Articles 133, 135, 137, and 226 of the Penal Code respectively criminalize defamation of the Polish nation, the President of Poland, Polish national symbols, and public officials.¹⁰³ Lawsuits pursuant to these statutes are referred to as strategic litigation against public participation (SLAPP), and are often designed to curb free speech and public debate on human rights issues. International human rights institutions have roundly denounced criminal defamation as a disproportionate interference with free speech. Indeed, the UN Human Rights Committee has advised states to “consider the decriminalization of defamation,” or to only invoke such laws in “the most serious of cases,” specifying that imprisonment is never an appropriate penalty.¹⁰⁴ The very existence of criminal defamation statutes has a “chilling effect on the media and on freedom of expression;” they are “prone to abuse [by state governments] in order to silence opponents and critics.”¹⁰⁵ While the ECtHR has not found criminal defamation statutes to be violative of Article 10 of the Convention *per se*, it has generally found criminal defamation prosecutions to be a disproportionate interference with freedom of expression, particularly where custodial sentences or exorbitant fines were imposed.¹⁰⁶

Under the rule of PiS, the Polish government has actively pursued criminal defamation charges against individuals and entities critical of the government. According to a report by the Helsinki Foundation for Human Rights, while there were “60 convictions [for media-related criminal defamation] in 2012, the number [...] more than doubled to 137 convictions in 2017 and 118 in 2018.”¹⁰⁷ One high-profile defamation case occurred in March 2021, when the renowned Polish writer and government critic, Jakub Zulczyk, was charged with defaming the President of Poland. The charge—which carries a

The use of the “blasphemy law” is indicative of a larger trend of conservative institutions and individuals weaponizing the Polish legal system to silence alternative social norms.

potential sentence of three years in jail—stemmed from a comment Zulczyk posted on Facebook, calling President Duda “a moron” for failing to fully acknowledge President Biden’s victory in the 2020 election.¹⁰⁸ One and a half years later, the regional court dismissed the charges against the author, but the protracted litigation reflected two dangerous trends in Poland.¹⁰⁹ First, the charges themselves were not initiated by President Duda but by a private party, giving the president cover for the prosecution of a facially absurd lawsuit.¹¹⁰ In other words, private ultra-orthodox individuals and organizations are able to initiate criminal complaints in the name of the state. This enables political figures to claim that such actions are occurring organically, while simultaneously giving them plausible deniability of their involvement in a legal process meant to stifle expression. Second, public statements made by artists and activists are subject to monitoring by a myriad of right-wing groups and individuals; they face constant threats that any comment that raises conservative ire could result in litigation.

Poland’s “Holocaust Law”

In February 2018, Poland’s legislature passed a bill to outlaw the assignment of responsibility to Poland or its people for crimes committed during the Holocaust.¹¹¹ The original bill, known as the Holocaust Law, included a potential sentence of three years in prison or a substantial fine.¹¹² The law provoked international outrage; PiS was accused of attempting to rewrite history by obscuring the role some Polish citizens played in the Holocaust.¹¹³ While the criminal penalties were eventually removed from the law, it continues to shape the discourse on the Holocaust and constrain art and cultural installations commemorating the tragedy. Under the threat of financial sanction, two important cultural institutions, the POLIN Museum of the History of Polish Jews and the Auschwitz Museum, must carefully curate their programs so as not to directly or indirectly assign any responsibility for the Holocaust to Poland.

A case brought against the Polish art historian and curator, Tomasz Kitliński, exemplifies the difficulties faced by culture workers operating in this challenging legal environment. Kitliński had to navigate the intersection of both the Holocaust Law and the defamation law after commissioning an artwork for Lublin’s public art festival.¹¹⁴ The work, created by

artist Dorota Nieznalska and titled *Judenfrei*, was designed to memorialize the victims of anti-Jewish pogroms that had taken place in Poland during World War II.¹¹⁵ The region’s far-right nationalist governor, Przemysław Czarnek, publicly demanded that the work be removed, calling it “anti-Polish” in reference to the recently passed Holocaust law.¹¹⁶ As a consequence of the festival ending, the artwork was removed in October 2019, but soon after, Marie Curie-Skłodowska University—where Kitliński teaches—awarded Czarnek an honorary medal.¹¹⁷ Kitliński published an open letter in protest, stating that Czarnek takes pride in “offending Ukrainians, Muslims, the LGBTQ+ community, and women, for whom he sees no social role other than the reproduction of children.”¹¹⁸ Czarnek filed a defamation suit against Kitliński under Article 226 of the Penal Code.¹¹⁹

This case illustrates Polish law being used to suppress a single source of artistic expression through two avenues: mandating a tightly controlled definition of Polish national identity and punishing speech critical of this PiS construction. While the defamation suit was directed towards Kitliński’s comments, it is reasonable to question whether Czarnek was also motivated by Kitliński’s work, which challenged the PiS-sanctioned narrative on Polish history. By calling the art “anti-Polish,” advocating for its removal, and punishing those who commissioned such pieces, Czarnek utilized a defamation law to shape the definition of Polish identity and national memory, and silence contrarian voices in the art community.

At best, such SLAPP suits demonstrate the dangerous legal minefield that artists enter into if they openly challenge PiS policy; at worst, they show the extent to which PiS has weaponized the legal system to punish non-conforming creative expression.

“LGBT-Free Zone” Charters

In 2019, roughly 100 regions and municipalities in Poland passed resolutions declaring themselves to be free from "LGBT ideology."¹²⁰ Roughly one-third of the country initially passed such resolutions with the vast majority of the support coming from local PiS politicians.¹²¹ While the resolutions themselves were non-binding, the Council of Europe commissioner for Human Rights found that such declarations were having a "chilling effect [...] on residents and institutions, who are increasingly reluctant to be associated with any activity related to the human rights of LGBTI people for fear of reprisals or loss of funds."¹²²

In response to the discriminatory resolutions, documentary filmmaker and activist, Bartosz Staszewski, created a campaign where he affixed signs reading "LGBT-Free Zone" on roads leading to the municipalities that passed the resolutions.¹²³ His campaign went viral after he posted photographs of himself and other members of the LGBTQ+ community alongside the signs.¹²⁴ After the European Union warned Poland that the regions who declared themselves LGBT-Free could lose EU funding, many of the provinces backed out of the resolutions.¹²⁵ The right-wing media publicly blamed Staszewski for the threats to EU funds, leading to Staszewski receiving death threats, as well as three municipalities filing suit against the artist for defamation.¹²⁶ The lawsuits claimed that Staszewski's artwork misinformed the public by calling them "LGBT-Free zones" rather than zones free of "LGBT ideology."¹²⁷

To date, one court has dismissed the lawsuit against Staszewski, calling the charge of defamation "disingenuous."¹²⁸ At best, such SLAPP suits demonstrate the dangerous legal minefield that artists enter into if they openly challenge PiS policy; at worst, they show the extent to which PiS has weaponized the legal system to punish non-conforming creative expression.

Over the last few years, international bodies including the United Nations, Council of Europe and the European Union have reacted to violations of rights and the gradual breakdown in the rule of law in Poland. Significantly, in 2017 the European Commission launched the Rule of Law Mechanism against Poland leading to Article 7.1 of the Treaty of the European Union being triggered.¹²⁹ Poland has recently been the subject of regular hearings in the European Council and if a unanimous vote were to be achieved, Poland's EU voting rights could be suspended. During the same period the Court of Justice of the European Union has ruled on cases related primarily to the independence of the judiciary in Poland. The rule of law, independence of the judiciary and the violation of fundamental freedoms including the right to free expression have been raised in Poland's UPR, by the Human Rights Committee, the UN Special Rapporteur in the field of Cultural Rights and by the Commissioner for Human Rights at the Council of Europe.¹³⁰

Despite international condemnation Poland remains intransigent to reforms, failing even to meet three important, but partial milestones set by the European Commission to receive EU recovery funds.¹³¹ Moreover, Poland continues to fail in its obligation to "ensure that there is respect for a diversity of points of views, visions of life and values and that real opportunities exist for those who embrace different views and life styles to freely exercise their human rights and fully take part in cultural life."¹³²



Bureaucratic Interferences into Arts and Culture

Over the past six years, the Law and Justice (PiS) party has asserted ideological, programmatic, and administrative control over the arts and cultural sector. This has been achieved by deploying the Ministry of Culture's plenary authority to select the leadership of national museums and cultural institutions.

Shortly after PiS ascended to power in 2015, the President of Poland appointed Piotr Gliński to lead the Ministry of Culture and National Heritage.¹³³ Mr. Gliński had already occupied a prominent place in the party, having served as its candidate for Prime Minister in 2012.¹³⁴ His selection as the Minister of Culture was an early indicator that PiS would place the cultural sector front and center in its efforts to reorient public opinion towards nationalist values.

Mr. Gliński began his term by appointing conservative loyalists to senior positions within the Ministry of Culture. He first chose Dr. Jarosław Sellin, the former deputy head of the election staff of President Duda, as Secretary of State for the Ministry.¹³⁵ While Dr. Sellin has been involved in an effort to increase funding to the cultural sector, he has also repeatedly made cultural governance decisions based on political ideology. He has continued to make these beliefs clear during his tenure, publicly declaring his distaste for Poland's LGBTQ+ community and immigrants from “[o]ther civilizations,” while extolling the primacy of the Catholic faith in Poland's daily life.¹³⁶ Mr. Gliński next selected Wanda Zwinogrodzka as the Undersecretary of State for the Ministry of Culture.¹³⁷ Ms. Zwinogrodzka—who has a professional background in theatre—has openly stated her desire for an artistic “repertoire with a conservative sensibility,” and proclaimed that “left-wing screams are paralyzing the ability to speak...[and] need to be hushed in order to let someone else speak.”¹³⁸

With the new personnel within the Ministry of Culture in place, Mr. Gliński began to profoundly reshape the entirety of Poland's arts and cultural sector. Using their authority to select the leadership of Poland's cultural institutions, the Ministry of Culture began making appointments based on political ideology and a commitment to PiS's conservative and nationalist values. This stands in stark contrast to the largely open, merit-based processes that were previously used to hire the leaders of such institutions. Indeed, in the first year and a half of his tenure, the Ministry of Culture unilaterally appointed ten directors out of fifteen open directorship positions.¹³⁹ From the remaining five directorships decided by competition, only three yielded candidates that ultimately assumed the leadership of a cultural institution.¹⁴⁰ After winning re-election in 2019, PiS accelerated its takeover of the remaining institutions not already under its control. The following closer examination of the Ministry of Culture's appointments in the cultural sector—including visual arts, historical memory, cultural diplomacy, theater, film, literature, music, and arts universities—reveals the extent to which hiring practices have been centralized and politicized.

Visual Arts Institutions

In recent years, Poland's Ministry of Culture has dramatically altered the leadership of visual arts institutions and museums, installing PiS loyalists into nearly every significant directorship position. This new cadre of right-wing leadership has reoriented state cultural institutions towards PiS's political platform, simultaneously marginalizing art and artists that challenge the dominant nationalist narrative.

The wholesale appointment of party loyalists to manage arts institutions represents a significant change to the prior custom of holding open competitions for such positions. This has been accomplished through PiS's exploitation of ambiguity in Poland's Act on Organizing and Running of Cultural Activity of October 25, 1991.¹⁴¹ For national institutions, the Act authorizes the Minister of Culture to either consult with a relevant trade union or hold an open competition before authorizing the appointment of a director to a cultural institution.¹⁴² Since 2015, PiS has largely eschewed holding open competitions. As merit-based hiring processes in the arts typically yield candidates that align themselves to the mission of the arts institution rather than political ideology, PiS upended traditional hiring practices to ensure that upholding party orthodoxy is the governing managerial principle. While the Ministry of Culture still is obligated to consult a trade union in hiring decisions, there is no legal requirement for the Ministry to follow the union's recommendation.

To date, the Ministry of Culture replaced the directors of six of the most important national arts museums in Poland.¹⁴³ The political nature of these appointments is discussed in greater detail below.

(1) The Royal Castle in Warsaw

The Ministry of Culture began its transformation of visual arts institutions in 2016, with the highly public change in the leadership of the Royal Castle in Warsaw, a space carrying a significant collection of visual and decorative art. Mr. Gliński declined to appoint the eminently qualified Małgorzata Omilanowska to head the Royal Castle, despite the fact the Trustees of the Museum recommended her for the position following an open competition.¹⁴⁴ Gliński's ultimate choice for the directorship was historian Wojciech Fałkowski who previously served as PiS's Deputy Minister of National De-

fense.¹⁴⁵ While Fałkowski indeed possessed some qualifications for the position, his selection was clearly based on political considerations as Ms. Omilanowska held far greater relevant expertise but no overt political affiliation.¹⁴⁶ Key figures from dozens of major cultural institutions throughout Europe and the United States protested the selection, including representatives from the Getty Research Institute in Los Angeles, California; the Center for Advanced Study in the Visual Arts in Washington D.C.; the Biblioteca Hertziana – Max Planck Institute for Art History in Rome, Italy; and the Institut National d'Histoire de l'Art in Paris, France.¹⁴⁷

(2) The Royal Łazienki Museum in Warsaw

Another similarly notable appointment took place in 2016 when the Ministry of Culture appointed military historian Zbigniew Wawer to lead the Royal Łazienki Museum in Warsaw – an institution focused on Polish cultural heritage known for hosting visual arts exhibitions and concerts¹⁴⁸ – without holding a public competition.¹⁴⁹ Mr. Wawer is associated with PiS and Mr. Gliński, having served as his plenipotentiary to the Museum of the Second World War in Gdańsk.¹⁵⁰ Though Mr. Wawer has an extensive background in Polish military history, he does not have direct experience with the Museum's focus areas of Polish cultural heritage and visual arts.

(3) The National Museum in Warsaw

PiS's administrative takeover of visual arts institutions escalated when the Ministry of Culture interfered in the management of the National Museum in Warsaw, the largest museum in Poland with a collection of over 830,000 works of art.¹⁵¹ The museum had already enjoyed a largely successful eight-year period under the leadership of Agnieszka Morawińska.¹⁵² However, she resigned in May 2018 because of "the lack of effective communication with the Ministry of Culture," which she blamed for the museum's recent financial deterioration.¹⁵³ The highly accomplished Deputy Director, Dr. Piotr Rypson, stepped into the role of Acting Director until November 2018, when Mr. Gliński appointed Dr. Jerzy Miziołek to replace him without an open competition.¹⁵⁴ Miziołek did not possess significant directorial experience, having previously only managed the University of Warsaw Museum, a small institution employing only 8 people—in contrast, the National Museum in Warsaw has a staff of over 650 employees.¹⁵⁵

“Left-wing screams
are paralyzing the
ability to speak...
[and] need to be hushed
in order to let someone
else speak.”¹³⁸

As Director, Miziołek proved to be a divisive figure. He promptly dismissed Chief Curator Antoni Ziembba who had written a letter to the Association of Polish Museologists expressing his concern about the situation in the museum.¹⁵⁶ Then, Miziołek fired Rypson from the museum without any explanation, immediately confiscating his computer and cutting off access to his email.¹⁵⁷ Over the next year, more than 50 other employees left or were removed from their positions at the museum.¹⁵⁸

In April 2019, an emboldened Miziołek began interfering in the permanent collection of the National Museum in Warsaw; he removed works by four well-known feminist artists: Natalia LL, Katarzyna Kozyra, and the duo Karolina Wiktor and Aleksandra Kubiak.¹⁵⁹ The removed works depict “sexually ambivalent themes that problematize the role of gender and power.”¹⁶⁰ The most famous work removed by Miziołek was Natalia LL’s 1973 video, *Consumer Art*, which depicts a naked woman suggestively eating a banana.¹⁶¹ Despite the works having been on display for a number of years prior to their removal, Miziołek cited the museum’s responsibility to shield children from sexually suggestive art, stating “certain topics related to gender shouldn’t be explicitly shown.”¹⁶² The removal prompted a swift backlash from artists and activists across Poland; more than 7,000 protestors gathered in front of the National Museum wielding bananas in what was subsequently dubbed ‘Bananagate’.¹⁶³ In response to the uproar, the National Museum committed to temporarily restoring the artworks within the institution’s collection.¹⁶⁴ Shortly after the incident, Miziołek resigned as Director after a year of mismanaging the museum.¹⁶⁵

(4) The Ujazdowski Castle Centre for Contemporary Art (CCA)

Later that same year, the Ministry of Culture came under fire from Poland’s art community after choosing to not renew the contract of the director of the Ujazdowski Castle Centre for Contemporary Art (CCA), Małgorzata Ludwiak. Under Ms. Ludwiak’s leadership, the CCA had been transformed from a struggling institution to a contemporary art space of international repute.¹⁶⁶ Making matters worse, the Ministry of Culture again declined to hold the customary open-call application process; on January 1, 2020, they unilaterally appointed outspoken right-wing advocate, Piotr Bernatowicz, to an extended seven-year term as director.¹⁶⁷ In his prior position at the municipal Arsenal Gallery

in Poznań, Bernatowicz organized a show which included posters with slogans such as “Women Burn Faster” and “Gay, Don’t F*ggot the Minors.”¹⁶⁸ Bernatowicz made it clear that in his new position he will seek to feature conservative artists that don’t share “the same beliefs about climate change or promoting LGBTQ rights.”¹⁶⁹ To help carry out his vision, Bernatowicz installed two ultraconservatives into deputy positions: Marcel Skierski and Krystyna Rozanska-Gorgolewska.¹⁷⁰

Shortly into his directorship, Bernatowicz canceled several exhibitions planned by the museum’s previous director.¹⁷¹ Notably, he abruptly pulled the funding for a forthcoming solo show for Belgian artist Miet Warlop, which was due to be held in collaboration with the KW Institute for Contemporary Art in Berlin.¹⁷² The director of the KW, Krist Gruijthuijsen, speculated that the cancellation was for ideological reasons, as both Warlop and Gruijthuijsen publicly protested Bernatowicz’s appointment to the CCA.¹⁷³

Bernatowicz then sought to change the museum’s permanent collection, utilizing funding from a government program to acquire—among other pieces—Jacek Adamas’ homophobic work, *Tonfa* (2018).¹⁷⁴ The neon light installation depicts police batons in the shape of a rainbow which blink in a sequence, symbolizing homosexuality being forced on Polish society.¹⁷⁵ Protocol dictates that institutions must submit applications to the Ministry of Culture specifying the amount they require to purchase individual works.¹⁷⁶ However, the CCA stated that it would use the leftover budget for acquisitions to purchase several works by artists not included in the initial application, including *Tonfa*.¹⁷⁷ Piotr Rypson clarified that acquisitions made through Ministry grants can only be changed under “very extraordinary circumstances, such as a work not being available or a significant change in price.”¹⁷⁸ He explained that “funds obtained from a Ministry grant are very strongly scrutinized by a team of experts.”¹⁷⁹ In this instance, such scrutiny did not take place, and the work was unanimously approved for purchase by a six-person committee of which Bernatowicz is a member.¹⁸⁰

The CCA waded into controversy when it hosted the exhibition *Political Art*, which featured the works of Dan Park, a Swedish right-wing extremist artist who has been convicted several times of hate crimes.¹⁸¹ Mr. Park’s work featured in the exhibition depicted Anders Behring Breivik, a Norwegian

More than 1,000 Polish arts and culture workers signed a petition protesting the government's decision to end Wróblewska's tenure, and the arts community at large responded with outrage at Janowski's appointment.¹⁹³

fascist who murdered 77 people, as a fashion model for the Lacoste clothing brand.¹⁸² Mr. Park has previously praised Behring's terrorist acts and has his own racist past, including a 2009 incident in which he placed swastikas and fake poisonous gas boxes outside of a Jewish community center in Malmö, Sweden.¹⁸³ Such incidents belie the image Park has cultivated for himself as a provocateur and lead to reasonable speculation that the work featured in this exhibition may be more sinister.¹⁸⁴ *Political Art* also featured a piece by Danish artist Uwe Max Jensen showing "a large flag made up of four smaller LGBT pride flags angled to create a swastika, which [the artist] said is his way of protesting [...] the taboo around criticizing the gay rights movement."¹⁸⁵ Bernatowicz defended the exhibition from critics, who he claimed were violating the right to free expression, and maintained that the exhibition was an important moment to create a pluralistic dialogue in art.¹⁸⁶

Bernatowicz's defense of this exhibition is flawed in several respects. First, Bernatowicz creates a false equivalence between ultra-conservative artists on the right, who espouse ideologies explicitly calling for the denigration and/or elimination of minority groups, and progressive artists on the left, who demand recognition and respect for these same groups. Second, in the context of Bernatowicz, Skierski, and Rozanska-Gorgolewska's openly ultra-nationalist political views, it is reasonable to question whether their true intention is to advance pluralistic expression or normalize far-right discourse. While the authors of this report maintain that artists such as Park and Jensen do indeed have a right to free

expression, it is fair to question why an institution such as the CCA would choose to give a public platform to extremist and racist artworks, produced by artists of the same mindset.

Finally, Bernatowicz recently gutted the CCA's cutting-edge, progressive art journal, *Obieg*.¹⁸⁷ The former editor of *Obieg*, Krzysztof Gutfranński, lamented that under Bernatowicz's leadership, the magazine "made a dramatic move towards right-wing radicalism [and]...[w]ith the full support of the Polish Ministry of Culture, the magazine now encourages hatred towards minorities, taking a stand against openness and multiculturalism."¹⁸⁸ In April 2021, the CCA published Issue 16, the first *Obieg* since Bernatowicz became director; the front page prominently featured the title "Cultural Wars" on its cover.¹⁸⁹ In the issue, the CCA openly declared that moving forward, *Obieg* would be anti-gender, anti-Black Lives Matter, and would align itself with nationalist and pro-life values.¹⁹⁰

(5) The Zachęta National Gallery of Art

In December 2021, Minister Gliński took further steps to consolidate control over Poland's contemporary arts scene when he drastically altered the leadership of the Zachęta National Gallery of Art. The Zachęta had thrived under the decade-long leadership of Hanna Wróblewska; one artist described the museum as Poland's "most important, progressive, breaking borders exhibition space."¹⁹¹ However, with Wróblewska's term set to expire at the end of 2021, Minister Gliński saw fit to reshape the museum, declining to renew Wróblewska's position as director and appointing Janusz Janowski in her place - without holding an open competition.¹⁹² More than 1,000 Polish arts and culture workers signed a petition protesting the government's decision to end Wróblewska's tenure, and the arts community at large responded with outrage at Janowski's appointment.¹⁹³ While Janowski had prior experience as a curator in a private gallery in Gdańsk and led the local branch of the Association of Polish Painters and Designers, he had no association with Poland's contemporary arts scene.¹⁹⁴ Furthermore, he had no experience managing an art museum, let alone a major state cultural institution.¹⁹⁵ Given that Janowski has publicly spoken on Polish Radio warning of the dangers of "gender and LGBT ideology," it is not unreasonable to surmise that in obtaining this position, Janowski's political alignment to PiS may have been prioritized over his lack of professional expertise.¹⁹⁶

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(6) Museum of Art in Łódź

The Ministry of Culture took another significant step in changing Poland's contemporary arts landscape when it announced in December 2021 that it would not renew the contract of the director of the Łódź's Museum of Art, Jarosław Suchan.¹⁹⁷ The Museum of Art in Łódź (or the Muzeum Sztuki) is considered Poland's leading institution for avant-garde art; under Suchan's leadership the museum built an international reputation, establishing key partnerships with New York's Museum of Modern Art (MoMA), the Museo Nacional Centro de Arte Reina Sofía in Madrid, and the Solomon R. Guggenheim Museum in New York.¹⁹⁸ While the Ministry of Culture did not offer specific reasons for its decision not to renew Suchan's contract, PiS is reported to have found him uncooperative, particularly in not letting the party use his space for public events.¹⁹⁹ The Directors of the Tate in London, the MoMA, and the Guggenheim all publicly released letters addressed to Gliński, condemning the dismissal, and the International Committee for Museums and Collections of Modern Art (CiMAM) expressed deep concern over the removal of Suchan, requesting an open competition to select his successor.²⁰⁰

As a replacement, the Ministry of Culture appointed Andrzej Biernacki as the new interim director of the Museum of Art in Łódź, again without holding a merit-based competition. Biernacki possessed scant qualifications for the position, particularly in comparison to Suchan; he had no experience managing a public art institution and largely distinguished himself by running a private gallery for the previous twenty years.²⁰¹ Biernacki signaled his intention to refocus the museum's programming on Polish rather than international artists.²⁰² He further promised to de-emphasize "pro-environmental, gender or [LGBTQ+] art that is promoted by Western cultural institutions."²⁰³

Local and Regional Visual Arts Institutions

PiS interference into the management of arts institutions has also permeated into regional and local visual arts museums. Under Poland's Act on Organizing and Running of Cultural Activity of October 25, 1991, local government has the authority to hold an open competition for the directorship of cultural institutions in their jurisdiction.²⁰⁴ The jury governing such competitions is comprised of three representatives from the local government, two from the Ministry of Culture, two from a local union, and two from either a trade or artists' association.²⁰⁵ Alter-

natively, they may unilaterally appoint a director subject to the approval of the Minister of Culture.²⁰⁶ Given that many regional governments are aligned with the national PiS party, the potential impact on the governance of local art institutions is alarming.

While it is beyond the scope of this report to detail every leadership change at local institutions, one instance that is exemplary of party interference on the regional level took place in 2019, when the PiS-led provincial government allegedly removed Alicja Knast, director of the Silesian Museum, after she refused to hold a political event at the institution.²⁰⁷ The removal took place in January 2019 by the Silesian Province Board, a local government entity that is responsible for co-running the museum.²⁰⁸ Knast, who helped establish both the POLIN Museum and the Frederick Chopin Museum, received the Gloria Artis Medal in December 2019 for her exceptional contributions to Polish culture; it was awarded to her by deputy minister of culture, Jarosław Selin.²⁰⁹ Given her exemplary professional record and her successful term at the Silesian Museum, the announcement of her removal shocked the arts and cultural community. The Silesian Province Board cited "irregularities"—including "insufficient supervision" of the disposal of an exhibition and a failure to list rental rates for public spaces in the Museum—as the reason for Knast's removal.²¹⁰ Culture Minister Gliński stated in a letter to the Board that he believed the irregularities were insufficient grounds for Knast's removal.²¹¹ However, he ultimately left the decision up to the Board which removed Knast nonetheless.²¹²

When the decision to remove Knast was publicly announced in 2019, she held a press conference at the Silesian Museum in which she expressed her concern that her removal was the result of her resistance to PiS's agenda.²¹³ Earlier in 2019, Knast refused a PiS event to be held at the institution, as she felt it would be inappropriate to hold a political event in a public, non-partisan museum.²¹⁴ Knast explained that she later changed her decision after receiving what she referred to as an "ultimatum" from the government; she was told 'the museum's future depended on her approval of the convention.'²¹⁵ Knast ultimately allowed the event to take place, but her removal only months later suggests that her initial resistance to PiS proved consequential for her career.

Though the Silesian Voivodeship announced their intention to hold an open competition to identify Knast's replacement, the competition procedure was canceled. Maria Czarnecka, an education and publishing manager at the National Bank of Poland with no museum management experience or other relevant training in arts and culture, was appointed as director of the Silesian Museum in March 2021.²¹⁶ Ms. Czarnecka showed an inclination to make ideological curatorial decisions in December 2021, when she ordered the artist Michał Krawiec to change the title of his work *We Are Here. Holiday 2015 / Lex Szyszko / River trip*.²¹⁷ Specifically, she took issue with the title Lex Szyszko, as it made direct reference to Jan Szyszko—a PiS party member and the former Minister of the Environment—who created an ecological catastrophe when he legalized the private felling of trees without a state permit.²¹⁸ After considerable pressure from Czarnecka, the artist eventually agreed to the removal of the title.²¹⁹

Theater

Poland's culture wars have been exceptionally visible in the Polish theater industry. Across the country, actors and employees have protested what they believe to be politically motivated removals of critically renowned directors from theaters, and they have also expressed concern that the selection process used to appoint new directors is not sufficiently democratic or transparent. Through their protests, they have drawn attention to the policies and practices that make Polish theater particularly vulnerable to censorship and artistic repression.

The governance model of public Polish Theater was created in 1991 through the aforementioned Act on Organizing and Running of Cultural Activity.²²⁰ Through this legislation, and subsequent amendments to the law, the Ministry of Culture has considerable authority in selecting the leadership of both national and municipal theaters.²²¹ There are only three national theaters in Poland, and the Ministry of Culture effectively has plenary power to appoint directors without having to hold a merit-based hiring process.²²² While Poland's considerable number of local theaters are technically run by the municipal government within the theater's jurisdiction, the Ministry of Culture still has considerable power in appointing their managing directors. The Act on Organizing and Running of Cultural

Activity provides the Ministry of Culture with two important channels of oversight over the appointments of directors. First, should the local government elect to appoint a director without holding an open competition, the consent of the Ministry of Culture is required for the appointee to assume the position.²²³ Second, if the local government chooses to hold an open call for applications, a jury must be empaneled to govern the recruitment process.²²⁴ As with local cultural institutions, this jury consists of three representatives from the local government, two from the Ministry of Culture, two from a local union, and two from either a trade or artists' association.²²⁵ Thus, in any local jurisdiction where PiS holds power, the party would control a majority of seats on the panel. In such circumstances, the majority can select a director politically aligned with PiS or decline to choose a qualified candidate in favor of reverting to a direct appointment of the theater's leader.

It is no surprise that since PiS's ascension to power, the selection procedure has been abused by party members, particularly in theaters that are critical of the government or the party's conservative views, such as on religion, the environment, abortion, and LGBTQ+ rights. In 2022, Filip Pawlak, the lead producer at the Nowy Theater in Warsaw, expressed to AFI that the top-down power structure of public Polish theater makes the directorial position a politically significant role.²²⁶ Directors of theaters hold full authority over virtually every decision related to the institution, from casting to production and design. He also emphasized that this structure makes a theater vulnerable if an unqualified or otherwise unsuitable candidate is named director; this person would have the authority to completely remodel its program, operations, and staff. Given the importance of the role to the overall output and reputation of the theater, PiS's interest in removing and replacing theater directors is clear: the installation of a politically aligned director is an easy way to gain significant control over the theater's output.

The most alarming trend seen in Poland's theater industry today is the Ministry of Culture's frequent interventions in the staffing of institutions, namely the removal of directors. Critics allege that PiS's apparent strategy is not only to remove directors that are critical of the government or are against the government's views, but also to subsequently appoint candidates with whom they are more closely allied, enhancing their influence over the cultural

sphere. This far-reaching strategy has profoundly affected Polish theaters across the country. AFI's research has revealed that many interferences in the management of high-profile theatrical institutions were made by the Ministry of Culture between 2015 – 2022. We detail six instances of PiS staffing interferences and one notable instance of financial interference below.

(1) Zbigniew Raszewski Theater Institute

In July 2018, Minister Gliński announced that the Zbigniew Raszewski Theater Institute's director, Dorota Buchwald, would not have her contract renewed and that an open-application competition would be used to hire her successor.²²⁷ Buchwald herself had been elected to the position in an open contest in 2013, and her term as director was considered successful by the theater community.²²⁸ In an October 2017 interview, Gliński stated his belief that the Institute was run by "ideological jackets," possibly referring to Buchwald.²²⁹ Following the announcement of her removal, protests ensued at the theater and more than 1,200 Polish artists signed a letter to Gliński supporting Buchwald's extension.²³⁰ Citing no professional reason to remove Buchwald, Gliński responded in an open letter to the theater community that his decision was made "(...) due to a deep conviction that [an open-competition] is the best form of selecting a candidate for director of a public institution, recommended in the rule of law."²³¹ However, the evaluation committee tasked with identifying and recommending a candidate to replace Buchwald failed to do so, and the open-competition was ultimately canceled.²³² Instead, Gliński appointed Elżbieta Wrotnowska-Gmyz, a theater expert with no experience managing a large public institution.²³³ Notably, Wrotnowska-Gmyz ran unsuccessfully for local office as a PiS candidate in 2016.²³⁴ Ultimately, Gliński's appointment of an inexperienced director, particularly in comparison to Buchwald, reveals that it is likely that the driving motivation behind the decision was to select a candidate whose interests aligned more closely with the Party.

(2) Polish Theater in Wrocław

In a more overt act of censorship, Minister Gliński called for the cancelation of a play at the Polish Theater in Wrocław in 2015. The play in question was a performance of Elfriede Jelinek's book *Princess Dramas: Death and the Maiden I-V*. The production featured scenes of a sexual nature that the theater claimed were an exploration of the

relationship between a torturer and their victim.²³⁵ Minister Gliński described the scenes as "pornography" in a letter he wrote to the local governor of the province; he recommended the play's immediate cancellation.²³⁶ Following the governor's refusal to cancel the play, members of the National Resurrection of Poland movement attacked theatergoers, blocking them from entering the building.²³⁷ Moreover, Krysztof Mieszkowski, who oversaw the theater at the time, reported that protesters had thrown food items at his mother's home.²³⁸ When asked to comment, Mieszkowski expressed his dismay at the series of events, especially the violent public reaction. He also expressed fears that the theater would be subjected to "financial censorship" following the controversial play.²³⁹ Less than one year later, Mieszkowski was removed from his position and replaced by Cezary Morawski on Gliński's recommendation.²⁴⁰ Morawski—who is a former actor—fired several actors, producers, and playwrights within months of his arrival.²⁴¹ He also canceled seven of the theater's regular shows.²⁴² Upon assuming his role, he stated that one of his main focuses would be to reintegrate more classical plays into the theater's repertoire.

(3) National Stary Theater in Krakow

In 2017, Jan Klata, Director of the National Stary Theater in Krakow, was not reinstated to his position following a contest for the position.²⁴³ One of Poland's most famous theater directors, Klata is known for his political reinterpretations of classic works.²⁴⁴ During his time at the National Stary Theater, he faced backlash from religious groups in Poland for staging plays critical of the Catholic Church and PiS. Notably, his adaptation of Shakespeare's King Lear recast Lear and his daughters as the Pope and members of the clergy struggling for absolute power.²⁴⁵ Right-wing groups protested this adaptation and other productions by Klata that they deemed critical of their beliefs; they urged Gliński to remove the director for his 'offensive' plays.²⁴⁶

Klata was ultimately removed from his position in July 2017.²⁴⁷ The Minister of Culture announced that Marek Mikos, a candidate with links to TVP, would replace Klata.²⁴⁸ In the aftermath of his removal, Klata stated his disillusionment with PiS's relationship to the Polish theater in an interview: "Until now, theater people thought that there were some rules, some framework for the relationship between the authorities and the artists. Meanwhile, the rule of this government [...] is breaking the rules and not

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admitting for anything in the world its mistakes"²⁴⁹

In September 2020, Marek Mikos was also dismissed as the theater director a year prior to the end of his contract. The Ministry of Culture and National Heritage informed the public that the reasons for Mikos' dismissal were "numerous organizational irregularities and the deepening conflict between the director and the theater company."²⁵⁰ He was replaced by Waldemar Raźniak, a relatively unknown theater producer.²⁵¹

(4) Jaracz Theater in Łódź

In March 2020, The director of the Jaracz Theater in Łódź, Waldemar Zawodziński, was removed from his position.²⁵² Zawodziński had been involved in arts and culture in Łódź for more than thirty years at the time of his removal.²⁵³ PiS cited "poor financial management" as the official reason for his dismissal.²⁵⁴ Members of the artistic team at the theater signed an open letter to the Minister of Culture in Zawodziński's defense, emphasizing the many successes of his term as Director as a reason not to dismiss him. The letter read: "Director Zawodziński is an absolute guarantor of a high artistic level and the best prospects for the Theater. This is not the time to make fundamental decisions about the future of one of the oldest and best stages in Poland."²⁵⁵ Zawodziński's defenders requested that rather than dismissing the theater's long-time director during a tumultuous time—at the outbreak of the COVID-19 pandemic—the Ministry of Culture should redirect the matter to a public financial board disciplinary committee.²⁵⁶ Their efforts were to no avail, as Zawodziński was forced to cease his work as director in July 2020.²⁵⁷ Though an open competition for the directorship was held to find Zawodziński's replacement, the committee ultimately did not find a candidate, despite receiving six qualified applicants for the role.²⁵⁸

Jan Klata, who had been invited by Zawodziński to guest direct a performance at the Jaracz Theater months prior, claimed that Zawodziński's removal was a punishment from the government for working with "blacklisted" directors, such as himself.²⁵⁹ Klata, who engaged in an online debate with Gliński over the matter, stated in an interview his belief that the many removals and appointments of directors made by PiS were a government strategy to undermine the critical Polish theater community. He grimly stated in an interview: "Gliński plays the role of gravedigger of successive theaters. After Wrocław

and Kraków, it is now Łódź's turn."²⁶⁰

(5) Ostwery Theater

In September 2020, the Ministry of Culture announced that Dorota Ignatjew's contract as Director of the Ostwery Theater in Lublin would not be renewed and that an open-competition would be used to find the new director.²⁶¹ Ignatjew applied to the competition, along with five other candidates, but the decision committee claimed that none of the candidates received an absolute majority from the committee, so they were unable to determine a winner.²⁶² It is important to note that a majority of the nine-member panel assembled to make the decision were affiliated with the Ministry of Culture and the regional government.²⁶³ Their abstention from voting made it impossible for the panel to reach a majority.²⁶⁴ In September 2021, Redbad Klynstra-Komarnicki was appointed Director of the theater, without an open-competition.²⁶⁵ Klynstra-Komarnicki is known for his conservative Catholic views and politics, notably his anti-LGBTQ+ stance. In July of the previous year, Klynstra-Komarnicki published a tweet asking why the letters PL, meant to stand for pedophile, were not yet included in the acronym LGBTQ+.²⁶⁶ Given PiS's openly homophobic campaigns, the promotion of an anti-LGBTQ+ conservative to a directorship that he was largely unqualified for seems an endorsement of his hostile comments.

(6) Juliusz Słowacki Theater in Kraków

In February 2022, Krzysztof Głuchowski, the director of the Juliusz Słowacki Theater in Kraków, was removed from his position following the production of *Dziady*, which translates as "Forefathers' Eve."²⁶⁷ The Słowacki Theater's adaption of the famous Polish play included elements that were critical of PiS's anti-EU stance, legislation banning abortion, and the Catholic Church's influence in politics.²⁶⁸ Though PiS representatives cited a failure at public procurement and disregard for upholding the "good name" of the theater as the reason for Głuchowski's termination, Głuchowski himself shared with *Gazeta Wyborcza* the belief that his removal was a punishment for showing what PiS perceived to be an 'anti-government' play.²⁶⁹ Staff members of the theater strongly objected to his removal, staging protests with banners stating "[t]he theater is ours."²⁷⁰ In early 2022, the theater was denied both status and funding by PiS following their production of *Dziady*. The theater also lost its designation as a "national stage," disqualifying

them from nearly 3 million PLN of funding to cover building renovation and production costs for their artistic projects.²⁷¹ Board members of the theater have expressed their belief that this removal of funding from the theater was a “mechanism of intimidation” used by PiS to curb the theater’s free artistic expression.²⁷²

(7) Malta Festival in Poznań

Fear of removal or other repercussions from the government contributes to self-censorship among theatrical institutions. In 2014, the Malta Festival in Poznań canceled a showing of Rodrigo García’s controversial play, *Golgota’s Picnic*, which has been accused by religious groups of having blasphemous content.²⁷³ The festival’s director, Michał Merczynski, canceled the performance after being warned by Polish police officers that a group of up to 50,000 were planning to protest the show and that law enforcement could not guarantee the safety of festival-goers.²⁷⁴ Polish free speech advocates expressed concern that this “unofficial censorship” was indicative of the Polish state’s refusal or inability to curb the growing power of violent orthodox religious groups.²⁷⁵

PiS later undermined the Malta Festival through financial intervention. In 2017, the Malta Festival was refused its guaranteed state funding as a result of Croatian playwright Oliver Frjlić’s involvement as a guest curator.²⁷⁶ Frjlić’s body of work is known for its provocative nature, as many of his plays explore religion and nationalism through a critical lens. Notably, his 2017 production of *The Curse* at Teatr Powszechny in Warsaw drew intense protest from the right-wing media and religious groups who were enraged over a scene in which a character performs fellatio on a statue of Pope John Paul II.²⁷⁷ Though the Ministry of Culture had agreed to the Malta Festival’s program and staff plans, criticism from the right-wing media over Frjlić’s role led Piotr Gliński to announce that the festival would not receive government funds that year as a direct result of the Croatian director’s involvement.²⁷⁸ The Malta Festival turned to crowdfunding to raise the remaining 6% of their budget that the state had rescinded.²⁷⁹

Historical Institutions

In addition to its efforts to instrumentalize the arts, PiS has relentlessly sought to develop and advance nationalist historical content, using state institutions to disseminate party-constructed narratives. Generally, this outwardly populist strategy seeks to create a new nationalist mythology, glorifying the achievements of the Polish state and marginalizing the role of minorities in the formation of a national identity.

In the context of state cultural institutions, PiS began its efforts to recast Polish history in 2017 when it took over the hitherto independent Museum of the Second World War in Gdańsk.²⁸⁰ The museum, which cost 90 Million USD to build, opened with considerable success in March of that year under the leadership of renowned historian Paweł Machcewicz.²⁸¹ However, PiS had already taken issue with the museum’s holistic approach of showing the collaboration, resistance, and victimization of broad groups of peoples—Poles, Ukrainians, Croats, Serbs, Jews, and Roma, among others.²⁸² Jan Żaryn, a PiS politician and historian, publicly expressed his distaste for the museum’s “pseudouniversalism,” calling for the depiction of more Polish-centric values such as “freedom, Catholicism, [and] patriotism.”²⁸³ Mr. Gliński echoed these remarks, stating that the museum “should present the Polish point of view.”²⁸⁴

Only one month after opening, the Supreme Administrative Court of Poland upheld the right of the PiS-led government to merge the Museum of the Second World War with the Westerplatte Museum, effectively authorizing the Ministry of Culture to dismiss and remove Machcewicz as director.²⁸⁵ The Ministry of Culture declined to hold an open competition for the directorship and instead appointed the party-approved Karol Nawrocki to the position.²⁸⁶ Although a historian, Nawrocki did not have any meaningful academic experience in World War II and largely distinguished himself in promoting nationalist historical narratives.²⁸⁷ Nawrocki immediately set out to change the museum’s exhibitions, most significantly removing a film showing civilian suffering during the war and replacing it with a movie on the Polish military’s heroism.²⁸⁸ Even more alarming, the museum’s management announced major thematic changes to the permanent exhibitions, aimed at highlighting the “crimes committed against Poles in the USSR before the Second World War,” “the role of Poles who saved Jewish lives

during the war," "the suffering of the Polish clergy," and the heroism of the Polish Home Army.²⁸⁹

In 2019, the Ministry of Culture furthered its efforts to rewrite Poland's history when Mr. Gliński rejected an independent committee's selection of Dariusz Stola to lead the POLIN Museum of the History of Polish Jews. Mr. Stola had already led the POLIN Museum for five years, overseeing the development of what *The New Yorker* called "probably the most ambitious and successful new museum in Eastern or Central Europe in a decade."²⁹⁰ Although the museum was a great public success, drawing roughly half a million visitors per year, Gliński took issue with Stola's public objection to a recently passed law that prohibits blaming Poland for criminal acts committed by the Nazis.²⁹¹ Mr. Stola also drew the ire of PiS when he held an exhibit on the Polish communist government's public campaign to oust the remaining Jews from Poland in 1968.²⁹² Due in part to international pressure, Gliński ultimately settled on a compromise candidate, Zygmunt Stępiński, to lead the museum, though his party conveyed a clear message to future directors: publicly challenging PiS can become an occupational hazard.²⁹³

Minister Gliński has also interfered in the composition of advisory boards to historical institutions, most notably when he appointed former PiS prime minister, Beata Szydło, to the advisory council of the Auschwitz-Birkenau Museum.²⁹⁴ The selection of Ms. Szydło as a board member to one of the world's most important museums dedicated to the Holocaust was troubling. As prime minister, she denied the existence of racism and antisemitism in Poland and abolished Poland's Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance.²⁹⁵ In response to her appointment, three board members to the museum resigned in protest.²⁹⁶ Given PiS's open desire to recast the Holocaust as a crime against Poles rather than Jews, Roma, and other minority groups, there is widespread concern that the programming of the Auschwitz-Birkenau Museum will be altered to reflect PiS's nationalist values.

Cultural Diplomacy

PiS efforts to cultivate a nationalist conservative aesthetic have extended to cultural diplomacy. The party has endeavored to upend the leadership of state institutions charged with the responsibility of advancing Polish art and culture internationally. This has been seen most prominently in the party's interference in the governance of the Adam Mickiewicz Institute (IAM), whose mission is to promote Polish culture abroad in fields as diverse as visual arts design, theater, film, and music.²⁹⁷ In July 2016, the Ministry of Culture fired the Director of the IAM, Paweł Potoczyński, despite the Institute's widespread popularity and success during his tenure.²⁹⁸ Among the reported reasons for Potoczyński's dismissal was his failure to highlight artists "inspired by Christian values," a decision that was ruled unlawful by a labor court.²⁹⁹ After Potoczyński's replacement proved to be too moderate, the Ministry of Culture appointed Barbara Schabowska as Director in June 2020, despite her having "no prior experience in the field of cultural diplomacy."³⁰⁰ Ms. Schabowska, who describes herself as "an anarcho-conservative," articulated her governing philosophy soon after becoming director, stating "we do not export conflicts and we do not undermine the role of Polish culture in Europe, and our projects strengthen its positive image."³⁰¹ Ms. Schabowska quickly altered IAM's programs to align with PiS's ideology, and employees were "harassed, thrown out, [or] degraded" if they dared to express their opinion on the recent programmatic changes.³⁰² In 2021, twenty-two IAM employees resigned due in large part to the hostile work environment; several of their key replacements lacked any meaningful background in the arts and cultural sector.³⁰³

The administrative and ideological changes at the IAM manifested themselves most starkly in March 2020, when the institute abruptly withdrew funding for a production of Krystan Lupa's adaption of Kafka's *The Trial*, which was to be performed at the Skirball Theater in New York University.³⁰⁴ By then it had become known that Lupa's play was politically inflected; in certain scenes, characters refer more-or-less directly to the machinations of the PiS.³⁰⁵ While the Skirball's director, Jay Wegman, maintains that the IAM made verbal promises to fund the play on several occasions, Ms. Schabowska simply claimed that the institute never signed a contract with NYU for the production.³⁰⁶ While it cannot

be definitely established that the IAM reneged on a promise to fund *The Trial*, it is undisputed that under the prior director, the IAM had visited the venue and been in talks to fund the play.³⁰⁷ It is not difficult to infer that the newly installed leadership at the IAM did not appreciate the thorny critique of the regime and decided to pull their support accordingly.

PiS has also interfered in the management of Poland's Cultural Institutes, which include twenty-four branch offices, each charged with the responsibility of facilitating cross-cultural exchange within their respective host countries. The Cultural Institutes are under control of the Foreign Ministry, currently headed by Zbigniew Rau, an outspoken homophobe who publicly warned that "LGBT ideology" will lead to a "civilisation of death."³⁰⁸ During PiS's first year in power, Poland's Foreign Ministry fired the directors of thirteen of its twenty-four Cultural Institutes.³⁰⁹ Perhaps the most public firing took place in December 2016, when the Foreign Ministry fired the Director of the Polish Culture Institute in Berlin, Katarzyna Wielga-Skolimowska.³¹⁰ The reasons for her firing became clear in a leaked letter by the Polish ambassador to Germany, complaining that Wielga-Skolimowska exhibited "too much Jewish content."³¹¹ The letter openly articulates PiS's desire to promote a party-curated version of Poland's identity, focusing on its historical achievements rather than contemporary artistic talent.³¹² Given Ms. Wielga-Skolimowska high standing in Berlin's cultural scene, her firing was met with outrage by the city's artistic and cultural leaders.³¹³

The Ministry of Foreign Affairs has also demanded political conformity in programming at the cultural institute. For example, when the respected Austrian writer Martin Pollack wrote an article critical of PiS, the government allegedly prohibited the Polish Cultural Institute in Vienna from working with him.³¹⁴ The NGO Reporters Without Borders suspects that the Ministry of Foreign Affairs "created a blacklist of people with whom the cultural institutes are no longer allowed to work," and that Pollack was amongst the banned.³¹⁵ In another instance from 2017, the Director of the Polish Cultural Institute in Vienna, Rafal Sobczak, canceled an exhibition featuring the work of Monika Piorkowska because her work touched on gender and was critical of "the homeland."³¹⁶

Film Events and Institutions

Polish film has also been subjected to state interferences under PiS. A more centralized industry than the visual or theater arts, most of Poland's state support for film is channeled through the Polish Film Institute (PFI). Below we discuss PiS's relationship to PFI, and highlight alarming trends in the Polish film industry, including the forced removals of directors, acts of censorship, and biased funding allocation.

Polish Film Institute

PFI was established in 2005 to make state support more efficient and accessible to Polish filmmakers; success towards this goal has helped reinvigorate the Polish film industry.³¹⁷ However, a few alarming incidents have occurred at PFI under PiS's administrative terms, which highlight a need for continued vigilance in safeguarding the institution.

PFI is a state institution that supports the Polish film industry by providing funding, production assistance, education, and domestic and international promotion.³¹⁸ PFI's operations are primarily funded by a state tax on streaming platforms, TV broadcasters, and other digital media companies operating in Poland.³¹⁹ Since PFI's nascence in 2005, Poland's film production has skyrocketed: the institute has co-financed more than 600 film productions, including *Afterimage* by Andrzej Wagda, *Cold War* and *Ida* by Paweł Pawlikowski, *Essential Killing* by Jerzy Skolimowski, and *Mr. Jones* by Agnieszka Holland, among other critically acclaimed films.³²⁰ PFI's strategic assistance has also helped build a strong international reputation for Polish film and filmmakers; under PFI, Polish films were recipients of more than 350 international awards.³²¹ Notably, PFI co-funded Paweł Pawlikowski's 2013 film *Ida*, which earned Poland its first Oscar win in the Foreign Language Film category. Pawlikowski has referred to PFI as a facilitator in the "renaissance" of Polish film in recent years.³²²

PFI's success reached a new height in 2019 with the passing of a new funding scheme that makes Poland an especially appealing location for filmmakers. In 2019, Poland passed a law that makes both local and international film producers eligible to receive a 30% cash rebate from PFI if their

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film meets the qualifying criteria.³²³ These include: filming in Poland, using Polish language dialogue, use of Polish cultural heritage, or using a Polish cast or crew.³²⁴ As a result of the cash incentive, the popular streaming service Netflix chose Warsaw as the location of their new headquarters in Central and Eastern Europe.³²⁵ In 2022, the streaming site has already slated 18 new Polish films and TV series for release, marking a new milestone for Polish Film and TV production and significantly increasing their domestic and international audience.³²⁶

Despite PFI's meteoric success over the past fifteen years, a few alarming incidents serve as a reminder that even this semi-independent institution is vulnerable to PiS's political interventions. In October 2017, the Director of PFI, Magdalena Sroka, was suddenly ousted from her role at the institution by the Ministry of Culture.³²⁷ Gliński publicly announced that the Ministry decided to remove Sroka after she allegedly violated her professional responsibilities and the institute's legal regulations. In their public statement, the Ministry of Culture cited a letter sent from PFI to the Motion Picture Association of America (MPAA) in which the author

claimed that Polish filmmakers were facing threats of censorship in Poland.³²⁸ Sroka maintains that a PFI employee wrote and sent the letter without her approval, and that she never read or signed it herself.³²⁹ PFI's board of advisors also conducted an internal investigation into the matter upon the Ministry's request. Importantly, the Ministry of Culture only has the legal authority to remove a PFI director if they are found to have broken the law.³³⁰ Upon the conclusion of their investigation, the Board of Advisors publicly stated that they did not find Sroka to be in violation of her professional responsibilities or PFI's legal regulations.³³¹ Thus, they found no legitimate reason for the Ministry to dismiss her from her role. Shirked PFI's Board of Advisors' findings and recommendation to keep Sroka in her position, the Ministry of Culture removed Sroka as director the same month. Sroka noted in a 2018 interview that none of the institution's official procedures or regulations for removing a director were followed in her case.³³² Over 16 filmmakers, including Wim Wenders and the President of the European Film Academy, wrote to PFI to express their concern that Sroka's removal was illegal, but to no avail.³³³ She was replaced by a new Director, Radosław Smigulski, in late 2017.³³⁴

However, the threatening message sent to PiS critics through this intervention is clear: government dissenters and critics in Poland's arts and culture organizations risk losing their jobs at the hand of the Ministry of Culture.

In 2020, a Polish labor court ruled that Sroka's removal violated Poland's labor laws.³³⁵ However, the threatening message sent to PiS critics through this intervention is clear: government dissenters and critics in Poland's arts and culture organizations risk losing their jobs at the hand of the Ministry of Culture. Smigulski is a highly qualified candidate and has publicly stated his commitment to safeguard free creative expression at PFI. Nonetheless, PiS's willingness to neglect institutional protocol, ignore the Board of Advisors' recommendations, and illegally remove the director over a statement that tarnished their reputation is alarming.

Historical Politics in Film

PiS has also made clear its desire to see an increase in the production of nationalist films. In July 2017, Culture Minister Gliński announced a competition for filmmakers to propose a "great patriotic film" that would present "the Polish historical narrative in an attractive way."³³⁶ There are no public records indicating whether a competition winner was ever determined. However, PiS's financial incentivization for filmmakers to create "patriotic" films is indicative of their co-optation of arts and culture to garner nationalist sentiment.

PiS politicians have also publicly criticized films that depict Jewish suffering during the Holocaust and implicate Polish complicity with the Nazis in World War II. In 2013, under the leadership of PFI's former director, Agnieszka Odorowicz, the institute co-funded Paweł Pawlikowski's aforementioned Oscar-winning film, *Ida*. The film is about a young nun who discovers that she is Jewish and is set during the Stalinist period in Poland. When PFI agreed to co-fund the film, its production was relatively low-budget, and the cast and director were still unknown internationally.³³⁷ However, when the picture went on to sweep the 2014-15 awards season, conservative critics took notice, and the film became a hot-button issue in Poland's culture wars.³³⁸ Though PiS was not in power at the time, two PiS politicians, including future PiS Prime Minister Beata Szydło, publicly criticized the film as painting a negative picture of Poland, further stoking adverse public reactions to *Ida*.³³⁹ The controversy came to a boiling point in 2016, when Poland's public broadcaster, TVP, now under PiS control, chose to screen a program highly critical of the film which included comments by Maciej Swirski of the Polish Anti-Defamation League.³⁴⁰ He claimed that *Ida* was historically inaccurate and presented an overly neg-

ative portrayal of the role of Poles' during the Nazi occupation.³⁴¹ The Guild of Polish Directors and the European Academy of Film spoke out against TVP's "gross manipulation" of the film's presentation and the one-sided discussion of it on their program.³⁴²

A more recent controversy under PFI's newly appointed Director may signal the institution's increasing aversion to films that could be accused by PiS of 'historical inaccuracies.' In June 2022, the institute requested the return of funds it had provided for the Israeli-directed film, *High Maintenance*, following a disagreement with the director, Barak Heymann, over the film's portrayal of Poles during World War II.³⁴³ The film centers on the career of the late Israeli sculptor Dani Karavan. However, the institute particularly opposed the documentary's depiction of the Righteous Among the Nations monument in Łódź, which memorializes Poles that protected their Jewish neighbors during World War II; the documentary draws attention to the complexities around the establishment of the memorial.³⁴⁴ According to Heymann, Smigulski took issue with statements made in the film by two Holocaust scholars. The academics clarified that instances of Poles saving their Jewish neighbors were exceptionally rare, and that there is a concerted political effort in Poland to make it seem that this had been the norm.³⁴⁵ Heymann stated in an interview that he removed parts of the scholars' statements from the film to appease PFI, but even the edited film was still unsatisfactory to Smigulski, who allegedly told Heymann, "You don't understand your film. Good luck. You can do anything you want. You have freedom of speech – but without the institute."³⁴⁶ Ultimately, a Polish producer on the film requested to cancel the contract with PFI, to which Smigulski agreed. In June 2022, PFI officially terminated the contract and requested a return of the 53,000 Euros of funding they had granted.³⁴⁷

The concerns that Smigulski highlighted seem to conflict with his pro-free expression stance and thus may indicate PFI's growing apprehension to challenge PiS's historical revisionist campaign. It is easy to see how Sroka's contested removal in 2017 may have altered PFI's internal culture. Similar to the trend seen in Poland's theater industry, awareness of PiS's willingness to intervene in PFI's administration may have instilled a heightened sense of caution around politically sensitive issues for fear of government intervention or legal action.

“There is now a blacklist of books, theater directors and filmmakers [...]”

I have the honor

to be on this list.

With the new [Polish] government, which has taken control of public television, it is just like under communism.”³⁵⁹

– Paweł Pawlikowski

Feminist Themes in Polish Cinema

In a more blatant intervention, PiS canceled a film festival that was showcasing short, female-directed films exploring gender, sexuality, and feminism. In March 2021, the National Film Archive and Audio-visual Institute (FINA) was scheduled to stream the HER Docs Foundation's virtual film festival, "Herstories for Women's Day."³⁴⁸ Days before the event, Deputy Minister of Culture, Jarosław Sellin, requested the head of FINA, Dariusz Wieromiejczyk, to cancel the festival.³⁴⁹ The Ministry cited the festival's failure to procure a license for one of the films and the festival's lack of a jury as their reasons for cancelation.³⁵⁰ However, event organizers believe that the involvement of two contentious films—Karina Paciorkowska's *You Are Overreacting* and Weronika Jurkiewicz's *The Vibrant Village*—in the festival line-up were the real reason behind the Ministry's intervention.³⁵¹ Both works cite misogynistic language directed at women, including former U.S. President Donald Trump's "grab them by the pussy" quote, and reference the use of vibrators.³⁵² Wieromiejczyk publicly shared an email he sent to Minister Gliński in defense of the event, stating, "There is nothing here that could offend the sensitivity of the contemporary audience...Vibrators exist, someone makes them, someone buys them (mostly women), and even the most conservative moralists cannot deny this fact."³⁵³

Despite Wieromiejczyk's efforts to defend the films, the filmmakers, and the "Herstories" event, he was removed from his position, and FINA was forced to cancel their plans to stream the event on their platform.³⁵⁴ Some months later, Wieromiejczyk was replaced, without an open competition, by Robert Kaczmarek, who has produced controversial films, including a 2006 film by PiS affiliate Grzegorz Braun, claiming that former Polish President Lech Wałęsa and leader of the Solidarity movement, was a communist spy linked to Russia.³⁵⁵

Given FINA's mission to "promote Polish audiovisual heritage and disseminate the most valuable items of Polish movie culture," PiS's censorship of the event is a clear sign that feminist and gender non-conforming narratives will not be endorsed by the state.³⁵⁶ Event co-organizers shared that, though they were deeply concerned about the government's flagrant intervention in the event, they were unsurprised.³⁵⁷ They alleged that because the feminist views expressed in their content were

deemed "subversive" by PiS, they had long known that they would likely be ineligible for support from the government and PFI.³⁵⁸

The suggestion of a blacklist in Polish arts was also alluded to recently by Paweł Pawlikowski, who told interviewers at the Cannes Film Festival in 2015, "There is now a blacklist of books, theater directors and filmmakers [...] I have the honor to be on this list. With the new [Polish] government, which has taken control of public television, it is just like under communism."³⁵⁹ Though it is difficult to substantiate these claims, statements like these from Polish filmmakers raise serious concerns. Combined with the alarming incidents at PFI, FINA, and HER Docs Foundation, as outlined above, they draw attention to growing practices of censorship—direct, financial, and institutional—in Polish film.

Literary Institutions

The field of literature has also become another important battleground in PiS's new culture war. Through the restaffing of key Polish literary institutions, PiS has amplified the voices of conservative Polish authors while also attempting to mute those of popular liberal authors. This has been especially apparent at the Polish Book Institute (BI), a state-funded literary institution responsible for promoting Polish literature to international audiences. BI seeks agreements for foreign language translation and dissemination of featured books. In April 2016, Gliński removed Grzegorz Gauden, who Gliński had criticized of sidelining conservative authors at the Institute.³⁶⁰ Without an open competition, he appointed Dariusz Jaworski, a journalist and politician who had served as Deputy Mayor of Poznań for the Civic Platform Party, as a replacement.³⁶¹ During his time as Deputy Mayor, Jaworski was involved in the censorship of a controversial work; he called for the cancelation of *Golgata's Picnic* at the Malta Festival. He was also involved in the removal of the Director of the Theater of the Eight Day, Ewa Wójciak, following a controversy in which Wójciak was accused by members of the public of having insulted the Pope.³⁶² Under Jaworski's leadership, BI's repertoire of promoted books changed significantly; a new concerted emphasis was placed on the promotion of religious and conservative authors that he claimed had been neglected under the BI's previous leadership.³⁶³

In one of BI's first international appearances under Jaworski's leadership, the Vice Director of the BI gave a presentation at the London Book Fair in May 2016. In his speech, he listed Andrzej Nowak and Dariusz Karłowicz as among the most eminent Polish essay writers—both are active supporters of the PiS government.³⁶⁴ A significant portion of time was also devoted to the promotion of works by Polish Catholic leaders and religious thinkers, as well as historians aligned with PiS's views on Polish heroism in World War II.³⁶⁵ Jaworski's conservative reshaping of BI has also been used to slow the promotion of liberal Polish authors. In 2018, Aleksandra Cieślak was commissioned to write and design a book that would be used to promote Polish culture abroad. However, she declined the offer and instead published a communication she received from BI instructing her not to mention a number of popular liberal Polish authors. The list included: former Prime Minister of Poland, Donald Tusk; PiS critic and author, Szczeban Twardoch; LGBTQ+ activist, Anja Rubik; and Mann Booker Prize nominated author, Wioletta Grzegorzewska.³⁶⁶

PiS has also altered school curricula to redirect literary attention towards conservative thinkers and away from renowned liberal ones. In 2017, PiS established a new school reading list to be used in primary and secondary schools across the country.³⁶⁷ The new list had removed most Polish authors who had published after 1989, as well as authors critical of Poland and the concept of Polish "national character."³⁶⁸ Among the content added to the list were 19th-century published works that focused on "the suffering of the Polish nation under the partitions."³⁶⁹

Under Gliński's leadership, PiS has also distributed grants and financial support to far right-wing and antisemitic authors and thinkers. This strategy became most apparent in Minister Gliński's recent award of 496,000 PLN to 23 Polish magazines. Among them was the National Social Institute's quarterly magazine, which in the past has featured antisemitic headlines such as "National Antisemitism. Heritage or a Burden?"³⁷⁰ Another journal produced by Media Narodowe promoted a book called, *Meet the Jew*, a reprint of a racist novel by Teodor Jeske-Choiński in 1912, which featured antisemitic cover artwork and touted conspiracy theories that the Jewish community is responsible for LGBTQ+ movements, communism, and other protest groups.³⁷¹ When asked about the use of state

funds by Media Narodowe to promote such a work, the Ministry of Culture stated that while a panel of experts is used to determine which groups will receive support from the Patriotic Fund, the panel can only make determinations based on application materials.³⁷² Given Media Narodowe's antisemitic messages in previous publications, panel decisions to give the magazine funding is akin to a state-funded endorsement of such views. After news broke of state grants being given to far-right publications, more than 160 public figures protested in an open letter to Gliński, calling on him to "stop financing fascism".³⁷³

In a 2020 statement, Poland's Commissioner for Human Rights, Marcin Wiącek, pointed to a pattern of cutting state funding for cultural magazines dealing with minority opinions or with certain recognized political positions. The commissioner asked the government to explain the exclusion of magazines, such as *Tygodnik Powszechny*, *Przegląd Polityczny*, *Krytyka Polityczna*, or *Pismo* from the list of publicly funded publications for 2020–2022.³⁷⁴ Each of these magazines has previously criticized the PiS government. This is not a new phenomenon: in 2017, the Ministry of Culture and National Heritage also denied funding for a Jewish magazine, *Midrasz*, and a Roma magazine, *Dialog Pheniben*.³⁷⁵

PiS has also used its platform to publicly criticize authors whose works present views that oppose the Party's narratives. In 2018, Olga Tokarczuk was awarded the Nobel Prize in Literature for her work, *The Book of Jacob*, which explores Poland's historical relationship with its Jewish minority.³⁷⁶ Within days of the announcement, Tokarczuk received death threats from nationalists who took issue with her novel, saying "You probably don't even realize it but you'll never be safe now in this country[;] you'll always be treated as a LIAR and as genetic waste material."³⁷⁷ PiS politicians criticized Tokarczuk's win, saying that "the wrong kind of Pole" had won the Nobel prize.³⁷⁸ Though Minister Gliński defended Ms. Tokarczuk, saying that her Nobel Prize win was an accomplishment for Poland, the negative reception of her award by other PiS politicians and the public is worrisome.

Gliński's systematic shirking of commonly followed protocol, including open-call competitions for leadership positions and transparent removal procedures, has enabled the Ministry of Culture to appoint under-qualified but politically aligned candidates to the country's most important creative positions. Party loyalty is effectively rewarded over professional accomplishments.

Music Events and Academies

Polish music, including festivals, radio broadcasting and university music programs, have also been affected by PiS interventions. In 2017, the National Festival of Polish Song in Opole was canceled for the first time since 1963 following allegations of political censorship. Famous Polish pop music star, Kayah, was suddenly removed from the festival's lineup, allegedly for her outspoken support of abortion and her active involvement in anti-PiS protests and public criticism.³⁷⁹ The instruction for her removal came from the festival's major funder, TVP, the state-owned, PiS-run media channel.³⁸⁰ Following the singer's removal, more than 20 artists scheduled to perform at the festival boycotted the event in protest, ultimately leading the organizers of the event to cancel the festival altogether.³⁸¹

Even university-level music programs in Poland have been negatively affected by politically motivated removals of staff and faculty members. In September 2021, the Academy of Music in Gdańsk fired long-time Professor Maciej Grzywacz, head of the university's Department of Jazz and Popular Music, after he defended one of his students' right to perform music with lyrics that were critical of Polish politicians and politics.³⁸² In June 2021, students of the University's Department of Jazz and Popular Music prepared a broadcast show that would highlight student works. One song included in the broadcast by Natalia Capelik-Muianga featured veiled criticism of PiS's rule, and referenced women's rights movements in Poland.³⁸³ The broadcast was canceled by the University's rector shortly before it was set to air; he cited concerns

of potential legal repercussions related to Capelik-Muianga's song.³⁸⁴ Professor Grzywacz spoke out against the cancelation of the event on the department's social media page, stating that he was against the rector's decision and was urging the university to air the show at a later date as a show of support for the students and demonstration of their commitment to free artistic expression.³⁸⁵ Months later, Gryzwacz, who had been teaching at the Academy for more than 20 years and had been named a Belvedere Professor by the Polish government, received a letter informing him that he would be removed from his position with no opportunity to contest the decision.³⁸⁶

Effects of Bureaucratic Interventions in Arts and Cultural Institutions

PiS has strategically utilized its oversight authority to overtake and transform Poland's arts and cultural institutions into bastions of conservative ideology. The removal of dozens of eminently qualified directors from thriving cultural institutions, namely in Polish museums and theaters, as documented herein, has blighted their artistic production and stifled the artistic communities that they serve. Gliński's systematic shirking of commonly followed protocol, including open-call competitions for leadership positions and transparent removal procedures, has enabled the Ministry of Culture to appoint under-qualified but politically aligned candidates to the country's most important creative positions. Party loyalty is effectively rewarded over professional accomplishments. In doing so, PiS has ushered an era of government-curated arts and culture into Poland, much to the detriment of the country's arts and cultural community and consumers of Polish art.





Media and Public Opinion Control

Since 2015, PiS has implemented a restrictive, divisive, and highly politicized media policy. This has been characterized by the strategic intimidation and undermining of media outlets and journalists critical of PiS, the removal of independent media managers from key positions in public broadcasting, the reorientation of public media's news content to align with PiS's political agenda, and the transfer of local and national media outlets to private Polish firms supporting PiS. These interventions have created a media environment so hostile that Poland's ranking on the Reporters Without Borders (RSF) World Press Freedom Index fell from 18th in 2015 to 66th in 2022, its lowest ranking yet.³⁸⁷

The gradual nationalization of media has also had a profound effect on the arts and cultural sector. First, by asserting ideological control over public media, including television and radio, PiS has been able to reorient programming to align with the party's values. Second, artists and cultural producers who generally are dependent on independent media to highlight exhibitions, events, and concerts, can no longer count on non-ideological media to report on and highlight their work. Third, PiS-controlled and affiliated media have gone to great lengths to publicly smear artists that challenge the nationalist cultural narrative. This section will focus on these trends.

The Politicization of Public Media

After the 2015 election, PiS passed legislation which transformed the governance and management of Poland's Public Service Media (PSM), which primarily consists of Telewizja Polska (TVP) and Polskie Radio (PR). Most significantly, the bills transferred the power to appoint the leadership of TVP and PR from the independent National Broadcasting Council to the Minister of Treasury.³⁸⁸ Furthermore, the government was no longer required to hold open competitions for senior positions in public service media, nor follow "any other authority or external criteria" for making hiring decisions.³⁸⁹ Thus, the executive branch now had plenary power to appoint directors and senior management for all public media outlets. The new legislation also created the National Media Council (NMC), which was given supervising power over TVP, PR, and all other PSM agencies; the NMC also took over appointment power from the Minister of Treasury.³⁹⁰ Parliament would now appoint the board for the NMC proportionate to the representation of political parties.³⁹¹ With PiS's parliamentary majority, the conservative party now had total regulatory authority over public media.

In the six months after the media legislation was passed, PiS immediately overhauled Poland's news outlets, firing or forcing the resignation of 163 journalists from public television and radio stations.³⁹² In the coming years, the number of dismissals and resignations swelled to 230.³⁹³ Many of the new employees possessed less experience and were

"trained at conservative, Catholic universities," holding ideological leanings befitting of the newly politicized, right-wing public media.³⁹⁴

The current director of TVP is Jacek Kurski, a PiS party member and former Undersecretary for the Ministry of Culture.³⁹⁵ Kurski was a key figure in helping to re-elect President Duda in 2020, using his position as the head of TVP to direct a steady stream of negative coverage towards Duda's rival, Rafał Trzaskowski.³⁹⁶ Kurski almost immediately began interfering in arts and cultural programming, particularly at the affiliate station TVP Kultura. In 2016, TVP Kultura scheduled the broadcast of three films: *Pokłosie* (Aftermath) by Władysław Pasikowski, *In the Name of...* by Małgorzata Szumowska, and *Citizen* by Jerzy Stuhr.³⁹⁷ However, a call was allegedly made from Kurski's office to TVP Kultura, asking that they be removed entirely from the station's programming.³⁹⁸ Two of the films presented themes that clearly clashed with the orthodox narratives promoted by PiS: *In the Name of...* focuses on the story of a closeted gay priest; *Pokłosie* is a film about the massacre of Jedwabne, where over 300 Jews were allegedly murdered by their Polish neighbors.³⁹⁹ While the subject matter of the third film *Citizen* is not controversial, its director has publicly criticized PiS.⁴⁰⁰ It is important to note that TVP also removed Paweł Pawlikowski's film *Ida*—the first Polish film to be awarded the Oscar for Best Foreign Language Film—from its scheduled broadcast, as the film has repeatedly proven to be problematic for the PiS-approved narrative on the Holocaust (see Chapter Two).⁴⁰¹

TVP has also interfered in live events and broadcasts. In 2017 the National Festival of Polish Song in Opole was canceled for the first time since 1963 following allegations of political censorship. Famous Polish pop music star, Kayah, was suddenly removed from the festival's lineup, allegedly for her outspoken support of abortion, her public criticism of PiS, and her active involvement in protests opposing the party (see Chapter Three).⁴⁰² The instruction for her removal purportedly came from TVP, the festival's principal sponsor and major funder.⁴⁰³ Furthermore, the band Dr. Misio also had a performance banned by the event organizers, after they deemed one of the band's music videos—which featured the band members dressed as Catholic priests asking for money from a church congregation—as "unbroadcastable."⁴⁰⁴ Following Kayah's removal, more than 20 artists scheduled

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to perform at the festival boycotted the event in protest, ultimately leading the organizers to cancel the event.⁴⁰⁵

In 2018, TVP allegedly censored part of director Wojciech Smarzowski's acceptance speech after he won the jury's special award and the audience award for his film *Kler* (Clergy) at the Festival of Polish Feature Films.⁴⁰⁶ *Kler*, which centers around the corrupt practices of Catholic priests in Poland, drew the ire of senior members of PiS, including Deputy Culture Minister Jarosław Sellin, who accused the film of perpetuating "negative stereotypes" about the Church.⁴⁰⁷ Notably, the part of Smarzowski's speech that was removed sardonically suggested that the award should be given to him by TVP's director, Jacek Kurski, referencing a previous incident in which Smarzowski had refused to accept an award presented by Kurski.⁴⁰⁸

It is important to note that Kurski has denied all accusations of censorship highlighted above.⁴⁰⁹ However, given the stark change in what TVP is willing to broadcast since the election of PiS, Kurski's assertions should be met with skepticism.

While the leadership of PiS claims that its programmatic changes are partly in response to the public's desire for more nationalist content, TVP ratings and financial decline have proven this justification to be false.⁴¹⁰ Although TVP remains the most watched broadcaster in Poland, the channel lost a staggering one-third of its viewership between 2015 to 2019 and relies on massive state subsidies in order to function.⁴¹¹ Furthermore, the station suffers the distinction of being the least trusted news source in Poland.⁴¹²

Cultural interference by PiS has also extended to state-run Polskie Radio (PR), which consists of nine national and seventeen regional channels.⁴¹³ In January 2020, Agnieszka Kamińska was appointed Director of Polskie Radio without any open competition for the position.⁴¹⁴ Whilst PR's listenership has been in steady decline since PiS assumed power in 2015, the market share of PR's stations nosedived following Kamińska's appointment.⁴¹⁵ One incident which precipitated further declines in PR's ratings took place in May 2020, when "Your Pain Is Better Than Mine," a hit song by rock veteran Kazik Staszewski, mysteriously disappeared from the website of Radio Trojka, an affiliate PR station. "Your Pain" had been voted the most popular track of the week, but

soon after the chart positions were announced and the song was played on Radio Trojka, links to the chart were disabled and all news about the song was scrubbed.⁴¹⁶

At issue appeared to be the lyrics of the song, which took aim at Jarosław Kaczyński—cofounder of the PiS. The previous month Kaczyński had visited a Warsaw cemetery, disregarding the law mandating the closure of cemeteries to curtail the spread of the coronavirus pandemic.⁴¹⁷ In response to Kaczyński's actions, Staszewski crooned:

Cemeteries closed as a result of the events of recent weeks,

I look at the chains, I wipe away my tear, just like you, just like you.

The gate opens, I can't believe my eyes.

Perhaps things are different after all.

I run over, your heavies shout stop, because your pain is better than mine.⁴¹⁸

If Polskie Radio meant to shield Kaczyński from criticism, the move backfired. The song's removal prompted a social media uproar. Three radio station employees—including Marek Niedzwiecki, who had hosted the chart show for decades—resigned, making clear that the orders had come from outside, and journalists held a silent demonstration outside the station's headquarters.⁴¹⁹ Several musicians also pulled their music from Radio Trojka.⁴²⁰ In response to the incident, pop star Dawid Podsiadło stated "if on today's [Radio Trojka] politics is more important than music, if a song causes the return of the worst communist practices, which I know only from books and stories, then I think that my songs should not be played on this station until creative freedom of speech returns."⁴²¹

In support of their nationalist aims, PiS has also made a concerted effort to bolster Polish-language programming on radio. In January 2022, a group of PiS MPs proposed an amendment to the Broadcasting Act that would require radio stations to air Polish-language music 80% of the time between

the hours of 5:00 in the morning and midnight.⁴²² The amendment's alleged aim is to support Polish musicians and music groups who have struggled economically during the pandemic. However, the country's broadcasters have generally come out against the proposal, expressing their concern that the change would undermine Polish radio and drive listeners towards foreign outlets.⁴²³ At the time of writing, the measure is still pending.

Much like TVP, the politicization of Polskie Radio has resulted in the overall decline of listenership across its stations. In the case of Radio Trojka, its market share dropped from 5.63% to 1.94% from December 2020 to February 2021, a remarkable 65.6 percent drop that is likely due to the censorship of Kazik Staszewski.⁴²⁴ State-run Radio Jedynka also experienced a sharp decline in listenership under PiS management, with its market share dropping from 9.5% in December 2016 to 4.9% in January 2022.⁴²⁵ While one cannot attribute the diminishing audience across public radio to one single factor, PiS has politicized the stations and replaced experienced employees with lesser-known conservative professionals—decisions that have undoubtedly played a significant role in the decline.⁴²⁶ Despite her disastrous tenure, Agnieszka Kamińska was re-appointed as Director of Polskie Radio in February 2022.⁴²⁷

The “Repolonization” of Private Media

In response to what PiS has described as the urgent need to “de-concentrate” and “repolonize” the country’s private media, the party has overtly set out to limit foreign ownership of media companies while expanding their own share of the sector.⁴²⁸ “Repolonization” was described by Jarosław Kaczyński as a process of making Poland and Poles “genuinely Polish” again; this concept is closely tied to Catholicism and seeks to connect the Polish nation by language, culture, historical fate and solidarity.⁴²⁹ “De-concentration” is interconnected with repolonization; it aims to limit the number of stations that a single media conglomerate can own.⁴³⁰ Both policies are intrinsic to the country’s illiberal and nationalistic turn. Prior to 2015, a majority of Polish media outlets were owned by foreign sources. Thus, PiS’s efforts to deconcentrate the media served

the dual purpose of limiting the spread of so-called Western values in Poland while expanding the party’s ability to enhance its messaging.⁴³¹ Miroslaw Wróblewski of the Office of the Commissioner for Human Rights in Poland identified the “repolonization” of the country’s media as one of the primary threats to media freedom and freedom of expression in Poland.⁴³² Through repolonization, PiS has effectively purchased ideological influence through wresting control of Poland’s major media channels. In 2020, for example, PKN Orlen—an oil refiner in which the state has almost 30% ownership—purchased Polska Press, a regional newspaper publisher from international media group Passau.⁴³³ Four editors in chief of Polska Press were fired shortly after the takeover and replaced with editors who had worked at TVP.⁴³⁴

PiS has also made efforts to purchase major outlets critical of the Party. In August 2021, PiS passed legislation restricting foreign companies from owning a majority stake in Polish media outlets.⁴³⁵ The bill would have allowed the government to take control of TVN, Poland’s leading independent TV network, which is owned by the US-based Discovery Communications.⁴³⁶ This bill would have been especially significant as TVN is an established alternative to the pro-government coverage and conservative views provided by the state broadcaster, TVP.⁴³⁷ Indeed, TVN’s news program *Fakty* (Facts) is the most-watched program in the country.⁴³⁸ Ultimately, President Duda vetoed the bill, but only due to diplomatic pressure from the United States.⁴³⁹

The singling out of TVN by PiS is unsurprising given that the network continues to run programming that challenges conservative norms. For example, in 2020, TVN aired an advertisement for the condom brand, Durex, which featured well-known YouTubers Jakub and Dawid Mycek-Kwiecinski; it was the first commercial in Poland to portray intimacy between two men.⁴⁴⁰ Notably, TVP refused to air the commercial. They defended their decision by arguing that viewers would be offended, citing Article 18 of the Broadcast Act, which state that programs “shall respect the religious beliefs of the public and especially the Christian system of values.”⁴⁴¹ TVN also broadcast a Polish version of the reality TV show “Finding Prince Charming” in 2021.⁴⁴² This was the first time an LGBTQ+ dating program had been broadcast on Polish television, and TVN hoped that the program could help to “change stereotypes.”⁴⁴³ In stark contrast, Kurski said he would prohibit

Kurski said he would prohibit same-sex dating shows from being broadcast on TVP, stating they would violate the constitution –a patently false claim.⁴⁴⁴ Such a statement seems to be an open admission that TVP would censor any programming on its network depicting a same-sex relationship.

same-sex dating shows from being broadcast on TVP, stating they would violate the constitution—a patently false claim.⁴⁴⁴ Such a statement seems to be an open admission that TVP would censor any programming on its network depicting a same-sex relationship.

PiS has also deliberately sought to limit access to TVN and other independent stations while putting TVP in a privileged position in national broadcasting. In May 2022, Poland was transitioning to a “new broadcasting system for terrestrial television,” when roughly 1.5 million households utilizing old receivers lost—or were set to lose—access to Poland’s two private broadcasters, Polsat and TVN.⁴⁴⁵

Finally, PiS has also financially supported private conservative media outlets that are aligned with the party. One such media conglomerate, Radio Maryja, is owned and managed by Tadeusz Rydzyk, an ultra-orthodox Roman Catholic priest who regularly hosts programs cautioning listeners on “the ‘Islamization’ of Europe,” “mischievous Jews,” and the spread of LGBTQ+ and gender ideology in Poland.⁴⁴⁶ The US State Department has labeled Radio Maryja “one of Europe’s most blatantly antisemitic media venues.”⁴⁴⁷ While their market share is less than 2 percent, Radio Maryja’s holdings span the media landscape and include “the television channel TV Trwam (TV Endure) and the newspaper Nasz Dziennik (Our Daily).”⁴⁴⁸

The relationship between PiS and Radio Maryja is symbiotic: PiS receives favorable coverage from the media outlet, while Radio Maryja has been awarded with government funding. Speaking on the importance of Radio Maryja to PiS, Kaczyński admitted that without Rydzyk’s channel PiS would not have prevailed in the 2015 election. Meanwhile, Radio Maryja has received “financial support, directly through grants or indirectly via State advertising budgets.”⁴⁴⁹ Tadeusz Rydzyk has also financially benefited from his relationship with PiS. Polish media estimates that foundations associated with Rydzyk “have received 214 million złoty (€48 million) in public funds since 2015—for projects ranging from energy to a museum, cancer research and a memorial park.”⁴⁵⁰

Artists and Cultural Producers in the Media

Poland’s restrictive media landscape has been harmful in two central ways. First, PiS’s increasing domination of mainstream media, coupled with the decline of the independent press, all but ensures that most reporting on the arts will reflect the values and agenda of the party. Consequently, artists seeking to draw attention to their work either need to steer clear of PiS’s agenda or accept attention from niche or non-mainstream outlets. One interlocutor with whom AFI spoke in 2022, an independent cultural producer, discussed of the diminished bandwidth for objective reporting and its chilling effect on the arts: “We have been crippled and cannot do things that have true meaning[...]. [PiS] has all the means — they have all the money, the media.”⁴⁵¹

Second, artists who cross PiS’s nationalist agenda face party-controlled or ultra-conservative media outlets; these platforms actively target controversial artists and exploit artistic scandals to stoke Poland’s culture wars. The case of Croatian director Oliver Frljić’s 2017 production of the 19th century Polish play *The Curse* is an example discussed by several cultural producers that spoke with AFI. One interlocutor explained how a review of the play, entitled “An Attack on Polish Hope,” focused on a scene in which a young woman is spit on, heckled by villagers, raped by the village priest, and then forced to sacrifice the children she gave birth to as a result of that rape. The review stoked considerable public controversy around the play, which was heightened further after a frenzy of similar reviews from conservative outlets.⁴⁵² Our interlocutors described how many reviews in state media focused on that particular scene. They explained how some far-right spectators came to the performance to secretly record that scene so they could share it online. “Media has quite a big role to play in [such scandals],” they told us; “some politicians might feel they can make use of these scandals to manipulate public opinion.”⁴⁵³ In a 2017 interview, the cultural activist and journalist Agata Diduszko-Zyglewska echoed our interlocutors’ points:

"PiS has overtaken the public media. They started to use these strange tools – such as trolls and hate-speech – to hyperbolize emotions and so on. Every week they find a subject to attack and rage against. And this is happening now with "The Curse;" almost no one has seen the performance, so they sent someone to take a fragment of the performance and make it live. They put it not only on the internet, but also on public television, showing it many times. Now there is hate-speech instigated by trolls and conservatives. It's a horrific act being done to the actors, who are only doing their job, and to the theater."⁴⁵⁴

Further, as highlighted in Chapter Two, state and conservative media have played an active role in sensationalizing contentious works of art in order to trigger charges of blasphemy. For example, PiS Info provided negative coverage of Karol Radziszewski's work *F*g Fighters* (see Chapter Two), which was intended to "visualize [...] harmful stereotypes about the gay community" and portray "the violence and intimidation experienced during the Białystok Equality March in 2019."⁴⁵⁵ TVP Info labeled the work as "hate speech" and the conservative media at-large reported the piece to be "heterophobic," an irony indeed as the work highlighted the violent words and deeds of the far-right during an equality march.⁴⁵⁶ The gallery hosting the exhibition wrote that particular media coverage "gives a manipulated image of the exhibition, i[n] an attempt to censor the artists, intimidate the gallery and its employees, and distort the subject of the exhibition."⁴⁵⁷ In part due to the media campaign, a report was filed at the district prosecutor's office requesting an investigation into an act of blasphemy.⁴⁵⁸

Likewise, as discussed in Chapter Two, TVP's sensationalist reporting on Tomasz Mróz's work, *What to do While Waiting*, suggested that the piece was obscene and offensive to Christianity.⁴⁵⁹ The coverage ultimately triggered an investigation for blasphemy, although prior to the report—which aired on the final day of the exhibition—the work did not arouse any controversy.⁴⁶⁰ Though no criminal action was pursued, it is alarming how TVP was able to manipulate local opinion with its own perspective on *What to do While Waiting*, one which did not even source the artist or gallery's intention in creating and exhibiting the work.⁴⁶¹

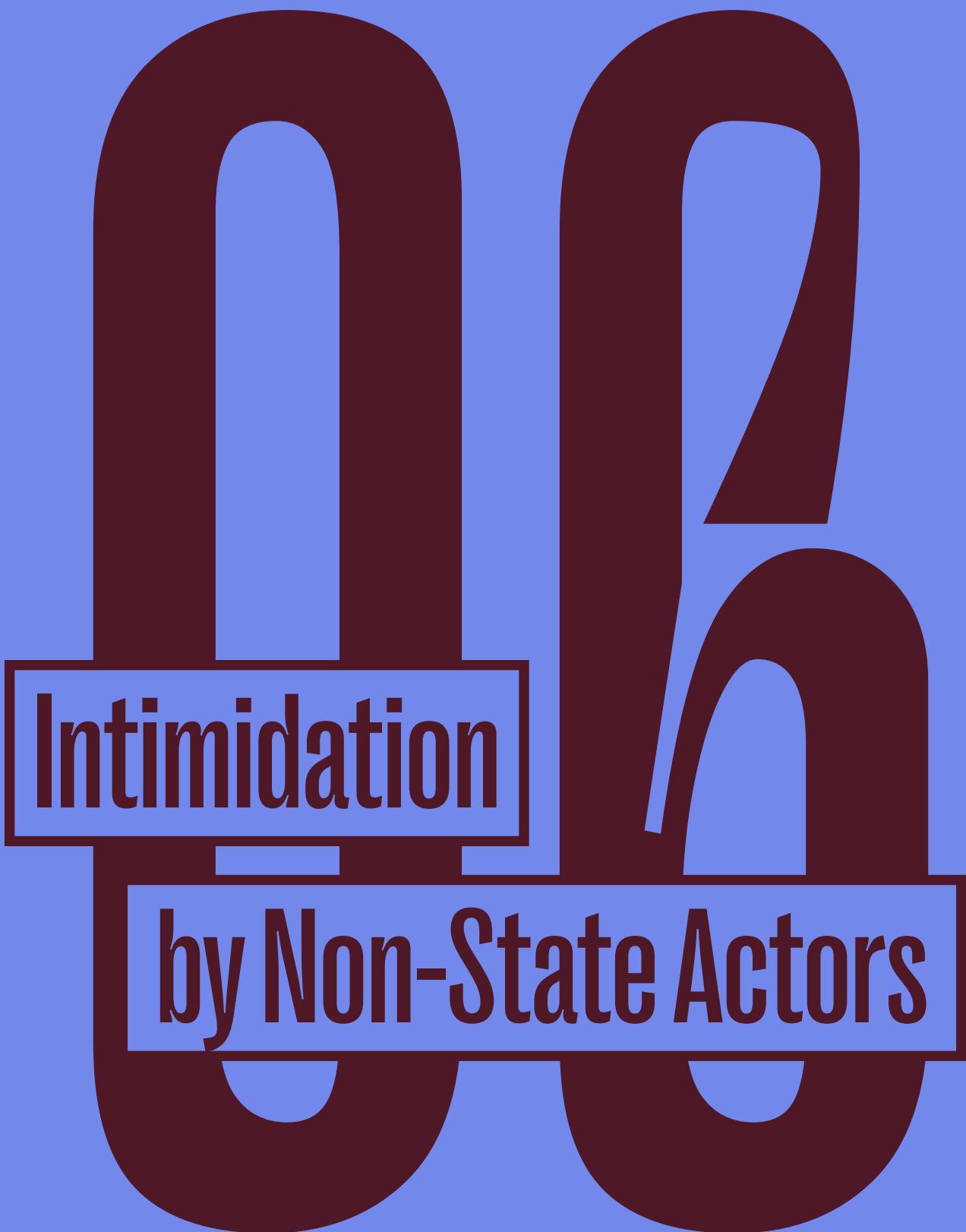
Radio Maryja has also played a role in denigrating cultural producers. One such example, cited above in Chapter Two, involved curator Tomasz Kitliński's exhibition of Dorota Nieznalska's piece *Judenfrei*, which commemorates the victims of anti-Jewish pogroms during World War II.⁴⁶² In October 2019, regional governor, Przemysław Czarnek appeared on state television to demand the work's removal from the exhibition.⁴⁶³ Over the subsequent month, Radio Maryja "mentioned Kitliński's name every hour on the hour, calling the academic anti-Polish" for defying PiS's orthodox narrative on Polish non-responsibility for the Holocaust.⁴⁶⁴ In response to the sustained negative coverage, Kitliński stated,

"I've been made a scapegoat for all progressive causes that the far-right despise, and feel personally threatened. By accusing me they intend to send a signal of intolerance to the population at large. This represents an attempt to close down free speech and open discourse on human rights."⁴⁶⁵

One can see from these instances how the right-wing media has not only been able to suppress the arts but also shape public discourse around artistic works. Artists exhibiting in Poland today must contend with the possibility that the majority of media outlets in the country could construe even a mild critique of Catholicism, nationalism, racism, sexism or discrimination against members of the LGBTQ+ community, as an affront to the Church or the Polish nation. Artists that touch upon social justice issues in their work face the prospect of coming face-to-face with ultra-orthodox individuals aroused by a sensationalist right-wing media. Many artists may understandably choose to self-censor when faced with threats to their livelihood or safety.



Chrońmy narodzone (Let us protect the born (the living) from murderous fundamentalism)
By Marta Frej



Intimidation by Non-State Actors

The ideology and rhetoric of PiS have emboldened ultra-orthodox, non-State actors in Poland to act as party surrogates on the ground, monitoring expression that transgresses conservative values. These entities include NGOs, legal service providers, religious groups, youth organizations, and private individuals.

The political and denominational affiliation of these non-state actors lies at the core of their mission. They encompass a zealous commitment to Polish nationalism and the Catholic Church, as well as an antipathy towards minorities, feminists, and members of the LGBTQ+ community.

For PiS, the non-State entities that act on their behalf expand the reach of the party beyond its limited political apparatus; they help spread the core ideology of the party at a grass-roots level. Simultaneously, PiS can distance itself from the more extremist conduct of non-State actors by claiming no formal affiliation with such groups or individuals. For non-state actors, a tacit affiliation with PiS has given their individual members a sense of solidarity with the party.

Over the last decade, PiS has increasingly aligned itself with the Catholic Church in Poland. Although The Church outwardly claims political neutrality, it is united with PiS in efforts to ban abortions and prevent same sex unions.⁴⁶⁶ As with PiS, non-state actors play an essential role in advancing core Catholic ideologies. Their commitment to silencing feminist and LGBTQ+ groups is certainly beneficial to the Church's mission to protect "family values."

Ultra-orthodox non-state actors see themselves as the guardians of Catholicism and nationalism in Poland. As a result, they have recently played a significant role in policing creative expression capable of offending the Polish Church or degrading the Polish nation. This section will highlight how individual artists, art collectives, and galleries are increasingly being targeted by non-state actors, falling victim to harassment and intimidation by Church-aligned and nationalist entities.

Right-wing Organizations Targeting Artists

Modern day Poland is replete with non-governmental organizations with religious and/or political affiliations. Many of these groups have actively sought to interfere in artistic exhibitions, concerts, plays and other creative activities. Alongside contending with a right-wing government and media, artists and culture workers must grapple with the possibility that these groups could mobilize their

supporters against them. Four particular organizations stand out for their consistent attacks against artists: the Rosary Crusade for the Homeland, the Life and Family Foundation, Ordo Iuris and the All-Polish Youth.

(1) The Rosary Crusade for the Homeland

The Rosary Crusade for the Homeland is an ultra-conservative, Catholic organization that calls for a "Poland that is faithful to God, the Cross and the Gospel," while militantly preaching against the evils of gender and LGBTQ+ ideology.⁴⁶⁷ In November 2015, members of the group blocked the entrance to a showing of the play *Death and the Maiden*, a rendition of an Austrian Nobel-Prize winning book, the cast of which included pornography stars.⁴⁶⁸ The organizers of the show had clearly stated that the play was "suitable for **REALLY** adult audiences only," and warned that the production 'contains sex scenes.'⁴⁶⁹ However, the protesters exclaimed that they "don't tolerate porn for public money."⁴⁷⁰ The incident was described as emblematic of the "growing intolerance" of Poland's new conservative pro-Catholic government.⁴⁷¹ Indeed, protestors claimed that Minister Gliński—who called for the state-funded play to be canceled—had "encouraged" them to protest.⁴⁷²

Similarly, in May 2017, a group of fundamentalist Catholic organizations—which included the Rosary Crusade—and fascist nationalist associations—such as the Radical-National Camp—picketed at the Powszechny Theater in Warsaw, attempting to block audience members from going to see a rendition of the play *The Curse*.⁴⁷³ Some of the themes explored in the play included the close relationship between the Polish government and the Catholic Church, the State's stance on abortion, and the well-known instances of child abuse by Polish clergy.⁴⁷⁴

(2) The Life and Family Foundation

Another prominent orthodox religious outfit is the Life and Family Foundation, which is run by Kaja Godek, an openly homophobic and anti-feminist activist. In March 2021, the Life and Family Foundation collected signatures petitioning the Lublin City Council to suspend financing of the Labirynt Gallery, which relies on municipal funds to operate.⁴⁷⁵ The Labirynt considers itself a forum for marginalized groups, hosting a first of its kind project called *Library of Refuge*, "one of Poland's first public collections of LGBTQ+ literature."⁴⁷⁶ The petition

against the gallery claimed that the city was using taxpayers' money to finance "divisive and controversial content" and to promote abortion and "LGBT ideology."⁴⁷⁷ In the case of the acquittal of artist/activist Elżbieta Podleśna for blasphemy (see Chapter Two), Godek publicly promised to raise funds to support an appeal against the acquittal.⁴⁷⁸ She stated on Facebook that "[d]efending the honor of the Mother of God is the responsibility of each of us, and the guilt of the accused is indisputable."⁴⁷⁹

(3) Ordo Iuris

Another prominent group that has taken on a quasi-State role in monitoring artists that create works challenging nationalist values is the Ordo Iuris Institute for Legal Culture (Ordo Iuris). This legal advocacy organization seeks to confront "radical ideologies that aggressively question the existing social order" and uphold and defend the Polish Constitution and its values.⁴⁸⁰ As previously mentioned, Ordo Iuris has on several occasions cooperated with the prosecutor's office to seek accountability for instances they deem to fall under the offense of "offending religious feelings." For example, in response to the staging of the controversial play *The Curse*, Ordo Iuris offered free legal assistance to anyone who claimed to have had their feelings insulted by the performance.⁴⁸¹ The organization even made a public appeal to the Secretary General of the Council of Europe, making the far-fetched claim that the play violated the European Convention on Human Rights by encouraging "politically motivated hatred."⁴⁸²

In January 2022, Ordo Iuris reported a performance of the play *Radio Mariia* to the state prosecutor. The organization claimed the production violated articles 196 and 257 of the Polish Criminal Code by offending religious feelings and insulting a group of people based on their religious affiliation.⁴⁸³ The play, which depicts the destruction of Catholic churches and persecution of Christians by law enforcement, is a satirical attempt to imagine a Poland where social hierarchies are inverted.⁴⁸⁴ The performance took place at Powszechny Theater, the same venue that staged the aforementioned production of *The Curse* five years earlier, a sign of the theater's continued resilience in the face of attempts to censor its output.

In addition to referring cases to prosecutors themselves, Ordo Iuris has now launched a website encouraging people to report cases of public

insults against the Polish State.⁴⁸⁵ The new website presents a real threat to artists who may not have the resources to defend themselves against an enabled orthodox populace determined to punish particular forms of speech. Further, it is not hard to imagine how right-wing nationalist groups and individuals could use the site to overwhelm specific artists with threats to file criminal charges for offending the Church or the Polish state. This website and the general environment of animosity towards non-orthodox ideologies may lead some artists to refrain from making certain kinds of art, effectively creating an environment of self-censorship.

(4) The All-Polish Youth

The All-Polish Youth is another organization that has been at the forefront of the Polish right-wing nationalist movement in recent years. Originally founded in 1922 as a student organization, the All-Polish Youth actively defended the Polish Catholic Church and promoted antisemitism in universities.⁴⁸⁶ Today, the All-Polish Youth has expanded its ultraorthodox mission, and in 2020 organized a nationalist march calling for violent aggression against sexual and ethnic minorities.⁴⁸⁷ It also continues to have close ties to Christianity and the Catholic Church in Poland, as demonstrated by its efforts to set up their own guard services to defend and protect the Church from protesters.⁴⁸⁸ Far from independent, in 2021 All-Polish Youth received a government grant of roughly 633,000 Euros from the Patriotic Fund, a program initiated by the PiS-founded Institute of National Thought Heritage in order to support efforts to promote nationalism.⁴⁸⁹

Like Ordo Iuris, the All-Polish Youth has acted on the State's behalf in reporting artists to the prosecutor's office. In a recent example, the organization took issue with a work by artist Szymon Szymankiewicz, which depicted the logo of the Underground State—a network of secret government administrations created during the occupation of Poland by Soviet Russia and Nazi Germany—using the McDonald's font.⁴⁹⁰ All-Polish Youth filed a complaint with the prosecutor's office claiming the work was a mockery of the "Polish symbol of the fight for freedom."⁴⁹¹ The organization has even acted in coordination with Ordo Iuris in referring cases to the state prosecutor, as they did most recently with the work of feminist artist Dominika Kulczyńska, which depicted the Virgin Mary in the shape of a vagina painted with rainbow stripes.⁴⁹²

Alongside contending with a right-wing government and media, artists and culture workers must grapple with the possibility that these groups could

mobilize their supporters

against them.

As anti-LGBTQ+ attitudes have also become widespread in Poland, artists who self-identify as LGBTQ+, or advocate on their behalf, have been targeted with regularity.

Beyond the organizations mentioned above, there are a further myriad of ultra-orthodox groups ready to mobilize against artists challenging societal norms, including the Fidei Defensor Christianophobia Monitoring Center and the Camp of Great Poland (see Chapter Two). The cumulative power of these organizations presents a grave threat to free expression in Poland.

Individual Actors Targeting Artists

It is important to note that PiS has also empowered individual citizens to act on the party's behalf in monitoring acceptable forms of expression. Alongside the totalizing effect of the increasingly powerful Polish state and media, artists in Poland face the daunting prospect of mobilized PiS supporters acting in concert with the State to monitor their artistic production. Existing social media tools enhance the reach of ultra-orthodox individuals, who can advance dangerous narratives on works of art challenging core nationalist beliefs. Further, much like right-wing organizations, individuals can initiate complaints against artists for violations of laws protecting the Catholic church or the reputation of the Polish nation.

Recently, several criminal complaints against artists have been initiated by individuals. In June 2021, Agnieszka Wojciechowska van Heukelom, a social activist, reported an artwork representing religious figures and national symbols against the background of vaginas to the prosecutor's office.⁴⁹³ Later in the year the works of art were confiscated and the artist was charged with "offending religious feelings by publicly insulting objects of religious worship and insulting the flag of the Republic of Poland."⁴⁹⁴ Van Heukelom stated "I felt offended, as a woman, as a patriot and as a Catholic," and even appeared on TVP to air her grievances.⁴⁹⁵

In November of the same year, Polish composer Paweł Szymański's piece *It's fine, isn't it*, was removed from the program of a concert for the third Eufonie International Festival of Central and Eastern Europe at the National Philharmonic in Warsaw. After being approached by an unknown person to remove a quote from Jarosław Kaczyński, Szymański attempted to replace the quote with "Text here has been removed by self-censorship," but ultimately, the organizers of the event canceled the performance.⁴⁹⁶ One month later, a work by Tomasz Opania was removed from the exhibition *Ritual – Border* at the Browar Mieszczański, because of a threat that someone would file a report to the prosecutor's office for insulting national symbols.⁴⁹⁷

Groups Vulnerable to Non-State Actors: Dissenters, Women, and LGBTQ+

Church actors and other fundamentalist nationalist groups tend to be behind many incidents of third-party intimidation in Poland. It is therefore perhaps not surprising that non-state actors tend to target specific groups, whose opinions, ways of life, or behaviors, run contrary to conservative notions of “family values.” As cited in the report, these groups most often include feminists, political dissenters, and members of the LGBTQ+ community.

As anti-LGBTQ+ attitudes have also become widespread in Poland, artists who self-identify as LGBTQ+, or advocate on their behalf, have been targeted with regularity. In June 2020, an LGBTQ+ mural was destroyed in Szczecin, Poland, three days after its creation.⁴⁹⁸ It is unclear whether the perpetrators were arrested, or indeed whether any efforts were made to identify them, but these sorts of actions have become all too prevalent.

Likewise, The Labirynt Gallery, which has been the target of harsh criticism and even harassment, as detailed above, has often fought back against anti-LGBTQ+ politics through its exhibitions.⁴⁹⁹ Campaigns like that led by the Kaja Godek Foundation have regularly empowered individuals to attack and vandalize the gallery. The gallery's director reflects on how these oppositionists often attack with a sense of impunity; he recounts a tale from a previous campaign against the gallery, in which the windows were shot at and stars of David were painted on the walls.⁵⁰⁰ According to him, the PiS's advantage in the Lublin City Council at the time further legitimized these acts.⁵⁰¹ Most recently, a rainbow banner displayed by the gallery with the words “We are people” was destroyed, and the gallery defaced with vulgar graffiti.⁵⁰²

Furthermore, The Arsenal gallery, a contemporary art gallery in the city of Bialystok, has been the target of similar attacks. From 2003-2011, the director of the gallery reported regular targeting by right-wing conservatives, who visited the gallery hoping to find some controversy to exploit.⁵⁰³ Arsenal's director stated, “The goal was to harass gallery

staff with threats of legal action, adverse media coverage, attempts to undermine public trust in us,” noting their budget also suffered severe cuts over those eight years.⁵⁰⁴

A Culture of Self-Censorship

While some artists stand out in their continued efforts to create art that might offend the ruling party, the fact remains that being ‘different’ in Poland today has its risks, and expressing yourself outwardly about these differences, as art inherently often does, may even be dangerous. Furthermore, galleries, museums, theaters and cultural institutions have also engaged in forms of “self-censorship” by refusing to display certain kinds of works or limiting their collaborations to certain artists based on their viewpoints. This has already been observed in some institutions in Poland. In May 2021, the Cricoteka in Krakow took down two works that were critical of the government, including a collective of works displaying banners from the 2020 anti-abortion protests. Upon making this decision, the organizers of the exhibition made a statement claiming the Cricoteka was no place for artwork that could “be perceived as a political manifestation.”⁵⁰⁵ Later in 2021, the Academy of Fine Arts refused to send artist Pavlo Kazmin’s work to a competition, despite having awarded him with an excellent mark. Though the university explained this was due to it being a public institute “bound by the principle of apoliticality,” the artist believes this was also due to fear of conflict with the government and budget cuts.⁵⁰⁶

Self-censorship can be a challenging phenomenon to study; it is difficult to quantify how many works of art have been prevented from being created, displayed, or performed due to the environment in a particular country. Still, artists' interviews can shed important light on this topic. The next section of this report will detail how Poland's hostile political environment impacts artists and culture workers, and how it alters their cultural contributions. It exposes a culture that leads many to self-censorship.



Unnamed (Weeping room)
By Marta Frej



Lived Experiences

Lived Experiences

“PiS is in power; they own everything. This system is very oppressive, and we haven’t yet experienced the full potential of the oppression. But it is approaching.”

– Anonymous Art Historian and Curator, Poland

As documented in the sections above, the efforts of PiS to dominate the arts and cultural sphere—namely through the remodelling of arts institutions, the replacement of elites in the sector, the channeling of funds towards government-aligned artists, and the legal intimidation of artists—have negatively impacted artists and culture workers throughout Poland. Within PiS dominated arts and cultural institutions, artists struggle to find a meaningful role. Likewise, they grapple with the diminution of alternative avenues of expression. Within this system, the future for Polish artists and culture workers is increasingly ambiguous.

With the intention of understanding the impact of these circumstances on Poland's arts community, AFI conducted interviews with 10 Polish artists and culture workers from April 2021 to June 2022. We had the privilege of speaking with Marta Frej, a visual artist; Avtomat, a composer, DJ, producer and vocalist; Bartosz Frackowiak, curator, researcher and current Vice Deputy of Biennale Warszawa; Anna Galas-Kosił, Curator of International Programs, Biennale Warszawa; Ewa Kozik, Production Curator, Biennale Warszawa; Filip Pawlak, a performer and activist and Head of Production at the Nowy Theatre, Warsaw; Anna Demenko, assistant professor in the law faculty of Adam Mickiewicz University in Poznań; Jakub Dabrowski, Polish art historian and Professor at the faculty of visual culture at the Academy of Fine Arts in Warsaw; Marta Keil, independent curator and researcher; and an anonymous Art Historian and Curator based in Warsaw.

Our interviews with the 10 artists and cultural producers revealed two key themes: (1) How fears of legal, financial, and professional repercussions are increasingly causing Polish artists and culture workers to self-censor; and (2) the acute and growing stigmatization felt by LGBTQ+ and gender non-conforming artists and culture workers across Poland under PiS.

“We're dealing with a situation where culture and the arts are divided into government sanctioned culture, [which is] dominated by conservative viewpoints and a strong connection to the Catholic Church, and independent culture, [which features] comments on Polish reality that present competing views and generate discussions.” – Marta Frej, Visual Artist, Poland

Legal Repercussions

Our interlocutors detailed how the real threat of legal consequences for independent cultural producers creates a chilling effect on artistic expression. In an interview with AFI in 2021, art historian Dr. Jakub Dabrowski, stressed that Poland “is still a democracy” and that “the courts are still independent.” However, he also remarked that he is surprised at the degree to which illiberalism has been taking hold in Poland. “The pressure on the courts and judges is unusual,” he told us, referring to the myriad ways in which Polish authorities have been challenging the independence of the judiciary both at the local level and within Poland's highest juridical institutions.⁵⁰⁷ “Over the last 30 years, since 1989 [...] the government is trying to [put a large degree of] pressure on courts and judges.” The aim of PiS, Dabrowski told us, is ultimately to control the courts. Professor of Law Anna Demenko recounted to AFI some of PiS's attempts to file legal actions against forms of expression they oppose, describing these as a strategy to intimidate individuals and institutions into conformity. In the case of art, Demenko said, “the chilling effect is especially present because [cultural producers] receive money from the state, or from some private entities, and that's why they are careful about what they say.”

The case of artist and LGBTQ+ activist Bartosz Staszewski, detailed in Chapter Two, is an example of the personal and financial stress that artists face when legally challenged for their work. Visual artist Marta Frej spoke in detail about the enormous impact crossing the government can have on an artist's life:

“Bartosz now has several [] court cases he's dealing with. From the start of this year, he has done nothing but drive around from hearing to hearing. A few times each week he's sitting in court. He has to go because it's mandatory. He has a partner who's supporting him in this, without whom he would not be able to cope mentally. He has won every case so far, but this is exhausting.”

An anonymous Art historian and curator described to AFI the impact of the case against the Deputy Director of the Arsenal Municipal Gallery in Poznań. In this case, the defendant was indicted for “insulting religious feelings” for throwing eggs on the door of a church, an act she committed during protests against the Polish abortion ban in October 2020.⁵⁰⁸ While such an act of vandalism would likely have received little more than a fine in the past, as detailed in Chapter Two above, under the new law, such an act could result in jail time. “Maybe in the past, I would have thought that this is an interesting [display of] activism, a performative gesture that I would consider doing,” she told us. “But now, I will not do it, or I will have to be conscious about the possible [criminal] consequences.” Such cases demonstrate the effectiveness of PiS’s efforts to discourage speech critical of the Catholic church and the party itself through legal intimidation.

Financial Repercussion

According to the anonymous art historian and curator, the appointment of Piotr Gliński as Culture and National Heritage Minister in 2015 has been particularly damaging to cultural producers. “[Gliński] hates contemporary art,” she said. “He is there to use art as a tool to promote a nationalistic vision of the country.” Gliński’s role, in her estimation, is to cut funding for leftist “forbidden art,” especially that which relates to “gender values” and “LGBTQI ideology.” She explained that what PiS characterizes as socially menacing often relates to sexual orientation and gender nonconformity. As such, creative works about these topics are increasingly unlikely to receive government funding, as PiS sees them as undermining the social order in the country. Another independent curator with whom we spoke, Marta Keil, explained that projects that explicitly deal with the Polish nation and collective identity generally seem to receive the most money under the current administration.

Government funding for the arts reflects PiS’s promotion of conservative Catholic cultural values and revisionist historical narratives, as well as the rejection and stigmatization of multiculturalism, LGBTQ+ communities, and socialism.⁵⁰⁹ Our interlocutors generally described a funding system under tight ideological control. Visual artist Marta Frej explained to AFI that “if any artist or institution seeks

to obtain subsidies or support from the government, they must contend with clearly defined and delimited guidelines for their conduct and the viewpoints they can express.” Frej continued to say, “we are in a country where the influence of the Catholic Church, which after 1989 has only strengthened, is so incredibly strong that the possibility for the free exchange of ideas has collapsed.” Other interlocutors also emphasized the pressure on filmmakers, directors, and artists to “follow the political line” when applying for funding from the Ministry of Culture and National Heritage.

According to Frej, the lack of a robust private market for art in Poland means that most cultural producers have long been dependent on government funding to support their work. Frej called “the drastic reallocation of these subsidies towards [...] organizations and events associated [with] the Catholic Church and [...] the conservative section of society, [...] a matter of life and death” for artists. Frej explained that during Poland’s transformation period, after the fall of communism in 1989, there were sources of funding for the arts from the West. These funds have now been cut and nothing substantial or consistent has replaced them. Frej characterized the current environment as similar to how it was before the post-1989 transformation period. “[Everything has collapsed. It’s \[like a\] dictatorship, actually.](#)” The only way out, she feels, is to set up a new NGO that could reliably secure foreign funding. “[PiS] has all the means—they have all the money, the media, all the resources. They have power, and we as culture workers, we are powerless. We don’t have the resources.”

Independent curator and researcher Marta Keil discussed the internet and international funding as the most viable sources of support for independent cultural producers in Poland today, though these are also sources that are far from sustainable or assured. The dependence upon uncertain international support for many independent artists and cultural producers in Poland has created what she described as “a constant state of emergency.” “If we didn’t get some international support and funding,” Keil explained, “there would be no way for us to continue to work. We entirely rely at the moment on funding coming from outside of Poland.” Unlike

Western Europe, she explained, there is no regular funding for independent artists and arts organizations, a situation which means artists and cultural institutions constantly operate in survival mode. “You cannot have, either as an [arts] organization nor as [cultural] workers, any kind of stable funding [...] This is why I’m describing it as a state of emergency, because it feels like filling the gap. It’s always finding a solution for a crisis, rather than really coming up with new ideas.”

Filip Pawlak, Head of Production at the Nowy Theatre in Warsaw, reiterated the fragile environment in which cultural institutions like Nowy Theatre exist. “We are not getting permanent money in our budget from [Warsaw] and we have to fight for money in competitions [and] for the grants from the Ministry of Culture. We are trying for every kind of grant, and we are never getting them. It’s a common problem in all of the Polish theater system that depends on the Ministry of Culture [...] Right now, it’s much more right-wing. So we try to get money from the EU or from outside[.] [W]ithout that support we will not have the funds to do great, big performances.”

Even when international funding is awarded, it does not guarantee free artistic expression. This is particularly true in cultural institutions led by PiS appointees. Ewa Kozik, currently a Production Curator for Biennale Warszawa and formerly a curator at the CCA alleged that funds for one of her projects were deliberately mismanaged by her superiors. This resulted in the cancelation of the project, which was funded by Creative Europe, a part of the European Commission’s program to fund arts and culture. Kozik told us that the project, “Smashing Wor[i]ds: Cultural Practices for re/Imagining & un/Learning Vocabularies,” was about the creation of a new vocabulary to meet the needs of contemporary society, such as for non-binary people who do not yet have sufficient personal identifiers in the Polish language. Started in 2020, the project organized a diverse group of workshops, residencies and commissioned works. For a while, the CCA’s new director, Piotr Bernatowicz, allowed the project to run even as he organized events that ran counter to its aims, such as a conference that promoted conversion therapy for LGBTQ+ individuals. However, Kozik explained that in 2021, Bernatowicz put the “Smashing Wor[i]ds” project on indefinite hold. He justified the decision by stating that the CCA had lost too much money due to the pandemic, even though the European Commission funded most of

of the project. Kozik explained that while funding from Creative Europe is given under the condition that the host institution will be expected to cover a certain amount of the budget related to operations and program facilitation, Bernatowicz’s decision to reject such a sizeable funding offer from Creative Europe was almost unheard of in the field. As such, Kozik attributed his decision to his ideological opposition to the project.

Kozik’s current position at Biennale Warszawa and that of her colleague Bartosz Frackowiak, who was co-curator of the 1st and 2nd editions of the Biennale Warszawa are precarious. Their contracts will terminate at the end of August 2022 as the Biennale Warszawa will be transformed into the Warsaw Observatory of Culture due to a recent media controversy. The Biennale Warszawa is an interdisciplinary cultural institution that conducts artistic, research, education, and social activities. The institution frequently engages with climate and human rights issues in their programming. The 2019 Biennale Warszawa facilitated the Polish Social Forum, an event that brought together grassroots organizations and activists from across the country to strengthen transnational ties. One public workshop at the event called “City Tactics - Street Gymnastics, or techniques of group action,” aimed to teach attendees how to “manifest their beliefs without engaging in violence, how to handle hate while protesting, and how to avoid attacks from aggressive groups.” The workshop was held in response to instances of violence against social organizations and activist groups that had occurred in Poland’s Independence Day March the previous year. Citing no direct evidence, conservative media outlet Remix stated in a 2020 article, “It is generally believed that the event was a training workshop for militant tactics in urban centers, including fighting techniques and training for mass actions,”⁵¹⁰ and they heavily criticized the local government of Warsaw for funding the Biennale Warszawa.

TVP also picked up on the piece and echoed its criticisms in their own article⁵¹¹, adding to a media frenzy that damaged the reputation of the Biennale Warszawa, which lost three fourths of their funding from the Warsaw government following the event. The new Mayor also announced that the institution will be placed under newly appointed manager Olga Wysocka, and will be rebranded as the Warsaw Observatory for Culture. In effect, the change has isolated Frackowiak and the other founders of



We are in a country where the influence of the Catholic Church, which after 1989 has only strengthened, is so incredibly strong that the possibility for the free exchange of ideas has collapsed.

– Marta Frej

the Biennale Warszawa from the institution they created in 2015, leaving them in precarious professional and financial situations.⁵¹²

"I completely don't know, besides establishing some kind of new organization, what will be the next step for me," Frackowiak said. "Even if you think of alternatives in the institutional landscape in Poland, there are less and less possibilities for this kind of [cultural] work."

Under Wysocka, whose application for the position of Director was private, the future of the Biennale and its permanent staff remains unclear. Anna Gallas-Kosil, Curator of International of Programs at the Biennale Warszawa, expressed dismay at the lack of transparency with which Frackowiak's replacement was appointed, and she expressed concern that the new changes mark the "unofficial" closure of the Biennale Warszawa.⁵¹³

Preventative Self-Censorship

"During communist times, you produced something and you would be told, "No, this is not right." Now, you cannot even propose creating something, because you will lose your job, you might become a target of some [right-wing] fundamentalists, you might live through legal consequences. So, yes: censorship is a fact in Poland." - Anonymous Art Historian and Curator, Poland

Our interlocutors emphasized that the financial precarity experienced by artists in Poland varies depending on location. The country's cultural sector is highly decentralized and artists and cultural institutions rely on local and regional governments for much of their funding.⁵¹⁴ As such, determinations about which artists, cultural producers, and cultural events will receive funding, promotion, and other support is highly dependent upon which party holds local office. "The officials, especially in small towns [...] don't want to do anything that could

offend the local priests," Anna Demenko told us. She further explained that artists in Warsaw have much more freedom due to both its status as the capital of Poland, but also because of the local party. Our interlocutors cited this dependency on government funding as a reason for the prevalence of self-censorship among the arts community in Poland.

On a personal level, several of our artist and curator interlocutors described the stress that independent cultural producers carry as a result of professional dilemmas. They are faced with a decision: either modify their work and exhibits in a way that disregards their values or risk punishment for attempting to create or show controversial works openly. Marta Keil explained that self-censorship carries its own risks as a process and as a practice. "We had to learn how to describe our projects in a way that we would not say directly and explicitly what we want to do. It's really kind of like putting yourself in these shoes that don't fit at all, and that you can't really walk in. [...] It's like making a compromise that is not really worth it." She described her concern that self-censorship gradually reduces an artist's creative integrity, even when practiced for personal and professional preservation. "It's a dangerous and [...] humiliating process," Keil told us, explaining how this ultimately prevents anyone from "feeling proud or joyful about [a work of art] because you feel like it's been the result of a compromise."

Marta Frej echoed the same sentiment. She shared with AFI that when Ordo Iuris denounced one of her works to the prosecutor's office in 2021, she suffered legal, professional, and personal repercussions that have changed her artistic practice. In December 2020, Ordo Iuris filed a complaint to the prosecutor's office accusing one of Frej's artistic works of "Offending Religious Feelings." The work in question depicted a figure like the Virgin Mary wearing a face mask with a red lightning bolt on it, a symbol that has become synonymous with the women's reproductive rights movement in Poland. Frej was questioned by the prosecutor's office in June 2021 regarding her artwork.⁵¹⁵ Though she was found not guilty of the charges, the denunciation impacted her professional options. Ordo Iuris made social media posts about their denunciation of Frej's work, which were picked up and sensationalized by conservative media outlets, including TVP 1 and the national news daily Dziennik, who claimed that Frej's work was "scandalous" and "insulting."⁵¹⁶ Frej shared with AFI that, following the denuncia-

tion, Empik, Poland's largest bookseller, expressed hesitancy to Frej's publisher about carrying her new book due to the controversy. Though the bookseller ultimately agreed to a limited release of the book in some of their stores, Frej was discouraged by the event and surprised that a mere accusation of "Offending Religious Feelings" could result in the loss of professional opportunities. Wary of social, legal, and professional repercussions, Frej now routinely consults a lawyer before publishing new works. While she continues to engage with controversial topics in her art, she shared with AFI that she does feel that her creativity has been negatively impacted by the event.

"The reality is that I can't actually ascertain the degree to which I engage with self-censorship now — I don't know how many ideas I've reconsidered because I was tired and fed up and didn't want to worry about someone showing up to my house to drag me to the prosecutor's office."

In another example, Frej described how she "agreed to not exhibit" some of her works because the curators associated with them could potentially face consequences for showing them. "I agreed to not exhibit them," she told us, "because I did not want to cause someone to lose their job." She went on to say: "I think we're starting to live in a country where we're always looking behind our backs when we express our thoughts." She described online bullying and the rise of right-wing attacks against artists and galleries, particularly those working with LGBTQ+ topics. She gave the example of the Galeria nad Wisłą in Toruń, which was destroyed by a neo-Nazi militia after showing an artistic project by Liliana Piskorska which depicted lesbians. "There is an expanding tolerance of violence in public spaces, and this is ongoing," she explained, detailing her personal experience of being threatened by the All Polish Youth. "They said that they would demolish my exhibit if it were opened," she told us. "They wrote this on social media, on the page of the gallery, and on my page as well." Though the exhibit did open, Frej emphasized that the gallery would be less likely to host such an event today, as fears of violent retaliation are on the rise. "There are militias that are capable of attacking exhibits and destroying galleries [...] there is an atmosphere that seems

more permissive of violence. We are more afraid now, and there are more threats."

Discrimination Against LGBTQ+ Artists and Cultural Producers

"LGBTQ+ individuals have come to the forefront because of the government's targeting of them and the Catholic Church's open antagonism, as well as the repetition of hostile slogans by people in power, all with the aim of marginalizing them." – Marta Frej, Visual Artist, Poland

Several of our interlocutors detailed the dire personal and professional environment for LGBTQ+ artists in Poland. Avtomat, a composer, DJ, producer and vocalist, described how PiS strategically weaponize the LGBTQ+ community "as a political tool, as a boogeyman for the masses to scare them into voting for the far right." In contrast to the early 2010s, when talks of civil partnerships in Poland suggested increasing rights for LGBTQ+ individuals, Avtomat detailed a progressively deteriorating environment for LGBTQ+ rights in contemporary Poland.⁵¹⁷ "I think it's called the 'boiling frog strategy,'" he told us. "If you put the frog into boiling water, it's going to jump out because of muscle spasms, but if you increase the temperature really gradually it's going to boil alive. I think that's what they have been doing to [the LGBTQ+ community]." He believes that the situation is particularly critical for LGBTQ+ individuals outside of major urban centers and in rural areas. "The suicide rates have sky-rocketed," he said. Avtomat also detailed how a 'don't ask, don't tell' approach to LGBTQ+ sexual orientations in Polish society inhibits the work of many LGBTQ+ artists. "It's kind of hard, at first, to embrace your own queerness in your art, because you see it as something that is not necessary to broach," he said. "Maybe because 'Keep it to yourself' as everyone says, or 'You can be gay, but do it in private' is the sentiment that has been drummed into us since childhood." Avtomat was arrested on August 7, 2020, for participating in protests against the arrest of transgender activist Margot Szutowicz. The police detained 48 people as a result of these protests and used violent tactics against them.⁵¹⁸ The event is now commonly referred to as the Rainbow

“We [independent cultural producers] all have been crippled and cannot do things that have true meaning, true value, to educate society against

xenophobia, racism

and transphobia”

– Marta Frej

Night.⁵¹⁹ Avtomat explained how this environment makes him question whether he wants to remain in Poland. “I’ve been in a pretty feisty mode since the arrest [in August 2020], but for the last year or so, it has been really hard,” he explained. “I’ve been like, ‘Do I really need to be in a toxic relationship with my own country?’”

Pawlak described why his own arrest at the same protests was a crucial turning point for him. “That event influenced me a lot,” he explained. “After that I started to consider moving out of Poland. I was a patriot and working in culture is also something patriotic [...] I spent all my life working not for money, but to work for a mission [...] to be a good citizen of the country. And then I was just arrested after protesting outside. And it was just because I’m gay. That was really intense and traumatic.” The arrest was a catalyst for Pawlak to make the complex and emotionally challenging decision to leave Poland for Germany. He described the inherent trauma of growing up as a gay man in Poland, where violence against the LGBTQ+ community and a total lack of rights are normalized. “You think,” he said, ‘I don’t have rights.’ Then I started to travel to Berlin and abroad and I saw it could be different [...] there are places where I could feel more safe, more stable, more free.” Pawlak explained that the decision to move from Warsaw to Berlin makes him sad and angry, especially because his whole artistic career was built in Poland and in the Polish language. “All my work, abilities, and skills are in the Polish language and culture, now I will have to lose that,” he said. But the decision to leave Poland, albeit fraught, is one that prioritizes his safety and well-being as a gay, disabled culture worker. “I decided that it was time for me to break my relationship with Poland after years of harassment and violence,” he explained. “I just want to have one or two or three years of safety, peace, and relaxation [...] I’m not moving to Berlin because of work. It’s a decision about life, about a place to live daily with no fear, feeling safe. [In Poland], really if I just go outside and I take the hand of the person I love and we’re going through the city, I feel fear. When I’m in Berlin, I feel safe. That’s the big difference.”

Several of the interlocutors that AFI interviewed emphasized the increasingly bold resistance of the arts community in Poland despite the pressure they face from the current administration to conform. Avtomat discussed how increasing anti-LGBTQ+ sentiment has made some LGBTQ+ artists—especially the young generation—more ready than ever to “push the envelope.” Following his arrest in August 2020, he described feeling increasingly agitated as a result of his reflections on the event. In November 2020, he released his first solo EP entitled *Gusta (Human Rites)*, which featured an update on a track he previously released in August 2019 as part of the ORAMICS’ *Total Solidarity* music compilation.⁵²⁰ The track sampled a homophobic quote from a Polish MP; it quickly became popular online and inspired viral memes about LGBTQ+ issues in Poland. “The fact that my EP was so politically charged was because I had just been arrested in August, which was two months before the EP was released. So, naturally, I put all my aggression and all of my disappointment into the music.” Avtomat also explained that grassroots organizations have made a concerted effort to create new professional opportunities for LGBTQ+ artists amidst increasing government violence and suppression. Avtomat highlighted the work of LGBTQ+ artist collectives Heavy Glitter and ORAMICS to increase the representation of LGBTQ+ artists at events across Poland and the EU. Importantly, he also emphasized the efforts of Poland’s LGBTQ+ community to produce and curate new spaces and events meant for their community. He described these efforts as extremely draining for many, but also stressed that they are crucial for the safety, wellness, and creative growth of the community.

Conclusion

"In Poland soon there won't be anything

to go see beyond images of lilies."

– Marta Frej, Visual Artist, Poland

All of our interlocutors described the structural transformation of Poland's arts sector under PiS as a disservice to all Poles, as it represents a huge loss to the country's culture and creative diversity. "I still hope that it is possible that democracy will be somehow protected," the anonymous art historian and curator explained, echoing both the desire for change and the fearful uncertainty about the future that the rest of our interlocutors expressed. "We are of course scared that it could go the way it went in Hungary or in Belarus. I still hope that this is somehow temporary. I don't know when it will end."

In contextualizing the legal, policy and administrative changes in the arts and cultural sector in Poland, the artists and culture workers interviewed in this report articulated the financial, aesthetic, and psychological impact of the current environment in the country. For international and domestic stakeholders in the field, it is critical that artists' perspectives play a key role in any advocacy efforts on artistic freedom in Poland. The next section will detail the critical initial steps that must be taken to reverse the dangerous trend towards artistic autocracy.

Policy Recommendations

Policy Recommendations

Freedom of artistic expression is an indispensable democratic value that allows creative, uninhibited, and pluralistic cultural scenes and industries to thrive, generate equally diverse and curious audiences. However, Poland's recent restrictions on artistic freedom have fractured creative communities, frayed at artists' rights, and limited the public's access to robust and diverse cultural productions. It is the positive obligation of regnant political and cultural institutions, legislators, as well as the general leadership of the cultural scene, to realize a sustainable environment for artists to freely exercise their creative rights and endeavors.

The following legal and policy recommendations reflect on the PiS party's recent acts of creative suppression, take into account the structural inter-dependencies of the Polish cultural scene, and are designed to assist stakeholders in the field, working to repair Poland's arts and cultural sector.

Recommendations to the Polish Government, Parliament and related institutions:

1. Affirm Poland's commitment to foster an **enabling environment** for a vibrant, diverse, independent and critical arts and media sectors.
2. Guarantee that the **rights of all artists and arts organizations are promoted, respected and protected**. Artists should be free from intimidation and threats and any violations should be investigated through an independent body.
3. Ensure that Poland's **legislation is in compliance with international and regional obligations** on freedom of expression, in particular Article 11 of the EU Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights. This should include, but not be limited to:
 - a. Repealing Article 196 of the Penal Code, or Poland's "blasphemy law";
 - b. Decriminalizing Poland's defamation law under Article 212 of the Penal Code;
 - c. Repealing or decriminalizing Articles 133, 135, 137, 226, which prohibit defamation of the Polish nation, the President of Poland, national symbols and public officials, respectively; and
 - d. Repealing Poland's Holocaust Law, which outlaws the assignment of responsibility to Poland or its people for crimes committed during the Holocaust.
4. Institute legislative and policy changes to **ensure independent management** of national and regional arts and cultural institutions.
 - a. Establish a policy of open competition and merit-based hiring practices for directorships and other managerial roles in all arts and cultural institutions;

- i. Ensure the transparency and accountability of hiring practices by making candidates' applications for the position public;
 - ii. Reform the Act on Organizing and Running of Cultural Activity of October 25, 1991, to remove the absolute veto power of the Ministry of Culture in hiring decisions;
 - b. Standardize independent hiring committees with representatives from local trade unions, artists associations, cultural institutions along with representatives from the Ministry of Culture; and:
 - c. Respect arts, cultural and historic museums' autonomy in presenting evidence-based narratives of World War II.

5. Implement the Council of Europe Committee of Ministers' Recommendation No. R (96) 10, calling for the independence of public service broadcasting.

 - a. Follow the recommendation of the Council of Europe that the "procedure for the selection and appointment of members of the National Media Council should be transparent [and] ensure that those appointed are properly qualified to do the job, independent of political influence[,] and represent the diversity within Polish society."⁵²¹
 - b. Take appropriate legal and policy measures to prevent individuals and organizations from initiating lawsuits designed to intimidate artists exercising their right to free expression.

6. Guarantee the availability of subsidies and grants for independent arts institutions and a transparent, merit-based process of awarding grants. In particular this should include:

 - a. Ensuring that underrepresented and minority communities benefit from funding, including, but not limited to LGBTQ+, feminist groups, women-led institutions, refugees, Jewish communities, and persons with disabilities.

Recommendations to the European Institutions, Council of Europe, United Nations, and other national and regional bodies:

1. Maintain pressure on Poland to bring legislation and practice into compliance with Poland's international and regional obligations in particular the EU Charter of Fundamental Rights and the European Convention on Human Rights
2. Support Polish artists and cultural producers through public statements, political support, solidarity, and other action.
 - a. Continue to raise attention in the European and other parliaments including through monitoring missions, reports, and resolutions.
 - b. Provide ongoing platforms and possibilities for exchange between Polish arts organizations and their peers and counterparts internationally and across the region as well as support for cross-sectoral exchange and collaboration - for example with journalists, NGOs, and lawyers.
3. Investigate the **use of European Union and other funds** and ensure that their use complies with EU law, as well as international and regional human rights standards. Where there are structural deficiencies in the respect for the rule of law, guarantee the full use of EU instruments including the new EU Rule of Law conditionality mechanism and provisions included in other funding regulations. Employ similar monitoring and action regarding the use of other international and regional funds.
4. Guarantee the **availability of funding** for independent arts, academic and culture organizations in particular those working with, and led by under-represented communities, minorities and disadvantaged groups. Ensure scholarships, fellowships and exchange programmes are available to artists and academics at risk and that funding is available for legal and advocacy organizations to monitor artistic freedom and where necessary engage in international and regional advocacy and strategic litigation.

5. Continuously **review and take swift legal action** where legislative and policy reforms violate freedom of expression and the rights of arts and cultural organizations.
6. Accept and implement recommendations made during Poland's upcoming Universal Periodic Review (2022), the UN Special Rapporteur on Cultural Rights' Assessment (2018), Committee on the Elimination of Discrimination (2019), and the UN Human Rights Committee report (2016).
7. Recognize the impact of violations against arts and cultural organizations on the overall respect for the rule of law, the European Council should make concrete recommendations to Poland under the ongoing Article 7 proceedings and follow up with a timely assessment of implementation. This should include recommendations on the independence of media, arts and academic institutions.⁵²²



2.5 filipinki (Get the f*ck out)
By Marta Frej

Conclusion

In this report, AFI has called attention to key changes in the governance of Polish arts and culture occurring under PiS that undermine or otherwise threaten the rights of the artist and the greater artistic community in Poland. We highlighted how legal policy changes under PiS—particularly prosecutions under Poland’s blasphemy and defamation laws—have significantly limited free creative expression. We emphasized how PiS has overhauled Poland’s major arts and culture institutions by deprofessionalizing directorial hiring processes and making appointments based on party loyalty. We detailed how PiS’s efforts to control major broadcasters and limit media plurality have created a media apparatus that denigrates the work of artists whose views misalign with social and political conservatism. Lastly, and of particular importance, we have drawn attention to PiS’s emboldening—through both funding and supportive rhetoric—of non-state actors to intimidate minority artists.

AFI shares the concerns expressed by our interview participants regarding the suppression of artistic expression in Poland under PiS. AFI supports the artists, cultural producers, and artistic activist groups and organizers highlighted herein; we stand by their calls to re-professionalize the arts and culture sector, to promote diverse viewpoints in the arts, and to foster societal values of inclusivity and respect for human rights. In solidarity with them, and with the larger artistic community in Poland, we call on the Polish government to take immediate action to safeguard and promote the right to free creative expression for all artists and cultural producers, regardless of their political beliefs, religion, race, sexual orientation, or minority status.

Finally, this report has exposed violations of Poland's commitments to international and EU human rights instruments. Based on this knowledge, we have published a list of actionable recommendations for the Polish government to remedy said violations and to reinvigorate the democratic processes that facilitate the production of arts and culture nationally.

Note of Thanks

AFI would like to thank everyone who supported this report, most notably the artists and cultural producers who spoke with us during the course of our research. Their contributions helped illuminate both the tangible and intangible impacts of censorship and other forms of artistic suppression on the Polish artistic community. We would like to extend a special thanks to Polish visual artist Marta Frej for kindly donating her artwork to this project.

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Index one

Incidents Involving an Act or Attempted Act of Censorship

November 2015 - Minister of Culture Piotr Gliński requested the cancellation of the play *Death and the Maiden* in Wrocław. The regional governor did not comply with the order and the production continued.

November 2016 - State-run television station TVP canceled the broadcast of three films: *Pokłosie* by Władysław Pasikowski, *In the Name of...* by Małgorzata Szumowska, and *Citizen* by Jerzy Stuhr. Two of the films presented themes on sexuality and the Holocaust that clashed with the orthodox narratives promoted by PiS; one was directed by a prominent critic of the party.

November 2016 - TVP removed Paweł Pawlikowski's film *Ida* — the first Polish film to be awarded the Oscar for Best Foreign Language Film — from its scheduled broadcast, as the film has repeatedly proven to be problematic for the PiS-approved narrative on the Holocaust.

December 2016 - Poland's Ministry of Foreign Affairs allegedly instructed the Polish Cultural Institute in Vienna to no longer include writer Martin Pollack in its programming after he wrote articles critical of PiS.

February 2017 - The Director of the Polish Cultural Institute in Vienna, Rafal Sobczak, canceled an exhibition featuring the work of Monika Piorkowska because her work touched on gender issues and was critical of "the homeland."

May 2017 - TVP removed Polish pop music star, Kayah, from the lineup for the National Festival of Polish Song in Opole, allegedly for her outspoken support of abortion and her active involvement in anti-PiS protests. The remaining artists boycotted the show and the festival was canceled for the first time since 1982.

May 2017 - The producers of the play, *The Curse*, were investigated for the charge of incitement for the production's controversial portrayal of the Catholic Church. When charges were ultimately not filed, right wing groups attempted to block the entrance of the theater to disrupt the performance.

December 2017 - The Director of the Museum of the Second World War removed a film showing civilian suffering during the war and replaced it with a propagandistic movie on the Polish military's heroism.

September 2018 - TVP allegedly censored part of director Wojciech Smarzowski's acceptance speech after he won several awards for *Kler* (Clergy) at the Festival of Polish Feature Films. *Kler*, which centers around the corrupt practices of Catholic priests in Poland, drew the ire of senior members of PiS, including Deputy Culture Minister Jarosław Selin, who accused the film of perpetuating "negative stereotypes" about the Church.

November 2018 - The Olsztyn-Południe District Prosecutor's Office launched an investigation into an exhibition at the Dobro Gallery for several works suspected of offending religious feelings. After over three years of investigations, the prosecutor discontinued the proceedings due to lack of evidence.

April 2019 - The Director of the National Museum in Warsaw, Jerzy Miziołek, removed works by four well-known feminist artists, Natalia LL, Katarzyna Kozyra, and the duo Karolina Wiktor and Aleksandra Kubiak, stating "certain topics related to gender shouldn't be explicitly shown." After considerable public backlash, the works were restored.

May 2019 - Artist Elżbieta Podleśna was arrested under Article 196 for offending religious feelings after distributing posters entitled "Maria of Equality." She stood trial but was acquitted in March 2021.

July 2019 - Ordo Iuris referred a case against feminist artist Dominika Kulczyńska to the state prosecutor for a controversial depiction of the Virgin Mary, alleging a violation of Article 196.

January 2020 - The district prosecutor office in Radom initiated an investigation of the Łódź Kaliska group, which exhibited a work showing a naked woman set against the national emblem of Poland.

After one year, the Prosecutor declined to file charges against the artists. The Minister of Justice ordered the district prosecutor to review the decision to discontinue the investigation.

January 2020 - "Your Pain Is Better Than Mine," a hit song by Kazik Staszewski, was removed from Radio Trojka's website. "Your Pain" had been voted the most popular track of the week, but soon after the chart positions were announced, links to the chart were disabled and all news about the song was scrubbed. The song was critical of PiS leader Jarosław Kaczyński.

February 2020 - Piotr Bernatowicz, the far-right Director of the Ujazdowski Castle Center for Contemporary Art (CCA), pulled the funding for a solo show for Belgian artist Miet Warlop. The cancellation was purportedly for ideological reasons, as Warlop publicly protested Bernatowicz's appointment to the CCA.

March 2020 - The Adam Mickiewicz Institute abruptly withdrew funding for a production of Krystian Lupa's adaption of Kafka's *The Trial*, which was to be performed at the Skirball Theater in New York University, for its unflattering portrayal of PiS. The play was ultimately canceled.

February 2021 - The local prosecutor's office in Opole launched an Article 196 investigation into Tomasz Mróz. The work in question, *What to do While Waiting?*, was featured at the Gallery of Contemporary Art. While the prosecutor decided not to proceed with any criminal action, another investigation for a violation of Article 196 was launched in April 2022.

February 2021 - Marcelo Zammehoff was charged with offending religious feelings by publicly insulting objects of religious worship and insulting the flag of the Republic of Poland for a work that depicted religious figures and national symbols against the background of vaginas.

March 2021 - The National Film Archive and Audio-visual Institute (FINA) canceled the HER Docs Foundation's virtual film festival, "Herstories for Women's Day." The event organizers believe that the involvement of two feminist films—Karina Paciorek's *You Are Overreacting* and Weronika Jurkiewicz's *The Vibrant Village*—in the festival line-up were the reason behind FINA's decision.

May 2021 - The Cricoteka in Krakow took down two works that were critical of the government, including a collective of works displaying banners from the 2020 anti-abortion protests.

June 2021 - All-Polish Youth filed a criminal complaint against artist Szymon Szymankiewicz claiming that his work depicting the logo of the Underground State was a mockery of the “Polish symbol of the fight for freedom.”

June 2021 - The Rector of the Academy of Music in Gdańsk canceled a planned student-run broadcast due to the inclusion of a song by Natalia Cape-lik-Muianga which was critical of PiS’s rule. Professor Maciej Grzywacz spoke out against the act of censorship and was subsequently let go by the university.

July 2021 - Local law enforcement in Wrocław confiscated a collage by artist Beata Śliwińska, which foregrounds a Modigliani painting of a naked woman over the Virgin Mary of Guadalupe. The prosecutor’s office ordered the seizure of the work—which was displayed on the wall of a pizza restaurant—in order to investigate whether it offended religious feelings.

August 2021 - The district prosecutor’s office in Białystok investigated a work by Karol Radziszewski, entitled “Fag Fighters,” for offending religious feelings. Ultimately, no charges were filed.

September and October 2021 - Four municipalities sued documentary filmmaker Bartosz Staszewski for defamation after he posted signs reading “LGBT-free Zone” on the roads leading to the towns. While at least one suit has been dismissed, several remain active.

November 2021 - National Philharmonic in Warsaw canceled a performance of Polish composer Paweł Szymański’s piece *It’s fine, isn’t it*, which featured a controversial public statement by PiS leader Jarosław Kaczyński.

December 2021 - The artist Tomasz Opania agreed to have his work, “Ritual – Border,” removed from an exhibition at the Browar Mieszczański after a private party intended to file a report to the prosecutor’s office for degrading a national symbol.

December 2021 - The Director of the Silesian Museum ordered artist Michał Krawiec to change the title of his work *We Are Here. Holiday 2015 / Lex Szyszko / River trip* for its veiled critique of PiS’ former Minister of the Environment. The artist eventually agreed to the removal of the title.

December 2021 - The Małopolska Garden of Art in Krakow removed two installations after the opening of the exhibition *ID-Tentity*: Grzegorz Piotrowski’s work depicting a naked male and Lukasz Pawłowski’s animated video showing avatars having intercourse.

January 2022 - Ordo Iuris reported a performance of the play *Radio Maria* to the state prosecutor, alleging violations of Articles 196 and 257 of the Polish Criminal Code for offending religious feelings.

Index two

Significant Interferences into Arts and Cultural Institutions

November 2015 - Less than one year following the controversial production of Elfriede Jelinek's book Princess Dramas: Death and the Maiden I-V at the Polish Theater in Wrocław, the theater's director, Krysztof Mieszkowski, was removed from his position. He was replaced by Cezary Morawski, who canceled several of the theater's regular shows upon assuming his new role.

April 2016 - Minister Gliński removed Grzegorz Gauden as head of the Polish Book Institute. Gliński had previously criticized Gauden for sidelining conservative authors at the Institute. Without an open competition, he appointed Dariusz Jaworski, a journalist and politician who had served as Deputy Mayor of Poznań for the Civic Platform Party, as a replacement. As director, Jaworski has made a concerted effort to promote religious and conservative authors that he claims have been neglected under the Institute's previous leadership.

July 2016 - The Ministry of Culture fired the director of the Adam Mickiewicz Institute, Paweł Potoczyński, despite the Institute's popularity and success during his tenure. Potoczyński was dismissed, in part, for his failure to highlight artists "inspired by Christian values." While a Polish labor court ruled the dismissal unlawful, the Ministry of Culture ultimately appointed pro-PiS journalist and self-described "anarcho-conservative" Barbara Schabowska as director in June 2020, despite her lack of experience in cultural diplomacy.

December 2016 - The Foreign Ministry fired the director of the Polish Culture Institute in Berlin, Katarzyna Wielga-Skolimowska. The reasons for her firing became clear in a leaked letter by the Polish ambassador to Germany, stating that Wielga-Skolimowska exhibited "too much Jewish content."

February – March 2017 - Following the controversial merger of the Museum of the Second World War with the Westerplatte Museum, the Ministry of Culture removed renowned historian Paweł Machcewicz as director of the former institution. Prior to Machcewicz's removal, PiS had taken issue with his holistic approach of showing historical accounts of collaboration, resistance, and victimization of various groups—including Poles—during World War II. The Ministry of Culture declined to hold an open competition for Machcewicz's replacement, and instead appointed Karol Nawrocki, a historian known for promoting nationalist historical narratives of Poland.

March 2017 - In 2017, the Ministry of Culture appointed military historian Zbigniew Wawer to lead the Royal Łazienki Museum in Warsaw, without holding a public competition. Mr. Wawer is associated with PiS and Mr. Gliński, having served as his

plenipotentiary to the Museum of the Second World War in Gdańsk. Though Mr. Wawer has an extensive background in Polish military history, he does not have direct experience with the Museum's focus areas of Polish cultural heritage and visual arts.

July 2017 - Jan Klata, Director of the National Stary Theater in Krakow, was not reinstated to his position following an open-competition for the position. During his time at the National Stary Theater, he faced backlash from religious groups in Poland for staging plays critical of the Catholic Church and PiS. Right-wing groups had protested some of Klata's productions that they deemed critical of their Catholic beliefs, and they urged Minister Gliński to remove the director for his 'offensive' plays.

October 2017 - The director of the Polish Film Institute, Magdalena Sroka, was suddenly ousted from her role at the institution by the Ministry of Culture. Gliński claimed that the reasons for Sroka's dismissal stemmed from a violation of her professional responsibilities and the Institute's legal regulations. The Institute's board of advisors publicly stated that they did not find Sroka to be in violation of the responsibilities or regulations. Shirking the board's findings and recommendation to keep Sroka in her position, the Ministry of Culture removed Sroka as Director the same month.

November 2017 - Mr. Gliński declined to appoint the eminently qualified Małgorzata Omilanowska to head the Royal Castle Museum in Warsaw, despite the fact the Trustees of the Museum recommended her for the position following an open competition. Gliński ultimately appointed Wojciech Fałkowski in November 2017, who previously served as PiS's Deputy Minister of National Defense.

July 2018 - The Ministry of Culture announced their decision not to renew the contract of Dorota Buchwald as director of the Zbigniew Raszewski Theater Institute. After an evaluation committee tasked with recommending a candidate to replace Buchwald failed to identify a replacement, Minister Gliński canceled the open-competition and unilaterally appointed Elżbieta Wrotnowska-Gmyz, a theater expert with no experience managing a large public institution. Notably, Wrotnowska-Gmyz ran unsuccessfully for local office as a PiS candidate in 2016.

November 2018 - Mr. Gliński appointed Dr. Jerzy Miziołek as head of the National Museum in Warsaw, without an open competition. Miziołek did not possess significant directorial experience, having previously only managed the University of Warsaw Museum, a small institution employing only 8 people—in contrast, the National Museum in Warsaw has a staff of over 650 employees.

February 2019 - The Ministry of Culture furthered its efforts to rewrite Poland's history when Mr. Gliński rejected an independent committee's selection of Dariusz Stola to serve another five year term as director of the POLIN Museum of the History of Polish Jews. Although the Museum had been a great public success under Stola's previous five years as director, drawing roughly half a million visitors per year, Gliński took issue with Stola's public objection to a recently passed law that prohibits blaming Poland for criminal acts committed by the Nazis.

January 2020 - Alicja Knast was removed as director of the Silesian Museum by the Silesian Province Board. Following the announcement of her removal, Knast stated in a press conference that she believes her removal was due to her initial refusal to hold a PiS event at the Museum in 2019. Though she changed her decision and hosted the PiS event at the Museum after receiving what she referred to as an "ultimatum" from the government, her removal from the institution only months later suggests that her initial resistance to PiS proved consequential for her career.

February 2020 - In 2020, the Ministry of Culture chose not to renew the contract of Małgorzata Ludwisiak as director of the Ujazdowski Castle Centre for Contemporary Art (CCA). In February 2020, they appointed Piotr Bernatowicz, a right-wing conservative aligned with PiS's agenda. Since his appointment, Bernatowicz has canceled several exhibitions and performances planned by the previous director and has made a concerted effort to showcase works by artists aligned with PiS's nationalist, anti-EU and Catholic values.

March 2020 - The director of the Jaracz Theater in Łódź, Waldemar Zawodziński, was removed from his position. Jan Klata, who had been invited by Zawodziński to guest direct a performance at the Jaracz Theater months prior, claimed that Zawodziński's removal was a punishment from the

government for working with “blacklisted” directors, such as himself. Though an open competition for the directorship was held to find Zawodziński’s replacement, the committee ultimately did not select a candidate, despite receiving six qualified applicants for the role.

September 2020 - The Ministry of Culture announced that Dorota Ignatjew’s contract as director of the Ostwery Theater in Lublin would not be renewed and that an open-competition would be used to find the new director. In September 2021, Redbad Klynstra-Komarnicki was appointed director of the theater without an open-competition. Klynstra-Komarnicki is known for his conservative Catholic views and politics, notably his anti-LGBTQ+ stance.

March 2021 - The head of the National Film and Audiovisual Institute, Dariusz Wieromiejczyk, was removed from his position following his outspoken defense of the controversial Her DOCS Foundation’s 2021 film festival and his public criticism of the event’s cancellation.

March 2021 - Maria Czarnecka, an education and publishing manager at the National Bank of Poland with no museum management experience was appointed as director of the Silesian Museum following the controversial removal of Alicja Knast as director in January 2020 (see above).

April 2021 - Minister Gliński appointed former PiS prime minister, Beata Szydło, to the advisory council of the Auschwitz-Birkenau Museum. The selection of Ms. Szydło as a board member to one of the world’s most important museums dedicated to the Holocaust was troubling given that, as prime minister, she had denied the existence of racism and antisemitism in Poland and abolished Poland’s Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance.

September 2021 - The Academy of Music in Gdańsk fired long-time Professor Maciej Grzywacz, head of the University’s Department of Jazz and Popular Music, after he defended one of his students’ right to perform music with lyrics that were critical of Polish politicians and politics.

December 2021 - In December 2021 the Ministry of Culture announced that it would not renew the contract of the director of the Łódz’s Museum of

Art, Jarosław Suchan. PiS is reported to have found Suchan uncooperative, particularly in not letting the party use his space for public events. As a replacement, the Ministry of Culture appointed Andrzej Biernacki as the new interim director of the Museum of Art in Łódz, without holding a merit-based competition. As the new director, Biernacki has promised to de-emphasize pro-environmental, gender and queer art at the museum.

January 2022 - The Ministry of Culture declined to renew Hanna Wróblewska’s position as director of the Zacheta National Gallery of Art and instead appointed Janusz Janowski in her place, without holding an open competition. Janowski had no prior experience managing an art museum. Months prior to his appointment, Janowski publicly spoke against LGBTQ+ rights on Polish national radio, thus demonstrating an alignment with the values of PiS.

February 2022 - Krzysztof Głuchowski, the director of the Juliusz Słowacki Theater in Kraków, was removed from his position following a reinterpretation of the classic Polish play, *Dziady*, that included elements that were critical of PiS’s anti-EU stance, legislation banning abortion, and the Catholic Church’s influence in politics. Following his removal, Głuchowski shared with *Gazeta Wyborcza* the belief that his removal was a punishment for showing what PiS perceived to be an ‘anti-government’ play.

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