

### **The information provided by the Polish Authorities:**

In response to an alert published on the *Council of Europe's Platform to promote the protection of journalism and safety of journalists* on 29 October 2018 entitled "Public Radio Journalist Sanctioned for Refusing to Broadcast Discriminatory Information", Polish Authorities would like to inform you about the following.

Pursuant to information presented by the President of District Court for the Capital City of Warsaw in Warsaw, a case brought by Ms Dorota Nygren against Polskie Radio S.A. with the participation of Fundacja OKO.press and Organizacja Społeczna - Towarzystwo Dziennikarskie is pending before this court (7th Labour and Social Insurance Division) under file no. VII P 328/18. The case concerns claims for damages for violating the principle of equal treatment in employment and claims for remuneration.

Action in the above-mentioned case was filed in court on 23 March 2018 and on that same day, the President of the Division issued an order to register the case under a new number in repertory "P" and to draw the judge rapporteur in the SLPS system. The case was referred to the judge's section on 16 May 2018. On that same day, the judge rapporteur issued an order summoning the attorneys-in-fact of the plaintiff to make good any formal irregularities in the statement of claim by filing it in complete wording covering the missing tenth page and by submitting information about whether the parties had undertaken efforts to mediate or to take up other extra-judicial method of ending the dispute and in the event that such efforts were not undertaken – to explain the reasons for not taking them (Art. 187(3) of the Code of Civil Procedure). A procedural document that made good the formal irregularities in the statement of claim was filed in court on 4 June 2018. On 12 June 2018, the judge rapporteur issued an order to serve on the defendant a copy of the statement of claim containing a deadline for filing a response to the statement of claim, for filing possible motions as to evidence and a proposal for a settlement under pain of being passed over. On that same day, an order was issued to schedule the date of the trial for 12 October 2018 that summoned six witnesses to give testimony. At the trial, the presiding judge allowed Fundacja Oko.press to participate in the case, handed attorneys-in-fact of the parties copies of a document written by Towarzystwo Dziennikarskie dated 1 October 2018, and informed the defendant's attorney-in-fact about the contents of the procedural document filed by the plaintiff's attorney-in-fact. The defendant's attorney-in-fact argued that in view of the length of the procedural document of 2 October 2018 filed by the plaintiff's attorney-in-fact, which was shown to him, he needs to familiarise himself with its contents and with a document filed by the Stowarzyszenie handed to him by the Court. In view of the above, the judge rapporteur postponed the trial until 29 November 2018 and scheduled additional trial dates for 15 February 2019 and 22 February 2019. Witnesses were subpoenaed for each of these dates.

The plaintiff argues that on 2 September 2017, while working as an IAR journalist on a story intended for publication in its news service about an incident that took place in a church in Italy, during which a person insulted and attempted to rob a priest, she decided not to disclose the nationality of the person who made this attempt (a man of Moroccan origin) in her story. The plaintiff argues that she was later called by the IAR director and deputy director to explain the reasons behind her decision which she did invoking journalistic standards and ethical principles that prompted her to take the decision regarding the contents of the publication. Eventually, the plaintiff was transferred to the IAR documentation section.

The defendant challenged the stance presented by the plaintiff.

It should be noted that Ms Dorota Nygren has exercised her right to file a case in court claiming a violation of the principle of equal treatment in employment against Polskie Radio S.A. It should be underscored that Fundacja Oko.press and Organizacja Społeczna – Towarzystwo Dziennikarskie are taking part in the proceedings. The proceedings in the said case are pending and the grounds of the parties' positions will be reviewed and assessed by the court.