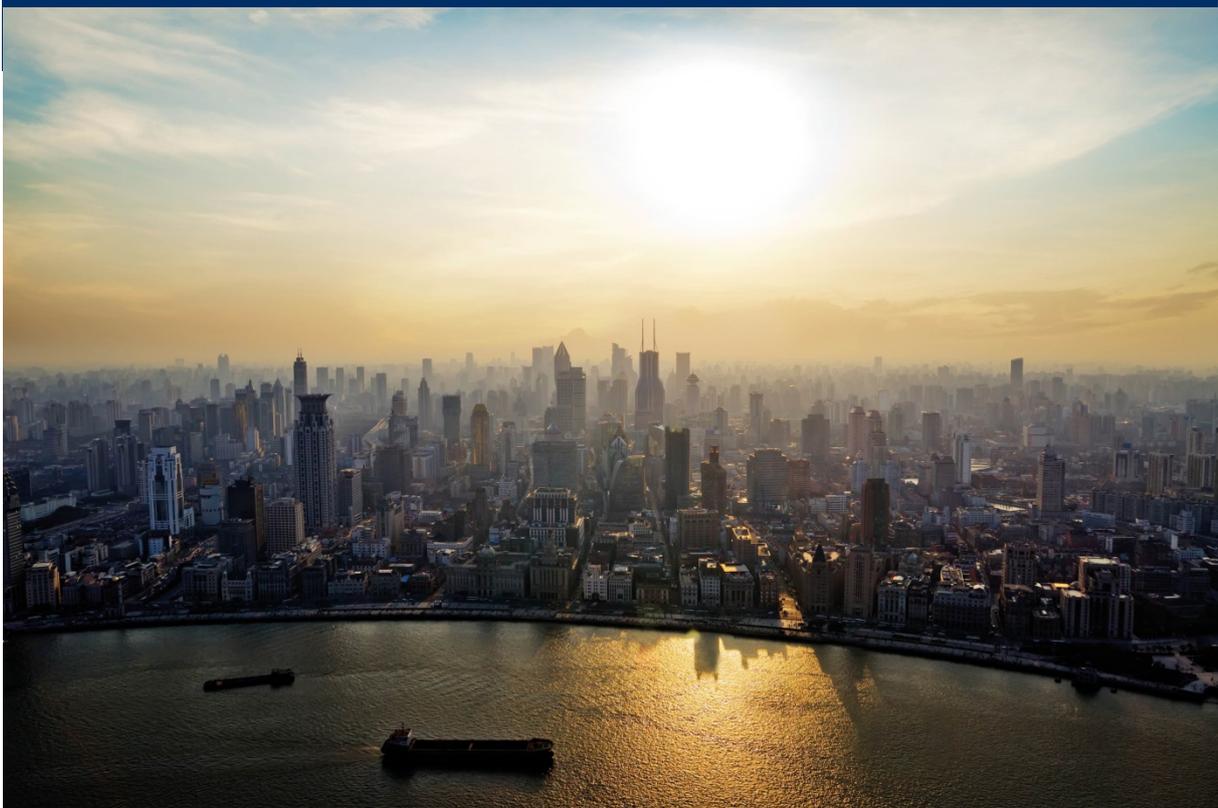


SGI Sustainable
Governance
Indicators

2015 Access to Information Report

Media Freedom, Media Pluralism, Access to Government
Information



Indicator

Media Freedom

Question

To what extent are the media independent from government?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Public and private media are independent from government influence; their independence is institutionally protected and fully respected by the incumbent government.
- 8-6 = The incumbent government largely respects the independence of media. However, there are occasional attempts to exert influence.
- 5-3 = The incumbent government seeks to ensure its political objectives indirectly by influencing the personnel policies, organizational framework or financial resources of public media, and/or the licensing regime/market access for private media.
- 2-1 = Major media outlets are frequently influenced by the incumbent government promoting its partisan political objectives. To ensure pro-government media reporting, governmental actors exert direct political pressure and violate existing rules of media regulation or change them to benefit their interests.

Estonia

Score 10

Estonia follows a liberal approach to media policy, with minimal legal restrictions. The Freedom of the Press Report 2014 classified Estonian media as “free,” with no change in rank compared to 2013.

The Estonian Public Broadcasting (ERR) company is constituted under the Estonian Public Broadcasting Act, and is governed by an eight-member Council. Based on the principle of political balance, five of these members are specialists in the fields of culture, while the other four represent political parties holding seats in the national parliament. Members of the ERR Council are elected every five years.

Finland

Score 10

Media independence is a matter of course in Finland. Media independence is guaranteed by the Act on the Exercise of Freedom of Expression in Mass Media from 2003, and supported by public and political discourse. A free and pluralist media is considered an important means for debate among citizens and the formation of public opinion. Finland has been ranked top the Reporters without Borders' Worldwide Press Freedom Index since 2009. Several factors contribute to this. Media consumption is high in Finland, which ranks first in the EU for relative rates of newspaper circulation. This high rate of media consumption guarantees a strong market and healthy competition promoting high quality journalism. Also, the

Council for Mass Media in Finland has successfully managed a system of self-regulation among media outlets. Furthermore, as Finland is one of the least corrupt societies in the world, there has been a lack of government intervention in press freedom.

Citation:

<http://en.rsfs.org/press-freedom-index-2013,1054.html>

Ireland

Score 10

In Ireland, public and private media are independent of government. RTÉ, the state-owned broadcasting company, is supported by fees from a mandatory license. It is obliged to give balanced coverage of political events and to guarantee access to a variety of political views. Access by political parties for electioneering purposes must also be balanced. The state broadcaster faces competition from private TV and radio stations and does not enjoy a monopoly in any area.

The Broadcasting Authority of Ireland (BAI) was established on 1 October 2009. It has to “ensure that the democratic values enshrined in the constitution, especially those relating to rightful liberty of expression, are upheld, and to provide for open and pluralistic broadcasting services.”

The Press Council of Ireland and the Office of the Press Ombudsman were established on 1 January 2008. Through it citizens have access to an independent press complaints mechanism that aims to be “quick, fair and free” and to “defend the freedom of the press and the freedom of the public to be informed.”

Press and government keep one another at arm’s length. Preferences and biases arising from the views of journalists and broadcasters undoubtedly exist in editorial matters, but there is sufficient variety of editorial opinion and adequate complaints procedures to prevent this from undermining the democratic process.

Controversy has surrounded the issue of the right of a newspaper to protect its sources, for example by destroying relevant documents. The European Court of Human Rights ruled that The Irish Times had to pay its own costs in a case on this issue filed against it by the state. The court commented that the costs ruling could have “no impact on public-interest journalists who vehemently protect their sources yet recognize and respect the rule of law.”

Norway

Score 10

Norway’s dominant TV and radio corporation is state-owned, but the media market is also populated by significant private TV and radio stations. Newspapers are

entirely in private hands, but receive state support. The state-owned broadcaster (NRK) is organized in a way that ensures considerable autonomy. The NRK is independent in its editorial policy, and the government does not intervene in the organization's daily practices or editorial decisions. However, since NRK is a non-commercial actor, it is largely financed by a fee that is compulsory for all citizens who have a television. The amount of the fee is set by parliament. The head of NRK reports to a board of directors. Board members are appointed by the government. An institution called the Broadcasting Council (Kringkastingsrådet) plays an oversight role, monitoring, debating and expressing views about the management and activities of the state-funded broadcast media. It can also provide advice on administrative and economic issues. The issues debated by the council can originate with the chairman of the state broadcasting organization or from the public (often in the form of criticism and complaints). The opinions expressed by the Kringkastingsrådet carry substantial weight, and recommendations from this council are usually implemented. Eight council members are appointed by the parliament, and an additional six by the government.

Newspapers are free from any government interference. The freedom of the press is explicitly guaranteed in the constitution; the constitutional article addressing press freedoms was amended and strengthened with a constitutional amendment in 2004.

Increased digital publications and changes in the media world have burdened many of the media houses. In addition, state aid to media (pressestøtte) is under pressure to be reduced. In sum, these factors might weaken the quality of the media and reduce its capability for reporting.

Sweden

Score 10

Media freedom in Sweden is valued and well-protected. The Swedish constitution's Freedom of the Press Act and the Fundamental Law on Freedom of Expression guarantee freedom of the press.

The media in Sweden operate independently from government. This is not to say that government is not present in the media sector, however. Government institutions offer financial support to newspapers (typically smaller newspapers) and also to magazines.

Furthermore, government is a leading owner of the public service companies Sverige Radio (SR) and Sveriges Television (SVT). The media market in Sweden has opened up considerably over the past couple of decades. Today, the SR and SVT face significant competition from privately owned and managed radio and TV channels. It is noteworthy that trust is especially high in public media (TV and radio), whereas trust in private media (especially TV) is low in Swedish society. Private media ownership is concentrated in a small number of major corporate actors inside and outside Sweden.

A precondition for the media to scrutinize government and hold elected officials to account is that the government provides access to public documents. During the last couple of years there appears to be growing frustration among the media against government departments for failing to provide public documents to the media or individual citizens. Government departments increasingly use information as a strategic means of communication. Nevertheless, Swedish government and administration still meet high requirements regarding transparency and publicity.

Citation:

Weibull, L., H. Oscarsson and A. Bergström (2013), *Vägskäl* (Göteborg: SOM-Institutet)

B. Johansson et al. (2014), *Det politiska spelet. Medborgare, medier och politiker i den representativa demokratin* (Lund: Studentlitteratur)

Switzerland

Score 10

Public- and private-sector media corporations are free from government influence. This is enshrined in the Swiss constitution. Although the federal government chooses the chairperson and some board members of the quasi-public nonprofit radio and television organization, it exercises no influence over the organization's daily reporting or journalistic work.

Denmark

Score 9

Press freedom is protected by section 77 of the Danish constitution, with certain restrictions concerning libel, blasphemy and racism, as mentioned elsewhere. Denmark's radio and privately run TV2 are governed by independent boards appointed by the minister of culture, the parliament (Folketinget) and employees. No MPs are allowed to be board members and legislation endeavors to assure that programs are impartial and diverse. There have been a few incidents in which board members have tried to influence specific programs or decisions taken by the management board of Denmark's Radio. State-run media are financed by an annual license fee, but the private TV3 uses commercials.

Private media, especially newspapers, used to have party affiliations, but such affiliations have lessened in recent years. The print media is VAT exempt and gets other forms of government support. Freedom House describes private media in Denmark as "vibrant." In their Freedom of the Press 2014, Denmark was on 9th place, behind other Nordic countries. The report mentioned a couple of events that may have pulled Denmark's score down. First, the court cases against the international satellite television station Roj TV (because of its connection with the Kurdistan Workers' Party (PKK), regarded as a terrorist organization by the EU) and a new access to information act adopted by the parliament in June 2013 which

prevents access to communications between ministers and their advisers.

Denmark previously score very high on the annual Press Freedom Index, published by Reporters without Borders. But in 2006, Denmark dropped to 19th place, mostly as a result of the fallout from the publication of the cartoon of Muhammad in a Danish newspaper, but Denmark's position since improved to 6th place in 2013 and 7th place in 2014 (being overtaken by Lichtenstein), but ahead of both Iceland and Sweden.

Citation:

Reporters without Borders, "Press Freedom Index 2013," <http://en.rsf.org/press-freedom-index-2013,1054.html> (accessed 16 April 2013).

Reporters without Borders, "Press Freedom Index 2014," <http://rsf.org/index2014/en-index2014.php> (Accessed 19 October 2014).

Freedom House, "Freedom of the Press 2012 - Denmark," <http://www.freedomhouse.org/report/freedom-press/2012/denmark> (accessed 16 April 2013).

Freedom House, "Freedom of the Press 2014 - Denmark," <http://freedomhouse.org/report/freedom-press/2014/denmark#.VEP9KuSEi70> (accessed 19 October 2014).

Zahle, Dansk forfatningsret 3: Menneskerettigheder. Copenhagen: Christian Ejlers' Forlag, 2007.

Lithuania

Score 9

Lithuania's media are not subject to government influence, and their independence is respected by the incumbent government. Private newspapers and independent broadcasters express a wide variety of views and freely criticize the government. In Reporters Without Borders' 2014 Press Freedom Index, Lithuania was ranked 32nd among 180 countries in terms of press freedom (an improvement of two positions compared to the previous year). Despite this generally satisfactory situation, court decisions and prosecutors' orders are sometimes a threat to media independence. The courts recently ruled that Lithuanian intelligence services had acted illegally in 2013 and 2014 by tapping the phones of journalists from the Baltic News Services. In addition, the media's independence could be compromised by the fact that the government remains one of the main advertisers.

Citation:

2013 WORLD PRESS FREEDOM INDEX, see <http://en.rsf.org/press-freedom-index-2013,1054.html>

2014 WORLD PRESS FREEDOM INDEX, see http://rsf.org/index2014/data/index2014_en.pdf

Luxembourg

Score 9

The country's media audience is small; the pluralistic media landscape is maintained mostly through generous direct and indirect press subsidies, from which the two big newspapers in Luxembourg mainly profit. One could argue that subsidies are an

indirect way of influencing media coverage, however, the government respects the independence of the media. The rules for granting subsidies are transparent, and not a subject of political debate.

Following Luxembourg's condemnation by the European Court of Justice in an affair related to the *Contacto* journal's investigative journalism, the country has returned to 4th place in the Reporters Without Borders' Press Freedom Index, the best result outside the Scandinavian countries. Moreover, following reformation of the Electronic Media Act in 2013, the new government will spend a greater part of its press subsidies on promoting online media.

Citation:

<http://www.legilux.public.lu/leg/a/archives/2004/0085/a085.pdf#page=2>

<http://www.legilux.public.lu/leg/a/archives/2010/0241/a241.pdf>

<http://www.luxembourg.public.lu/catalogue/medias/ap-medias/AP-Medias-2013-DE.pdf>

<http://rsf.org/index2014/en-index2014.php#>

<http://www.tageblatt.lu/nachrichten/luxemburg/story/Zukunftspaket-mit-258-Mae-nahmen-20169120>

Netherlands

Score 9

Freedoms of the press and expression are formally guaranteed by the constitution (Article 7). The Press Freedom Index 2014 ranks the Netherlands second after Finland, but ahead of Norway. Public broadcasting programs are produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These organizations are allocated TV and radio airtime that is relative to their membership numbers. In principle, broadcasting corporations are independent organizations responsible for their own programming, program content and budgets. However, broadcasting corporations are required to comply with regulations laid down in the Media Law (Mediawet, Stb. 1987, nr. 249). Also, the media budget is no longer financed by citizens as members of media associations. Instead, since 2000, it has been financed through general taxation and its funding will be further cut in the future and the number of media associations must be reduced from 21 to 8. The aim is to make the public media more efficient and simple. Some plans have suggested that public media focus on culture and education exclusively and leave entertainment to commercial media.

Since 1988, the Dutch Media Authority (Commissariaat voor de Media, DMA) has been charged with enforcing the Media Law. It guards the independence, quality and diversity of information provided by public and private broadcasting corporations alike. The DMA also guarantees the non-commercial character of the public broadcasting system, and a level playing field for public and private media. Public media face stiff competition from commercial stations, which mushroomed after a 1988 law lifted the ban on commercial broadcasting.

The DMA is an independent governmental authority with its own autonomous tasks and discretionary space. Although the DMA has the right to make decisions on its

United States

Score 9

The United States maintains an unusually rigorous version of media freedom, based on the language of the First Amendment to the U.S. Constitution. In general, government interference in the media sector has been nearly non-existent. News organizations are rarely subject to damage suits, even for clearly false accusations against government officials, because the Supreme Court has set a severe standard for libel suits in the case of public figures. They are rarely enjoined against publishing information because of court policies virtually prohibiting “prior restraint.”

The United States has tolerated some damage to governmental or national interests through the publication of secret information. In 2010, newspapers published excerpts from hundreds of classified American diplomatic cables illegally leaked to WikiLeaks, which in some cases embarrassed American officials or close allies. The U.S. government did not prosecute or even attempt to stop the newspapers, including the New York Times, from publishing the leaked information; the newspaper had not acted illegally in obtaining the documents. However, the member of the U.S. military that illegally provided the documents – Chelsea Manning – was convicted of espionage, theft and fraud. In 2013 and 2014, many U.S. newspapers reported on vast numbers of highly sensitive documents that had been leaked by a National Security Agency contractor, Eric Snowden. According to Reporters without Borders, U.S. journalists were stunned by the Department of Justice’s separate seizure of Associated Press phone records, without warning, in order to identify the source of a CIA leak. This incident served as a reminder of the urgent need for a “shield law” to protect the confidentiality of journalists’ sources at the federal level. However, the revival of the legislative push for such a measure is little consolation for James Risen of The New York Times, who is subject to a court order to testify against a former CIA employee accused of leaking classified information. It is still less comfort for Barrett Brown, a young freelance journalist who as of the time of writing faced 105 years in prison for posting information obtained by hackers from Statfor, a private intelligence company with close ties to the federal government.

Citation:

Reporters without Borders, World Press Freedom Index 2014, <http://rsf.org/index2014/en-index2014.php>

Australia

Score 8

Media organizations – both public and private – are largely independent from government, although the main public broadcaster is accountable to a board of directors appointed by the government. Censorship is mainly restricted to material of a violent or sexual nature. There are, however, several potentially significant threats to media independence. For one, regulation of ownership of media is politicized and

some owners are regarded as favorable to the incumbent government. Also, the Anti-Terrorism Act 2005 allows for control orders to restrict freedom of speech by individuals and the freedom of the media to publish their views. The National Security Legislation Amendment Bill passed in 2014 also restricts the ability of journalists to report on secret intelligence operations, including specifying up to 10 years in jail for exposing errors made by security agencies. The implications of these two pieces of legislation for media freedom have not yet been tested in court.

Belgium

Score 8

Some of the main public television and radio stations are managed by representatives of the main political parties; the head of the main French-speaking public media company actually is appointed by the government and claims an official post comparable to that of a civil servant. Regardless, the journalists at the company work free from direct control or political influence, even though some reporting appears excessively lenient on some of the government's main representatives. The country's main private television and radio stations in general operate independently from political parties, even though some interpersonal connections exist at the levels of upper management.

Privately held press organizations are largely independent, and they scrutinize public activities increasingly well, though their level of financial resources is sometimes problematic.

Canada

Score 8

The only publicly owned media organization in Canada at the national level is the Canadian Broadcasting Corporation (CBC), which runs radio and television stations. Its independence from government control is ensured by statute. However, this independence has limits. For example, it is unlikely that Radio-Canada, the French-language division of the CBC, would be permitted to advocate the breakup of the country. Privately owned media organizations can of course take any political position they wish. The only leverage held by the government over these media organizations is its power to choose where to advertise or where to inform the public of government policies and programs. In theory, if a government does not like the viewpoint of a particular media outlet, it can use the retraction of government advertising as a punishment. This is seldom done by the federal government or provincial governments, but is more common on the part of municipal governments. Electronic media are subject to licensing requirements, but this regulation is performed by an independent body, the Canadian Radio and Television Commission (CRTC), without overt political influence. The federal government does appoint the members of the CRTC, as well as the head of the CBC. Recent cuts in the budget of

the CBC have resulted in severe budget shortfalls over the past few years. The CBC has consequently engaged in considerable downsizing, with layoffs of about 25% of its employees projected by 2020.

Chile

Score 8

In general, the rules and practice of media supervision guarantee sufficient independence for public media. Privately owned media organizations are subject to licensing and regulatory regimes that ensure independence from the government. The latest Freedom House Index (2014) on the issue of freedom of the press classified Chile as “partly free.” The index takes into account “the legal environment in which media operate, political influences on reporting and access to information, and economic pressures on content and the dissemination of news.” Chile has been stuck at this level since 2012, following increased numbers of arrests and heightened pressure on journalists – particularly photographers – covering the education protests across the country during the years 2012/2013. By contrast, another index released in January 2013 by Reporters Without Borders placed Chile at 58th, a rise of two spots from the previous year. Given Chile’s media landscape and its ideological and economic concentration, the degree of government influence over the media depends largely on which coalition is leading the government.

Citation:

<http://freedomhouse.org/report/freedom-press-2014/press-freedom-rankings#.VBiMnmMXOFh>

<http://rsf.org/index2014/en-index2014.php>

Czech Republic

Score 8

The Czech Republic has traditionally been characterized by a high degree of media freedom, partly because of the independence of public media but also because prevalent foreign ownership did not exercise any visible influence over the content and coverage of private media. Personnel changes in 2013 and election coverage controversy over the 2013 parliamentary contest with Czech TV, the main public television station, have prompted concerns of politicization at the sender. Media freedom has also been threatened by Czech ownership transfers, with concerns that especially print media is suspected of imbalanced reporting. Especially in 2013, after the acquisition of MAFRA by Andrej Babiš, a number of top journalists who investigated corruption and political scandals left the media group. Although most media owners, including Babiš, claim not to be involved in the editorial process, an analysis of reporting has shown a strong bias toward reporting positively on the political activities of the ANO party, run by Babiš.

Germany

Score 8 Germany's Basic Law guarantees freedom of expression, press and broadcasting (Art. 5 sec. 1) and prohibits censorship, with exceptions delineated by the standards of mutual respect, personal dignity and the protection of young people. Print media, which are largely self-regulated, are broadly independent of political interference. The German Press Council is tasked with protecting press freedom. Germany ranked 14th in the Worldwide Press Freedom Index 2013 – 2014, improving by three places.

The Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag) provides a general nationwide framework for the operation of public and private broadcast media. In the private broadcasting sector, governmental influence is limited to the general provisions, regulations and guidelines stated in the interstate treaty that ban discrimination or other abuses. While the relationship between public authorities and private media can be seen as unproblematic, one can observe dependencies between authorities and the public media organizations (ARD and ZDF) that are at least questionable.

Citation:

Worldwide Press Freedom Index 2013 – 2014. Available online: <http://rsf.org/index2014/en-index2014.php>.

Spiegel Online:

<http://www.spiegel.de/kultur/gesellschaft/ukraine-internet-aktivisten-werfen-ard-und-zdf-antirussische-propaganda-vor-a-994067.html>

Latvia

Score 8 Private media are generally free from direct government influence. Licensing and regulatory regimes are politically neutral and do not create a risk of inappropriate political interference. However, the opaque ownership structure of private media and the media working environment does enable actors associated with government to have an influence over editorial decisions. Research shows that media editors agree with the opinion that editorial policy is biased, because of the commercial interests of owners or prominent clients, or for political reasons. In 2011, a leaked chain of e-mails between the mayor of Riga and a Russian-language broadcaster showed the mayor to be engaged in daily editorial decisions affecting the news desk

Public broadcasting has been subject to some political influence. The oversight body, the National Broadcasting Council (Nacionālā elektronisko plašsaziņas līdzekļu padome, NEPLP), is politically appointed, and this has had an impact on personnel choices and in some cases content. The council's supervisory approach to the public television broadcaster resulted in an organizational weakening due to personnel changes and inadequate financial allocations. In 2012, the NEPLP was reformed, with improvements made in the procedure for selecting council members, and transparency provisions and public confirmation hearings for council members instituted. The new NEPLP undertook two major initiatives in 2012: engaging in

strategic planning for a future consolidated multimedia broadcasting service and appointing a new governing board for the public television broadcaster. The board appointment process was conducted transparently, using the services of a personnel recruitment company. However, while an improvement over past appointment procedures, this process remained controversial, with failed applicants turning to the courts to contest the selection results.

An independent weekly news magazine “IR” was sued for defamation. The assets of the magazine have been frozen on the request of the plaintiff pending the resolution of the case. The act of freezing the assets of a media outlet, in defamation cases, was described as an attack on press freedom and provoked parliamentary action to disallow future asset freezes. Despite legislative changes, the presiding judge did not revoke the asset freeze, preferring to let it expire when the legislative changes come into force on 12 November 2014.

Citation:

Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last assessed: 20.05.2013

Poland

Score 8

The Polish government largely respects the independence of the media. However, even after a reform in 2010, the National Council on Radio and Television, which oversees the public media, has remained a politicized body. Cases of politically motivated appointments at TVP (Poland’s public TV broadcaster) and PR (Polish public radio) continue to emerge. Doubts regarding the government’s respect for media freedom were raised by the brutal raid on the weekly *Wprost* by the prosecutor general and the Internal Security Agency (ABW) in the context of the 2014 “Waitegate” wiretapping affair. Media freedom is also somewhat impaired by a number of controversial provisions in the Penal Code concerning defamation and giving offence with reference to religious beliefs; in some cases, these provisions have been used to justify legal action against journalists. As in the case of private media organizations’ economic dependence on advertisers, this has prompted self-censorship, especially with regard to investigative journalism.

Citation:

P. Bajomi-Lazar, H. Örnebring, V. Stetka, Poland. A country report for the ERC-funded project on Media and Democracy in Central and Eastern Europe [online]. Available online on: <http://mde.politics.ox.ac.uk/index.php/country-reports> (accessed on 11.16.2013).

Austria

Score 7

Media freedom is guaranteed by the constitution. There is no censorship in Austria, and new electronic or print media organizations can be freely established. Limits to the freedom of expression in the media are defined by law, and the courts ensure that these limits are enforced.

The federal and regional governments use public money to promote specific policies in various print publications. This tradition has been criticized by the Austrian Court of Audit and by media organizations, but has not stopped. Due to the pluralistic structure of Austria's political system (no single party has ever simultaneously controlled the federal government and all state governments), the impact of this practice is typically diffused, but this financial relationship necessarily reduces the credibility and the freedom of the media. A mutual dependence has developed, in which political parties try to influence the media and media try to influence political parties. A clear separation needs to be established, in which media organizations do less to start or support political campaigns or otherwise put pressure on politicians, and political parties do not use means such as financial incentives to have an impact within the media.

The Austrian Public Broadcasting (Österreichischer Rundfunk Fernsehen, ORF) company dominates both the TV and radio markets. The ORF is independent by law and is required to submit comprehensive reports on its operations. All parties in parliament are represented on the ORF's oversight body (the Stiftungsrat). A number of (real or imagined) cases of political influence over the ORF by various political parties have been alleged. However, the ORF in general fulfills its mandate quite well, particularly in international comparison.

There is an imbalance between the ORF and TV and radio stations beyond the ORF. The ORF is financed mainly by public fees, which everyone who owns a TV or radio device has to pay. Other TV and radio broadcasters have to finance their structures and activities through advertisements. The ORF and the government justify this imbalance by referring to the ORF's specific educational task, which private companies do not have to fulfill.

The impact of social media has not yet been fully analyzed in Austria. It can be seen as a counterweight to the highly concentrated traditional media market, in which a single daily newspaper (Die Krone) is read by more than one-third of newspaper consumers, and in which the ORF is still the dominant force in TV and radio. Social media use is highly skewed toward the younger generations, but are also responsible for a new means of access to information.

Austria's small size and linguistic link to Germany gives the country an additional dependence on German media (print and electronic), which is not subject to oversight by Austrian policymakers.

Citation:

Ingrid Thurnher: "Politik und Medien - eine unheilige Allianz?" In: Andreas Khol et al. (eds.): "Österreichisches Jahrbuch für Politik 2011." Vienna 2012, pp. 339 - 348.

Cyprus

Score 7

In general, the media do not suffer from direct governmental interference. Legal requirements for starting a publication are minimal. Provisions of the Press Law (Law 145/1989) that provide for a Press Council and Press Authority have been inoperative since 1990. In 1997, media owners, publishers and the Union of Journalists collectively signed a code of journalistic ethics and entrusted its enforcement to a media complaints commission.

The public-service broadcaster RIK, a public law entity, is governed by a council appointed by the Council of Ministers. Appointments are often politically motivated, often involving party officials. Political parties use budgetary decisions and public statements to exert pressure on the broadcaster, with each major party calling for “more equitable” access. Despite a competition for influence between the government and political parties, pluralism generally prevails.

A different law, introduced in 1998 as part of the EU accession process, governs private audiovisual media services. Oversight here is performed by the Radio Television Authority, whose members are appointed by the Council of Ministers. This authority has extensive powers, and a broadly independent status. No high-level party officials can be members or chairperson of the authority, but appointments are often based on political criteria rather than competence. This, along with the fact that its budget is subject to modifications and approval by the administration, the Council of Ministers and the House of Representatives, affects the quality and efficiency of the regulator’s work.

In the period under review, there were several incidents where the (new) government officials complained about media coverage, and blamed the media for social and other problems. This kind of overt criticism is rare, however. At a different level, the Attorney General’s constitutional powers to seize newspapers or printed matter constitutes a threat to the freedom of expression.

Citation:

1. European Parliament, The Citizen’s Right to Information: Law and Policy in the EU and its Member States (<http://www.statewatch.org/news/2012/nov/ep-study-citizens-right-to-information.pdf>)
2. President’s comments about media, <http://cyprus-mail.com/2014/05/03/president-tries-to-mend-anti-press-blunder/>

France

Score 7

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This said, media independence is multifaceted. One must distinguish between public and private media, and separate legal independence from financial dependence or influence. Public authorities have in

principle no direct capacity to intervene in public media decision-making as the power of control and supervision is delegated to an independent media authority. However, the situation is not clear-cut for many reasons. First, public media are mostly dependent upon a special tax paid by every TV owner, while access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control. Secondly, former President Sarkozy triggered an outcry by shifting the authority to appoint the president of public radio from the independent authority to the president himself. A new bill introduced by the Hollande administration has revoked this measure.

In the private sector, public influence can be felt through the generous subsidies paid to all daily and weekly newspapers. However, it is paid as a kind of entitlement based on general rules and principles, and as such does not provide any real political leverage to the government. Much more serious is the porosity between the world of media and the world of politics, as well as the fact that most newspapers are owned by large business interests. However, the situation is paradoxical: ownership provides a limited capacity of influence (to which the distrust of most media vis-à-vis capitalism testifies, despite being funded and supported by wealthy companies or individuals). While in the past political power heavily influenced the press, today the main issue is the interlocking of media and politics. This confluence is counterweighted by two factors: the existence of a few truly independent media outlets (such as Mediapart or Le Canard Enchaîné) which actively cover government scandals and malfeasance, and the fact that newspapers which support opposition platforms tend to be more independent vis-à-vis the government in power.

Greece

Score 7

National and regional channels, which were staffed on political patronage criteria, belonged to a public corporation, ERT, that the government abruptly closed down on June 11, 2013, citing mismanagement, lack of transparency and misuse of public funds.

It took about a year before a new public broadcaster, named NERIT, replaced the old one (May 2014). The transition period lasted too long for the following reasons: after ERT's closure, the buildings of ERT were occupied by former employees who resisted the government's decision; ERT's dismissed employees resorted to courts to annul the government's decree abolishing ERT (but they eventually lost the relevant court cases); and the government had not prepared ERT's reorganization, as far as funding, internal structure and functions were concerned.

Since the onset of the economic crisis, state TV and radio programs have mostly reflected the political views of journalists rather than a solid government line. After 2010 there were a few cases in which journalists were mistreated during protest marches. This prompted the organization Reporters without Borders to rank Greece

at 86th out of 179 countries surveyed in the Freedom of the Press Index 2013, placing Greece under dozens of developing countries, including war-torn or authoritarian-ruled countries.

Greece has a vast range of press, TV and radio outlets that span the political spectrum from extreme right to extreme left which precludes the government from restricting the diffusion of information, commentary and analysis in Greek media.

Citation:

The law establishing the new public broadcaster, NERIT, law 4173/2013, was voted in July 2013.

Iceland

Score 7

The state had monopoly of radio and TV until privatization in 1986. Private stations now have a significant role in the broader media market. There were nine private TV stations in 2008, increasing to 11 in 2011, and all but one offered national coverage. There is only one state-run TV station. The country's current legal environment, including the 2000 Act on Radio and TV (Útvarpslög), does not provide full protection against government influence or intervention. However, in 2004 Freedom House stated that Iceland had an "exceptionally open and free media environment."

Owners of private media sometimes try to exercise influence over news coverage. The largest newspaper, owned by a discredited banker, has been in turmoil since late summer 2014. In response to the accusations that the owner attempted to control content, a number of editors were fired, while several journalists and other staff members resigned. The second largest newspaper is controlled by fishing magnates who appointed a former Icelandic prime minister and discredited Central Bank governor as chief editor. The newspaper regularly publishes content critical of reforms to regulation of fisheries and Iceland's application process to the EU. A further case of intervention in a newspaper by its ownership occurred in late summer 2014. In this case, there were public conflicts between present shareholders and possible future shareholders of whom some had close connections to the Progressive Party. One of the possible future shareholders bought shares in the newspaper in order to fire the editor, having publicly declared his intention to do so. Despite the criticism that Iceland is effectively a country without media, the position of those seeking to dominate the media has been considerably weakened by the advent of internet platforms, such as social media networks.

Citation:

Karlsson, Ragnar (2010): Íslenskur fjölmiðlamarkaður. Framboð, fjölbreytni, samkeppni og samþjöppun. (The Icelandic Media Market. Supply, diversity, competition and concern). An overview prepared for the Ministry of Education and Culture.

Statistics Iceland (Hagstofa Íslands) www.statice.is

Israel

Score 7

Israel's media environment is considered lively and pluralistic. Freedom of the press is generally respected and neither the government nor its military abuse their power in order to restrict information. Israelis have wide access to free and largely uncensored Internet and usage rates marked a high of 71% in 2013. Even though the country's basic laws do not offer direct protection and censorship agreements accord the military wide discretion over issues of national security, legal protections for the press are robust. The Supreme Court has ruled that freedom of expression is an essential component of human dignity and has continuously defended it, soundly assimilating this principle into the Israeli political culture.

Israel Broadcasting Authority (“Rashut Hashidror”) was undergoing extensive reform deliberations in 2014. The minister of communication is leading this process, claiming the public body to be inefficient and insufficiently regulated, while others see this as an unwarranted political intervention. However, recent political shifts in the coalition may cause this minister to change ministries and pass these reforms onto his successor, possibly delaying the reform.

In 2013, Freedom House decided to lower Israel's freedom of the press status to “partly free” due to several incidents of censorship and political interference. In 2014, however, Israel once again received its “free” ranking, after the think tank found previous infractions to be isolated events and not the start of a policy trend.

Citation:

Caspi, Dan, “Media and politics in Israel,” Van Leer and the Kibutz Hameuhad, 2007 (Hebrew).

Taig, Amir, “Chaos returns to the communication's market”, theMarker 21.9.2104: <http://www.themarker.com/advertising/1.2440269> (Hebrew).

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https://www.freedomhouse.org/report/freedom-press/2014/israel#.VKRbWcl_eOE

Italy

Score 7

While in the past both center-right and center-left governments had exerted a significant or even a strong influence on public media, starting with the Monti cabinet governments have taken a much more detached position. The public media organization, Radiotelevisione Italiana (RAI), had previously been steered by government and parties in both its personnel policies and the control of its organizational frameworks and resources. After the Monti government nominated as heads of RAI new, fairly independent personalities who have ensured an enhanced political neutrality of the public media, successor cabinets have not interfered very much, though they have cut spending for RAI. A stronger institutional or regulatory framework would help transform RAI into a BBC-type institution that could claim

full independence from the executive. Privatizing RAI has also been under discussion.

While the privately owned Mediaset channels continue to be subject to the strong political influence of their owner, Berlusconi, the increasing importance of other channels has helped balance things out.

As for the print media, newspapers and magazines are in general much more independent of government influence and able to ensure a broad spectrum of opinions.

The role of other digital and social media (internet, Twitter, Facebook, ect.) is growing rapidly as a generation of younger politicians makes increasingly heavy use of them. But television still maintains its central role for a large part of the Italian public, which is not reached by new media.

Italian media legislation and regulation is often not applied as intended by law. Meaningful media law reforms could be pursued by the currently reform-oriented Renzi government.

Mexico

Score 7

Officially, the media is independent of government and this is broadly true of national political figures. Blatant forms of political influence are rare at the national level, though more subtle forms of influence are in play, not least because of the financial advantages of media ownership. Respect for media autonomy is not universally true at the state or local level where journalists can be frightened by the security services and media owners are sometimes bribed or influenced in more subtle ways. It is also the case that the police and military tend to develop relationships with journalists as part of their work, and these relationships can sometimes be abused. Mexican journalists often find themselves on the front line of the war on drugs if they dare expose the links between state agents and gang members. Many of them have given up investigating this issue. Thus, although the government has not interfered politically in the media, the Mexican state has not been capable of guaranteeing journalists' safety as they carry out their duty in examining issues that top public concerns. The government, in one of its many proposed reforms, plans to introduce more competition to Mexican terrestrial media by entertaining bids for new TV stations. Meanwhile, as elsewhere, social media are becoming increasingly influential in Mexico.

Portugal

Score 7

Public and private media are independent from the government's influence, as mandated by the constitution of 1976. The media are regulated by the Entidade

Reguladora da Comunicação Social (ERC). Four of the five members of the ERC board are appointed by a qualified majority of two-thirds of parliament, and the fifth member – who normally becomes the ERC’s head – is selected by the other four members.

During the period here under analysis, the government changed the governance structure of the publicly owned Rádio e Televisão de Portugal (RTP) Group. Law 39/2014 of July 2014 established a number of changes in the RTP Group statutes, most notably through the creation of the Independent General Council of RTP, which is empowered to appoint and dismiss the RTP Group’s administrative board. The creation of this Independent General Council aims at reducing direct government oversight and interference.

Slovakia

Score 7

Under the second Fico government, political pressure on the media has again increased. While Prime Minister Fico himself, in stark contrast to his first term, has largely refrained from verbal attacks or lawsuits against journalists, other politicians belonging to the governing Smer-SD have returned to the confrontational approach characteristic of the first Fico government. In the course of the Ukrainian crisis, Prime Minister Fico began to ignore journalists from some media organizations. He declined to answer their questions, and did not invite them to official press conferences, criticizing their employers for misrepresenting his position on Ukraine.

Slovenia

Score 7

Slovenia’s constitution and legal system guarantee freedom of the press, and the media for the most part operate without direct political interference. The laws regulating public television and radio broadcasting reflect the strong corporatist element of Slovenian political culture. The Council of Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) has 29 members, who are appointed by the National Assembly, but proposed by a broad variety of political and social actors. A 2014 amendment to the Radio-Television Act strengthened the independence of the public media by reducing the scope for discretionary cuts in public funding, and by requiring an absolute rather than relative majority for the election of the director-general of the Council of Radio-Television of Slovenia. However, the Media Watch Project, which had served as an important independent watchdog within the Slovenian media market since 1998, ended its activities in 2014 due to a lack of funding.

Malta

Score 6 Private media operates free from government interference. While mechanisms exist to ensure that the state media operates independently from government interference, these mechanisms do not always work well. Some attempts to improve this process have been made. The prime minister appoints all the directors of the State Media Board, as well as all the members of its editorial board. That journalists can and often do show a clear attachment to the party in government also undermines media independence. Following the 9 March 2013 elections, the government appointed an entire new group of board members and replaced the head of news, but allowed for a greater diversity of program producers. Media outlets are also dependent on the state in that companies rely on state advertising contributions. The machinery of the state maintains a large number of public relations/communications officers, which those in private media often attempt to bypass while reporting; but the result of this is information becomes difficult to both obtain and verify, opening the possibility for reporting mistakes and the potential for libel, the legal pressures of which make the financial viability of newspapers tenuous. Even though state institutions tend to dominate the media universe, the system is essentially pluralist, so a range of opinions and reporting is still available.

Spain

Score 6 The current Popular Party (Partido Popular, PP) government reversed a preceding legal reform (introduced in 2006 by the socialist party predecessor), which had transformed the traditionally government-manipulated Radiotelevisión Española (RTVE) into an autonomous corporation that tended to guarantee neutrality. The new regulation, passed by decree in 2012, jeopardizes the political independence of the national broadcasting group. A relative majority in the General Courts is now enough to elect the president of RTVE, thus allowing the government of the day to decide unilaterally who will manage public television and radio (an appointment agreed between the governing party and the main opposition party was required before). In fact, following the decree, the president and the news director have been replaced twice (2012 and 2014) with journalists increasingly closer to the ideological line of the PP. In October 2014, 1,500 members of the RTVE's staff signed a manifesto denouncing some cases of politicized dismissals, the manipulation of news and censorship of informative services.

However, it would be unfair to consider the national television station as a simple government tool as it used to be before 2006. RTVE still respects pluralism and produces some high-quality information programs but this independence is no longer institutionally protected and, thus, the organization's credibility and audience ratings have suffered. The Radio Nacional de España (RNE) or public national radio station has been recently criticized for losing impartiality and credibility as well.

In the case of regional public broadcast groups, the situation is probably worse with the incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is now observable in other regions such as Catalonia, which used to feature a more pluralistic public broadcasting corporation. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government.

With regard to private broadcasting operations, the media groups are of course formally independent from the government but both the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and the PP have tried to support those newspapers, radio and television stations ideologically closest to them (particularly concerning the regulation of the audiovisual sector).

United Kingdom

Score 6

In the United Kingdom, television channels both in the public and the private sector are required by law to be politically neutral. The sector is overseen by the Ofcom regulator. No such requirement exists for print media. The BBC, the country's only public service broadcaster, is financed by a television license which is effectively a poll tax. It is overseen by a board of governors and enjoys almost complete political independence. However, recent scandals may have weakened the BBC's standing, although there is as yet little evidence of that in its behavior, and it remains the case that TV and radio journalists often subject government and opposition politicians to very tough interviews. Politicians of all persuasions frequently accuse the BBC of bias – arguably highlighting the fact that it is outside political control. A number of events and scandals in recent years have made clear the overly strong bonds between the political establishment and Westminster lobby journalists, a relationship which may or may not have had negative effects on the quality of reporting. The aftermath of the News of the World scandal in 2011 (i.e., the Leveson Inquiry, which published its report and recommendations in spring 2013) demonstrated the existence of overly close relations between politicians and the press. There has also been a lively debate as to whether curbs on the press should be adopted to prevent excessively intrusive journalism. The outcome of this discussion is still not certain, although it is noteworthy that the imperative of press freedom has been reasserted by many political leaders.

During the global surveillance disclosures in 2013, the government put strong pressure on The Guardian to stop the newspaper from publishing further classified information. This included conventional legal steps, but also entailed the short detention of a journalist's partner, who was accused of carrying classified documents. At the peak of the government's campaign, at the instruction of the cabinet secretary, intelligence officers held editors in The Guardian's office basement and forced them to destroy their own hard drives with drills and grinding

machines. Although these drastic and dramatic measures were not effective in preventing The Guardian from publishing its findings, they cast a poor light on the UK government's appreciation of media freedom – all the more since it was always clear that digital duplicates of the data existed outside the United Kingdom, and publication could thus not be stopped by the destruction of specific computer equipment. The episode is another manifestation of the tension between concerns about security and the preservation of liberties.

Croatia

Score 5 Media freedom in Croatia is limited. Political influence on the media is still fairly strong, especially at the local and regional levels, as is the influence of private media owners. Media freedom has also suffered from the poor working conditions afforded to journalists, who are not protected by collective agreements.

Japan

Score 5 Japanese media are largely free to report the news without significant official interference. While the courts have ruled on a few cases dealing with perceived censorship, there is no formal government mechanism infringing on the independence of the media. The NHK, as the major public broadcasting service, has for a long time enjoyed substantial freedom. Since 2013, however, the Abe-led government has followed a more heavy-handed approach, highlighted by a number of controversial appointments of right-wing personalities to senior positions. In early 2014, NHK's new director-general made it clear that he would seek to follow the government's viewpoint.

In practice, many media actors are hesitant to take a strong stance against the government or to expose political scandals. Membership in government-associated journalist clubs has offered exclusive contacts. Fearful of losing this advantage, established media members have frequently avoided adversarial positions as a result.

Northeastern Japan's triple catastrophe of 11 March 2011 casts a spotlight on such informal linkages. The government was extremely slow to release information, particularly in the case of radiation leakages. Major newspapers and broadcasters rarely asked critical questions and agreed to follow the government's information policy. Independent journalists and media as well as the foreign press provided some balance, but had limited ability to expand the scope of their coverage. As a result, Japan dropped a dramatic 22 places to 53rd place in Reporters Without Borders' 2013 World Press Freedom Index - and dropped further to 59th place in 2014.

During the summer of 2014, The Asahi Shimbun, a major liberal newspaper that tends to be critical of the current government, had to retract an influential article

related to Japan's wartime behavior in Korea and elsewhere because of sourcing errors. Increasingly influential, archconservative politicians, who deny that forced prostitution took place during the war, have used the slip to sideline dissenting views with the ultimate aim of whitewashing Japan's war-time record in the name of fostering patriotism.

There has also been concern about the State Secrets Act which came into force in December 2014. The new law allows Japanese courts to hand down sentences of up to ten years in jail against people having been found guilty of leaking state secrets. Journalists and others instigating the leakage of relevant information now face jail sentences of up to five years. What constitutes "state secrets" is very much to the discretion of the government agencies in question. Critics see the new law as an assault on press freedom.

Citation:

Reporters Without Borders, Press Freedom Index 2014, <http://rsf.org/index2014/en-index2014.php>.

The Economist, Japan's national broadcaster. My country right or righter, 08.02.2014, <http://www.economist.com/news/asia/21595983-ghosts-past-once-again-embrace-shinzo-abe-my-country-right-or-righter>

Carsten Germis, Zwischen Freiheit und Sicherheit, Frankfurter Allgemeine Zeitung, 11.12.2014, p. 7

Bulgaria

Score 4

In legal terms, media in Bulgaria are independent of the government. All electronic media – public or private – are subject to licensing by two independent state agencies: the Council for Electronic Media (issuing programming licenses) and the Commission for Regulation of Communications (for radio frequencies and other technological aspects of electronic media). The Council for Electronic Media also appoints the management of the Bulgarian National Television and the Bulgarian National Radio organizations. No specific regulation exists for print media.

In practice, however, the independence of the media in Bulgaria is limited. Many media organizations depend heavily on advertising and other revenues from the government or from government-owned enterprises and/or have owners involved in business deals with the government. With the onset of economic crisis, the media's financial dependence on the government budget further increased. Transparency regarding the ultimate ownership of private media organizations is very low, increasing the opportunities for and the suspicions regarding illicit use of media to further hidden political and business agendas.

That said, government influence over the media does not necessarily mean that freedom of speech is circumscribed. Bulgaria has a diverse media landscape and the positions expressed cover the full political spectrum. Virulent anti-government rhetoric does exist and the government does not seem to take serious steps to

suppress or marginalize the media outlets that engage in it. Media independence is compromised by a lack of ownership transparency and the low degree of editorial independence at pro-government media outlets, rather than by the harassment (legal or physical) or suppression of opposition outlets.

Citation:

Smilova, Ruzha/Smilov, Daniel/Ganev, Gyorgy, 2012: Democracy and the Media in Bulgaria: Who Represents the People? in: Evangelia Psychogiopoulou (ed.), *Understanding Media Policies. A European Perspective*. Basingstoke/London: Palgrave Macmillan, pp. 37-54.

Hungary

Score 3

The Orbán government pushed through highly controversial media laws in 2010/11, which were changed only slightly in response to fierce criticism from the European Commission and other international and national actors. The new laws strengthened government control over the media by vesting a Media Council exclusively composed of persons affiliated with Fidesz with media-content oversight powers and the right to grant of broadcasting licenses. In 2014, the situation has worsened further due to a tax on advertising that financially weakened the private media. In a new overcentralizing effort, the government established the National Communications Office (Nemzeti Kommunikációs Hivatal, NKH) on 10 October 2014, tasking the body with oversight of all government media activities and advertisements, while placing it under the tutelage of the Prime Minister's Office. The government has also announced that the three public-media broadcasters – Hungarian TV (MTV), Duna TV and Hungarian Radio – will be reorganized into a single company. Self-censorship is a growing problem as journalists are increasingly afraid of personal or employment repercussions when criticizing the government.

Citation:

Bajomi-Lázár, Péter (2013) "The Party Colonisation of Media: The Case of Hungary," *East European Politics and Societies*, Vol. 27, No. 3, pp. 69-89

Romania

Score 3

While the 2011 Civil Code, the Broadcast Law and the Laws on the Organization and Functioning of the Public Media Services have advanced the cause of media freedom, the parliament has continued in its efforts to control media outlets. In 2014, the broadcasting regulatory body, the National Audiovisual Council (CNA), whose members are politically appointed, intervened in the presidential electoral campaign in a manner that critics regarded as highly partisan, imposing greater restrictions on anti-government and neutral TV stations than on media outlets allied with Prime Minister Ponta.

Moreover, Social Democratic Senator Serban Nicolae's proposal to impose three-year prison sentences on anyone who makes information about ongoing criminal

investigations public constitutes a serious threat to media freedom and the right to information in general, as well as to investigative journalism in particular. Despite opposition from within civil society, the proposal was still on the agenda of the Chamber of Deputies as of the time of writing.

South Korea

Score 3

There is growing evidence that freedom of expression in South Korea has deteriorated since the beginning of Lee Myung-bak's presidency in 2008 and throughout the first half of the Park Geun-hye administration. In the 2013 Press Freedom Index, published by Reporters Without Borders, South Korea ranked at 50 out of 179 countries, falling six places from the 2011/12 ranking. South Korea also remains on the list of "countries under surveillance" for internet censorship. Defamation suits are a common way to prevent critical reporting. The number of web pages blocked or deleted at the request of the Korea Communications Standards Commission (KCSC) has significantly increased from about 57,000 in 2013 to over 80,000. Monitoring of social media has also intensified. A special sub-committee on social media in 2011 set up by the KCSC asked for 6,400 comments on SNS to be removed in 2013, up from 4,500 in 2012.

The latest cyberspace censorship scandal affected Kakao Talk, the nation's most popular messenger service. The company has openly admitted its cooperation with government surveillance requests, after Jung Jin-woo, a member of the minor opposition Labor Party, revealed on 1 October 2014 that the prosecution recently examined his Kakao Talk conversations and the personal information of 3,000 of his acquaintances registered with the service. According to Kakao Talk, it received 2,131 requests for users' information from the government with search warrants as well as 61 court-approved requests seeking to wiretap during the first half of 2014.

After Park Geun-hye complained about 'intolerable insults' against her leadership on 16 September 2014, prosecutors swiftly set up an investigative team to tighten cyberspace monitoring for falsehoods or defamation. On 8 October 2014, prosecutors indicted Japanese journalist and former Seoul bureau chief of The Sankei Shimbun Tatsuya Kato for defaming Park and barred him from leaving South Korea. The charges are linked to an article written by Kato and posted on Sankei Shimbun's website on 3 August 2014 that questioned the whereabouts of South Korean Park during the Sewol ferry accident of April 2014 that resulted in over 300 deaths.

False or misleading reports by the major broadcasters about Sewol ferry incident and rescue operations have led to questions about political independence. In May 2014, a former editor-in-chief of the Korean Broadcasting System (KBS) caused turmoil by exposing the presidential office's meddling in its news reporting. He alleged that Blue House demanded that coverage of the Sewol ferry disaster should be uncritical. To protest against the presidential office's control of the media, KBS staff members

went on a strike and 5,623 media workers issued a statement expressing their regret on how they reported the Sewol ferry disaster and apologized for not resisting pressure from government agencies.

Citation:

“South Korea’s media Reporters complain of being muzzled”, *The Economist*, 3rd of March 2012
 Reporters without Borders, Report South Korea, <http://en.rsf.org/south-korea-south-korea-12-03-2012,42067.html>
 Freedom House, Freedom of the Press Report 2013, <http://www.freedomhouse.org/report/freedom-press/2013/south-korea>
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<http://www.humanrights.asia/news/forwarded-news/AHRC-FST-063-2014>
 “Japanese journalist to be prosecuted in South Korea”, *The Economist*, Oct 10, 2014
 “Insult to injury”, *The Economist*, Oct 18, 2014
 Stephan Haggard & Jong-Sung You (2014): Freedom of Expression in South Korea, *Journal of Contemporary Asia*, DOI: 10.1080/00472336.2014.947310

Turkey

Score 3

Although Turkey has a varied and lively media market, the freedoms of press and opinion are under increasing stress as a result of intensifying oversight and repression by state authorities. Moreover, relationships between some private media and the government put journalists’ work and independence under additional pressure.

The constitutional guarantees of freedom of the press and expression are only partially upheld in practice, and are generally undermined by provisions in the penal code and the strict Anti-Terror Law (TMK). Government officials usually refer to these laws when explaining the high number of writers and journalists being detained or on trial, stressing that these individuals had violated the law. However, in many respects, the penal code and the TMK fail to meet press-freedom standards as laid out in the European Convention on Human Rights. In addition, despite 2012 and 2014 judicial reforms ostensibly aimed at addressing concerns regarding the TMK, existing laws still can be broadly interpreted and applied against journalists and activists.

Most concerning for many observers has been the unprecedented expansion in the range of reasons given for journalists’ arrests, the massive phone-tapping campaign and the contempt shown for source confidentiality. The factors in sum have helped to reintroduce a climate of intimidation in the media. According to the Committee to Protect Journalists (CPJ), the number of journalists behind bars had declined to 40 as of December 2013, down from the 61 reporters in detention in October 2012. At the end of 2013, PEN International reported 54 writers and journalists in prison, with more than 70 others on trial. In July 2014, freedom-of-expression monitors reported that 23 journalists were still in jail following a series of releases due to changes in pre-trial detention regulations. However, as the trials had not ended as of the time of writing, and fresh cases continue to be opened, little change is to be expected for 2015.

One substantive problem involves the economic interests of media owners. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners who have stakes in other business sectors have been seen to influence coverage to favor their outside business interests. The significant share of media owners from industrial conglomerates with interests that go beyond freedom of press and opinion – in addition to the tight relationships between the government and some of these industrial conglomerates – further undermines media independence and increases self-censorship and job insecurity among journalists. In December 2013, for example, a series of conversations between the owners of major construction firms seeking contracts to build Istanbul's multibillion-dollar third airport were leaked. These conversations showed that the firm owners had been directed by a government minister to contribute hundreds of millions of dollars to a "pool" to buy one of the country's largest and most important media companies, Sabah-ATV. The businessmen would then be expected to provide positive coverage of the government. This has popularized the expression "havuz medyası" in Turkish – literally "the pool media" – to describe corporate owners whose media properties are in service of the government.

Additionally, the government appoints the general director of Turkish Radio and Television, the country's public broadcaster (Law 2954 on radio and television). In doing so, the government essentially exercises tutelage over the public-media administration.

The European Commission's Progress Report 2014 stresses that attempts to ban social media, later overturned by the Constitutional Court, and pressures on the media that have led to widespread self-censorship, reflect a restrictive approach to freedom of expression. Media legislation and its enforcement need to be brought in line with European standards, the report notes. The government's extensive bans on YouTube and Twitter use raised serious concerns, even if later annulled by the Constitutional Court. Intimidating statements by politicians and lawsuits launched against journalists critical of the government, combined with the media sector's ownership structure, have led to widespread self-censorship by media owners and journalists, and in some cases journalists have simply been fired. Reports have indicated that the Radio and TV Supreme Council's (RTÜK) has put pressure on pro-opposition media, particularly after December 2013. The RTÜK's political composition raises concerns regarding its independence.

Citation:

Arinc, Bülent (2014) 'Human Rights and the Transformation Process in Turkey', SAM Papers No. 8 (July 2014)
CPJ, "Turkey world's top press jailer once more", 18 December 2013, <https://cpj.org/blog/2013/12/turkey-worlds-top-press-jailer-once-more.php> (accessed 5 November 2014)

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Indicator

Media Pluralism

Question

To what extent are the media characterized by an ownership structure that ensures a pluralism of opinions?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Diversified ownership structures characterize both the electronic and print media market, providing a well-balanced pluralism of opinions. Effective anti-monopoly policies and impartial, open public media guarantee a pluralism of opinions.
- 8-6 = Diversified ownership structures prevail in the electronic and print media market. Public media compensate for deficiencies or biases in private media reporting by representing a wider range of opinions.
- 5-3 = Oligopolistic ownership structures characterize either the electronic or the print media market. Important opinions are represented but there are no or only weak institutional guarantees against the predominance of certain opinions.
- 2-1 = Oligopolistic ownership structures characterize both the electronic and the print media market. Few companies dominate the media, most programs are biased, and there is evidence that certain opinions are not published or are marginalized.

Finland

Score 10

Finland's media landscape is pluralistic. The country supports a large number and variety of newspapers and magazines. Finland still boasts an impressive newspaper readership, despite a decline in circulation numbers for the 10 largest printed newspapers in recent years. Admittedly, however, newspapers face the prospect of a long-term decline due to the rise of the electronic media and increasing economic pressures due to a loss of advertising share as well as increasing costs. Indeed, during the last decade, user-generated content and online social media platforms revolutionized the media field. Recent statistics indicate that there are 188 newspapers, with 48 published four to seven times a week. As a rule, newspapers are privately owned but publicly subsidized. The ownership structure is therefore diverse. The position of regional newspapers remains fairly strong, and they provide a variety of print media at the national and regional level. Internet use is open and unrestricted, the share of internet users in the population aged 16 to 74 is 90%, and broadband internet access is defined by law as a universal service that must be available to everyone. According to Official Statistics of Finland, the internet has become an established source of information concerning elections, with almost 50% of the public aged 16 to 74 having searched for information about parties and candidates online before the 2011 parliamentary election. The national broadcasting company, Yleisradio, operates several national and regional television and radio

channels, and supplies a broad range of information online. Although state-owned and controlled by a parliamentary council, Yleisradio is viewed as unbiased. Yleisradio is complemented by several private broadcasting companies.

Citation:

Official Statistics of Finland (OSF): Use of information and communications technology by individuals [e-publication]. ISSN=2323-2854. 2011. Helsinki: Statistics Finland [referred: 6.6.2013].

Access method: http://www.stat.fi/til/sutivi/2011/sutivi_2011_2011-11-02_tie_001_en.html ;
http://www.stat.fi/tup/suoluk/suoluk_kulttuuri_en.html#newspaper; http://www.stat.fi/til/jvie/2011/01/jvie_2011_01_2012-12-12_tau_001_en.html

Inka Salovaara-Moring, "Mind the Gap? Press Freedom and Pluralism in Finland", in Andrea Czepek, Melanie Hellwig & Eva Nowak, eds., *Press Freedom and Pluralism in Europe*, 2009, Intellect Books, European Communication Research and Education Association.

Germany

Score 10

In Germany, the Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag, RfStV) defines a threshold of average annual viewership share of 30%, over which a broadcaster is considered to have an unallowable dominance over public opinion (RfStV, Sec. III, Subsection 2). The Federal Cartel Office (FCO) regulates most questions of oligopoly and monopoly in Germany, and has blocked several potential mergers in both print and electronic media markets.

Two main public television broadcasters operate at the national level in Germany: the Arbeitsgemeinschaft der Rundfunkanstalten Deutschlands (ARD), a conglomerate composed of various regional TV channels, and the Zweites Deutsches Fernsehen (ZDF). According to the Arbeitsgemeinschaft Fernsehforschung (AGF), a broadcast media research group, the public broadcasters together had a market share of 42.1% in 2012, slightly less than in 2009. In the private sector, the RTL Group holds a 25.4% market share, while the ProSiebenSat.1 Media AG accounts for 19.8% of the total television market.

The nationwide print media market is dominated by five leading daily newspapers, including Frankfurter Allgemeine Zeitung, Süddeutsche Zeitung, Die Tageszeitung (taz), Die Welt, Frankfurter Rundschau and the tabloid Bild, the last of which has by far the biggest circulation in Germany. Additionally worth mentioning as agenda-setters are a number of weeklies, in particular Der Spiegel, Focus, Die Zeit and Stern.

With newspaper circulation continuously falling, the Internet has become an increasingly important medium for citizens to gather information. This has forced the print media to engage in significant cost cutting measures, including reducing the size of editorial staff. In 2012, several newspapers closed down. The Financial Times Germany was the most prominent among them. Frankfurter Rundschau was taken over by the Frankfurter Allgemeine Zeitung, but is to keep its specific (left-leaning) profile. This structural change from print to electronic media has not been accompanied by increasing concentration, since there is a high level of diversity among electronic news providers.

Thus, Germany has a diversified media ownership structure and comparatively pluralistic and decentralized television and radio markets.

Switzerland

Score 10

The most important electronic media organizations in Switzerland in terms of coverage and intensity of citizen use are publicly owned. Private-sector television stations play only a small role in the country's media landscape. These are largely regional stations. A number of foreign radio and television stations can be received in Switzerland, contributing to the country's media plurality. The country has a high number of privately owned newspapers, with a highly decentralized system of regional concentration. However, a strong tendency toward centralization has weakened the regional newspaper market. This has been amplified by the strong growth of free papers for commuters such as *20 Minuten* in the morning and *Blick am Abend* in the evening (similar publications exist in the French-speaking part of Switzerland). These have tended to crowd out readership of traditional newspapers, which have collectively suffered from a decline in readership of 17% (on a circulation basis) between 1998 and 2011. In addition, a trend toward concentration has affected formerly independent newspapers such as *Bund* and *Berner Zeitung*. In 1989, 275 newspapers existed in Switzerland; in 2011, this number had been reduced to 194, a reduction of 30%. As with other small nations, Switzerland enjoys a relatively diversified ownership structure, but over time there has been a very strong process of centralization and concentration.

Denmark

Score 9

The Danish media market maintains about a dozen national newspapers (including *Berlingske Tidende*, *Politiken*, *Jyllands-Posten*, *B.T.* and *Ekstrabladet*) as well as about 40 local newspapers. Most of these private publications tend to be conservative or liberal in political philosophy. Left-wing views tend to be underrepresented in editorial pages, but in straight news reporting most newspapers tend to deliver fairly wide-ranging and diverse coverage. The main newspapers regularly include letters to the editor that do not reflect the paper's own views. So in practice, there is a high degree of pluralism of opinions in Danish newspapers. A vibrant civil society contributes to this. Today *Jyllands-Posten* (right-wing liberal) and *Politiken* (social democratic/liberal) are run by the same publisher. Only one local paper, *Skive Folkeblad*, is owned by a party, the Social Liberal Party.

The public media (mostly radio and TV) are independent and have editorial freedom. Satellite and cable TV are increasingly creating more competition for public media.

In addition a number of local oriented radio channels exist. Internet access is widespread and not restricted. Denmark ranks among the top five countries in the world in respect to households having internet access.

All newspapers are active on the internet. Much of this information is freely available but access to archives must often be paid for.

Citation:

“Media Landscape - Denmark,” http://www.ejc.net/media_landscape/article/denmark/ (accessed 16 April 2013).

“The media landscape in Denmark,” <http://www.eurotopics.net/en/home/medienlandschaft/dkmdlschaft/> (accessed 20 October 2014).

“Denmark Newspapers,” <http://www.allnewsmedia.com/Europe/Denmark/newspapers.htm> (accessed 16 April 2013).

Estonia

Score 9

A great variety of newspapers exist in the country. There are 21 national newspapers including two major dailies, 67 local newspapers and four to six newspapers in Russian. As a rule, newspapers are privately owned, but some local and regional papers receive support from the municipalities or counties. Some specific newsletters such as the Teachers’ Gazette and the cultural newspaper Sirp receive government funds. Media ownership is mostly concentrated in two large media companies owned by domestic investors (Ekspress Group and Eesti Meedia Goup); the third major company, the foreign owned Bonnier Group, publishes the Äripäev economic newspaper.

Due to a high Internet and cable-TV penetration rate, electronic media are important. All major newspapers have an online version, and there are two news portals. One of these is publicly funded, run by the Estonian National Broadcast (www.err.ee) company. Web-based TV and radio services are also rapidly expanding, providing more public choice.

Norway

Score 9

The state-owned broadcast channels control dominant shares of the country’s TV and radio audiences. There are two private TV channels and various private radio channels, including local radio stations. The government does not interfere with the daily activities of the private media, but does monitor to ensure that they comply with their contractual obligations, which for national channels includes broadcasting throughout the entire country. A special body called the Norwegian Media Authority (Medietilsynet) is responsible for monitoring and regulating the market.

The stated goal of government regulation of the broadcast media market is to guarantee that quality remains high and that coverage is national. Cable TV is

essentially unregulated beyond the effect of general laws (e.g., there is a ban on pornography).

Newspapers operate independently and express a plurality of views. Norway has the highest per capita newspaper circulation in the world. The total daily newspaper circulation is around 2.8 million, of which media company Schibsted controls around 850,000; A-pressen around 485,000; and Edda Media around 250,000. The two largest newspapers (Verdens Gang and Aftenposten) are owned by the same company, Schibsted, which is publicly listed. The owner does not currently exercise any significant influence on these newspapers' editorial decisions. In recent years, Aftenposten has established a leading role as a platform for national and informed political and cultural debate. As elsewhere in the world, newspaper circulation is on the decline, as is print advertising. As a result, many newspapers are under financial strain and have in recent years been forced to cut back on editorial staff. Web-based news outlets are replacing print newspapers. In the last few years, local newspapers in particular have come under increasing strain resulting from reductions in advertising income and subscription rates.

The concentration of ownership has not to date been perceived as a threat to media plurality. However, private ownership is becoming increasingly oligopolistic across print and broadcast media. The distributors of digital signals have also used their power to change marketplace dynamics. Since digital distribution is becoming increasingly important, the structure of ownership in this channel has a larger negative implication for media plurality. Although there is a tradition of nonintervention by owners in editorial matters, the print media as a body has at critical junctures become politically biased. The media landscape as a whole, as well as the general public debate, demonstrates a noticeable and sometimes-narrow political correctness. Broadband Internet is widely used and accessible all over the country.

Poland

Score 9

Poland's media market is one of the largest in Europe, offering a diverse mix of public and private media organizations and reflecting a broad spectrum of political opinions. While the public TV station TVP and its four channels claim a large share of the market, and local authorities often publish newspapers and magazines, most Polish print media and radio in general are privately owned. Despite a tendency toward concentration, media ownership remains diversified. Foreign owners still control more than half of the Polish media market. Compared to other countries in East-Central Europe, Poland's media-ownership structures are relatively transparent, and there are no "media moguls" in the market who use their ownership positions to further a political agenda.

Citation:

P. Bajomi-Lazar, H. Örnebring, V. Stetka, Poland. A country report for the ERC-funded project on Media and Democracy in Central and Eastern Europe [online]. Available online on: <http://mde.politics.ox.ac.uk/index.php/country-reports> (accessed on 11.16.2013).

Ireland

Score 8

A wide range of newspapers – national and local – is published in Ireland and this is augmented by the circulation of the main UK newspapers and weeklies. In addition to the range of public-service state-owned radio and TV stations, a variety of privately owned stations also exist. Irish listeners and viewers also avail themselves of UK English-language stations, which are widely received in the country. As a result, Irish readers, listeners and viewers are exposed to a plurality of opinions.

There is a plurality of ownership in the Irish media – the sector includes state radio and TV, private radio and TV, a variety of newspapers with varied private ownership, and many small-circulation magazines that purvey alternative political views and philosophies. However, there are recurrent suspicions about the influence and power of the Independent News and Media Group, an Irish-based multinational media company that owns the largest circulation national titles. The control of this company has changed recently following a bitter internal feud. The group's editors maintain that its journalists are not restricted in their professional freedom.

There are also recurrent criticisms of the views promoted by the state-owned broadcasting company, RTÉ, and of bias in its core news and editorial comment. There does not appear to be much basis for such claims.

Irish libel laws are restrictive and may impair the ability of investigative journalists to have their work published. However, the restrictions imposed by the existing laws do not imply any bias toward one end of the political spectrum or the other.

Latvia

Score 8

Media ownership is diverse. Print media is privately owned, while broadcast media has a mix of public and private ownership. Market pressures have created some consolidation in the market, leading to concerns about pluralism. In 2012, the Modern Times Group sought to expand its TV holdings in Latvia by buying a competitor, LNT. The merger was reviewed by the Competition Council, which allowed it under a set of conditions to protect media plurality, including a requirement to retain two separate news desks and news programming systems until 2017.

Newspapers and magazines provide a diverse range of views, but ownership structures are in some cases obscure. Internet news portals (Delfi and TVNet) have replaced print newspapers as the primary source of news.

Citation:

1. Competition Council (2012), On the Merger of Market Participants, Available at (in Latvian): <http://www.kp.gov.lv/files/pdf/UNIdnCrDP7.pdf>, Last assessed: 17.05.2013.

Spain

Score 8

Media pluralism in Spain has suffered as a result of the economic crisis and a related series of austerity measures including a smaller advertising market, the closing of a number of outlets, staffing cutbacks and reduced salaries. A report published by Freedom House in 2013 showed a slight decline (from 24 to 27 points) in the Spanish media panorama as a result of the crisis. However, the country is still considered to be “Free” with regard to the press and continues to feature a relatively high degree of diversity in the market with open competition among different groups for the audience and advertising revenues.

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence shows that the two processes (stronger motivation to acquire knowledge but fewer resources) run somewhat parallel to each other. Even if print media show reduced sales, the growing access of the Spanish population to the Internet (36 million users by 2014 representing 75% of penetration) and the widespread use of social networks have encouraged the proliferation of electronic newspapers or independent blogs, which counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate.

In the period 2013 – 2014, the economic crisis confirmed the trend of relative concentration in the ownership of TV stations, and to a lesser extent, print newspapers. As for television, the Italian company Mediaset is the leading group in the country (the most-viewed TV channel, Telecinco, together with Cuatro and other minor channels). It is followed by Grupo Planeta (including interestingly both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española and, finally, regional public television and other small private stations (some of them very conservative ones). The radio market is dominated by the center-left SER station followed from a big distance by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE).

Regarding print or electronic journalism, the main newspaper is the very influential center-left El País. Other nationwide newspapers are the center-right El Mundo and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate La Vanguardia and the more progressive El Periódico are leaders. After the openly leftist newspaper Público stopped printing and switched to an online-only

format in 2012, there is no newspaper in print for more left-leaning ideas. However, digital progressive newspapers such as publico.es itself, huffingtonpost.es and eldiario.es have enjoyed considerable growth. Of course, there are also important liberal and conservative digital media such as elconfidencial.com or libertaddigital.com. Nevertheless, the electronic media market is quite similar to the print sector, since the two most-read political information websites are those belonging to El País, El Mundo, ABC and La Vanguardia.

In short, a moderate level of diversification in media ownership prevails at national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism.

Citation:

Anduiza, E. and D. Marinova. 2014. When Bad News is Good: Political Knowledge in Times of Crisis. Working paper

Duran, J. and Z. Csaky. 2013. "The European Economic Crisis has Coincided with a Decline in Press Freedom in the EU". London: LSE's European Politics and Policy Blog.

www.freedomhouse.org

Sweden

Score 8

The Swedish media market is highly competitive. There is a very clear distinction between public service and commercial media with the former mitigating the downsides of the latter. The only problem with the growing private media market is that it has a highly centralized ownership structure with significant foreign ownership.

New, social media (blogs, Twitter, Instagram, etc.) are developing at an amazing speed in Sweden, as elsewhere, and is becoming increasingly important in the political sphere. Electronic media are most popular with a younger and well-educated demographic. Internet penetration in Sweden is among the highest in the world.

Citation:

Weibull, L., H. Oscarsson and A. Bergström (2013), *Vägskäl* (Göteborg: SOM-Institutet)

B. Johansson et al. (2014), *Det politiska spelet. Medborgare, medier och politiker i den representativa demokratin* (Lund: Studentlitteratur)

United States

Score 8

The media market is characterized by pluralism in the electronic and broadcast sectors. In recent years, however, an unprecedented consolidation has occurred in the media sector. The number of independent television station owners has dropped by

40% since 1995. During the same period, the number of commercial radio stations has dropped by 36%. Just five big media corporations control nearly 75% of primetime viewing. In addition, there has been a steady decline of competition in print media, especially local newspapers; few cities today have more than one newspaper.

At least for the large majority of the population that has access to cable television or the Internet, a diversity of political perspectives is accessible. Aggregation services such as Google News and RealClearPolitics.com, for example, provide free one-stop access to a wide range of political commentary.

The main challenge with respect to pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary. A Pew Foundation study found in 2012 that newspapers had 30% fewer full-time professional employees than they had in 2000, the lowest such employment figures since 1978. As an unfortunate consequence, an increasing proportion of news coverage consists of statements made directly by politicians or public officials, often without filtering or analysis by reporters.

Citation:

Mitchell, Amy (eds.), "The State of the News Media 2013," Pew Research Center, Project for Excellence in Journalism, March 18, 2013. Accessed on May 6, 2013. <http://stateofthemediamedia.org>

Cyprus

Score 7

In recent years, media companies have grown in size, extending their hold on the press and broadcasting (mainly radio) sector, and operating Internet news portals. An increasing number of publications publish solely online, and face financial challenges. Strict ownership rules, focusing primarily on capital concentration rather than voting power, disallow cross-media conglomerates and limit capital shares to 25% for audiovisual media-services organizations. This is not an absolute warrant for pluralism. Moreover, the lack of reliable ownership data from the media themselves or the Radio Television Authority lead to problems with transparency.

Over the years, the public dialogue and public opinion have been influenced by a deliberate focusing of attention on the Cyprus problem, and dominance of rhetoric over real debate. This focus has remained despite an increasing national openness and the emergence of critical new themes such as the financial crisis and the need to address hydrocarbon use. Issues of social concern such as multiculturalism, the need for transparency, and governance quality remain marginal or absent from media agendas. Financial difficulties also constrain media reporting.

Government and political-party officials, along with the leaders of major interest groups such as trade unions, largely monopolize media access, in all media and at all times. This further restricts the spectrum of both the themes and views expressed.

The country's critical problems have increasingly been obscured by partisan or other confrontations.

Citation:

Report on Cyprus in "The Citizens' Right to Information: Law and Policies in the EU and its Member States," 2012, pp. 163-182, available at http://www.europarl.europa.eu/com_mittees/fr/studiesdownload.html?languageDocument=EN&file=75131.

Czech Republic

Score 7

The private media market in the Czech Republic has changed significantly in recent years. The most important tendencies are the concentration of media ownership, the departure of international owners and the broadening of the scope of media holdings (print, online, radio and television). Measured by print circulation, the strongest media group in the Czech Republic during the period was the Czech News Center (owned by entrepreneurs Daniel Křetínský and Patrik Tkáč) followed by MAFRA (owned by Andrej Babiš). The former was initially owned by Swiss interests; the latter by German groups. Other important players include Economia (owned by Zdeněk Bakala) and from Germany, the Diekmann Verlagsgruppe Passau, the Bauer Media Group and Hubert Burda Media. Concentration of ownership is not as evident in television, however. Here the strongest private owners are U.S.-held Central European Media Enterprises (CME) and Czech-owned FTV Prima. The number of private TV stations nationwide has risen from six (as of April 2010) to over 12 (as of May 2013), with over 32 channels; there are now approximately 50 regional television broadcasters (and a number of cable and satellite providers). In the period under review, public media was an insufficient counterweight to the strong, oligopolistic tendencies evident in the private market.

Israel

Score 7

Israeli policy toward media pluralism is taking a "multivalued approach," in the sense that it views an open media field as a part of the democratic order, and thus values it not only for economic purposes but for normative ones as well. This view justifies utilizing special regulatory tools (as opposed to exclusive antitrust regulation) in order to prevent concentration of ownership and cross-ownership in the media sector. In this spirit, media regulation in Israel also oversees issues of content (specifically regarding issues of local production and censorship).

The regulatory structure monitors ownership in media organizations (radio, public and private television, including cable and satellite). Regulators are responsible for authorizing licensees and enforcing regulation in matters of ownership concentration, cross-ownership and foreign ownership. Print media is not governed by the same restraints as broadcast media, and is dealt with through antitrust regulation or voluntary self-regulation. The ownership of online content providers is not regulated.

In general, Israel's media sector shows diversified ownership structures both in the electronic and print markets. Both the public and regulated private media compensate for deficiencies or biases in private media reporting by ensuring representation of a wide range of opinions. Recent years brought trends of ideological and financial centralism along with governmental efforts to improve regulation and competition in the communication market. Israel's diverse newspaper industry was joined in 2007 by "Israel Ha-yom", a free daily newspaper owned by Sheldon Adelson, an American businessman who is openly aligned with the prime minister and the "Likud" party. It quickly gained power, capturing 40% of the market, thus raising concerns due to its partisan coverage and its negative effect on competing commercial newspapers. In 2012, the owner of the religious right's prominent paper "Makor Rishon" purchased the longstanding but financially troubled "Ma'ariv" daily newspaper, increasing market centralization. However, mounting debt ultimately resulted with the newspaper's closure.

Financial hardship is also effecting the broadcasting industry. The private Channel 10, which has often been critical of the government, is repeatedly struggling to finance its yearly broadcasting license. Several political incidents in 2011, including a libel suit filed by the prime minister and his wife against the channel, generated criticism from civil society watchdogs arguing that politics is influencing negotiations over its debt.

Citation:

Agmon, Tamir and Tsadik, Ami, "Analyzing economic ramifications of centralization and cross ownerships in the Media," Knesset Research and Information Center, 2.11.2011 (Hebrew)

Tal, Yizhar and Ivry-Omer, Dina, "Regulation of electronic communications services in Israel: The need to establish a communications Authority," Policy research 76 IDI, November 2009:
http://en.idi.org.il/media/277043/pp_76.pdf (Hebrew)

Tucker, Nati, "Why did Shlom Ben Tzvi disappear?," theMarker 3.10.2014:
<http://www.themarker.com/markerweek/1.2449472> (Hebrew).

Zrahiya, Zvi, "Israel's media is riddled with alien interests," 15.11.2011
<http://www.haaretz.com/business/israel-s-media-is-riddled-with-alien-interests-1.395639>

"Israel: Freedom of the Press: 2014," Freedom House website:
<http://www.freedomhouse.org/report/freedom-press/2014/israel#.VDQ5CTYg1Ko>

Italy

Score 7

The Italian media system is more balanced today than in the past. In television, the earlier duopoly between public television (Radiotelevisione Italiana, RAI) and private television (controlled by Berlusconi's Mediaset) is now less exclusive. Sky TV and La7 and other national television broadcasters offer a relevant alternative for news. Public television is now under a more politically neutral governance. As for print media, the presence of four or five significant groups ensures a high degree of

pluralism. Overall one can say that all political opinions of some relevance in the political spectrum receive fair media coverage. Understandably, the largest parties obtain more space than the smaller ones. Unfortunately Italy's state-owned public television broadcaster RAI is still far from being able or willing to guarantee a pluralism of opinions or provide balanced opinions.

It would be difficult to say that certain positions are not published or are marginalized, especially in the case of newspapers. One of the big issues in Italy is the predominance of television: newspapers, radio programs and electronic media can't fully counterbalance its influence. As has been the case in the past, a single large television company can today exert a significant influence in electoral campaigns. Berlusconi's conflict of interest as an active politician and important political player through his party has not been resolved, and has merely been temporarily sidelined.

Lithuania

Score 7

Lithuania's electronic and print media markets are characterized by a mix of diversified and oligopolistic ownership structures. Ownership structures are not transparent. Publicly owned electronic media (the state-funded National Radio and Television) to some extent compensate for deficiencies or biases in private-sector media reporting. According to Transparency International (the Vilnius office), some media entities are more transparent than others. In 2007, the organization singled out Verslo Žinios and Valstiečių laikraštis among the print media and the Lithuanian Television from the electronic media for transparency, while print publication Respublika and Baltic Television were criticized in this regard. In 2014, the Journalists' and Publishers' Ethics Commission criticized print publications Respublika and Lietuvos rytas for failing to comply with professional ethics in publishing public information. In some cases, business conglomerates own multiple newspapers and TV channels. In addition, although state and municipal institutions cannot legally act as producers of public information, the Druskininkai municipality finances a newspaper that is freely distributed to local people by working through an educational organization. Recent parliamentary attempts to prohibit such practices were unsuccessful.

Citation:

See the 2007 Report of Transparency International (the Vilnius office) in http://transparency.lt/media/filer_public/2013/01/22/skaidresnes_zinia_sklaidos_link.pdf

See information by the Journalists' and Publishers' Ethics Commission <http://www.lzlek.lt/index.php?lang=1&sid=371&tid=400>

Luxembourg

Score 7

Luxembourg's six daily newspapers are more or less closely controlled by political parties. One of the six dailies, La Voix, a French language supplement of the leading

paper, Luxemburger Wort, was shuttered in fall 2012. There is a marked imbalance of strength and influence among newspapers, which generally reflects the strength of their political sponsors. The Luxemburger Wort is owned by the Catholic Church and thus has ties to the Christian Social People's Party (CSV). In 2011, it had a circulation of 69,843 copies, an overwhelming number considering Luxembourg's population of 500,000, a figure also larger than the combined circulation of its competitors.

The media landscape in 2007 was shaken up after the creation of two free daily sheets. The market share of the Luxemburger Wort fell to 39%, while that of L'Essentiel, the most successful of the free papers, rose to around 29% in 2014. L'Essentiel is published by Editpress, publisher also of the Tageblatt (the country's second largest newspaper with a market share of about 9.3%), and has ties to the Luxembourg Socialist Workers' Party (LSAP) and the socialist trade union, OGB-L. The conservative media group Saint-Paul, publisher of the Luxemburger Wort, is losing ground on increased competition and societal changes. Not only did it close La Voix, it abandoned the free-paper market by closing its own paper, Point24 in December 2012. Moves such as these, in addition to a drastic restructuring at the Luxemburger Wort, are clear signs of change in Luxembourg's media market.

Radio Télé Luxembourg (RTL) has no competitors in the television market and it remains well ahead in radio, despite the liberalization launched in the early 1990s. Its radio audience share (39.1%) is almost twice as high as that of second-ranking Elodoradio, which has just 19.6%. The Chamber TV parliamentary channel transmits live parliamentary sessions, as well as a weekly background information and news program on Mondays. It is owned by the Chambre des Députés and broadcasts only during those specific occasions.

Citation:

<http://www.eurotopics.net/fr/home/medienlandschaft/luxmdn/>

<http://www.ipl.lu>

<http://www.luxembourg-public.lu/catalogue/medias/ap-medias/AP-Medias-2013-DE.pdf>

<http://www.luxembourg-public.lu/fr/culture/medias/presse-ecrite/index.html>

https://www.tns-ilres.com/cms/_tnsNewsAttachments/Communique_de_presse_etudeplurimedia_2014.pdf

Netherlands

Score 7

The Dutch media landscape is very pluralistic but nonetheless subject to the same development as in other countries: a gradual narrowing of media ownership, which has been aggravated by the present financial economic crisis, internationalization and rapid commercialization. On the other hand, availability of (foreign and national) web-based TV and radio has increased tremendously. The Dutch media landscape is characterized by one of the world's highest readerships of newspapers. Innovations in newspaper media include the successful run of two free daily newspapers, tabloids, Sunday editions, and new media editions (online, mobile phone, etc.). On a regional level, though, the one-paper-city model is dominant; there are even several no-paper-cities.

The concentration of ownership in the print media is high. Three publishers control 90% of the paid newspapers circulated and foreign ownership of print media outlets is growing. As the circulation of traditional magazines decreases, publishers are launching new titles to attract readers. There are currently at least 8,000 different magazine titles available for Dutch readers. The Finnish publisher Sanoma publishes more than half of the general interest magazines circulated. Print outlets – both newspapers and magazines – carry a high share of advertising, but this is declining. There are several public and private television and radio stations at the national, regional and local levels. The three public channels continue to lose viewers. The Netherlands also shows one of Europe's highest rates of cable penetration ($\pm 95\%$). Finally, internet use in the Netherlands is high and diverse, and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch use the internet on a regular basis, which amounts to almost 70% of the population over six years old.

Citation:
Media Monitor:
<http://www.mediamonitor.nl/>

P. Bakker, 30 jaar kranten in Nederland: consolidatie en monopolievorming, in [mediamonitor.nl.](http://www.mediamonitor.nl/), consulted 5 November 2014

Portugal

Score 7

Portugal's media market is a competitive and relatively diversified one. There are four main television networks – one public (RTP, with two channels) and two private (SIC and TVI), each of the latter owned by a different media conglomerate (Impresa and Media Capital). In the aftermath of the transition to digital television, the Portuguese Assembly's own channel, ARTV (previously only available on cable) was added to the roster of free-to-air channels in December 2012.

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, has been diversifying substantially since 2009. There are now five cable news channels in Portuguese, with SIC Notícias (founded in 2001); RTP Informação (2004; named RTP Notícias until September 2011); TVI 24 (2009); Económico TV (2010; associated with the daily business newspaper, *Diário Económico*); and *Correio da Manhã* TV (March 2013, associated with the daily tabloid, *Correio da Manhã*).

This diversification increasingly reflects the newspaper market, where a number of leading groups emerge. The Controlinveste group holds a number of relevant titles, notably *Jornal de Notícias* (a leading daily in northern Portugal) and *Diário de Notícias* (another leading daily newspaper). The Impresa group also controls some print outlets, its flagship being the influential *Expresso* weekly. Meanwhile, the Sonae group is behind another influential title – the daily *Público*. Cofina Media has

the tabloid *Correio da Manhã* and the daily financial newspaper *Jornal de Negócios*; Ongoing has the other daily finance paper, *Diário Económico*; the *Sol* weekly is held by Newshold, which also acquired the daily “i” from Sogapal in September 2013. Newshold also sold much of its share in the Cofina group, reducing it from 15% in 2011 to less than 2% in October 2014. During this period, a new online daily newspaper called *Observador* was created with a classical liberal orientation (as set out in its editorial statutes).

This diversity results in a degree of pluralism of views and opinions. At the same time, it must be noted that the majority of media outlets – notably newspapers – face considerable financial challenges, as they frequently change hands. In particular, a trend has emerged during this period of Portuguese media groups being purchased by Angolan investors. Thus, in June 2013, the *Controlinveste* group was acquired by Angolan investor António Mosquito. Newshold is also owned by Angolan investors. This does raise questions regarding the extent to which Portuguese media may be used to advance Angolan interests.

Citation:

Observador, “Estatuto Editorial,” available online at: <http://observador.pt/estatuto-editorial/>

United Kingdom

Score 7

The strong concentration of newspaper ownership has long been a feature of the United Kingdom’s media market, and that continues to be the case. The BBC as a public-service broadcaster has a dominant position, especially with regard to broadcast and online news. Powerful individual owners such as Rupert Murdoch (News Corporation) have a long tradition in the country’s history, dating back to the 19th century. This coexists with a lively regional newspaper scene which has, however, little influence in terms of national opinion.

The electronic media and television market, in contrast, is much more balanced and also required by regulation to be politically neutral.

The support of the Murdoch media empire has been considered politically crucial over the last two decades. The firm has been very influential particularly in terms of the country’s position towards European integration. Following the News of the World scandal and the enquiry into corporate standards at News Corporation, Murdoch’s influence may have been weakened, but that of the Daily Mail Group remains strong. In addition, the Leveson Inquiry has demanded higher diversity in ownership and tighter regulation on media mergers, both of which (if enacted) could also work towards more diversity of opinion. The press, collectively, has strongly opposed attempts to circumscribe the freedom of opinion, and the matter remains unresolved.

Belgium

Score 6 Relatively few actors have an ownership stake in the major private media companies, a situation which is normal amid a small economy and an oligopolistic market. In practice, the various media outlets (television, radio, print + web) offer a diverse range of opinion, and most political positions are well-represented. The board of Belgian public media is also composed of representatives from most political parties, which includes government opposition parties (from the main parliamentary parties).

One issue affecting media outlets is the growing financial stress on print media. Tighter budgets have restricted newspapers' ability to pursue in-depth investigations on a systematic basis, and have reduced in general some of the public scrutiny in which, in theory, a free press is supposed to be involved.

Canada

Score 6 Media ownership in Canada is concentrated, with a small number of Canadian-owned and Canadian-controlled media conglomerates dominating the mainstream print and electronic media. There is also strong media concentration in some parts of the country (e.g., the Irving newspapers in New Brunswick). A case can be made that this has led to a lack of diversity in views and positions. For example, mainstream media outlets rarely support social-democratic political parties. The mainstream print media argue that while their editorials generally express a right-wing or centrist political orientation, they make an effort to seek out contributors with left-wing perspectives and to provide balanced coverage of issues. They also note the rise of alternative sources of media information promoting a pluralism of opinions, such as online newspapers and magazines and blogs. The counterargument is that the mainstream media continues to play a crucial role in setting the national agenda, and that the concentration of ownership means that certain opinions are thus not represented to the degree that they are held by the general population.

Iceland

Score 6 Media ownership in Iceland can be divided into three blocs, two private sector blocs and the third bloc owned by the government.

In autumn 2014, there was one state-owned TV station (RUV - Sjónvarp) and two state-owned radio channels (RUV - Rás1 and RUV - Rás2). There were also three private nationwide TV channels and two nationwide private radio channels, separately owned.

The private 365 Media Corporation (365 Miðlar) owns TV station Stöð 2, the Bylgjan radio station and Fréttablaðið, one of the country's two daily newspapers. 365 Media Corporation is the largest media actor in Iceland and has clear connections to Jón Ásgeir Jóhannesson, an individual closely associated to the 2008 economic collapse. Morgunblaðið, the second biggest newspaper, is considered the voice of the right-wing Independence Party (Sjálfstæðisflokkurinn). At the time of writing, its chief editor since 2009 is the former Independence Party prime minister, Davíð Oddsson. However, given the presence of several other smaller TV broadcasters and Iceland's small population of 320,000, radio stations and newspapers, media ownership in Iceland is fairly plural.

In 2014, ownership of the third largest newspaper (DV) was taken over by owners eager to replace its editor under whose stewardship the newspaper's journalists had won several awards for investigative journalism.

Japan

Score 6

Japan has an oligopolistic media structure, with five conglomerates controlling the leading national newspapers and the major TV networks. These include Asahi, Fuji Sankei, Mainichi, Yomiuri, and the Nihon Keizai Group. Another major force is NHK, the quasi-national broadcasting service, which has enjoyed close connections with LDP-led governments despite formal freedom from interference. It has rarely criticized the status quo to any significant degree. Its new director-general explicitly stated in his first press conference that he intends to follow the government's viewpoint. The main media groups also tend to avoid anything beyond a mildly critical coverage of issues, although a variety of stances from left-center (Asahi) to conservative-nationalistic (Sankei) can be observed. Asahi's reputation was damaged in 2014 by a scandal concerning sourcing errors in earlier reporting on wartime forced prostitution (the so-called "comfort women issue"). The scandal played into the hands of archconservative elements inside the government, which have become more mainstream since Prime Minister Abe entered office in late 2012. Such elements have sought to promote patriotism and to whitewash the atrocities committed by Japanese troops in the 1930s and 1940s.

Generally speaking, the small group of conglomerates and major media organizations does not support a pluralistic landscape of opinions. Regional newspapers and TV stations do not play a serious competitive role. New competition emerges from interactive digital-media sources such as blogs, bulletin boards, e-magazines and social networks. Their use is spreading rapidly. In the longer run, the loss of public trust in the government and major media organizations may have intensified the move toward greater use of independent media channels, and thus towards more effective pluralism.

Malta

Score 6 Maltese media outlets, including visual media, electronic media and print publications, are primarily owned by a mix of actors: political parties, the Catholic Church, private entrepreneurs and the General Workers' Union (GWU), a major left-wing trade union. Thus Malta's media landscape reflects a plurality of ownership. Pluralism of opinion within the media depends entirely on the willingness of ownership to allow the publication or dissemination of opposing viewpoints or dissent from current orthodoxy. The state media does not guarantee a plurality of viewpoints, and has been itself on occasion the subject of court cases for alleged bias. However, competition for market share has forced both privately owned and politically owned media to publish dissenting opinions more readily. State media reforms have proven difficult to implement and remain controversial, but the widening of access to the media by outside sources appears to have improved the system's overall pluralism.

Citation:

<http://www.timesofmalta.com/articles/view/20130428/opinion/Making-PBS-a-fit-national-entity.467423>

<http://www.timesofmalta.com/articles/view/20130423/local/new-pbs-chairman-t-hanks-the-pm.466622>

<http://www.timesofmalta.com/articles/view/20130425/local/Time-for-changing-of-the-guard-at-PBS.467040>

Mexico

Score 6 The Mexican media is much more diversified and politically pluralist than it was a generation ago, but ownership is still highly concentrated. For example, just two television companies have an overwhelming share of the market, although reforms that contain anti-monopoly provisions are now on the way. As of today, these powerful televisual interests are bland rather than partisan. Younger Mexicans take full advantage of internet-based media, which has been growing in both size and significance. The development of online media has done a lot to enhance pluralism. Yet since digital media is only used by a certain part of the population – younger and more educated – there is a generational and educational divide in access to media sources.

Slovakia

Score 6 Media pluralism is facilitated by a diversified ownership structure and a substantial share of foreign ownership. However, the private media market has suffered from a lack of transparency, and the provision in the Act on Broadcasting that no person or company is allowed to hold more than one national television or radio license or to be a publisher of more than one national daily is not really enforced. Economic pressures led to changes in ownership for number of key organizations in 2013, resulting in some layoffs. TV Markíza appointed a new director in September 2013,

and the managers of TV JOJ became co-owners of the organization in October 2013. The billionaire leader of the Czech ANO 2011 political party, Andrej Babiš, announced the acquisition of the publishing house Ecopress, which publishes the Slovak *Hospodárske noviny* daily. Moreover, in autumn 2014, the Penta financial group entered the media market, buying 50% of Petit Press, which publishes the *Sme* daily. This resulted in the resignation of the newspaper's editor-in-chief and several other journalists. Penta has also acquired two other publishing houses, and will control the *Trend* economic weekly, the *Plus Jeden Deň* daily and the *Plus 7 Dní* weekly (the latter two of which are tabloids).

Slovenia

Score 6

Slovenia currently has about 1,400 different media outlets, including more than 80 radio and 40 television broadcasters (both local and cable operators). However, the public-media market share is still substantial, with Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) running seven out of 10 national TV and radio channels (for TV: SLO1, SLO2, SLO3; for radio: Program A, Program Ars, Val 202 and Radio Slovenia International). The strong role of the public media has raised some concerns about media pluralism. A search for a buyer for *Večer*, the fourth-largest daily newspaper (primarily serving the northeastern part of the country), failed in 2013. However, *Delo*, its owner and the county's largest newspaper company, managed to sell its 79.4% share to the privately held *Dober Večer* in July 2014 for a sum of just over €1 million. *Večer*'s journalists protested the sale, as *Dober Večer* was established just few weeks prior to the sale, and there was no known development strategy for *Večer*. Despite these concerns, *Delo* won approval for the sale from the Office for the Protection of Competition (AVK) at the end of August 2014. Overall, the media market continues to suffer from a lack of transparency and regulation. Neither the government nor the Electronic Communication Agency, which regulates the sector, have done much to improve the situation.

Australia

Score 5

Australia has a high degree of concentration of media ownership, with the ownership of national and state newspapers being divided mainly between two companies: Rupert Murdoch's News Corporation and the John Fairfax Group. The concentration of newspaper ownership has resulted in a low level of diversity in reporting and editorial positions. There is slightly more diversity in broadcast media, with the government funding two bodies, the Australian Broadcasting Corporation and the Special Broadcasting Service, to provide a balance to the main commercial outlets. There are also three main commercial companies, none of which is politically aligned.

Austria

Score 5

The Austrian media system features a distinct lack of pluralism in both the broadcast- and print-media sectors. The TV and radio markets are still dominated by the public Austrian Broadcasting Corporation (ORF). By law, the ORF is required to follow a policy of internal pluralism, which in practice translates primarily into a reflection of the various political parties' current strength in parliament. Thus, interests and movements not yet established in the political system may occasionally suffer a disadvantage.

The print media sector is highly concentrated, with a single daily paper (Die Krone) accounting for a 40% market share on a circulation basis. This paper carries political weight insofar as politicians of various parties seek to please its editor and staff, a situation that erodes the fair and open democratic competition of ideas and interests. Print media organizations are no longer owned by parties or organized interest groups, and the concentration can be seen as a consequence of market forces and the small size of the Austrian market.

Regional monopolies also pose a threat to media pluralism. In some federal states, a single daily paper dominates the market. Once again, the small size of the Austrian media market is largely responsible.

Despite these problematic aspects to the market from the point of view of media pluralism, ORF fulfills its mandate of providing independent and comprehensive coverage well, and is therefore able to serve as a balance to pluralistic shortcomings.

Bulgaria

Score 5

Media pluralism in Bulgaria is supported by a quite diversified ownership structure. The sheer plurality of media outlets ensures relatively broad coverage of different points of view. At the same time, however, the ownership structure is often opaque. It is often unclear who the actual owners are and what their business interests are – especially in the case of offshore-owned media. Moreover, many private media owners have close links to the government. A very significant recent development is the rising importance of online media, including blogging and various independent sites, which have begun to influence the overall information process. These online resources were especially actively used during the protests in Sofia in 2013 and subsequently in the 2014 election campaigns.

Chile

Score 5 The Chilean print media sector is characterized by high concentration. The El Mercurio group and Copesa together account for much of the country's print sector, have the greatest share of readers and control of a considerable amount of the country's advertising portfolio. The papers owned by these two dominant groups offer essentially uniform political-ideological projects, editorial positions, styles and news coverage. However, these newspapers are more influential among Chile's political elites than among the broader public. The official government daily, La Nación, presents views and opinions that run counter to those in the dominant papers; however, its print edition was eliminated during the administration of former President Piñera (although it is still accessible online). A similar pattern can be found in the public-television sector, but on the whole the electronic sector offers a more diversified scope of opinion (especially on local radio stations and in a few online publications). In general, there is a very narrow informational mainstream, with the government-owned TVN being the most dominant free station. Whether it presents politically balanced views and provides access to all viewpoints is a point of debate.

Croatia

Score 5 Media pluralism in Croatia is limited. The TV market is dominated by the public TV station Croatian Radiotelevision (Hrvatska radiotelevizija, HRT) and two private broadcasters, Nova TV and RTL. Two companies and a single distribution network dominate the market for print media. Ivica Todorić, whose Agrokor group owns the distribution network, also controls most of the marketing agencies and thus most of Croatia's advertising budgets. Given the hands-on approach of many private media owners, these oligopolistic ownership structures have infringed upon the freedom of the media. The Milanović government has done nothing to improve the regulation of the media market. Legal provisions aimed at limiting cross-ownership have not been enforced.

France

Score 5 Media pluralism is reasonably guaranteed in France. Yet nearly all newspapers, daily or weekly, local or national, are under the control of either rich business people or companies or banks. One of the few exceptions is a regional newspaper in the western part of France. Whereas on the national level there is a wide range of newspapers expressing political pluralism, local media is normally characterized by a monopoly or quasi-monopoly position of one paper in a given geographical area. The print run of daily newspapers is low by Western standards, and has been negatively affected by online publications. The print market is largely in decline and suffers

financially. The situation is further aggravated by an obsolete, inefficient, corporatist and costly system of distribution that is controlled by the unions. Many newspapers are put in jeopardy due to the costs and general malfunctioning of the distribution system. Faced with online competition, rising costs and a shrinking readership, print media have had to rely more and more on the benevolence of wealthy entrepreneurs or on the state. Given the multiple ties between political and business elites in France, this is not a particularly favorable situation for the maintenance of a vibrant culture of media pluralism.

Greece

Score 5

There are a large number of electronic and print media organizations, but the structure of ownership remains oligopolistic with strong cross-ownership across media formats. In a country of 11 million inhabitants, there are more than 120 analog private TV stations with a national, regional or local license. There are also approximately 950 regional/local radio stations. Since the closing down of the national broadcaster (ERT) by government fiat in June 2013, ERT's four national and 13 regional state-owned TV channels, which used to cater to a small audience, have been abolished. The new public broadcaster (NERIT), which effectively started operating only in May 2104, has three TV channels and three radio channels. NERIT broadcasts a decent program but its appeal has been compromised by the fierce political battle between government and opposition over the abolition of its predecessor (ERT). In fact, to this day, the main party of the opposition, Syriza (Synaspismós Rizospastikís Aristerás or Coalition of the Radical Left) refuses to recognize the new public broadcaster and its party cadres never accept invitations by NERIT to participate in panel discussions or talk shows.

On the other hand, the large number of private TV channels does not indicate a diversified ownership structure. Four of them (Mega, Antenna, Star, Skai) attract the majority of TV viewers, as they offer popular shows, including Turkish and Brazilian soap operas, and infotainment. Their owners also hold majority shares in national daily newspapers (He Kathimerini, Ta Nea, Ethnos). There is extensive cross-ownership not only among electronic and print media, but also within the field of TV and radio channels.

The print media landscape is more pluralistic. There are 59 national newspapers and around 500 regional/local ones. However, over time, in the last two decades (1990 – 2008) circulation has dropped by 50%. The owners of the Sunday newspapers (To Vima, He Kathimerini) also have shares in the major private TV channels. Some other large Sunday newspapers offer sensationalist coverage (Real News, Proto Thema). There are also regional daily newspapers in large cities.

While Greece lacks an effective anti-monopoly policy for the media business, the media do report a wide range of opinions. The opposition has a voice in the media,

as political party cadres participate daily in state and private TV and radio programs, and two national newspapers (Efimerida ton Syntakton, Eleftherotypia) reflect opinions very close to the radical left party Syriza. The latter also runs its own daily, He Avgi. The traditional pro-Soviet communist party (KKE) has its own daily newspaper, while smaller leftwing groups run their own weekly newspapers and websites. There are also low-circulation weekly newspapers voicing hardline, extreme-right political views.

Citation:

Information and analysis on media cross-ownership and newspaper circulation in 1990-2008 is drawn on Nikos Leandros, "Media Concentration and Systemic Failures in Greece", *International Journal of Communication*, vol 4, 2010, pp. 886-905. Information on the numbers of print and electronic media businesses and media ownership in Greece is available at Evangelia Psychogiopoulou, Dia Anagnostou and Anna Kandyla, "Does Media Policy Promote Media Freedom and Independence? The Case of Greece", case study report included in ELIAMEP's MEDIADDEM research program, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Greece.pdf>. Accessed on 08.06.2013.

South Korea

Score 5

Despite some limitations, South Korea is one of few countries in East Asia with media pluralism. Its quality, however, depends on the type of media. The print media is dominated by three major newspapers: Chosun Ilbo, Dong-a Ilbo and Joong Ang Ilbo. The combined market share of these three outlets in 2006 was 62.3%. Smaller alternative newspapers also exist. The major newspapers are politically conservative and business-friendly, partly because they depend to a very large degree on advertising revenues. For example, major newspapers and websites did not review or accept advertisements for the best-selling book of former Samsung chief counsel Kim Yong-chul, in which he accuses Samsung and Samsung Electronic Chairman Lee Kun-hee of corruption. However, as newspaper subscription rates continue to decline – dropping by almost 50% between 1996 and 2006 – the internet has increasingly become one of the most important sources of information for South Koreans, especially among younger people.

There is more pluralism in the broadcasting sector due to the mix of public and private media. However, the diversity of political opinions in this arena is threatened by government influence over broadcasters' personnel policies. In December 2011, in a controversial change of rules, the major newspapers were allowed to start their own cable TV channels. Channel A was founded by Dong-A Ilbo, TV Chosun by Chosun Ilbo, jTBC by JoongAng Ilbo and MBN by Maeil Business Newspaper. It is still not clear how the new cable channels will affect media plurality, but there is concern that the concentration within the newspaper sector will spread to TV as well. These cable TV channels are heavily influenced by the government in terms of re-approval examination.

Citation:

Chung, Jongpil, Comparing Online Activities in China and South Korea: The internet and the political regime, *Asian Survey*, September/October 2008, Vol. 48, No. 5, Pages 727–751.

“New cable channels off to shaky start”, Korea Herald, 5 December 2011

Hungary

Score 4 Media pluralism in Hungary has suffered both from increasing government control over the public media and a process of concentration of private-media ownership in the hands of firms close to Fidesz. Since the 2014 elections, however, some rifts within the right-wing camp have been evident, as some private media owned by Lajos Simicska, an enigmatic Fidesz oligarch and media mogul, have started to criticize the government. Independent media still exist (for instance ATV, Klubrádió, and various print publications), but these work under very difficult financial and political circumstances. The proposed tax on Internet traffic, which was shelved after mass protests at the end of October 2014, was widely interpreted as an attempt to limit media pluralism by containing the reach of the difficult-to-control Internet.

New Zealand

Score 4 New Zealand’s media market has been affected by major changes in the last few years. Private media companies are increasingly subject to influence by financial ownership. Both private and public companies are replacing content oriented at public interest with programs seeking high audience ratings. New Zealand’s media market is mostly dominated by foreign companies (mainly from Australia), although there are two public television stations (Maori TV, TVNZ) and one public radio station called Radio New Zealand that operates nationwide. Sky TV holds a monopoly with regard to pay TV. However, since 2012 Igloo, a joint venture between Sky Network Television and TVNZ, has made a small selection of pay TV channels available at low cost.

In September 2011, the New Zealand Press Association, New Zealand’s largest news agency, closed. It was replaced by three news services. Because all three are Australian-owned, New Zealand is now one of only a handful of countries that lack their own local news agency. It remains to be seen whether this is a “serious blow to media diversity,” as Freedom House has argued.

Bloggers have gained prominence as an alternative to traditional media offers. Some of them concern themselves with political affairs and reach high numbers of visitors.

Citation:

<http://www.freedomhouse.org/report/freedom-press/2013/new-zealand#.VDVHuVekzQ8> (accessed October 8, 2014).

JMAD New Zealand Media Ownership Report 2013, http://www.academia.edu/5252012/JMAD_New_Zealand_Media_Ownership_Report_2013 (accessed October 14, 2014).

Romania

Score 4 In May 2014, a number of civil-society organizations, including the Romanian Academic Society, Active Watch and the Center for Independent Journalism, created the Coalition for a Clean Press (CPC) in an effort to promote the transparency of media corporations' funding sources. The CPC called on all major media corporations to post the names of their shareholders and advertisers; however, only 5% proved willing to do so. This refusal reinforced the widespread concern about the prominent role of politicians and oligarchs among mass-media owners and the centrality of non-transparent funding sources, including government advertising and offshore havens. For example, several of the largest TV stations in Romania, including Antena 3 and Romania TV, are owned by businessmen with close ties to parties in Prime Minister Ponta's current governing coalition. The owner of Antena 3, Dan Voiculescu, was convicted of money laundering and sentenced to 10 years in prison in August 2014.

The dangers of these oligopolistic ownership structures became apparent during the protests against the Roşia Montană gold-mining project in the fall of 2013. Most mainstream media organizations provided minimal coverage of the protests, and were consequently accused of being heavily biased in favor of the mining company (RMGC) promoting the project. By contrast, an active group of independent online news outlets covered the protests, helping to disseminate the other side of the story, although this sector's impact was largely limited to younger and urban audiences.

Turkey

Score 4 Groups previously uninvolved in media activities have stepped into the sector, a move which has facilitated the development of oligopolistic structures. Indeed, an increasing concentration in media ownership – most notably regarding the activities of the Doğan Media Group, Calık Holding, Cukurova Holding, Doğuş Grubu, Ciner Grubu and İhlaş Holding – can be observed in recent years. The holding companies have conflicting economic interests, as they are shareholders in a variety of business sectors such as health care, education, construction and telecommunications. In March 2011, regulations governing the allowed ownership structures for radio and television companies was revised. Law 6112 increased the maximum limit on foreign investment in media companies from 25% to 50%, on the condition that the same foreign investor cannot invest in more than two enterprises. Despite this relaxation of certain restrictions, international companies still cannot be majority stakeholders in domestic media companies.

Since late 2013, the “havuz medyası” – literally “the pool media” – has been created through the government's exertion of direct leverage over media owners composed mainly of the big construction companies. This process has been accompanied by increasing pressure on the media and journalists critical of the government party's

practices, resulting in self-censorship and dismissals. A special note in this respect should be made regarding media outlets such as Zaman (a newspaper) and Samanyolu (a TV station), which are allegedly linked with the network of U.S.-based preacher Fethullah Gülen. These have been the focus of repression and investigation by state and government-affiliated institutions and agencies in the wake of internal political quarrels within the conservative camp.

Citation:

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European Commission, Turkey 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapp_ort_2012_en.pdf (accessed 5 November 2014)

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Indicator

Access to Government Information

Question

To what extent can citizens obtain official information?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Legal regulations guarantee free and easy access to official information, contain few, reasonable restrictions, and there are effective mechanisms of appeal and oversight enabling citizens to access information.
- 8-6 = Access to official information is regulated by law. Most restrictions are justified, but access is sometimes complicated by bureaucratic procedures. Existing appeal and oversight mechanisms permit citizens to enforce their right of access.
- 5-3 = Access to official information is partially regulated by law, but complicated by bureaucratic procedures and some poorly justified restrictions. Existing appeal and oversight mechanisms are often ineffective.
- 2-1 = Access to official information is not regulated by law; there are many restrictions of access, bureaucratic procedures and no or ineffective mechanisms of enforcement.

Finland

Score 10

The public's access to government information is in principle unrestricted. In accordance with the Finnish constitution, every Finnish citizen has the right of access to public documents and recordings. This right includes access to documents and recordings in the possession of government authorities, unless their publication has for some compelling reason been restricted by a government act. However, special categories are secret and exempt from release, including documents that relate to foreign affairs, criminal investigations, the police, security services and military intelligence. Such documents are usually kept secret for a period of 25 years, unless otherwise stated by law. Finland was also among the first countries to sign the Council of Europe Convention on Access to Official Documents in 2009. The 1999 act on the openness of government activities stipulates that persons asking for information are not required to provide reasons for their request and responses to requests must be made within 14 days. Appeals to any denial can be taken to a higher authority and thereafter to the Administrative Court. The chancellor of justice and the parliamentary ombudsman can also review the appeal.

Latvia

Score 10

The constitution provides individuals with the right to address the government and receive a materially substantive reply. The Freedom of Information Act (FOIA), in place since 1998, creates the right to request information and receive a response

within 15 days. No reason needs to be given for the request. Information is classified as generally accessible or restricted. Any restrictions on the provision of information must be substantively reasoned in accordance with specific legal guidelines. The FOIA is actively used by the press, NGOs and the academic community. Appeal procedures are in place, including both an administrative and court review. Government decisions to classify information as restricted have been challenged in the courts, with the courts generally upholding a broad standard of access to information.

Latvia has a number of regulations promoting transparency in the decision-making process, requiring the government to make documents available to the public proactively. Documents regarding draft policies and legislation are freely available online, and cabinet meetings are open to journalists and other observers. Regulations require that many documents be published online for accountability purposes. This includes political party donations, public officials' annual income and financial disclosure statements, national budget expenditures, conflict-of-interest statements and data on public officials disciplined for conflict-of-interest-violations.

Citation:

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Norway

Score 10

Freedom of information legislation gives every person right of access to official documents held by public authorities. Official documents are defined as information that is recorded and can be listened to, displayed or transferred, and which is either created by an authority and dispatched or has been received by an authority.

All records are indexed at the time of creation or receipt. Some ministries make these electronic indexes available on the Internet or through e-mail. Requests can be made in any form (even anonymously) and must be responded to without undue delay, generally (according to Ministry of Justice guidelines) within three days.

Documents can be withheld if they are made secret by another law or if they refer to issues of national security, national defense or international relations, financial management, the minutes of the State Council, appointments or security measures in the civil service, regulatory or control measures, test answers, annual fiscal budgets or long-term budgets, or photographs of persons entered in a personal data register. If access is denied, individuals can appeal to a higher authority and then to the parliament's ombudsman for public administration, or to a court. The ombudsman's decisions are not binding but are generally followed. There have been very few court cases dealing with this issue.

The 1998 Security Act sets rules on the classification of information. It creates four

levels of classification and mandates that information cannot be classified for more than 30 years. The Act on Defense Secrets prohibits the disclosure of military secrets by government officials, as well as the collection (in the form of sketches, photographs or notes) and disclosure of secrets by others, including journalists. Articles 90 and 91 of the criminal code criminalize the disclosure of secrets, and provide for imprisonment of up to 10 years for violations of these provisions.

In 2010 the government made it easier for citizens to access public documents by providing them with access to the government's electronic post journal.

Denmark

Score 9

Denmark passed the Access to Public Administration Files Act in 1985, which replaced a previous act made law in 1964. The act stipulates that, "any person may demand that he be apprised of documents received or issued by an administration authority in the course of its activity." There are exceptions to this framework; the act does not apply to matters of criminal justice, nor does the right of access extend to an authority's internal case material. Further, the right of access does not apply to five specific sorts of documents, which include: records of meetings of the Council of State, as well as minutes of meetings of ministers, and documents prepared by an authority for use at such meetings; correspondence between ministers, relating to the making of laws, including appropriation bills; documents exchanged in connection with the secretarial function of one authority on behalf of another authority; correspondence between authorities and outside experts for use in court proceedings or in deliberations on possible legal proceedings; and material gathering for the purpose of public statistics or scientific research. The law previously included European Community documents, but this exemption was removed in 1991.

The law further describes files that "may be subject to limitations," namely files concerning the following: state security or the defense of the realm; protection of Danish foreign policy or of Danish external economic interests, including relations with foreign powers or international institutions; prevention and clearing-up of any infringement of the law, prosecution of offenders, execution of sentences and the like, and protection of persons accused, of witnesses or others in matters of criminal or disciplinary prosecution; implementation of public supervision, control, regulation or planning activities, or of measures planned under taxation law; protection of public financial interests, including interests relating to public commercial activities; or protection of private or public interests where secrecy is required because of the special nature of the matter.

This list is obviously rather long and some of the possibilities to deny access to documents are rather open-ended. The act does stipulate that requests must be dealt with quickly; if no decision has been made within 10 days, authorities have to inform the inquiring party as to why their request is delayed, and when they can expect a decision.

The parliamentary ombudsman can review the decisions by administrative authorities over the disclosure of information. The ombudsman cannot change decisions, but can make recommendations, which are normally followed by the authorities.

Denmark was not among the 12 European countries that signed the first international convention on access to official documents in Tromsø, Norway, on June 18, 2009. This Council of Europe convention has been criticized for its weaknesses.

In 2012, amendments to the Danish Access to Public Administration Act were negotiated among the political parties. In February 2013, the government proposed further changes that were criticized for reducing access to documents prepared by government officials in the process of preparing new government policy. The justice minister, Morten Bødskov, a Social Democrat, defended the proposals by saying that ministers should be free to consider new ideas without being targeted in the media while they develop their ideas. The new act was approved in parliament on 4 May 2013 by a majority consisting of the government coalition parties as well as the Liberal and the Conservative Party, while the act met opposition from both the left and right (the Danish People's Party, Liberal Alliance and Unity List).

Citation:

Act No. 572, 19 December 1985, The Danish Access to Public Administration Files Act, <http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2008-28/response/DKAccessToPublicAdministrationFilesAct.pdf> (accessed 16 April 2013).

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Estonia

Score 9

The main principles of access to public and official information are laid out in the constitution. Additionally, the Public Information Act has been in force since 2001, and the Personal Data Protection Act since 2007. Accordingly, access to information must be fast and easy, and restrictions are strictly defined by law. Any citizen or resident can submit an oral or written information request to the government and officials must provide a response within five working days. The obligations on authorities under the Public Information Act are not only to provide information, but also to assist the public in accessing documents.

The act is enforced by the Data Protection Inspectorate (DPI), which acts as an

ombudsman and preliminary court, educator, adviser, auditor and law-enforcement agency. In 2013, the inspectorate handled 550 complaints, 1370 requests for explanation and 1344 help-line calls from citizens. Additionally, the inspectorate investigates breaches of information rights on its own initiative.

Because Internet use is very widespread in Estonia, the strategic policy has been to advance access to information by using official websites and portals. All municipalities, political parties and government institutions must maintain a website, which must contain at least the information defined by legal acts. Also, in order to guarantee everyone's access to public information, municipalities have to provide free Internet in public libraries. In order to ensure the availability and transparency of public information, the DPI monitors state authorities' web pages and document registries. Unfortunately, the results of this oversight activity are not publicly accessible. An emerging problem with governmental websites is that they are becoming overloaded with detailed administrative and legal information, eventually undermining usability.

Citation:

Estonina Data Protection Inspectorate (2014). Implementation of the Public Information Act and the Personal Data Protection Act in 2013, Recommendations for 2014. http://www.aki.ee/sites/www.aki.ee/files/elfinder/article_files/Aastaraamat%202013%20t6lkesse_en.pdf (accessed 02.Nov.2014)

Greece

Score 9

Citizens' free and easy access to official information has been regulated since 1986. A new law passed in 2010 provided for the creation of an electronic system allowing access to any public document. There are a few reasonable access restrictions pertaining to matters of national security and defense.

There are effective mechanisms of appeal and oversight enabling citizens to access information. Firstly, there are administrative courts, including the highest administrative court (Symvoulío tis Epikrateias). Secondly, there is the Greek ombudsman, which was established in 1997. Unfortunately, owing to work overload, administrative courts can take a long time to decide on a case, but the office of ombudsman represents a well-managed mechanism of appeal and oversight. The ombudsman can demand that any public service respond to a citizen's right to information.

In October 2014 the Greek government passed a new law which further expanded access to public documents and adapted Greek legislation to the Directive no. 2013/37/EE of EU's Council of Ministers.

Citation:

The two most important laws regulating access to information are Law 1599/1986 and Law 3861/2010. The most recent relevant law, passed in October 2014, is Law 4305/2014.

Lithuania

Score 9

The principle of freedom of information is upheld in Lithuania's constitution and legislation. For instance, the Law on the Provision of Information to the Public states that, "Every individual shall have the right to obtain from state and local authority institutions and agencies and other budgetary institutions public information regarding their activities, their official documents (copies), as well as private information about himself." Appeals can be made to an internal Appeals Dispute Commission and to administrative courts. Legal measures with regard to access to government information are adequate, and do not create any access barriers to citizens; however, citizens often fail to take advantage of their right to use this information.

Although Lithuania joined the multilateral Open Government Partnership initiative in 2011, it missed a key deadline for submitting a self-assessment report. In 2014, the Government Office developed a new action plan for improving open-government practices throughout the country. The administration's open-government practices were being reviewed by the OECD at the time of writing.

Citation:

<http://www.opengovpartnership.org/blog/ogp/2014/02/12/three-cohort-2-countries-will-not-receive-irm-reports>.

New Zealand

Score 9

Access to government information is regulated by the Official Information Act 1982. It is based on the principle that all official information should be made available to the public, but that there are restrictions with regard to the protection of the public interest (for example, national security or international relations) and the preservation of personal privacy. There are clear procedures in how queries are handled by public bodies, including a time frame of 20 working days. The Office of the Ombudsman reviews denials of access upon request. Decisions are binding, but there are no real sanctions for non-compliance. Following a number of precedent-setting decisions by the office in recent years, access to official information is now far-reaching, including politically sensitive communications between political advisers and ministers, as soon as this communication is held by the ministry. The Official Information Act has been reviewed several times. Proposals for reform have included a reduction of the time frame for dealing with requests for official information; and more resources for the Office of the Ombudsman, but these reforms have not yet been implemented. The office has instead concentrated on organizational restructuring to achieve more efficiency and effectiveness. This has to be viewed in light of the steep rise in the number of complaints the office has had to deal with in recent years (29% in 2012/2013). In 2012, a review of the Official

Information Act by the New Zealand Law Commission resulted in several recommendations, including the appointment of a statutory officer to provide oversight of the legislation. The primary purpose behind such a role is to provide leadership in the training and education of officials, as well as to help publicize developments. The government has yet to act on these recommendations.

Citation:

Annual Report of the Ombudsman 2012/2013 (Wellington: Office of the Ombudsman 2012/2013).

New Zealand Law Commission, 'The Public's Right to Know: Review of the Official Information Legislation' (R125, Wellington, July 2012)

Sweden

Score 9

Sweden is a forerunner and remains a leading country on all issues related to transparency in government and public access to government information and documents. Both the political elite and the public cherish the fundamental principle that all government documents are public, unless they are classified or relate to individual integrity. If anything, the emergence of e-government has further promoted the objective of accessibility and transparency. Sweden is also pursuing greater transparency within the EU Commission.

There has been a growing problem lately in the willingness of government departments to provide documents to the public and the media as swiftly as the constitution states. Media representatives in particular have criticized the government on this matter. There is also some frustration among executive agencies to have access to documents of the government departments. Nevertheless, Swedish government and administration still meet high requirements regarding transparency and publicity.

Citation:

Weibull, L., H. Oscarsson and A. Bergström (2013), *Vägskäl* (Göteborg: SOM-Institutet)

B. Johansson et al. (2014), *Det politiska spelet. Medborgare, medie och politiker i den representativa demokratin* (Lund: Studentlitteratur)

Switzerland

Score 9

Swiss authorities pursue very open strategies of information release. For example, the website of the federal administration offers access to major sources of political information.

Article 16 of the constitution, dealing with the issue of freedom of opinion and information, states that: "(1) The freedom of opinion and information is guaranteed; (2) Every person has the right to form, express and disseminate opinions freely; (3) Every person has the right to receive information freely, to gather it from generally accessible sources and to disseminate it."

The Federal Law on the Principle of Administrative Transparency (Loi sur la Transparence, LTrans) was approved in December 2004 and took force in July 2006. The law gives any person the right to consult official documents and obtain information from authorities. The authorities must respond within 20 days. If a request is refused, a citizen can seek redress from the Federal Delegate for Data Protection. However, this law's coverage is limited, applying to federal public bodies, other organizations and persons who make decisions under the Administrative Procedures Act, and parliamentary services. The Suisse National Bank and the Federal Commission on Banks are exempted. The law also does not apply to official documents concerning civil or criminal law processes, documents relating to foreign policy, or political party dossiers relating to administrative disputes. Consumer organizations have argued that the law contains too many exceptions.

Given these qualifications, it is noteworthy that this law has gained some influence, since the Federal Supreme Court has interpreted it in a liberal way.

United States

Score 9

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt, such as information related to national defense, personnel rules and practices, ongoing criminal investigations, and participation in legal cases. Citizens must file a formal request to receive documents. If the request is denied, the applicant can bring the case to the courts. Agency administrators and the presidential administration have considerable discretion with regard to permitting access, as citizens and researchers have difficulty knowing when relevant information has been withheld.

According to a late 2011 report by the National Journal, the Obama administration has been far more open than the preceding George W. Bush administration with respect to sharing documents. It has released “reams of data, in formats that are useful to citizens and researchers alike.” Obama issued new instructions that require more forthcoming responses to FOIA requests. As a result, the White House says it has reduced FOIA request backlogs and denied fewer requests than the preceding administration. Moreover, the Obama administration has generally responded to requests from Congress for internal documents, making claims of “executive privilege” in order to withhold information less readily than the previous administration. In 2013 – 2014, the Obama administration denied or delayed a record number of FOIA requests. However, data indicates a 138% increase in national-security-related requests, an apparent byproduct of the Snowden leaks.

Citation:

Ambinder, M. (2011). Government Transparency, Obama's Secret Problem. *National Journal*, 17.

Australia

Score 8

Since 1982, access to government information has been largely regulated by the Freedom of Information Act (FOI Act). Under this act, applications for information from the government must be made in writing and agencies must respond within 30 days.

The original FOI Act contained a considerable number of exemptions, including for cabinet documents; internal working documents; documents affecting national security, international relations or relations with states; documents affecting enforcement of law and protection of public safety; documents affecting financial or property interests of the Commonwealth; documents relating to business affairs or research; and documents affecting the national economy. The list of exempted agencies is long and some of them, for instance the Aboriginal Land Councils and Land Trusts or the National Workplace Relations Consultative Council, seem poorly justified.

Ministers were also granted considerable discretion to issue “conclusive certificates” stating that information was exempt under the act’s provisions that protect deliberative process documents, national security and defense, cabinet documents, and documents related to Commonwealth/state relations. These certificates could not be reviewed during any appeal.

Compliance with the FOI Act was heavily criticized by many people in the past, and the Labor government elected in 2007 passed several pieces of legislation and new regulations that sought to improve community access to government information. This included: the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009; the Freedom of Information (Fees and Charges) Amendment Regulations 2010; the Australian Information Commissioner Act 2010; and the Freedom of Information Amendment (Reform) Act 2010, under which requirements to publish information were increased as of 1 May 2011.

In May 2014, the coalition government announced the abolition of the Office of the Australian Information Commissioner, although in principle its main functions will continue to be carried out by other agencies.

Citation:

Attorney-General’s Department web site describing the 2009 and 2010 Freedom of Information reforms: <http://www.ag.gov.au/RightsAndProtections/FOI/Pages/Freedomofinformati onreforms.aspx>

http://www.oaic.gov.au/images/documents/freedom-of-information/applying-the-foi-act/foi-guidelines/part2_Scope_application_FOI_Act_v1.3.pdf

Statement by the Australian Information Commissioner, Freedom of Information Commissioner and Privacy Commissioner on the Government’s decision to abolish the Office of the Australian Information Commissioner: <http://www.oaic.gov.au/news-and-events/statements/australian-governments-budget-decision-to-disband-oaic/australian-government-s-budget-decision-to-disband-oaic>

Austria

Score 8 Citizens can access government information, but certain restrictions apply. The principle of privacy is sometimes used as a justification – at times, only a pretext – to prevent academic research and other inquiries. The Austrian bureaucracy still appears tempted to consider access to information a privilege rather than a right. However, despite these practical shortcomings, the principle of transparency is enshrined in the Austrian constitution, and generally enables access to information by citizens.

Indeed, the overall trend is favorable, with practices of information access becoming progressively more liberal. For example, the police and courts have now established structures (offices and officers in charge) responsible for information. This seems in part to be a result of generational change within the bureaucracy.

Despite ongoing discussions, Austria has not yet adopted an encompassing “Freedom of Information Act,” of which all citizens are informed and able to use. There are too many caveats in the law (defined as state-relevant “secrets”) to protect government acts from public access.

Czech Republic

Score 8 The Czech constitution and the 1999 Law on Free Access to Information, substantially amended in 2006, provide for extensive access to government information. Public bodies have gradually learned what can and cannot be kept secret. There are still difficulties with regard to access within many municipalities, but municipalities can also be taken to court if officials refuse to respond to requests for information. Some smaller municipalities have faced stiff financial penalties following a failure to disclose information as requested. As a result, the actions of municipalities are becoming more transparent, through streaming municipal board meetings online and allowing citizens to participate in municipal activities in other interactive ways. An increasing number of NGO initiatives (such as Otevřete, or Open It) support better access to public administration information and the public’s right to accessing it. These initiatives, together with the pro-active approach of the ombudsman’s office, have contributed to an improvement in quality of online portals for public administration and thus have further improved access to government information.

Iceland

Score 8

The 1997 Information Act (Upplýsingalög), revised in 2012, provides a right of access guarantee to official information. Memoranda, working documents, and materials related to the Council of the State (Ríkisráð), cabinet and ministerial meetings were originally exempted. In 2012, a revision to the Act on the Government of Iceland (Lög um Stjórnarráð Íslands) mandated that the agenda of cabinet meetings be presented to the media and published on the government's website after each meeting. However, a proposal that cabinet meetings be recorded was not included.

Sensitive financial and personal information, as laid out in the Act on Processing and Protection of Personal Data (No. 77/2000), is not accessible unless permission is obtained from the person involved. Access to restricted information is available once the measures associated with the information are complete, after a period of 30 years for general information or 80 years for personal information (as per the National Archives Act, No. 66/1985). Information regarding the security or defense of the state, or international commercial activities is also exempted from the act. Decisions denying access to information can be appealed to the Information Committee, whose members are appointed by the prime minister. No other government or judicial body can overrule the decisions of the Information Committee.

Despite these provisions, public access to information can be restricted. For example, the Central Bank refused a parliamentary committee request to be provided with a transcript or audio recording of a telephone conversation between the prime minister and the central bank's governor shortly before the 2008 economic crash.

The constitutional bill – approved in principle by 67% of the electorate in a 2012 referendum, but later tabled by parliament – contained ambitious freedom of information provisions, similar to those active in Sweden, designed to significantly enhance public access to information kept by the government.

Citation:

The National Archives Act no. 66/1985. (Lög um Þjóðskjalasafn Íslands no. 66/1985).

Information Act (Upplýsingalög). Act no. 50/1996.

Act on Processing and Protection of Personal Data. (Lög um persónuvernd og meðferð persónuupplýsinga) Act no. 77/2000.

Act on the Government of Iceland (Lög um Stjórnarráð Íslands) nr. 115 23. september 2011.

Change of Act on the Government of Iceland (Lög um Stjórnarráð Íslands) nr. 115 23. september 2011. (Lög um breytingu á lögum nr. 115/2011, um Stjórnarráð Íslands (skrifleg framlagning mála á ríkisstjórnarfundum)).

Ireland

Score 8 Irish Freedom of Information (FOI) legislation, initially enacted in 1997, was amended in 2003 to restrict access to data and information about decision-making in the public administration in several key areas, including defense, government meetings, and areas of commercial sensitivity. The Freedom of Information (Amendment) Act passed in 2013 removed the substantive restrictions introduced in 2003, and extended FOI to all public bodies including the National Treasury Management Agency, the National Asset Management Agency An Garda Síochána, and the Central Bank of Ireland. Moreover, it reduced the cost of internal review from €75 to €30, and appeal fees from €150 to €50.

The existing FOI legislation has been used effectively by individuals and the press to gain access to information regarding the manner in which ministries reach decisions, the expenses incurred in public procurement, and instances of the waste of public funds.

Government departments, ministries and agencies now have information officers to channel information to the public. In some cases these officers act as purveyors of objective information; others act as spin doctors, putting biased interpretations on events to suit politicians.

The Central Statistics Office (CSO) is responsible for the collection and dissemination of official statistics. An independent national statistics board oversees its performance. This office is located in the Department of the Taoiseach (the prime minister's office) and is not answerable to the ministers responsible for areas covered by the statistics. Sensitive data (such as figures on inflation, unemployment, etc.) are made available to ministries shortly before their publication, but they have no right to alter these data or to influence how they are presented. The CSO enjoys a good reputation internationally in both its independence from political interference and the technical competence of its staff.

In May 2013, Ireland submitted a letter of intent to join the Open Government Partnership. Full membership was achieved early in 2014 with the submission of Ireland's National Action Plan.

Israel

Score 8 Israel has a freedom of information law (1998) allowing each citizen or resident to apply for information regarding a government authority's activity, whether written, filmed, recorded or digitized. This legal standing has been the basis of considerable activity by NGOs government bodies and private individuals. Municipal authorities and government offices issue online reports detailing their progress in various areas.

Naturally, the right to freedom of information is not absolute, with reasonable restrictions on the basis of national security or privacy issues.

The right-to-privacy law (1998) grants individuals the right to access their personal information held in government or private-entity databases. The implementation of this law is enforced by the registrar of databases in the Ministry of Justice, and petitioners can appeal to the courts if they find that government practice does not accord with the law.

In 2011, government decision no. 2950 established a designated unit for freedom of information within the Ministry of Justice. The unit is also charged with implementing OECD guidelines for information management and sharing. As part of its mandate, it publishes a yearly progress report. According to the unit, in 2014 70% of requests were replied to within the legal 30 day period; the most common reason for rejection being lack of proper documentation (20%). According to the report, progress is often impeded by the norms surrounding the position of the responsible party for freedom of information in subordinate authorities (budget, conflict of interest, time and manpower constraints, etc.). Lack of compliance is also evident in the fact that 400 of the 1,100 authorities still do not cooperate with the ministry's directions.

Citation:

Arbel, Jonathan and Swartz-Altshuler, Tehila, "Information wants to be free," IDI website, December 2008 (Hebrew)

Banisar, David, "Israel," in Freedom of Information around the World. A Global Survey of Access to Government Information Laws, 2006, pp. 90-91, <http://www.privacyinternational.org/foi/foisurvey2006.pdf>

Baum, Ido, "A third of all bodies subordinate to the freedom of information law - ignore it", theMarker 13.8.2014: <http://www.themarker.com/law/1.2404461> (Hebrew).

"About the unit for freedom of information", The Ministry of Justice website:

<http://index.justice.gov.il/Units/YechidatChofeshHameyda/About/Pages/OdotHayechida.aspx> (Hebrew)

"Freedom of Information Law," 1998: <http://www.freedominfo.org/documents/Israel-FOIL1998.pdf>

"Protection of privacy law," 1981: <http://www.justice.gov.il/NR/rdonlyres/C5205E15-3FE9-4037-BA0F-62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf>

"The movement for freedom of information": <http://www.meida.org.il/>

Italy

Score 8

The first freedom of information act was introduced by Law No. 241 in 1990. Its provisions were amended and made less restrictive by Law No. 15 of 2005. Disclosure can be denied only under specific circumstances (such as national security, protection of privacy, etc.) which must be explicitly identified by administrative offices. Special offices (Uffici Relazioni con il Pubblico, URP) dealing with requests for access to information have been established in all administrative offices, both nationally and locally. Access has become more easy and

effective.

Both judicial and non-judicial mechanisms of appeal exist, and are increasingly used. Among these is the Commission for Access to Public Documents (Commissione per l'Accesso ai Documenti Amministrativi) of the presidency of the Council of Ministers, which receives appeals in cases of information-disclosure denials, and can force public administrative bodies to reconsider their decisions. The commission, which is composed both of parliamentarians and of technical officers, should make an annual report to parliament. In fact, the most recent report was published in 2012. Regional administrative tribunals can judicially enforce the disclosure of documents. In spite of this regulatory and organizational progress, the propensity of public administration to provide the answers in due time is still far from being fully satisfactory either because of bureaucratic inefficiency or because of a reluctance to disclose internal matters. A recent report by an Italian NGO gave a response rate of only 35% within 60 days to information requests.

In a symbolic move, the Renzi government announced the declassification of documents on Italy's "strage," – which refers to a series of terrorist attacks in the 1970s and 1980s and other incidents involving the national government and its authorities.

Citation:

<http://www.commissioneaccesso.it/media/45335/relazione%202012.pdf>

Poland

Score 8

Access to public information is guaranteed in Article 61.1 of the Constitution of the Republic of Poland, and the Law on Access to Public Information provides for far-reaching access to official information. The law defines public information as information on public matters, and covers trade unions and political parties as well as the government. In response to an EU directive, a September 2011 amendment facilitated the reuse of government information by citizens, and called on public institutions to provide resources enabling citizens to access information. While the Sejm makes a fair amount of information publicly available, many ministries render such information difficult to find and work with, even online. NGOs such as the Polish Open Government Coalition complain that public institutions take too long to process requests.

Citation:

M. Gumkowska, J. Herbst, J. Kołaczyński, K. Kościelecka, A. Miazga, Dostęp do danych publicznych w Polsce [Access to Public Data in Poland], Klon/Jawor Association, Warsaw 2013.

M. Siwanowicz, J. Górnicki, M. Rzeplińska, A. Ścisłowska, Misja Otwartość: Dostęp do informacji i transparentność Działań Sejmu RP na tle założeń międzynarodowej Deklaracji w sprawie otwartości parlamentu [Mission Openness: Access to information and transparency of Activities of the Sejm of the Republic of Poland against the objectives of the international Declaration on opening Parliament], ePaństwo Foundation, Association 61/MamPrawoWiedzieć.pl, Warsaw 2013.

Slovakia

Score 8 Access to government information is guaranteed by the constitution and the Act on Free Access to Information, which was originally approved in 2000 and has been amended several times since. In 2013, the Slovak Economy Ministry proposed blocking access to public contracts closed before 2011, but dropped the idea after the emergence of strong objections, especially from pro-transparency non-governmental organizations. A Justice Ministry commission subsequently announced that it would produce a major amendment to the Freedom of Information Law. One change being considered was the introduction of fees for processing information requests. A civic initiative called “For a Good Law on Free Access to Information” has been formed with the objective of following the proposed legal changes.

Slovenia

Score 8 Slovenian law guarantees free and quite easy access to official information. Restrictions are few and reasonable (covering mostly national security and secret data issues), and there are effective mechanisms of appeal and oversight enabling citizens to access information. When access to official information is obstructed or denied, the Information Commissioner, an autonomous body that supervises both the protection of personal data as well as access to public information, can be called upon and intervene. In a number of cases, the Information Commissioner has helped citizens to enforce their right of access.

United Kingdom

Score 8 The United Kingdom has a long tradition of official secrecy. However, in recent years successive governments have very actively tried to capitalize on the transparency and cost-savings potential of making government information available online. Together with the Freedom of Information Act 2005, this has contributed to easier access for citizens and, often in a very high-profile way, the media. The United Kingdom has also been at the forefront of making government data available for commercial use and citizen inspection (“open data”). The restrictions on what information can be provided under the Freedom of Information Act (cost limits; national security restrictions; state financial interests) are largely in line with the respective regulations in other countries. Recent efforts to simplify and render government information more accessible have seen the replacement of a profusion of web sites with a single government portal – www.gov.uk – and it is clear that the government now regards the provision of information as a high priority.

Belgium

Score 7

While there is no law that directly addresses freedom of information, access to official information is in general granted and should be forthcoming without impediment (Belgium in 2009 was one of the signatories of the Convention on Access to Official Documents). In practice, however, some information can be hard to find, is not directly publicized or is not made widely available. This is further complicated by the multilevel structure of state institutions and administration (federal, regional/community, provincial and local), with the ineffective sharing and aggregation of information across all levels.

As a researcher, it is even difficult to determine out how one gains access in general to information. As a few examples: at the time of writing, finding information from the country's main consumer budget survey has become increasingly difficult; data on pass/fail rates at French-speaking universities is now considered classified; and information that may have "ethnic" content is now specifically not being collected by the state (a response to the country's tense ethnolinguistic issues).

Bulgaria

Score 7

Access to government information for citizens is guaranteed by the Bulgarian constitution and regulated by the Access to Public Information Act originally adopted in 2000. The provisions, which have been refined several times, allow a very high level of access for citizens to government information and are subject to judicial oversight through court appeals. The opportunity for court appeals has been actively used by civil-society actors and organizations, and a robust court practice has developed. In recent years, the amount of government information made freely and promptly available on the Internet has increased markedly, and the number of formal requests for information has declined. In 2013 – 2014, the legal framework was further tightened through several landmark suits respectively related to police behavior during the protests of the summer of 2013 and to highly socially and politically sensitive information involving a large gas-pipeline project. In both cases, crucial information ultimately became available to the citizens. However, the annual reports of the Access to Information Program, an NGO established in 1996, indicate that a number of government institutions still try to impede freedom of access to information. The most common excuse for refusing to release such information is that interests of third parties may be affected, while confidentiality and classified information considerations come a distant second. Delays in the provision of information also persist.

Chile

Score 7

The statute on access to public information (Ley No. 20,285 sobre Transparencia de la Función Pública y Acceso a la Información de los Órganos de la Administración del Estado) was approved by Congress in August 2008 and implemented in 2009. It stipulates two dimensions of transparency. The first is “passive transparency,” and obliges all public institutions and authorities of the government to respond to any request for information constituted as public information within a 20-day period (with extensions of up to 10 more days possible). The other dimension is that of “active transparency,” and requires governmental ministries and agencies to publish broad information on various topics on their websites. The statute also creates the Transparency Council (Consejo para la Transparencia), an independent agency responsible for monitoring transparency, regulating transparency practices and compelling public services to provide information should they refuse to do so. The Transparency Council’s board of directors is nominated by the executive and approved by the senate. Information classified as a state secret is exempted from these transparency stipulations. This remains an important clause, as there are about 20 Chilean laws that are officially still classified as secret. These laws derive in some cases from the beginning of the 20th century, and in others from the military regime. Most are actually common knowledge, but remain formally treated as secret. Although the Transparency Law (Ley de Transparencia) leaves very little room for administrative interpretation, there have been cases of negligence regarding access to and publication of relevant information.

Citation:

<http://www.freedominfo.org/regions/latin-america/chile/>

For my additional information:

<http://www.leychile.cl/Navegar?idNorma=276363&idParte=0>

http://anticorrupt.eu/wp-content/uploads/2014/03/Chile-Background-Report_Final.pdf (S. 14)

Croatia

Score 7

The Right of Access to Information Act has been in place since 2003 and the legislative framework is relatively well established, particularly thanks to later amendments to the act. However, access to information continues to lack transparency, and some public institutions even fail to submit the required regular reports on the enforcement of the act. These reports are coordinated by the Personal Data Protection Agency (AZOP). AZOP still lacks some of the mechanisms required for the implementation of requests made to public-authority bodies. Moreover, AZOP is not authorized to represent the public interest in the most important cases dealing with classified information. In October 2013, however, a long-standing demand by NGOs was met, and the first Commissioner for the Right of Access to Information was elected by parliament. As a result, the institutional environment for access to government information has substantially improved.

France

Score 7

The right of access to information was strengthened in 1978 through the establishment of an independent agency, CADA (Commission d'Accès aux Documents Administratifs). This body guarantees that any private or public entity is entitled to be delivered any document requested from a public administration or service, regardless of the legal status of the organization (private or public) if the institution maintains a public service. However, some restrictions have been established, mainly in relation with issues regarding the private sphere or the protection of intellectual property or business information in order to safeguard competition between companies. The main and more controversial issue is the refusal to issue documents by citing security or defense concerns, a concept which can be applied broadly and with a limited capacity for challenging in court. The administration in question must deliver the requested document within a month. After that deadline, inaction is considered as a rejection which can be challenged in court.

The development of new technology systems, such as e-government and e-administration, has increased the possibility for citizens and specialized media to obtain important public information. The diffusion of public statistical surveys, public reports and other documents from different public bodies has been largely facilitated by Internet sites, allowing the downloading of these documents without cost or restriction.

Germany

Score 7

In his third annual report, covering the years 2011 – 2012, Federal Commissioner for Data Protection and Freedom of Information (FfDF) Peter Schaar made clear that considerable effort is still required in order to create a transparent federal administration. Five federal states (Bavaria, Baden-Wuerttemberg, Hesse, Lower Saxony and Saxony) have not yet adopted their own freedom of information laws, although the right to petition remains a substitute. Furthermore, citizens are not broadly aware of the federal Freedom of Information Act. Although many federal agencies try to act transparently, some public authorities have interpreted the act in a very restrictive manner. Some have sought to introduce delays in the process of providing information, while others have refused to provide access to documents altogether, arguing that the contents were of vital importance to ongoing government activities and thus confidential. According to the FfDF, changes in governmental practices as well as a reduction in the number of statutory exceptions to the act are needed. The FfDF's annual report listed 276 cases in which citizens sought help in response to federal authorities' reluctance to make documents available. In 45 cases, information access was granted by public authorities after the FfDF issued a formal complaint.

Citation:

BfDI's annual report 2011-12 <http://www.thm.de/zaftda/tb-bfdi>

Netherlands

Score 7

Article 110 of the constitution states: “In the exercise of their duties government bodies shall observe the principle of transparency in accordance with rules to be prescribed by Act of Parliament.” The Government Information (Public Access) Act (WOB) entails both active and passive public accessibility of information. Under WOB, any person can demand information related to an “administrative matter” if it is contained in “documents” held by public authorities or companies carrying out work for a public authority. Information must be withheld, however, if it would endanger the unity of the Crown, damage the security of the state or, particularly, if it relates to information on companies and manufacturing processes that were provided in confidence. Information can also be withheld “if its importance does not outweigh” the imperatives of international relations and the economic or financial interest of the state. Between 2010 – 2012 access to government information became a politically contested issue. In practice, the law was used more and more to justify withholding of information to citizens and journalists in the name of “state interest,” which usually referred to the right to confidentiality of intra-government consultation. On the other hand, local governments accused citizens of improper use of the WOB at the expense of public monies and time.

Citation:

Aanpak oneigenlijk gebruik WOB, in vng.nl, consulted 5 November 2014

Portugal

Score 7

Free and readily available access to official information is guaranteed in Article 48, 2 of the 1976 constitution, and there are mechanisms to ensure that this does in fact happen. There are extensive legal stipulations providing guarantees for access to official information. Additional support is supplied by the Aarhus Convention of the European Union which was signed on 25 July 1998 and ratified by Portugal on 7 September 2003. The government has recently put online virtually all official information and requirements such as permits and licenses. It can be readily accessed through home computers and for free in a wide variety of public places such as municipal libraries. The Commission on Access to Administrative Documents (Comissão de Acesso aos Documentos Administrativos, CADA) deals with complaints regarding public access to information. It was established in 1995.

That said, there remains scope for improvements in terms of access to government information. The Global Right to Information Rating index gives Portugal a score of 73 out of 150, placing the country 68th out of 100 countries.

Citation:

Global Right to Information Rating, Country Data, available online at: http://www.rti-rating.org/country_data.php

Turkey

Score 7

According to Law 4982, citizens, noncitizens and foreign corporations have the right to access government information. However many public records are not included within the scope of the law, as exceptions for state secrets, intelligence information, individual privacy and communication privacy exist.

Almost all public offices have a section that deals with requests for information, which can be made in person or electronically.

Between 2009 and 2011, the number of applications for information based on Law 4982 increased by about 40%. The rate of increase in the actual number of applications for information was 46% in 2012 and 33% in 2013. A total of 93% of application received positive responses, 4% received partially positive and partially negative responses, and only 3% were rejected.

Several regulations were adopted in April 2012 concerning a push for administrative simplification, to provide basic public services online (e-government). The law governing the creation of an ombudsman office was adopted in June 2012 and took effect in 2013.

The Board of Review of the Access to Information reviews administrative decisions rendered under Articles 16 and 17 of the information-access law, and makes decisions regarding institutions' implementation of the associated right. As with other administrative decisions, appeals can subsequently be made to the administrative court.

Citation:

Bilgi Edinme Degerlendirme Kurulu (BEDK), Genel Raporlar - Istatistikler, 2013 Yili Genel Degerlendirme <http://www.bedk.gov.tr/genel-raporlar.aspx> (accessed November 5, 2014).

Canada

Score 7

Access to official information in Canada is regulated by the Access to Information Act. Access is often impeded by bureaucratic procedures and delays. In general, there is reluctance on the part of political and bureaucratic officials to release information that puts the government in a bad light, and the current system of access to information appears to allow such attitudes to influence the release of information. Although the law does provide for access to much of the Canadian government's documents, there are restrictions in place that some groups feel have been misapplied by the current government, such as the censoring of information for national security reasons. For instance, a 2008 report asserted that the federal government failed to conform with many central freedom-of-information recommendations, and that many quasi-governmental entities are not covered under Canada's Access to Information

Act. The author, Stanley Tromp, argued that while the Canadian Access to Information Act was a progressive piece of legislation when it was introduced in 1982, and could claim to be competitive with the other access laws which existed at the time, the federal government has failed to reform the legislation sufficiently over time to respond to implementation problems and to incorporate new and progressive developments in the sector. In a recent report by Canadian-based The Centre for Law and Democracy in cooperation with the Madrid-based Access Info Europe, Canada's legislation was compared to that of other countries. According to this report, Canada's standing in September 2011 was ranked 40th of 89 countries, but fell to 51st in June of 2012, then to 55th of 93 countries in September 2012, behind Mongolia and Colombia. "While standards around the world have advanced, Canada's access laws have stagnated and sometimes even regressed," the report concluded, noting that Canada was a world leader in 1983 when its federal information law came into force.

The Centre for Law and Democracy (2012): Entrenching RTI: An Analysis of Constitutional Protections of the Right to Information, posted at http://rti-rating.org/docs/Const%20Report_final.pdf

Stanley Tromp (2008) Fallen Behind: Canada's Access to Information Act in the World Context, posted at <http://www3.telus.net/index100/report>

Luxembourg

Score 6

Luxembourg has no freedom of information act nor equivalent legal regulation. Such a law has been called for by journalist associations and many NGOs as well as by Regulation No. 1049/2001 of the European Commission. The government cultivates a certain culture of secrecy; a directive issued in 1987 requires civil servants to get the authorization of their respective minister before releasing any information. Numerous advisory bodies, which include representatives from interest groups, usually serve as a channel to spread the government's message well ahead of official notification to parliament or the professional chambers. Basically, it is up to the government to decide what becomes public, and when. The previous government promised to draft a law that was inspired by information practices in neighboring countries as well as on Council of Europe recommendations. The draft law presented in 2014 was not up to expectations, however.

The most effective way to get information from the government remains the so-called parliamentary query (question parlementaire). The government is required to provide an answer within a month, or even within a week in case of urgency. This instrument is widely used by members of parliament, and during the 2012 – 2013 parliamentary session, 549 questions were filed. Often MPs are used by interested parties, lobbies or associations to discover the government's intentions using the parliamentary query. MP questions and government answers are published in the regular account of parliament's activities (Compte rendu des séances publiques).

Citation:

http://chd.lu/wps/wcm/connect/ba007e0e-5993-4957-adf8-6590d9c6ed2c/Rapport_2012-2013_internet.pdf?MOD=AJPERES&CACHEID=ba007e0e-5993-4957-adf8-6590d9c6ed2c

http://www.europarl.europa.eu/register/pdf/r1049_en.pdf

<http://www.journalist.lu/>

<http://www.legilux.public.lu/leg/a/archives/2004/0085/a085.pdf#page=2>

<http://www.luxembourg.public.lu/catalogue/medias/ap-medias/AP-Medias-2013-DE.pdf>

Regarding parliamentary queries see: Section 80 of the standing orders: Règlement de la Chambre des Députés, Mémorial A, N° 206, 26.11.2007

Website of the Parliament (www.chd.lu) gives a detailed online account of the dialogue between MPs and the government.

Mexico

Score 6

The national freedom of information act became law in 2002. The law was the first of its kind in Latin America to impose obligations on the state to share information with the citizenry and increase the level of political transparency. Today, Mexico's freedom of information has proved to be a considerable success in its progress toward an informed public. Scholars, journalists and bureaucrats have all made full use of its provisions and a lot of new information has come to light. However, the degree to which the law is obeyed varies, and local, regional, political and bureaucratic interests are sometimes capable of dragging their feet in providing information. Moreover, failures of coordination between the huge number of state entities sometimes makes it difficult to obtain requested information.

Romania

Score 6

Law 544/2001, also referred to as the Freedom of Information Act (FOIA), ensures citizens' access to public information. The remit of the law creates obligations for all central and local state institutions as well as public companies for which the state is the majority shareholder. Along with ministries, central agencies and local governments, public universities, hospitals, and many off-budget central and local public companies have to comply with the terms of Law 544. However, actual enforcement differs somewhat from the terms of the existing legislation. Privacy and secrecy considerations often trump the transparency principle. Media and civil-society organizations have launched public protests and legal disputes seeking to set precedents and invigorate the already codified procedures. For example, in the summer of 2014, the European Court of Human Right ordered the Romanian government to pay approximately €9,000 after the former mayor of Baia Mare rejected journalist Ioan Romeo Rossianu's request for access to public information (despite three final court rulings).

Citation:

Iordache, Adriana, 2014: The Implementation of the Principle of Decisional Transparency in Romania. Romanian Academic Society, Policy Brief #64, Bucharest. http://sar.org.ro/wp-content/uploads/2014/08/Policy-brief-64_The-implementation-of-the-principle-of-decisional-transparency-in-Romania_v2.pdf

South Korea

Score 6

The Act on Disclosure of Information by Public Agencies regulates access to government information. The Korean Public Information Disclosure System makes available all documents described by the act. Information can also be accessed online at the Online Data Release System. If an individual requests the disclosure of information, the agency in possession of that information must make a decision on the petition within 15 days. While this is a reasonable level of exception in theory, “national security” is often given a very wide scope for interpretation.

Despite the sound legal regulations for information disclosure, there are many complaints about the policy’s practical implementation. Freedominfo.org reports that information disclosure requests are often rejected without proper explanation. Complaints and litigation are possible in the wake of a failure to disclose information.

Park Geun-hye unveiled the Government 3.0 Plan on 19 June 2013, pledging wide-ranging information disclosures on areas that were previously off-limits. The government said that by 2016, it will nearly quadruple the scope of administrative data releases from 16% to 60% of the available total source documents in areas like transport, climate, finance, and welfare. A new public data law to provide the legal grounds for the plan was enacted in July 2013. The Open Data Mediation Committee was created to help the public when the government or quasi-public agencies refuse to provide data or suspend access.

Citation:

Korea Public Information Disclosure System, https://www.open.go.kr/pa/html/eng_main.htm “Twenty governmental institutions currently in violation of Information Disclosure Law” , The Hankyoreh, 3 March 2010, <http://english.hani.co.kr/arti/engl>

Freedominfo, South Korea, <http://www.freedominfo.org/regions/east-asia/south-korea/>

Gov’t to widen administrative data transparency, <http://www.korea.net/NewsFocus/Policies/view?articleId=109276>
“Open data access a work in progress”. Korea JoongAng Daily, July 21, 2014

Spain

Score 6

The Spanish legislature passed in December 2013 the first specific law ever to allow free and easy access to government information (Law 19/2013 on “transparencia, acceso a la información pública y buen gobierno”). This regulation has significantly improved access to government information by permitting broader transparency of public issues. It must be taken into account that, before this step, Spain was one of the very few cases in Europe with no right of transparency guaranteed (it was only partially regulated and, as a result of bureaucratic red tape and the rigid interpretation of exceptions and restrictions, access to government information was extremely difficult).

At the end of 2014, the government launched a transparency website that made more than 500,000 items of public interest freely accessible to all citizens (contracts, subsidies, agreements, salaries, etc.). This site centralized previously unavailable information. Some data are only available upon request and petitions must be filed directly on the website. A team of up to 36 civil servants transfers requests to the department in possession of the relevant information and, according to the procedure, a reply has to be issued within 30 days. If the answer is not forthcoming or is unsatisfactory, citizens may turn to the Transparency Council, which decides whether there are data protection or security issues that justify withholding the information.

According to the Madrid-based NGO Access Info Europe, the new legislation establishes some limits on freedom of information compared with that of neighboring countries (Spain still scores low but has shifted during 2014 from 75th to 64th position in a ranking of 100 countries made by this NGO). The four main criticisms to the law consist in the fact that some institutions (including the parliament or the royalty) are not made completely transparent, there is no recognition of access to information as a fundamental right (i.e., delicate information is excluded), the oversight body is not fully independent, and the aforementioned transparency website has shortcomings. During the period under consideration, there has not been time enough to assess the effectiveness of the enforcement and appeal mechanisms (either to the administration itself, to the Transparency Council, to the Ombudsman or to the courts).

Citation:

RTI Rating Data Analysis Series (2014): Overview of Results and Trends, Center for Law and Democracy (Canada) and Access Info Europe (Spain): www.rti-rating.org/country_data.php

http://elpais.com/elpais/2014/12/10/inenglish/1418205749_872964.html

Hungary

Score 5

While existing law provides for far-reaching access to government information, the government has frequently stretched the provisions of the law, making it difficult for the public and the media to obtain information, especially on issues relating to public procurement. The second Orbán government made enforcement of this access more difficult by shifting oversight responsibility from an independent data protection commissioner to a Data Protection Office (Adatvédelmi Hivatal) within the state administration. This move was criticized by the European Commission. The situation has worsened further under the third Orbán government, as there has been a constant fight between the government and the democratic opposition over access to government data. Opposition parties have increasingly turned to the courts as a result. The independent media has also challenged government secrecy with some success, but only through court decisions. Independent media organizations (websites such as hvg.hu and index.hu) have regularly published closed government

information, and some organizations – notably Transparency International Hungary, the Society for Freedom Rights (TASZ) and the “Átlátszó” (Transparent) website – have worked intensively to demand government information.

Japan

Score 5

Japan’s Act on Access to Information Held by Administrative Organs came into effect in 2001, followed one year later by the Act on Access to Information Held by Independent Administrative Agencies. Basic rights to access government information are thus in place, although a number of issues remain. Various exemptions apply, as for instance with respect to information regarding specific individuals, national security issues or confidential business matters. Claims can be denied, and the head of the agency involved has considerable discretion. Appeals are possible, but only in court, which involves a very burdensome process.

In December 2013, the Diet passed a controversial State Secrets Law, under which ministries and major agencies have the power to designate government information as secret for up to 60 years. There are no independent oversight bodies controlling such designations. Whistleblowing can be punished by up to ten years in prison, and up to five years for those trying to obtain secrets. Critics argue that governments may be tempted to misuse the new law. The 3/11 catastrophes have already made it clear that, in situations deemed critical or uncomfortable, the government is willing to withhold relevant information.

Japan has no electronic freedom of information act, but in February 2013, the government created a so-called Open Data Idea Box, where citizens can propose and discuss ideas for the online release of government information. It remains to be seen how seriously the government will take such endeavors, however.

Citation:

Japan Times, Secrets for the making, Editorial, 19.10.2014, <http://www.japantimes.co.jp/opinion/2014/10/19/editorials/secrets-making/#.VFPwsMk-etE>

Malta

Score 4

The Freedom of Information Act was passed in 2008 and only came into force in September 2012. Since this time journalists have had better access to information from government bodies. However, exemptions compromise the bulk of the legislation. Under Article 5(4), no Maltese citizen is entitled to apply to view documents held by the Electoral Commission, the Employment Commission, the Public Service Commission, the Office of the Attorney General, the National Audit Office, the Security Service, the Ombudsman Office and the Broadcasting Authority, when the latter is exercising its constitutional function. Under Article 3, only Maltese

and EU nationals who have been resident in Malta for a minimum of five years may access information. The prime minister also holds the power to overrule the Information and Data Protection commissioner, despite the latter's declaration that a request for information should be approved. Moreover, there are a number of laws that still contain secrecy provisions to which the act does not apply. This undermines the essential workings of the act, as it could be in the political interest of the prime minister to suppress the publication of documents which might embarrass or undermine his administration. Consequently, the act is restrictive and sends a message that the government is essentially determined to protect its information from public scrutiny. Indeed, the act does not meet the standards of the Council of Europe's Convention on Access to Official Documents.

Citation:

Aquilina, K, Information Freedom at Last. Times of Malta, 22/08/12

Freedom of Information Act Comes Fully into Force. The Independent 02/09/12

Cyprus

Score 3

No comprehensive legal framework regarding the right to access official information exists. Reference to the issue is made in various legal documents; the constitutional clause on free expression (Article 19); and individual laws on personal-data processing, access to environmental data, the reuse of public-sector information (PSI), the public service, the press, and more. Article 67 of the Law on Public Service (L. 1/1990) characterizes as "confidential" all information that comes to the knowledge of employees in the exercise of their duties, and prohibits disclosure without authorization. In the absence of specific and coherent legislation on the issue, decisions on information access are left to the discretion of officials, which leads to contradictory attitudes that ultimately affect transparency.

Mechanisms for administrative appeal are provided in connection with the reuse of public-sector information, environmental information and data protection. Recourse to an independent authority, the Commissioner for Data Protection, is also possible for relevant issues. Another option is recourse to courts, though no direct legal provision on this issue exists.

Research findings have shown a lack of official respect for this right, and a failure to comply with relevant Council of Europe standards. Restrictive measures on access and a lack of response to information requests continued to be the norm during the review period, with little in the way of public debate or positive steps by authorities.

Citation:

<http://www.accessinfocypus.eu/en/research.html>.

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