



Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance
Indicators 2016

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 2015 classified Estonian media as “free,” with no change in rank compared to 2014.

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 contributor to debate among citizens and the formation of public opinion. Finland has been ranked at or near the top of the Reporters without Borders’ Worldwide Press Freedom Index since 2009; in 2015, Finland again took first place, for the fifth year in a row. Several factors contribute to this rather unique success. Media consumption rates are high in Finland, which ranks first in the European Union on the basis of relative rates of newspaper circulation. This high rate of media consumption guarantees a strong market and healthy competition, promoting high quality journalism. In addition, 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, the government has not sought to interfere with press freedom.

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

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.

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Bergström, Annika et al. (eds.) (2014), *Fragment (SOM rapport 63)* (Göteborg: SOM).

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 ranked third (2015) on the annual Press Freedom Index, published by Reporters Without Borders. Due to a Danish newspaper's publication of a cartoon of Islamic prophet, Muhammad, Denmark was for some years ranked lower.

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).

Reporters Without Borders. Press Freedom Index 2015," <http://index.rsf.org/#/> (accessed 7 October 2015).

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.

Ireland

Score 9

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.”

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’ 2015 Press Freedom Index, Lithuania was ranked 31st among 180 countries in terms of press freedom (an improvement of one position compared to the previous year). Despite this generally satisfactory situation, court decisions and prosecutors’ orders are sometimes a threat to media independence. The courts 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, media’s independence could be compromised by the fact that the government remains one of the main advertisers.

With the aim of combating hostile propaganda and disinformation, the Lithuanian authorities introduced modifications to the Public Information Law that impose a penalty of up to 3% percent of a broadcaster’s annual income for spreading information that is deemed war propaganda, encouragement to change the country’s constitutional order, or an encroachment on the country’s sovereignty. This national-security decision will restrict the broadcasts and rebroadcasts of some Russian TV channels in Lithuania. In March 2015, the Vilnius Regional Administrative Court

issued a three-month ban on broadcasts by two Russian television channels that violated Lithuanian broadcasting regulations.

Citation:

2015 WORLD PRESS FREEDOM INDEX, see <https://index.rsf.org/#/index-details>

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

New Zealand

Score 9

Freedom of the media is regulated by the Broadcasting Standards Authority. In addition, it is safeguarded by the New Zealand Press Council, an independent organization that hears complaints from consumers and publishes annual reports. Although international rankings by Freedom House and Reporters without Borders with regard to media freedom have repeatedly placed New Zealand at top positions, there is an ongoing discussion whether the current situation adequately deals with new media as well as traditional media outlets. In 2011, the New Zealand Law Commission proposed to establish a new independent regulator (the News Media Standards Authority) that would replace the current dual public-private regulatory regime. At the time of writing (November 2015), this recommendation had yet to be adopted by the government.

The Search and Surveillance Act 2012 forces journalists to answer questions by the police, to identify their sources and to hand over documents. It remains to be seen how the new legislation affects the independence of the media.

In 2015, the Office of the Ombudsman undertook a “quality-assurance” review of the Official Information Act (OIA). It confirmed that there had been a number of complaints regarding delays in the government’s response to applications for information under the provisions of the OIA, as well as regarding the incompleteness of the information provided.

Citation:

Annual Report of the New Zealand Press Council 2013 (Wellington: New Zealand Press Council 2013).

<https://freedomhouse.org/report/freedom-press/2015/new-zealand> (accessed November 30, 2015).

<http://en.rsf.org/press-freedom-index-2013,1054.html> (accessed October 8, 2014).

Search and Surveillance Act 2012 (Wellington: The Government of New Zealand 2012).

The News Media Meets ‘New Media’: Rights, Responsibilities and Regulation in the Digital Age (Wellington: Law Commission 2011).

Online Media Standards Authority, <http://www.omsa.co.nz/how-we-work/what-we-do/> (last accessed October 8, 2014).

Norway

Score 9

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 numbers of competing digital publications and other changes in the media world have burdened many of the media houses. Some major media houses have experimented with new combinations of marketing and journalism that might in the long run undermine consumers' faith in the independence of journalism. New technology is rapidly changing the media landscape, drawing audiences away from TV and newspapers to digital media. In addition, there are pressures to reduce state aid to media (pressestøtte). In sum, these factors might over time undermine the quality of the media and reduce its capability to engage in high-quality reporting.

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. They are rarely enjoined against publishing information because of court policies virtually prohibiting "prior restraint."

On the other hand, the U.S. does not have a "shield law" protecting the confidentiality of journalists' sources. A combination of developments has placed journalists under new pressure, a condition which has persisted during 2014 and 2015. The most serious problems stem from tensions between press freedom and U.S. national-security and counterterrorism efforts. Problems have included government surveillance of journalists, government attempts to compel reporters to reveal the sources of leaked information, and Obama-administration policies that severely limit interactions between journalists and officials.

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 largely free from direct control or political influence, even though some reporting appears excessively lenient with regard to some of the government's main representatives. The country's main private television and radio stations in general operate independently of 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 over the past years, with further plans for the sale of all of its existing assets as well as projected layoffs of about 25% of its employees by 2020. In response, two of the unions representing CBC and Radio-Canada workers have called on the public broadcaster's government-appointed president and board of directors to resign. The newly elected government has pledged to reverse the budget cuts of its predecessor, promising a considerable increase in funding for the public broadcaster in 2016.

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 (2015) 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 in 2012 and 2013. By contrast, the Borders Press Freedom Index 2015 placed Chile at rank 43, a rise of 15 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:

Freedom House Index (freedom of the press):

<https://freedomhouse.org/report/freedom-press/freedom-press-2015#.Vg7cv5dRIZw>

Reporters without borders press freedom index:

<https://index.rsf.org/#/>

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. In the 2015 World Press Freedom Index, Germany ranked 15 out of 180 countries, an improvement of two places on the year.

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:

World Press Freedom Index 2015. Available online: <https://index.rsf.org/#/>

Luxembourg

Score 8

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. Moreover, following reformation of the Electronic Media Act in 2013, the new government has moved to allocate a greater part of its press subsidies to online media.

Following Luxembourg's condemnation by the European Court of Justice in an affair related to the *Contacto* journal's investigative journalism 2009, the country has returned to fourth place in the Reporters Without Borders' Press Freedom Index in 2012. However, the tax-avoidance scandal that threw Luxembourg into the international news was felt even within the realm of media freedom. As result of the government's decision to charge journalist Edouard Perrin with complicity in the leaks, which originated from confidential PricewaterhouseCoopers documents, the country fell 15 places in the 2015 Reporters Without Borders World Press Freedom Index, to 19th place.

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.wort.lu/de/politik/medien-jetzt-doch-aufstockung-der-pressehilfe-55fa88ed0c88b46a8ce6030d>

<https://index.rsf.org/#!/index-details/LUX>

<http://www.gouvernement.lu/5026791/06-braz-wort>

<http://www.wort.lu/de/politik/reaktionen-auf-journalistenanklage-Luxembourg-und-die-pressefreiheit-553a13610c88b46a8ce57f96>

<http://www.legilux.public.lu/leg/a/archives/2010/0069/a069.pdf>

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. 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. The constitutionality of anti-defamation laws was upheld by the Constitutional Tribunal in two separate decisions issued in September and October 2015.

Australia

Score 7

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, with up to 10 years in jail imposed for exposing errors made by security agencies. Journalists argue that if whistleblowers are punished, journalism will be hurt. The implications of these two pieces of legislation for media freedom have not yet been tested in court.

Citation:

<http://www.theaustralian.com.au/business/media/call-to-scrap-security-laws-that-could-jail-journos/news-story/0b7b4d888751c0b11dc093ccb11c07bd>

<http://www.pressfreedom.org.au/press-media-alliance-freedom-report/introduction/foreword>

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.

Given Austria's small size and its shared language with Germany, the country particularly dependent 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 in the Press Law (Law 145/1989) for the establishment of a Press Council and a Press Authority have been inoperative since 1990. In 1997, media owners, publishers and the Union of Journalists collectively signed a code of journalistic ethics, entrusting its enforcement to a complaints commission composed mostly of media professionals. Reporters Without Borders ranked Cyprus at 24th place out of 180 countries in 2015 on the issue of media freedom.

RIK, the public-service broadcaster, is a public-law entity governed by a council appointed by the Council of Ministers. Appointments to its government body are often politically motivated and include party officials. Increased budgetary pressures imposed by the government and political parties were evident in the period under review, along with public statements by parties calling for "more equitable" access. Despite this competition for influence, pluralism generally prevails.

A different law, incorporating the provisions of EU media directives, governs private audiovisual media services. Oversight is carried out by the Cyprus Radio Television Authority (CRTA), which also oversees RIK's compliance with its public-service remit. The CRTA has extensive powers and a broadly independent status. No high-level party official can be a member or chairperson of the authority's governing board, but appointments of its members by the Council of Ministers are often politically motivated rather than based on competence.

Overt criticism of the media by government officials remains a very rare phenomenon.

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:
Reporter ohne Grenzen, https://www.reporter-ohne-grenzen.de/uploads/tx_ifnews/media/Rangliste_der_Pressefreiheit_2015.pdf

Czech Republic

Score 7

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. In recent years, media freedom has been threatened by ownership transfers from foreign to Czech owners. The main concerns are found in print media. In September 2015, the last foreign owner sold its network of local dailies, Denik (Daily), to the Czech-Slovak company Penta. The motivations of new domestic media owners are at best ambivalent – they seem to be driven both by economic and political interests. The main player on the Czech media market, the owner of MAFRA and Radio Impulse, Minister of Finance Andrej Babiš has clearly used his media power for political means. Many journalists and NGOs have criticized the ongoing process, and the Ministry of Culture is preparing new regulations of media ownership.

Citation:
European Journalism Observatory <http://en.ejo.ch/media-economics/business-models/last-western-media-owner-sells-up-in-czech-republic> (last visited 6.11.2015)

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 television owner, while their 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 and 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.

Iceland

Score 7

Until privatization in 1986, the state had a monopoly over radio and TV broadcasting. Private stations now have a significant role in the media market. There were nine private TV stations in 2008, 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. In 2004, Freedom House stated that Iceland had an "exceptionally open and free media environment." At the time of writing, public funding for state-run Radio and TV (RÚV) is being cut, which is widely perceived as being politically motivated.

Owners of private media sometimes try to exercise influence over news coverage. The largest daily newspaper has faced accusations that its owners, a former business magnate and his wife, have heavily controlled content. For example, a number of editors have been fired, while several journalists and other staff members have resigned. Meanwhile, Iceland's second largest daily newspaper owned by fishing

magnates, and its chief editor is a former Icelandic prime minister and discredited governor of Iceland's central bank. The newspaper regularly publishes content critical of fisheries policy reforms as well as Iceland's application for EU membership. In 2014, a third newspaper was taken over by owners with close connections to the Progressive Party. Subsequently, the newspaper became significantly less critical of the government. A fourth newspaper appears set to be acquired by new owners with business interests. Politicians have repeatedly been accused of trying to interfere with the news programming of state-owned radio and TV broadcasters. However, despite criticism that Iceland lacks a strong, independent media, the position of those seeking to dominate the media has been considerably weakened by the advent of online social media platforms.

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 the usage rate 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.

However, several affairs from the last three years seem to question this belief and put in danger important aspects of media independence. First, in 2011 and again in 2015, the financially troubled private television station Channel 10, which is often critical of the government, came under significant political and economic pressure. In September 2011, station executives were allegedly pressured by investors into apologizing for a story about Sheldon Adelson, a prominent American businessman and the owner of the "Israel Hayom" newspaper. Furthermore, both the PM and his wife initiated libel suits against the station during the year.

Second, in December 2014, a Knesset finance committee rejected the station's request to postpone its debt payment by a year, meaning the station faced the prospect at year's end of paying the government ILS 60 million (million) to avoid being shut down. At the same time, the public television station Channel 1 was relieved of a much larger debt obligation. After protracted negotiations and public uproar, the government agreed to financially assist the channel.

Third, with increasing public interest in recent years regarding government transparency, media ownership (e.g., TV, newspapers and news websites) and the politicization of mainstream media became even more intense. Several reports exposed the ownership structure of media in Israel, highlighting cross ownership, crony capitalism and centralization as well as pointing out the effect this has on coverage of political and economic issues on the government's agenda. On the political level, they noted the increasing involvement of the government in national and private media market and that this derives in part from PM Netanyahu's decision to keep the ministry of communication under his authority. A move allegedly motivated by personal considerations.

Fourth, the Israel Broadcasting Authority ("Rashut Hashidur") was undergoing extensive reform deliberations in 2014, and expected to be shut down and replaced by a new body. However, the process has stalled. Since PM Netanyahu took over the communication portfolio in May 2015, IBA journalists say reporting has become less critical of Netanyahu.

Furthermore, when examining the extent to which the media in Israel is independent one should also note the immense censorship power provided by law. Under a 1996 Censorship Agreement between the media and the military, the censor has the power – on national security grounds – to penalize, shut down, or stop the printing of a newspaper, or to confiscate its printing machines. In practice, however, the censor's role is quite limited, and journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it.

According to a Freedom House country report, Israel enjoys a lively, pluralistic media environment in which press freedom is generally respected (press freedom score 30). However, due to ongoing conflicts with Palestinian groups and neighboring countries, media outlets are subject to military censorship and gag orders, and journalists often face travel restrictions. The financial viability of private print and broadcast outlets also remains a concern.

Citation:

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<http://www.the7eye.org.il/50534> (Hebrew)

Freedom House Country Report Israel 2015

<https://freedomhouse.org/report/freedom-press/2015/israel>

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.

The Renzi government's proposed reform of RAI will increase the powers of the CEO will reducing the powers of the board, which has typically comprised representatives of the main political parties. This could reduce the direct influence of the political parties over the RAI, but increase government influence – unless the selection process for the RAI's president and CEO as well as the people themselves are independent.

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.

Latvia

Score 7

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. In 2015, the parliament dismissed the chairperson of the NEPLP. This was an unprecedented move, and was considered by some to violate the measures built into the Law on Public Broadcasting meant to safeguard the independence of the public-broadcasting system. As of the time of writing, this parliamentary decision was being challenged in the courts.

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

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. For example, journalists are routinely harassed and even murdered by the security services, while media owners are sometimes bribed or otherwise induced. 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.

Netherlands

Score 7

The freedoms of the press/media and expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2015 ranks the Netherlands in fourth place after Finland, Norway and Denmark. The

The Smer-SD majority in the Parliamentary Committee on Culture and Media backed this decision and prevented the adoption of a critical resolution proposed by the parliamentary opposition.

Citation:

-Opposition alleges "Bolshevik methods" on parliamentary committee, in: Slovak Spectator, 28.5.2015; <http://spectator.sme.sk/c/20057671/opposition-alleges-bolshevik-methods-on-parliamentary-committee.html>

-Denník N complains about government ban, in: Slovak Spectator, 2.6.2015; <http://spectator.sme.sk/c/20057733/dennik-n-complains-about-government-ban.html>

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. Changes to the rules and procedures in the previous years 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. An amendment of Article 260 of the Slovenian Criminal Code, which entered into force on October 2015, strengthened media freedom by making clear that an individual disclosing classified information no longer incurs a criminal liability.

Greece

Score 6

After closing down the national public broadcaster, ERT, in June 2013, the coalition government of New Democracy and PASOK (in power between November 2011 and December 2014), passed legislation in May 2014 to establish a new national public broadcaster (this time named NERIT). After the parliamentary elections of January 2015, in which Syriza came to power and formed a coalition government with the party of Independent Greeks, the new government began closing down NERIT and reestablishing ERT. The reestablishment of ERT and the re-hiring of all its employees (who had been dismissed in June 2013) was a major item in the pre-electoral agenda of the Syriza party. In April 2015, the Syriza government passed a law abolishing NERIT and reinstating ERT. It can be argued that this rectified the previous situation. ERT started operating again in June 2015.

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. Such incidents were repeated in the following years, but clearly did not

form a pattern. Nonetheless, the unacceptable, though rather rare, mistreatment of journalists prompted Reporters Without Borders to rank Greece 86th out of 179 countries surveyed in the Freedom of the Press Index 2013 – placing Greece under dozens of developing countries, including war-torn and authoritarian-ruled states. According to their study, the situation worsened in 2015 when Greece was ranked Greece 91st out of 180 countries, but had improved compared to 2014 when it had ranked 99th.

Except for the saga of closing down, replacing and then reopening the national broadcaster (ERT), Greece does not encounter problems relating to governmental actors intervening in the day-to-day functioning of the media, violating rules governing the media sector or changing these rules at will. Greece has a vast range of press, TV and radio outlets that span the political spectrum from the extreme right to the extreme left. This 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.

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. Since the general election on 9 March 2013, the government has allowed for a greater diversity of program producers on state broadcasters. The use of criminal libel laws is a contested issue at present. Even though state institutions dominate the media, existing media diversity and a recent increase in competition ensures that the system is essentially pluralist and a range of opinions are still available. However, the existing, draconian libel laws unduly restrict journalists. The government is proposing changes to the defamation law for similar reasons. In the 2015 World Press Freedom Index Malta ranked 48 out of 180 countries and 22 out of 28 EU member states.

Citation:

Journalists' institute calls for reform of libel laws. Times of Malta 18/07/2015

Cabinet mulls brave new defamation law. Malta Today 11/11/2015

Portugal

Score 6

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.

As noted in the previous report, the government changed the governance structure of the publicly owned Rádio e Televisão de Portugal (RTP) Group in 2014, most notably creating 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 aimed at reducing direct government oversight and interference.

After this council twice rejected the RTP board’s strategic plan, the board resigned in January 2015, and a new board was nominated by the independent council. However, this resignation was not without controversy, with the outgoing board accusing the Independent General Council of acting as “apparatchiks,” especially as friction emerged between the board and the minister in charge of RTP.

Citation:

Público (2015), “Administração da RTP renuncia até ao fim do mês,” 21/01/2015, available online at: <http://www.publico.pt/politica/noticia/governo-anuncia-renuncia-da-administracao-da-rtp-1682923>

Spain

Score 6

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The corporation still respects pluralism and produces some high-quality information programs, but its independence is no longer institutionally protected, and the organization’s credibility and audience ratings have suffered. Members of the RTVE’s staff have publicly denounced cases of politicized dismissals, news manipulation and censorship of information services. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized recently for a loss of impartiality and credibility. However, the election of RTVE’s president still depends on the parliament, and the situation may thus change under a new multi-party scenario in which governments no longer enjoy absolute majorities. In addition, all opposition parties agreed in 2015 to appoint the next president of RTVE on a consensus basis.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession

views of the nationalist regional government. By contrast, following the 2015 regional elections, Madrid public television is now subject to a lesser degree of manipulation and control.

With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos (We Can), the new anti-establishment party, through the provision of very considerable airtime (see “Media Access”).

Citation:

Catalan TV Network Reflects Separatist Fervor (Wall Street Journal)
www.wsj.com/articles/SB10001424052702304244904579276521794131700
http://ccaa.elpais.com/ccaa/2015/09/16/madrid/1442435312_427022.html

www.eldiario.es/sociedad/partidos_0_441306045.html

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 public regulator, Ofcom, oversees the sector. No such requirement exists for print media. The BBC, the main public-service broadcaster, is financed by a television license fee, 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. The aftermath of the News of the World scandal in 2011 (which led to the Leveson Inquiry and its 2013 report) exposed the overly close relations between politicians and the press. After a lively debate on whether stricter press regulation should be adopted to prevent excessively intrusive journalism, a new consensus seemed to emerge that formal regulation should not be introduced.

Security reasons are sometimes given for restricting press freedom. For example, the government actively prevented the Guardian newspaper, using heavy-handed measures, from publishing classified information obtained following Edward Snowden’s disclosure of the global surveillance programs run by the U.S. and UK. Although the public outrage following Snowden’s leaks has since calmed, the relationship between the UK press and government has been tarnished by these incidents. The journalists’ resistance against intimidation and their reporting of government surveillance practices are a shining example for civil journalism.

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 long enjoyed substantial freedom. Since 2013, however, the Abe-led government has pursued a more heavy-handed approach, highlighted by a number of controversial appointments of right-wingers to senior management and supervisory positions.

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 cast a spotlight on such informal linkages. Major newspapers and broadcasters asked few critical questions and agreed to follow the government's extremely reserved 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 fell further to 61st place in 2015.

Criticism of the Abe government's treatment of independent media became even more outspoken in 2015. Conflicts with the Asahi Newspaper and TV group persisted, and a Frankfurter Allgemeine Zeitung journalist complained about feeling bullied, to name just two examples. In June 2015, news leaked that a group of young LDP politicians had discussed ways to harm hostile media.

There has also been concern regarding the State Secrets Act, which came into force in December 2014. Journalists and others instigating the leakage of relevant information now face jail sentences of up to five years. Exactly what constitutes "state secrets" is left very much up to the discretion of the government agencies in question. Critics see the law as an assault on press freedom.

Citation:

Reporters Without Borders, Press Freedom Index 2015, <https://index.rsf.org/#!/index-details>

Martin Fackler, Effort by Japan to Stifle News Media Is Working, *The New York Times*, 26 April 2015, http://www.nytimes.com/2015/04/27/world/asia/in-japan-bid-to-stifle-media-is-working.html?_r=0

Matthew Carney, ABC News, 20 May 2014, Neutrality of Japan's public broadcaster NHK questioned after conservative board appointments by Abe government, <http://www.abc.net.au/news/2014-05-20/japan-s-government-accused-of-influencing-public-broadcaster/5466104>

Robin Harding, Shinzo Abe accused of "emasculating Japanese media," *Financial Times*, 29 June 2015, <http://www.ft.com/intl/cms/s/0/79420f36-1e13-11e5-aa5a-398b2169cf79.html#axzz3qWPpbaMR>

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. The financial dependence of various media on the government budget has increased in recent years. 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. These laws have effectively involved a “media capture” by the state since they have strengthened government control over the media by vesting a Media Council (staffed entirely by Fidesz associates) with media-content oversight powers and the right to grant broadcasting licenses. In October 2014, the government established a National Communications Office (Nemzeti Kommunikációs Hivatal, NKH) in charge of overseeing all government media activities and advertisements. Because of tensions within the government, the NKH has remained passive until recently, and the announced fusion of the three public-media broadcasters – Hungarian TV (MTV), Duna TV and Hungarian Radio – has progressed slowly.

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, parliament has continued its efforts to control media outlets. Anti-government protests during and after the November 2014 elections went untelevised on certain stations due to political bias. In June 2015, a government emergency ordinance aimed at creating a €15 million fund for television stations feeded to suspicions of government interference with the stations before the upcoming local and parliamentary elections in 2016. Moreover, the parliamentary initiative by Social Democratic Senator Serban Nicolae to impose three-year prison sentences on anyone who publicizes information about ongoing criminal investigations, which is still on the agenda of the Chamber of Deputies, constitutes a serious threat to media freedom and the right to information in general, and investigative journalism in particular.

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 2014 Press Freedom Index, published by Reporters Without Borders, South Korea was ranked 57th out of 179 countries, falling seven places from 2013 and 13 places from the 2011/12 ranking. South Korea also remains on the list of “countries under surveillance” for Internet censorship. Defamation suits are often filed as a means of preventing critical reporting. In 2014, the Korea Communications Standards

Commission (KCSC), an official body responsible for monitoring online content, requested that a total of 132,884 cases be rectified, a 27.3% increase over 2013. Specifically, 24,581 webpages were deleted and another 63,000 blocked at the request of the KCSC. A special sub-committee on social media in 2011 set up by the KCSC asked for 6,400 comments on social networking services such as Facebook and Twitter to be removed in 2013, up from 4,500 in 2012.

After Park Geun-hye complained about “intolerable insults” to her leadership on 16 September 2014, prosecutors swiftly set up an investigative team to monitor cyberspace more closely for evidence of falsehood 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 President Park’s whereabouts during the Sewol ferry accident of April 2014. In October 2015 prosecutors requested a jail sentence of 18 months for Kato.

False or misleading reports by the major broadcasters about the Sewol ferry incident and rescue operations have prompted questions regarding 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 the 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 strike, and 5,623 media workers issued a statement expressing their regret for how they reported the Sewol ferry disaster and apologizing for not resisting government-agency pressure. On 9 July 2015, the Supreme Court of Korea decided that it was illegal for MBC to fire correspondent Lee Sang Ho for his critical coverage of the Sewol ferry incident.

On 3 November 2015, in a highly controversial policy, the government decided to reintroduce a state-authored history textbook to be used in all high and middle schools in Korea. According to the government, seven of the eight history books currently in use had a “left-wing bias.”

Citation:

“Government takes control of textbooks,” Korea Joong Ang Daily, November 4th, 2015

“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>

Freedom House, Freedom on the Net 2013, <http://www.freedomhouse.org/report/freedom-net/2013/south-korea>

Freedom of the Press 2015, <https://freedomhouse.org/report/freedom-press/2015/south-korea>

“South Korean Court Rejects Online Name Verification Law,” New York Times, 23 August 2012

SOUTH KOREA: We want the truth of the Sewol Ferry Tragedy, Asian Human Rights Commission, Aug 22, 2014
<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 2

Although Turkey has a somewhat diversified media structure, the government places direct and indirect pressure on media owners in order to obtain coverage favorable to the government party. In Freedom House's annual Freedom of the Press report, Turkey has lost 11 points since 2010 (three points in 2014) in the area of media freedom, and was most recently ranked at 144th out of 199 countries, under the "not free" category. The World Freedom Index similarly ranked Turkey 149th out of 180 countries in 2015.

The constitutional guarantees of freedom of the press and freedom of expression are only partially upheld in practice, and are generally undermined by provisions in the penal code and the strict Anti-Terror Law (TMK). The Telecommunication Authority's (TIB) power to block websites without a court decision has been expanded, although the Constitutional Court annulled some legal changes in this area. New legislation has restricted journalists' freedom to report on issues of national security, and has empowered intelligence agencies to access a wide range of personal information without oversight. The government appoints the general director of the country's public broadcaster, Turkish Radio and Television (TRT). In doing so, it essentially exercises tutelage over the public-media organization's administration. Several TRT channels regularly broadcast pro-government programs, and invite experts allied with the government party to appear on these programs.

Most concerning for many observers have 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. These factors have in sum reintroduced a climate of intimidation with regard to the media. According to the Committee to Protect Journalists (CPJ), the number of journalists behind bars had declined to seven as of December 2014, down from 40 reporters in 2013.

Another substantive problem involves media owners' economic interests. 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 so as to favor their outside business interests. A significant share of media owners are industrial conglomerates with interests that go beyond freedom of press and opinion, and in some cases have close relationships with the government. This further undermines media independence, increasing self-censorship and job insecurity among journalists. The number of outlets belonging to the so-called pool media (Havuz Medyası) – media properties owned by government-allied businesses – has expanded. Shortly before the November 1 elections, police raided the pro-opposition Koza-İpek media conglomerate, accusing the company of "terror propaganda" linked to Fethullah Gülen, a cleric currently in exile in the United States. Once an ally of Erdoğan and the AKP, Gülen is today one of the government's most prominent critics. Media

outlets including seven TV stations and two newspapers have been seized through a court decision, with their journalists fired. The publisher and editor of the weekly *Nokta* journal along with the editor-in-chief and a reporter of the daily *Cumhuriyet* were arrested in November on suspicion of “inciting criminal activity” in the wake of the parliamentary elections, “inciting armed revolt against the government,” and “forming or supporting a terrorist organization.”

Journalists have also been subject to individual threats and physical harassment by groups allegedly close to the governing party. A typical example of this was Ahmet Hakan, a journalist, columnist and TV host who was attacked by four perpetrators in front of his house after the airing of his *Tarafsız Bölge* (Neutral Zone) TV program on the CNN Türk network in early October.

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. In some cases journalists have simply been fired. The politicized Radio and TV Supreme Council (RTÜK) has issued disproportionate fines to pro-opposition media; however, after the 2015 parliamentary elections, the Supreme Election Board asked the RTÜK to issue fines to media companies that violated the election law.

Citation:

Reporters Without Borders, World Press Freedom Index 2015, <http://index.rsf.org/#!/index-details> (accessed 27 October 2015)

Freedom of Press 2015, https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf (accessed 27 October 2015)

Reporters Without Borders, Timeline of Censorship in Turkey, 4 November 2015, <http://en.rsf.org/turkey-timeline-of-censorship-in-turkey-03-11-2015,48504.html>

‘IFJ and EFJ slam Turkish government over latest media clampdown ahead the elections’, 19 October 2015, <http://europeanjournalists.org/blog/category/turkey?print=pdf-search>

‘WAN-IFRA calls on Turkish gov’t to respect pluralism in media’, *Hürriyet Daily News*, 2 June 2015. <http://www.hurriyetaidailynews.com/wan-ifra-calls-on-turkish-govt-to-respect-pluralism-in-media.aspx?pageID=238&nID=83262&NewsCatID=339>

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‘Ahmet Hakan Attacked’, 1 October 2015, <https://bianet.org/english/media/167958-journalist-ahmet-hakan-attacked> *Digital Transformations in Turkey: Current Perspectives in Communication Studies*, Banu Akdenizli (ed.), Lexington Books Lantam, Boulder, New York London, 2015.

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 and includes a large number and variety of newspapers and magazines. In addition, Finland still boasts an impressive newspaper readership, despite a definite decline in circulation numbers for the 10 largest printed newspapers in recent years. However, newspapers do face the prospect of long-term decline due to the rise of the electronic media and increasing economic pressures due to a loss of advertising share and increasing costs. Indeed, during the last decade, user-generated content and online social-media platforms have revolutionized the media landscape. 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 exceeds 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. 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.

Access: http://www.stat.fi/til/sutivi/2011/sutivi_2011_2011-11-02_tie_001_en.html ;
http://www.stat.fi/tup/suoluk/suolu_k_kulttuuri_en.html#newspaper;
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.

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://ejc.net/media_landscapes/denmark (accessed 10 October 2015)

"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.

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 public broadcasting institution, while another, Delfi, is owned by the private Ekspress Group AS.

Aside from the Estonian Public Broadcasting (ERR) group, media ownership is concentrated in two large companies owned by domestic investors (the Ekspress Group and the Eesti Meedia Group). A third major company, the foreign-owned

Bonnier Group, publishes the Äripäev economic newspaper. In the 2014 – 2015 period, the Ekspress and Eesti Meedia groups acted to consolidate the media outlets belonging to their companies. For example, the Ekspress Grupp decided to merge its AS Eesti Ajalehed (newspapers) and AS Delfi (online news portal) holdings into a single enterprise. Such mergers and organizational rearrangements may decrease media pluralism.

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. 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, and are accounting for a steadily growing market share of media advertising. 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. During the two election campaigns in 2015, the two main parties were each explicitly backed by major media outlets: *Gazeta Wyborcza*, the private TV channel TVN and the weekly magazine *Polityka* favored PO, while *Gazeta Polska* and *Telewizja Republika* sided with PiS.

Sweden

Score 9 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:

Bergström, Annika et al. (eds.) (2014), *Fragment* (SOM rapport 63) (Göteborg: SOM).

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

Switzerland

Score 9 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 23% (on a circulation basis) between 1990 and 2014. In addition, a trend toward concentration has affected formerly independent newspapers such as Bund and Berner Zeitung. In 1980, 290 newspapers existed in Switzerland; in 2014, this number shrank to 181, a reduction of 38%. 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.

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.

The readiness of a prominent businessman, with very substantial investments in the Irish media, to sue journalists over their coverage of his affairs has raised questions about the impact of Ireland's defamation laws on the exercise of press freedom.

Spain

Score 8

Media pluralism in Spain suffered during the economic crisis due to the contraction of the advertising market, the closure of a number of outlets, staffing cutbacks and reduced salaries. A report published by Freedom House showed a slight decline in the Spanish media landscape, but the country's press is still rated as "Free," and continues to feature a relatively high degree of market diversity, with open competition among different groups for audience shares 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 – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population's growing access to the Internet (with a penetration rate of almost 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate.

In the 2014 – 2015 period, the trend of relative concentration in the ownership of TV stations continued, with a similar though more moderate effect evident among print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, Telecinco, as well as Cuatro and other minor channels). This is followed by Grupo Planeta (including 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 networks and other small private stations (some of them very conservative). 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).

With respect to print and electronic journalism, the main newspaper is the very influential center-left El País. Other nationwide newspapers include 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 nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as publico.es and eldiario.es have enjoyed considerable growth. There are also significant liberal and conservative digital media such as elconfidencial.com and the new elespanol.com. The country's most-read information websites are the electronic versions of print newspapers.

In short, a moderate level of diversification in media ownership still prevails at the 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

Freedom House Report 2015 <https://freedomhouse.org/report/freedom-press/2015/spain>

<http://es.reuters.com/article/topNews/idESKCN0SA19D20151016>

United States

Score 8

The media market is characterized by pluralism in the electronic and broadcast sectors. Publicly funded television and radio networks provide high-quality programming but have modest resources for news gathering. There are strong television-news networks on both the left (MSNBC) and the right (Fox News) of the political spectrum. Within the private media, an unprecedented consolidation has occurred in recent years. 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 the print media, especially with regard to local newspapers; few cities today have more than one newspaper.

The main challenge with respect to pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary. 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. The rapidly increasing use of mobile phones as a principal means of accessing news reduces the depth of the reporting people receive.

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 increased dependency on financial interests has also been evident, which has led to less critical reporting. Strict ownership rules focus primarily on capital concentration, limiting maximum share holdings in audiovisual media services organizations to 25%, and disallowing cross-media conglomerates. However, transparency problems persist, as no accurate and reliable ownership data are made publicly available by either the Radio Television Authority or others.

Over the years, the public dialogue and public opinion have been influenced by a deliberate focusing of attention on the Cyprus problem, and a predominance of

rhetoric over real debate. This focus persisted in 2015, along with 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 slowly found a place on media agendas during the period under review. A chronic problem in the Cypriot media is the absence of analytical reporting.

The government and other actors with mainstream views have largely continued to monopolize media access, restricting the spectrum of themes covered and views expressed. A focus on partisan confrontations and efforts to assign blame for the crisis have meant that critical problems are rarely discussed in a meaningful manner. Similarly, highly polarized views on the divided-Cyprus problem constitute an impediment to fruitful debate.

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. Public media and independent Internet publications to some extent counteract the concentration of private media ownership in the hands of domestic business and financial groups.

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, as well as other national television and digital broadcasters, offer alternative sources 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 satisfactory 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.

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 still the predominance of television, newspapers, radio programs and electronic media can't fully counterbalance its influence. A single large television company, Mediaset, continues to have a significant influence in electoral campaigns. Although Mediaset is becoming less relevant due to the political decline of Berlusconi.

Latvia

Score 7

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 opaque. 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.

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. Media-ownership concentration has been increasing over the last several years due to the purchase of media outlets by domestic and foreign companies. 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. In 2014, the Vilnius district court ruled that the Druskininkai municipality broke the law by publishing this newspaper.

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 all have links of some nature to political parties. One of the six dailies, La Voix, a French language supplement of the leading paper, Luxembourgish 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 Luxembourgish Wort is owned by the Catholic Church and thus has ties to the Christian Social People's Party (CSV). In 2015, it had a circulation of 70,410 copies, an overwhelming number considering Luxembourg's population of 565,000. This figure is also larger than the combined circulation of its competitors.

The media landscape was shaken up after the creation of two free daily sheets. The market share of the Luxembourgish Wort fell to 35.9%, while that of L'Essentiel, the most successful of the free papers, stabilized at a high level with 38.4% in 2015. L'Essentiel is published by Editpress, publisher also of the Tageblatt (the country's second-largest newspaper, with a market share of about 10.6%), 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 Luxembourgish 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 Luxembourgish 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 (37.6% in 2015) is almost twice as high as that of second-ranking Elodoradio at just 22.3%. 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 Chamber of Deputies and broadcasts only during those specific occasions.

Citation:

https://www.tns-ilres.com/cms/_tnsNewsAttachments/Communique_de_presse_etudeplurimedia_2015.pdf

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

<http://www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf>

<http://www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/index.html>

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

Mexico

Score 7

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 largely only used by the younger and more educated proportion of the population, there is a generational and educational divide in access to media sources. Public access to information via U.S. and Latin American media outlets further increases media diversity.

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 newspaper-readership rates. Innovations in newspaper media include tabloids, Sunday editions, and new-media editions (online, mobile phone, etc.). On a regional level, the one-paper-city model is now dominant; there are even several cities lacking local papers altogether.

The degree of ownership concentration 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 TV penetration (about

95%). Finally, Internet usage rates in the Netherlands are high, and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch use the Internet on a regular basis, amounting to almost 95.5% 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 sold much of its share in the Cofina group, reducing it from 15% in 2011 to less than 2% in October 2014. There is also an online daily newspaper called *Observador* 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. Of note in this regard is the increasing influence of Angolan investors within the Portuguese media,

with the international Index on Censorship organization raising concerns about how Portuguese media report on Angola as a result.

Citation:

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

João de Almeida Dias (2015), "Portugal's journalists under pressure from Angolan money," Index on Censorship 22/10/2015, available online at: <https://www.indexoncensorship.org/2015/10/portugals-journalists-under-pressure-from-angolan-money/>

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. There is a long tradition of powerful individual owners, such as Rupert Murdoch (News Corporation), dating back to the 19th century. This coexists with a lively regional newspaper scene. However, regional newspapers have 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 UK's position toward 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 toward 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 and web) offer a diverse range of opinion, and most political positions are well represented. The board of Belgium's public-media group is also composed of representatives from most political parties, including opposition parties (from among 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 in general diminished some of the public scrutiny that a free press is in theory supposed to exert.

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. Whether this is indeed the case is, however, doubtful. A case in point is an incident surrounding the 2015 federal election. Postmedia Network, which owns a majority of the newspaper industry in Canada (including a leading national newspaper, the National Post), ordered their individual assets to endorse the Conservatives, as is traditionally the owner's prerogative. The editor of the National Post's editorials and comments subsequently resigned after being denied permission by Postmedia executives to publish a column dissenting from the paper's endorsement of the Conservatives.

While alternative sources of information such as online newspapers, magazines and social media (e.g., blogs) may help promote a pluralism of opinions, mainstream media likely will continue to play a crucial role in setting the national agenda. In this regard, the concentration of media ownership in Canada means that certain opinions are not represented to the degree that they are held by the general population.

Greece

Score 6 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. After the shuttering of the national broadcaster (ERT) by government fiat in June 2013, the new public broadcaster (NERIT), which effectively started operating only in May 2014, occupied three TV channels and three radio channels. NERIT functioned under heavy political criticism of the then opposition party Syriza, the leaders and deputies of which never accepted invitations by NERIT to participate in panel discussions or talk shows. After coming

to power in January 2015, Syriza closed down NERIT and re-opened ERT, re-assigning it the status of national public broadcaster.

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.

Electronic media is also flourishing in the form of websites and blogs. In fact, the pro-EU profile of most major TV and radio stations, which became evident on 5 July 2015, when almost all of them supported the “yes” vote in the referendum to accept or reject the European Commission’s proposal of reforms, has had an unpredictable effect on the Greek media landscape: those citizens who may have distrusted the major media outlets in the past, in 2015 completely rejected news and analysis flowing from such outlets. These citizens instead turned to small, marginal or even obscure electronic sources of information which supported the “no” vote. These included the website of the left-wing faction of the Syriza party, aptly named Iskra (www.iskra.gr), after the famous Russian socialist newspaper, originally managed by Lenin and then by Plekhanov in the early 20th century. There are an unknown number of such anti-establishment electronic media. Their influence is difficult to assess, although one suspects that it is quite large, given that a shattering 62% of the voters in the referendum voted “no.” In terms of pluralism, this is an advancement in Greek media over previous less pluralistic periods.

The print media landscape is also pluralistic. There are 59 national newspapers and around 500 regional/local ones. However, over the last two decades (1990 to 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 leaders participate daily in state and private TV as well as 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 communist party (KKE) also has its own daily newspaper, while smaller left-wing groups run their own weekly newspapers and websites. Similarly, there are 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 MEDIADEM research program, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Greece.pdf>. Accessed on 08.06.2013.

Iceland

Score 6 Media ownership in Iceland can be divided into three blocs, two private sector and one public sector.

There is one state-owned TV station (RUV - Sjónvarp) and two state-owned radio channels (RUV - Rás1 and RUV - Rás2). There are also five private national TV channels (Stöð2, Skjár Einn, ÍNN, Hringbraut, and N4) and two national 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, a business magnate and bank owner until 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 pluralistic.

In 2014, ownership of the third largest daily 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. This is the situation in 2015.

Israel

Score 6 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).

In practice, the regulation in Israel is a structural one, controlling ownership in media

channels (e.g., radio, public and private television via cable or satellite). Regulators are in charge of authorizing licenses and enforcing regulation in matters of ownership concentration, cross-ownership and foreign ownership. Print media is not governed by the same constraints as broadcast media, and is dealt with through antitrust regulation or voluntary self-regulation. Most of the news websites in Israel are operated by the print media companies. There are attempts currently to expand regulation to the digital sphere, but no change has been legislated by parliament as of yet.

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 Hayom," 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.

Major newspapers are in private ownership. The free daily newspaper Israel Hayom has captured about 40% of the market and has placed financial pressure on other mainstream papers, as its business model has forced them to slash advertising rates, thus threatening their sustainability. In addition, a diverse selection of broadcast media is available, although ownership concentration among private stations is a growing concern, according to a Freedom House report.

Citation:

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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:

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<http://www.haaretz.com/business/israel-s-media-is-riddled-with-alien-interests-1.395639?localLinksEnabled=false> (English).

"Israel: Freedom of the Press: 2014," FreedomHouse website, 2014:

<http://www.freedomhouse.org/report/freedom-press/2014/israel#.VDQ5CTYg1Ko>

Freedom House Country Report Israel 2015

<https://freedomhouse.org/report/freedom-press/2015/israel>

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. The director-general installed by the LDP-led government in 2013 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.

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 toward more effective pluralism.

The use of and reader share held by international media organizations is also interesting; for instance, Huffington Post Japan, published on the Internet and 49% owned by the Asahi Shimbun, has become increasingly popular.

Citation:

Richard Smart, How Huffington Post is changing Japan's media landscape, Japan Today online newspaper, 14 May 2015, <http://www.japantoday.com/category/opinions/view/how-huffington-post-is-changing-japans-media-landscape>

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>

Slovakia

Score 6

As media ownership has shifted from foreign owners to local investors since 2014, concerns about the concentration and politicization of media have grown. In autumn 2014, the Penta financial group entered the media market, buying 45% of Petit Press from the German Rheinisch Bergische Verlagsgesellschaft (RBVG), which publishes the *Sme* daily. 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). *Sme*'s editor-in-chief, Matúš Kostolný, along with his four deputies Tomáš Bella, Lukáš Fila, Konštantín Čikovský and Juraj Javorský, resigned following the acquisition and started a new daily, *Denník N*, at the beginning of 2015. This decision met with approval by the public, and many individuals made monetary contributions to help the new publication achieve an initial financial security. The billionaire leader of the Czech ANO 2011 political party and Czech financial minister, Andrej Babiš, acquired the publishing house *Ecopress*, which publishes the *Slovak Hospodárske noviny* (Economic News) daily. The electronic public media only partly compensate for the ongoing concentration of ownership in print media.

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 and political interests are – especially in the case of offshore-owned media. 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 played a prominent role in the campaign for the referendum on electoral reform in October 2015.

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. One of the dominant print-sector companies, Europa Press Holding (EPH) replaced one of its best-known liberal columnists, Boris, and replaced it with several far-right journalists in 2015. The financial problems of the independent daily *Novi list* have raised concerns about its future. The Milanović government has done nothing to improve media market regulation. 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.

Hungary

Score 5

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 companies close to Fidesz. Since the 2014 elections, however, rifts within the right-wing camp have increased media pluralism. The media owned by Lajos Simicska have started to criticize the government. The government has reacted by restricting Simicska media journalists' access to government information. Moreover, Fidesz-financed "Habony enterprises" (Habony művek) advertisements have launched new media engines like Lokál (Local) weekly. This weekly is distributed everywhere by the mail service for free and has a circulation in excess of 500,000. This ostensibly "private" paper publishes very direct and aggressive government propaganda. Likewise, János Sánta, a tobacco magnate with close ties to Fidesz, invested into the relaunch of the pro-government news website and newspaper *Napi Gazdaság* under the name "Magyar Idők." In addition, a close ally of Árpád Habony, the closest adviser to Orbán, has tried to take over TV2, the second largest commercial TV in Hungary. Independent media still exist (e.g., ATV, Klubrádió, and various print publications), but these work under very difficult financial and political circumstances. Furthermore, they reach only 10% to 15% of the overall population.

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Polyák, Gábor (2015) "The Hungarian Media System: Stopping Short or Re-Transformation?" *Südosteuropa*, Special Issue, Hungary's Path Toward an Illiberal System, Vol. 63, No. 2, 272-318

Slovenia

Score 5

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. So have some important ownership changes in the print media. The controversial sale in July 2014 of *Večer*, the fourth-largest daily newspaper (primarily serving the northeastern part of the country), was followed by the auctioning of Slovenia's biggest newspaper publisher Delo in June 2015. The new owner, the financial management company FMR, has little to no

media experience and is run by Stojan Petrič, a business man who is believed to be politically well connected.

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. Although the market share of these three outlets is declining, it remained at about 50% in 2013. 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 accused Samsung and Samsung Electronic Chairman Lee Kun-hee of corruption. However, as newspaper subscription rates have declined – 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. Nevertheless, the three conservative major newspapers, four cable TV channels, and major broadcasting systems such as KBS and MBC have still significant influence with regard to framing political issues and influencing the older generations' opinions.

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 examinations.

:

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

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 their well-funded owners. Private and public companies are replacing public-interest content 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, Igloo, a joint venture between Sky Network Television and Television New Zealand (TVNZ), has made a small selection of pay TV channels available at low cost since 2012.

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.

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Freedom House: Freedom of the Press. New Zealand: <https://freedomhouse.org/report/freedom-press/2015/new-zealand> (accessed November 30, 2015).

JMAD New Zealand Media Ownership Report 2014, <http://www.aut.ac.nz/study-at-aut/study-areas/communications/media-networks/journalism,-media-and-democracy-research-centre/journalists-and-projects/new-zealand-media-ownership-report> (accessed November 30, 2015).

Romania

Score 4

There are hundreds of radio and television licenses in Romania, suggesting that Romanians have access to a multitude of information sources. But these sources lack diversity and predominantly represent the views of only the two major political parties. Most national news channels tend to minimize information which does not serve the interests of their political allies, as evidenced during and after the 2014 presidential elections. Several of the largest TV stations in Romania, including Antena 3 and Romania TV, are owned by businessmen with close ties to Prime Minister Ponta's governing coalition. The credibility of a variety of news sources has further suffered from the criminal investigations and/or arrests of prominent media moguls.

:

Oprea, Tudor 2014: The Game of Influences: The Vested Interests Behind Romanian Media. Romanian Academic Society, Policy Brief No. 64, Bucharest (http://sar.org.ro/wp-content/uploads/2014/11/Policy-brief-65_The-Vested-Interests-Behind-Romanian-Media.pdf)

Turkey

Score 4

In addition to the increasing restrictions on media freedom in Turkey (see "Media Freedom" section), the country's dominant media structure features ownership by industrial conglomerates, strong links between political forces and media organizations, and a lack of unionization in the media (a so-called Mediterranean or polarized pluralist media model). This undermines pluralism in the media sector. Adopted in 2011, Law 6112 increased the maximum allowable foreign-ownership stake in media companies from 25% to 50%, with the condition that a single foreign investor cannot invest in more than two enterprises. Foreign companies still cannot

be majority stakeholders in domestic media companies.

Pressure on media outlets and owners has grown over the last several years. Media companies were accused of conspiring to incite a coup d'état in late 2014, with this pressure intensifying further before the June 7 elections. On 31 May 2015, the board of the World Association of Newspapers and News Publishers (WAN-IFRA), meeting in Washington D.C., called for the Turkish government to end its attacks on the country's independent media and to recognize the value of a critical press to the democratic process. The WAN-IFRA board noted with alarm that the Ankara public prosecutor had asked the Turkish Satellite Communications Company (TÜRKSAT), which is overseen by the Ministry of Transportation, Maritime Affairs and Communications, to deny use of the state-owned satellite infrastructure to certain critical and opposition media outlets. Indeed, this tactic has been regularly used against several media companies.

A number of digital-transmission platforms including Digiturk, Tivibu and Turkcell also halted the broadcast of some opposition-allied TV channels. Digiturk was sold to the Qatar-based BeIN Media Group in July 2015 without a tender, although there were many companies interested in buying the firm. In the case of Tivibu, a satellite-broadcast system owned by TTNET, 55% of its shares were sold to a Saudi Oger-affiliated company for a period of 21 years. Turkcell is the country's biggest GSM mobile-phone operator, and is jointly owned by Telia Sonera, the Çukurova Group and MV Holding.

The European Union explicitly condemned the media crackdown in late 2014. In 2015, EU representatives noted that hate speech and the seizure of media outlets violated European values of the rule of law and media freedom. In late October 2015, OSCE Representative on Freedom of the Media Dunja Mijatović condemned the police raids against media outlets in Turkey, and called on authorities to restore and ensure media pluralism. Recently seized media outlets have been assigned trustees tasked with managing their daily broadcasts. Precedent for this tactic came nearly eight years ago, when a similar operation was initiated against ATV, an organization owned by the Uzan Group. This raised questions about the role of media ownership and media freedom in Turkey that are even more pressing today.

Citation:

Freedom of Press 2015, https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf (accessed 27 October 2015)

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Digital Transformations in Turkey: Current Perspectives in Communication Studies, Banu Akdenizli (ed.), Lexington Books Lantam, Boulder, New York London, 2015.

Sabahattin Önkibar, *İnamlar ve Haramiler Medyası*, İstanbul: Kırmızı Kedi yaynevi, 2015.

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 that responses to requests must be made within 14 days. Appeals of 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:

1. Freedom of Information Act, Available at (in Latvian): <http://www.likumi.lv/doc.php?id=50601>, Last assessed: 17.05.2013

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 and dispatched by an authority 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 oversight 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.

The new Access to Public Administration Act was approved in parliament by a majority consisting of the government coalition parties as well as the Liberal and Conservative parties; the act met opposition from both the left and right (the Danish People's Party, Liberal Alliance and Unity List). The revised act has been criticized for reducing access to documents prepared by government officials in the process of preparing new government policy.

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.

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).

“Danish Government Seeks to protect decision documents,” <http://www.freedominfo.org/2013/02/danish-government-seeks-to-protect-decision-documents/> (Accessed 16 April 2013).

“Danish Parliament Adopts Controversial FOI Changes,” <http://www.freedominfo.org/2013/06/danish-parliament-adopts-controversial-foi-changes/> (accessed 20 October 2014).

“12 European Countries Sign First International Convention on Access to Official Documents, 19 June 2009,” <http://www.freedominfo.org/2009/06/12-european-countries-sign-first-international-convention-on-access-to-official-documents/> (accessed 16 April 2013).

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 of 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. The year 2014 was the first in the Inspectorate’s history in which the numbers of public appeals decreased compared to the previous year, a phenomenon that can be explained by efficient educational and preventive work.

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. An emerging problem with governmental websites is that they are becoming overloaded with detailed administrative and legal information, in some cases undermining usability.

Development of an open-data policy has become a priority in 2014. As of 1 January, 2015, all public-sector databases were supposed to be downloadable through the Estonian information gateway in a machine-readable format. However, implementation of these provisions has been slower than expected, and as of the time of writing, only 23 databases had been made available in a machine-readable format.

Citation:

Estonian Data Protection Inspectorate (2015). Annual Report 2014. <http://www.aki.ee/en/inspectorate/annual-reports> (accessed 18.Sept.2015)

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 the EU's Council of Ministers. A new codification of all relevant legislation took place in March 2015, without practically changing any regulations.

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. Presidential Decree 28/2015 codified all previous legislation on access to information and was issued in March 2015.

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.

Lithuania joined the multilateral Open Government Partnership initiative in 2011. In 2014, the Government Office developed a new action plan for improving open-government practices throughout the country. During the review period, Lithuania signed the Council of Europe Convention on Access to Official Documents (2015) and the U.N. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (2015).

Information-access provisions in Lithuania cover all levels of the executive, yet exclude the legislative branch. The right to request information applies to citizens of and legal persons within Lithuania and European Economic Area states as well as foreign nationals with a residence permit (in contrast to most OECD countries, where there are no such legal restrictions concerning the status of participants). Following a complaint by 10 media organizations to the Seimas Ombudsman regarding difficulties in accessing information, the Ombudsman issued a recommendation to the Ministry of Culture asking that journalists' right to acquire information be promptly implemented. The OECD has recommended helping the country's civil service to better understand the added value associated with access to information.

Citation:

OECD, Public Governance Review Lithuania- Fostering Open and Inclusive Policy Making Key Findings and Recommendations. 2015.

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

Slovenia

Score 9

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 and journalists enforce their right of access. The new online application “Supervisor,” set up by the Commission for the Prevention of Corruption as a means of enhancing transparency in the country, has helped the public and the media access some previously restricted financial information. The most notable case was in February 2015, when Supervisor data showed that Minister for Education, Science and Sport Stanka Setnikar Cankar received more than €0.6 million (this included royalties in addition to his regular salary) in the last decade while serving as the Dean of Administration Faculty at the same time. Days after this disclosure, the minister resigned.

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:

Bergström, Annika et al. (eds.) (2014), *Fragment* (SOM rapport 63) (Göteborg: SOM).

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 Kingdom

Score 9

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 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. More recently there has been a debate about restricting the right to freedom of information. However, the former head of the civil service and the Cabinet Office minister responsible for the civil service have both opposed any restrictions on access, although former Prime Minister Tony Blair, whose government introduced the Freedom of Information Act, has said that he regrets doing so.

The United Kingdom has also been at the forefront of making government data available for commercial use and citizen inspection (“open data”). 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. It is noteworthy that the UK is now mentioned internationally as a leader in open government and access to data. In the World Justice Project’s 2015 Open Government Index, the UK ranked 8 out of 102 countries, behind the Nordic countries, the Netherlands, New Zealand and Canada.

Citation:

<http://worldjusticeproject.org/open-government-index/open-government-around-world>

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, and ongoing criminal investigations. Administrators have considerable discretion in permitting access, as citizens and researchers have difficulty knowing when relevant information has been withheld.

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 fewer claims of “executive privilege.” Nevertheless, news organizations have complained about frequent delays of many months in responses to FOIA requests. In 2013 – 2014, the Obama administration denied or delayed a record number of such requests, in many cases on national-security grounds. In 2015, Congress debated a Freedom of Information Oversight bill that would tighten FOIA procedures and standards.

Austria

Score 8

Citizens can access government information, but certain restrictions apply. The principle of privacy protection 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. A draft for an Austrian Information Act is currently being discussed in parliament.

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.

Germany

Score 8 The Freedom of Information Act took effect in 2006. The act defines what government information is publicly available. In his fourth annual report (BfDI, 2014), covering the period 2012 to 2013, the Federal Commissioner for Data Protection and Freedom of Information, Andrea Voßhoff, stated that a 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. In Baden-Wuerttemberg, Lower Saxony and Saxony, the respective coalition governments plan to introduce freedom of information laws. Citizens remain largely unaware 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. In an overall assessment in 2016, Andreas Voßhoff concluded that citizens are increasingly making use of their rights and that federal authorities "no longer regard the information right of citizens as a nuisance but as a significant element of a civil society" (BfDI, 2016).

Citation:

BfDI (2014): Tätigkeitsbericht zur Informationsfreiheit für die Jahre 2012 und 2013, 4. Tätigkeitsbericht, Bundestagsdrucksache 18/2000.

BfDI (2016): 10 Jahre Informationsfreiheit, Pressemitteilung, Bonn/Berlin, 05. Januar 2016.

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 2011, 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. Paragraph nine states that the prime minister can decide, with cabinet approval, to create ministerial committees on an issue-specific basis. Following a 2015 revision, two permanent ministerial committees were established to oversee state finances and economic affairs.

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's 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 from 2011 contains ambitious freedom of information provisions, similar to those in force 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)).

Lög um breytingu á lögum um Stjórnarráð Íslands, nr. 115/2011, með síðari breytingum (skipulag ráðuneyta og stofnana o.fl.) nr. 82 13. júlí 2015.

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 and unemployment) 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.

During 2015, there was controversy surrounding the right of journalists to report allegations made in the Dáil (parliament) in relation to commercial transactions between the National Asset Management Agency and a prominent businessman. The courts ruled that the allegations, made under parliamentary privilege, could not be reported in the press. In reality, they became public almost immediately.

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 and private individuals. For instance, 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. However, a 2008 analysis by the Israel Democracy Institute stated that the restrictions are within reason and do not prevent the law from reaching its main goal: to assist in creating a more transparent and accountable government. In addition, a right-to-privacy law (1998) grants individuals the right to access their personal information held in government or private 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.

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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> (English).

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).

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

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

The Movement for Freedom of Information "The movement for freedom of information," The Movement for Freedom of Information, 2015: <http://www.meida.org.il/> (Hebrew).

New Zealand

Score 8

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 access even to politically sensitive communications between political advisers and ministers as soon as these communications are made. 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 (10% rise in 2014/2015). 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 over the legislation's implementation. 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 2014/2015 (Wellington: Office of the Ombudsman 2014/2015).

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

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 and

other administrative bodies render such information difficult to find and work with, even online. As a result, Poland currently trails the OECD's OURdata Index on open, useful and re-usable government data.

Citation:

OECD, Open Government Data Review of Poland. Unlocking the Value of Government Data, 25.09.2015: http://www.oecd-ilibrary.org/governance/open-government-data-review-of-poland_9789264241787-en

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 mid-2015, parliament began deliberations on a further substantial amendment to the Act which had been prepared by a commission established by the Ministry of Justice over the past two years. The suggested changes would further expand the access to official information and make Slovakia's legislation one of the most liberal in the world. Most notably, these changes would extend the realm of information to be provided, which is currently restricted to information about the "decision-making activities" of public authorities.

Citation:

<http://blogs.lse.ac.uk/mediapolicyproject/2015/04/24/complex-amendment-to-slovakias-foi-act-might-make-it-one-of-the-most-liberal-in-europe/>

Australia

Score 7

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 Commonwealth financial or property interests; 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/Freedomofinformationreforms.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>

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 the state is now specifically avoiding collection of information that may have "ethnic" content (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. Historically there have been instances in which information, which ultimately proved to be important for the public and for the political process, became available through access to information actions. 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/>

<http://www.chiletransparente.cl/>

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

http://anticorpp.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. The commissioner's monitoring activities increased and become more visible in 2015. They have nonetheless been constrained by the lack of sufficient funding available for the commissioner's office.

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.

Italy

Score 7 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), 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 technical officers, should make an annual report to parliament, though the publication of these reports is usually delayed by at least a year. The most recent report for 2013 identified an increase in responses to citizens' appeals. 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 found that only 35% of information requests received a response within 60 days.

Citation:

<http://www.commissioneaccesso.it/media/45795/relazione%20al%20parlamento%202013.pdf>

Netherlands

Score 7 The Government Information (Public Access) Act (WOB) governs both active and passive public access to information. Under the 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 and 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 the desire to retain the 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. The issue had not been resolved by 2015, although political parties D66 and the Green Left introduced a new bill stressing “active transparency.”

Citation:

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

“Einde misbruik WOB nog niet in zicht”, Binnenlands Bestuur, 13 April 2015

Portugal

Score 7

Free and readily available access to official information is guaranteed in Article 48, subsection 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), established in 1995, deals with complaints regarding public access to information.

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 70th out of 102 countries. However, this survey’s date of information collection for Portugal was 1993.

More important than this very dated index rating is the fact that at the local level (municipios and freguesias), the population generally has access to government information, documents and more.

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

of access to government information. However, many public records are not included within the scope of the law, as there are exceptions for state secrets, intelligence information, individual privacy and communication privacy.

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

A total of 3,298,465 applications for information based on Law 4982 were made to public institutions in 2014. According to official information, 95% of requests resulted in the full provision of the requested information, 2% resulted in partial information or a negative response, and 3% were rejected. A total of 8,471 applications were found to be related to state secrets or private issues. The annual report on the issue does not provide information about the subject of the applications.

Several regulations adopted in April 2012 aimed at administrative simplification, particularly by providing 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. Offices must respond to applications for access to government information within 15 days.

The Board of Review for 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. The board did not publish an annual report for 2014. As with other administrative decisions, appeals can be made to an administrative court if information requests are denied. A total of 746 applicants appealed for judicial review in 2014.

Citation:

Türkiye Büyük Millet Meclisi Başkanlığı Basın, Yayın ve Halkla İlişkiler Başkanlığı Bilgi Edinme Hakkının Kullanılması Bakımından 2014 Yılına İlişkin Değerlendirme,
https://www.tbmm.gov.tr/bilgiedinme/2014_raporu_baskanlik_aciklamasi.pdf. (accessed 27 October 2015)
2014 Yılı Bilgi Edinme Genel raporu, https://www.tbmm.gov.tr/bilgiedinme/2014_yili_degerlendirme_raporu.pdf
(accessed 27 October 2015)

Canada

Score 6

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.

One major campaign promise of Justin Trudeau's Liberal party in the lead-up to the 2015 election was a more open and transparent government. This includes updates to the Access to Information Act, including measures to facilitate and expedite the process of Freedom of Information requests, expand the role of the Information Commissioner, and ensure that the Act applies to both the prime minister's and ministers' offices. The Liberal party also pledged a legislative review of the Act every five years.

Citation:

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>

Liberal Party of Canada (2015), "A Fair and Open Government", retrieved 2015 from <https://www.liberal.ca/files/2015/08/a-fair-and-open-government.pdf>

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 by Council of Europe recommendations. However, the draft law

presented by the new government in 2014 did not meet information-access advocates' expectations.

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. Interested parties, lobbies and associations often enlist MPs and the parliamentary query process to discover the government's intentions on issues of relevance to them. MP questions and government answers are published in the regular account of parliament's activities (Compte rendu des séances publiques), in press releases and on the web page of the Chamber of Deputies.

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/2010/0069/a069.pdf#page=2>

<http://www.legilux.public.lu/leg/a/archives/2010/0069/a069.pdf#page=15>

<http://www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/index.html>

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

Mexico's freedom of information act became law in 2002. The law was the first in Latin America to impose obligations on the state to publicly share information and increase the level of political transparency. Mexico's freedom of information act has proved to be a considerable success in increasing publicly available information. Scholars, journalists and bureaucrats have all made full use of its provisions and a lot of new information has come to light. To reinforce the success of the 2002 act, Congress is currently considering additional legislation, which focuses more on the private sector. Inevitably, the degree to which the law is obeyed varies. Local and regional public authorities are often slow in providing information. Moreover, the large number of public entities and fragmented bureaucratic structure increases the complexity of coordination, which makes it more difficult to obtain the requested information. Nevertheless, the freedom of information act has been a success overall.

Romania

Score 6

Law 544/2001, known as the Freedom of Information Act (FOIA), ensures citizens' access to public information. Its remit 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 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.

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 was enacted in July 2013 in order to provide the legal foundation for the plan. 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. However, in contrast to the stated goal of Government 3.0, the non-democratic leadership style shown by Park Geun-hye government has resulted in a reluctance to disclose information having to do with politically sensitive issues.

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

Although in December 2013, the Spanish parliament passed the first specific law enabling free and easy access to government information (Law 19/2013 on "transparencia, acceso a la información pública y buen gobierno"), the new legislation establishes some limits to the freedom of information. According to the Madrid-based NGO Access Info Europe, Spain still scores comparatively low for four reasons: 1) some institutions (including the parliament and the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, 3) the oversight body (the so-called Transparency Council) is not fully independent, and 4) the transparency website has shortcomings (with most data available only upon request).

Access Info Europe also criticized the 2015 regulation implementing the 2013 law, noting that it contained new restrictions. The group was very vocal in 2015, additionally criticizing the volume of administrative red tape in the system, and the fact that the system grants only partial access to important lobbyist documents whose content may have had an influence during the decision-making process (for example, ministries may deny access to documents submitted by third parties during the production of legislation on the grounds that these are "internal").

Nevertheless, the 2013 legislation did significantly improve access to government information by imbuing public policies with a higher degree of transparency. A team of around 40 civil servants works for the transparency website, and under the existing procedure, requests for information must receive a reply 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 other security issues that justify withholding the information.

Citation:

RTI Rating Data Analysis Series (2015): www.rti-rating.org/country_data.php

Access Info Europe (Spain) cases:

Draft Regulation Limits Already Weak Transparency Law: www.access-info.org/frontpage/17363

High levels of administrative silence leave Spanish FOI requesters in the dark: www.access-info.org/frontpage/15770

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 late 2013, the Diet passed a controversial State Secrets Law (taking effect in 2014), 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. Moreover, the rights and powers of two Diet committees tasked with overseeing the law's implementation have been criticized as being too weak.

Japan has no electronic freedom-of-information act, but in 2013, the government created a so-called Open Data Idea Box, through which citizens can propose and discuss ideas for the online release of government information. It remains to be seen how seriously the government takes 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>

Hungary

Score 4

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 by referring to business secrets. 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, although this move was criticized by the European Commission. Under the third Orbán government, there has been a constant fight between the government and the democratic opposition over access to government data, often fought at the courts. 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. Providing day-to-day information on fake government deals (“mutyi-mondó”) has become a new feature of the opposition media. As a reaction, parliament amended the Act on Freedom in July 2015 (Act CXXIX of 2015), substantially raising the fees demanded for “the cost of processing” government documents.

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. The act does not meet the standards of the Council of Europe's Convention on Access to Official Documents. Indeed, there have been instances of government ministries failing to respond to freedom of information requests.

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

In spite of fines ministry offers no reply to Times FOI request Times of Malta 9/5/2015

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, 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.

A draft law that was still under discussion in early November 2015 had been the subject of harsh criticism for not meeting required standards, even while some had labeled it a “model act.”

Citation:

1. Press report, ‘Information bill set to be one of worst in Europe’ Cyprus Mail, <http://cyprus-mail.com/2015/08/11/information-bill-set-to-be-one-of-worst-in-europe/>
2. Press report, ‘AccessInfo welcomes Cyprus’ commitment to strong FOI law’, Cyprus Mail, <http://cyprus-mail.com/2015/10/21/access-info-welcomes-cyprus-commitment-to-strong-foi-law/>
3. 2011 report by AccessInfo, <http://www.accessinfocyprus.eu/en/research.html>.

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