

SGI Sustainable
Governance
Indicators

2014 Access to Information Report

Media Freedom, Media Pluralism, Access to Government
Information



Indicator

Media Freedom

Question

To what extent are the media independent from government?

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

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

Estonia

Score 10

Estonia follows a liberal approach to media policy, which means that very minimal legal restrictions apply. The Freedom of the Press Report classifies Estonian media as “free” and in the Reporters Without Borders Index 2011 – 2012 Estonian was ranked the second best for media freedom after Finland and Norway.

Estonian National Broadcasting (ERR) acts under the Estonian Public Broadcasting Act. The highest authority of ERR is the Council, which consists of nine members. Based on the principle of political balance, five are specialists in the fields of culture and communication. The ERR Council is re-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, in which free and pluralist media is considered an important means for debate among citizens and the formation of public opinion. According to Reporters without Borders' Worldwide Press Freedom Index, Finland has been ranked in first place since the 2009 report. Finland's national broadcasting company,

Yleisradio, is a public broadcaster owned by the state and is funded through private television broadcasting license fees and a television fee. Governed by a parliamentary council, Yleisradio operates five national television channels, a dozen radio channels and some 25 regional radio stations. In their operation, freedom of speech is regarded a political right and broadcasting activities an impartial means for the mediation of differing opinions and debates.

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

Ireland

Score 10

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

The Broadcasting Authority of Ireland (BAI) was established on October 1, 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 January 1, 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.

Norway

Score 10

Norway's dominant TV and radio corporation is state-owned, but the media market is also populated by significant private TV and radio stations. Newspapers are entirely in private hands, but receive state support. The

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

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

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.

Citation:

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

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.

United States

Score 10

The United States maintains an unusually rigorous version of media freedom, based on the language of the First Amendment to the U.S. Constitution. The Obama White House briefly attempted to punish the blatantly biased Fox News cable channel as an "illegitimate" news organization by limiting the channel's access to the president. But in general, government interference in the media sector has been nearly non-existent. News organizations are rarely subject to damage suits, even for clearly false accusations against government officials because the Supreme Court has set a severe standard for libel suits in the case of public figures. They are rarely enjoined against publishing information because of court policies virtually prohibiting "prior restraint."

The United States has tolerated considerable damage to governmental or national interests through the publication of secret information. In 2010, newspapers published excerpts from hundreds of classified American diplomatic cables illegally leaked to WikiLeaks, which in some cases embarrassed American officials or close allies. The U.S. government did not prosecute or even attempt to stop the newspapers, including the New York Times, from publishing the leaked information; the newspaper had not acted illegally in obtaining the documents. However, the member of the U.S. military that illegally provided the documents – Chelsea Manning – was convicted of espionage, theft and fraud.

Chile

Score 9

In general, the rules and practice of supervision guarantee sufficient independence for public media. Privately owned media is subject to licensing and regulatory regimes that ensure independence from the government. The Freedom House index for freedom of the press in 2011 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,” and dropped Chile from “free” to “partly free” following increased arrests and pressure on journalists – particularly photographers – covering the education protests across the country. Chile remained at this level in 2012. In contrast, another index released in January 2013 by the international organization Reporters Without Borders placed Chile 60th, a jump of 20 spots from the previous year.

Czech Republic

Score 9

Media independence in the Czech Republic is high. While there is a clear left/right division among the media, the influence of political parties on the media has actually declined. The public media are overseen by a nine-member council, appointed by Parliament, which contains members from across the political spectrum and ensures that radio and television have independence from government. The ownership structure of private media does not directly affect news coverage. Investigative journalists continue to uncover important links between politicians and business interests, and report about embezzlement cases and criminal activities. Investigative journalism has been favored by the amendment of the controversial 2009 “Muzzle Law” in August 2011. By strengthening the public interest vis-à-vis the right to privacy, the amendment has made it easier for the media to report on criminal investigations and to use police information.

Denmark

Score 9

Press freedom is protected by section 77 of the Danish constitution, with certain restrictions concerning libel, blasphemy and racism, as mentioned above. Denmark’s radio and privately run TV2 are governed by independent boards appointed by the minister of culture, the People’s Assembly (Folketing) 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. State-run media are financed by an annual license fee, but commercials are increasingly allowed.

Private media, especially newspapers, used to have party affiliations, but such affiliations have lessened in recent years. Freedom House describes private media in Denmark as “vibrant.”

Denmark used to score very high on the annual Press Freedom Index, published by Reporters without Borders. But in 2006, Denmark dropped to

19th place, mostly as a result of the fallout from the publication of the cartoon of Muhammad in a Danish newspaper, but Denmark's position has since improved to 6th place in 2013.

Citation:

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

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

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

Lithuania

Score 9

Lithuania's media are not subject to government influence, and their independence is respected by the incumbent government. Private newspapers and independent broadcasters express a wide variety of views and freely criticize the government. In Reporters Without Borders' 2013 Press Freedom Index, Lithuania was ranked 33rd among 179 countries in terms of press freedom in 2013 (a significant fall from ninth place in 2009). This decline was attributable to court decisions that have threatened media independence (especially one ruling that obliged a journalist to disclose a source who had provided information on flaws in the judicial system) as well as worsening business conditions related to the financial crisis. For example, the media's independence could be compromised by the fact that the government is becoming one of the main advertisers. However, while the print media has experienced economic difficulties in recent years, Internet-based media have become important additional forums for independent opinion and the criticism of government policies.

Citation:

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

Luxembourg

Score 9

The country's media audience is small; the pluralistic media landscape is maintained mostly through generous direct and indirect press subsidies, from which the two big newspapers in Luxembourg mainly profit. One could argue that subsidies are an indirect way of influencing media coverage, but in general, the government respects the independence of the media. The rules for granting subsidies are transparent, and not a subject of political debate.

Netherlands

Score 9

Freedoms of the press and expression are formally guaranteed by the constitution (Article 7). The Press Freedom Index 2011 – 2012 ranks the Netherlands fourth after Finland, Norway and Estonia. Public broadcasting programs are produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These organizations are allocated TV and radio airtime that is relative to their membership numbers. In principle, broadcasting corporations are independent organizations responsible for their own programming, program content and budgets. However, broadcasting corporations are required to comply with regulations laid down in the Media Law (Mediawet, Stb. 1987, nr. 249).

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

The DMA is an independent governmental authority with its own autonomous tasks and discretionary space. Although the DMA has the right to make decisions on its own, it is accountable to the minister of education, culture and science, who nominates the DMA's chairperson. The chair's political orientation appears to have become a less important issue over the years. The DMA refrains from censorship and employs post hoc methods of law enforcement. But public media outlets are especially subject to DMA rulings that may restrict their freedom – for example, the prohibition of alcohol advertising before 9 p.m.; the development of a code of conduct for "safe media provision"; and salary ceilings for public media employees.

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 (June 2013), this recommendation had yet to be adopted by the government. With the Search and Surveillance Act 2012, journalists may be forced 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.

Citation:

Annual Report of the New Zealand Press Council 2011 (Wellington: New Zealand Press Council 2011).
<http://www.freedomhouse.org/report/freedom-press/2012/new-zealand> (accessed March 25, 2013).
<http://en.rsrf.org/press-freedom-index-2013,1054.html> (accessed March 28, 2013).
 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).

Australia

Score 8

Media organizations – both public and private – are largely independent from government, although the main public broadcaster is accountable to a board of directors appointed by the government. Censorship is restricted to material of a violent or sexual nature and there is little evidence of undue influence exerted by the government on opinions expressed in media outlets. 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. Despite several attempts, the implications of the legislation for media freedom have not yet been tested in court.

It is also worth noting that for several years the government was working toward the introduction of a national internet filter, raising concerns that it would stifle legitimate public and political debate, for example about euthanasia and abortion. However, in November 2012, the government announced it had decided not to proceed with the filter, in part because of technical constraints. In March 2013, the federal government failed to pass a package of six bills in relation to the media sector. The package included the News Media (Self-regulation) Bill 2013, which would remove a news organization's exemption from some provisions of the Privacy Act 1988 if it is not a member of a self-regulatory body recognized by the "media advocate" appointed by the government under the accompanying Public Interest Media Advocate Bill 2013. The package also included the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013, which was aimed at preserving media diversity in the context of growth in online news media.

While the government argues the legislation would impose no constraints on freedom of the press, several news media organizations have stridently opposed the legislation on the grounds that it would do exactly that.

Belgium

Score 8

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

Privately held press organizations are largely independent, and they scrutinize public activities increasingly well.

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.

Germany

Score 8

Germany's Basic Law guarantees the freedoms 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. The print media, which is largely self-regulated, is broadly independent of political interference. The German Press Council is tasked with protecting the freedom of the press. However, Germany was ranked only 17th in the Worldwide Press Freedom Index 2012 – 2013.

The Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag) provides a general nationwide framework for the operations of the 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 prevent 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.

The Wulff scandal, in which President Christian Wulff sought to suppress reporting on allegations of his own corruption, can be seen as an example in which leading German politicians demonstrated misguided perceptions as to the essence and content of media independence. However, the fact that this scandal resulted in Wulff's resignation as president demonstrates how seriously the issue of media freedom is taken in Germany.

Latvia

Score 8

Private media are generally free of overt government influence. Licensing and regulatory regimes are politically neutral and do not create a risk of inappropriate political interference. However, the 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 statement that editorial policy is bent to fit commercial interests (either of the media owners or large clients) or for political reasons. In 2011, the media leaked e-mail traffic between the mayor of Riga and a Russian-language broadcaster that showed the mayor to be engaged in editorial decisions affecting the news desk on a daily basis.

Public broadcasting has been subject to some political influence. The oversight body – the National Broadcasting Council (Nacionālā elektronisko

plašsaziņas līdzekļu padome, NEPLP) – is politically appointed, and this has had an impact on personnel choices and in some cases content. The council's supervisory approach to the public Latvian television broadcaster resulted in an organizational weakening due to personnel changes and inadequate financial allocations. In 2012, the NEPLP was reformed, with improvements made in the procedure for selecting council members, and transparency provisions and public confirmation hearings for council members instituted. The new NEPLP undertook two major initiatives in 2012, engaging in strategic planning for a future consolidated multimedia broadcasting service, and appointing a new governing board for the Latvian public television broadcaster. The board appointment process was conducted transparently, using the services of a personnel recruitment company. However, while an improvement over past appointment procedures, this process remained controversial, with failed applicants turning to the courts to contest the selection results.

Citation:

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

Poland

Score 8

The Polish government largely respects media freedoms. Even after a reform push in 2010, however, the public media oversight organization, the National Council on Radio and Television, has remained a politicized body. One example of this comes from the organization's refusal in January 2012 to grant a concession to TV Trwam, an ultraconservative station linked to the biggest opposition party. Media freedom also suffers from a number of controversial provisions in the Penal Code concerning defamation or the offence of religious beliefs; these provisions have been used in some cases for taking legal action against journalists.

Slovakia

Score 8

Media freedom in Slovakia has significantly improved. Unlike its predecessor, the Radičová government respected the independence of the media, ensured a pluralistic composition of the Council for Broadcasting and Retransmission (which supervises public TV and radio stations) and largely refrained from interfering with public broadcasting programming. The Radičová government also amended the controversial 2008 Press Act which had favored self-censorship among journalists and editors through a "right to response" for any public official and potentially high libel charges for journalists. More controversial was the Radičová government's plan to

finance public service broadcasting directly from the state budget rather than by public fees. The plan raised concerns about increasing political influence on the public media, but, because of the change in government, did not get implemented. More fundamental doubts about media independence in Slovakia were prompted by the so-called “Gorilla Affair.” In December 2011, wiretap files collected by the Slovak Secret Service were leaked documenting massive, high-level corruption throughout all political camps in 2005 – 2006. Some media had access to the files for almost two years, but refused to cover the story because they feared political and legal repercussions. After the 2012 change in government, political pressure on the media has increased. While Prime Minister Fico, in stark contrast to his first term, has largely refrained from verbal attacks and lawsuits against journalists, some politicians of the governing Smer-SD) have fallen back into the confrontational approach characteristic of the first Fico government.

Cyprus

Score 7

In general, the media do not suffer from governmental interference. Legal requirements for starting a publication are not overly restrictive. Since the early 1990s, the Press Law (Law 145/1989) has not applied to the functioning of independent professional bodies (such as the Press Council and Press Authority). In response, all media owners and the Union of Journalists created an independent media-complaints commission in 1997 and signed a code of journalistic ethics.

The Cyprus Broadcasting Corporation (RIK), the public-service broadcaster, is a legal entity, and the Council of Ministers appoints the chairperson and members of its governing body. Political party officials are appointed to this body, as there is no legal prohibition against this. Budgetary issues and public statements are often used by political parties to exert pressure on the broadcaster, each of them arguing for “more equitable” access. Despite a competition for influence between the government and political parties, pluralism prevails. As a part of the EU accession process, a media regulatory framework meeting EU standards was required; as a result, the Law on Radio and Television Broadcasting was passed in 1998.

Private broadcasting is governed by a different law, and is regulated by the Radio Television Authority, the members of which are appointed by the Council of Ministers. This body has extensive powers, and a broadly independent status. Although no high-level party officials can be members or chairperson of this authority, appointments based on political criteria rather than competence are made. This, along with the fact that the authority’s budget is set by the administration and the Council of Ministers, and approved by the House of Representatives, affects the regulator’s work.

In the period under review, government officials frequently complained about what they considered to be negative media coverage. As the European Parliament has stated, the Attorney General's constitutional powers to seize newspapers or printed matter constitutes a threat to the freedom of expression.

Citation:

European Parliament, The Citizen's Right to Information: law and Policy in the EU and its Member States (<http://www.statewatch.org/news/2012/nov/ep-study-citizens-right-to-information.pdf>)

Greece

Score 7

Greece used to have four state-owned national and 19 state-owned regional TV channels plus dozens of local government-owned radio stations. The national and regional channels belong to a public corporation, ERT, which the government abruptly closed down on June 11, 2013, citing mismanagement, lack of transparency and misuse of public funds. The government announced that a new public TV and radio corporation would be founded and become operative before the end of 2013.

In 2011 – 2013 ERT did not show a pro-government bias, although full government control of the news had been typical of state-owned TV and radio in the past. The change in the period under review may be attributed to multiple reasons. Firstly, a coalition government was in power, in contrast to the single party governments of the past. Secondly, journalists were affiliated to many different political parties. Thirdly, the austerity measures of 2011 – 2013 turned many people and particular government employees against the government, a trend reflected in the range of opinions aired in the media. There was also unrestrained freedom in the privately owned media organizations.

Nevertheless, in the winter of 2012 the government attempted to cut an ERT talk show in which journalists consistently voiced anti-government views. A public outcry followed and the government reversed its decision.

In the period under review there were also a small number of cases of mistreatment of journalists in protest marches. This prompted Reporters without Borders to rank Greece at 86th out of 179 countries surveyed in the Freedom of the Press Index 2013, placing Greece under dozens of African and other developing countries, including war-torn or authoritarian-ruled countries.

In sum, in the period under review the government exerted much less pressure on the media than in the past.

Iceland

Score 7

The state's monopoly within the radio and TV markets was abolished in 1986. Private stations have gained some momentum over the years and now play a significant role in the broader media market. There were nine private TV stations in 2008 and 11 in 2011, all but one of which offered national coverage. There is only one state-run TV station. The country's current legal environment, including the Act on Radio and TV (Útvarpslög) from 2000, does not provide full protection against government influence or intervention. However, the government respects media independence; indeed, a 2004 Freedom House described the Icelandic mass media as working within an "exceptionally open and free media environment."

Owners of private Icelandic media sometimes exercise influence over news coverage. The largest newspaper is owned by a discredited banker; several journalists have recently resigned from this publication in protest. The second-largest newspaper is controlled by fishing-quota owners who installed a former prime minister and discredited Central Bank governor as chief editor, with a mandate to fight reforms of the fisheries-management system and oppose Iceland's accession to the European Union. Journalists are systematically underpaid, with their financial insecurity used as a means of stifling independent action. Some critics complain that Iceland is effectively a country without media. Even so, the position of those seeking to dominate the media has been considerably weakened by the advent of Internet-based tools such as social networks.

Citation:

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

Israel

Score 7

Israel's media environment is lively and pluralistic. The freedom of the press is generally respected, and the government does not generally seek to influence the media. Legal protections for press freedom are robust, and though the country's basic laws do not contain a specific reference to the issue, the Supreme Court has ruled that freedom of expression is an essential component of human dignity.

This said, several cases over the last three years have called significant aspects of media independence into question:

- The creation of a new newspaper, Israel Hayom, served to broaden the range of available opinions, helping to create a more pluralistic climate. However, Israel Hayom is owned by Sheldon Adelson, a prominent American businessman who is openly aligned with Prime Minister Benjamin Netanyahu and the conservative Likud Party. Critics have called this a problematic example of crony capitalism.
- In 2011, financially troubled private television broadcaster Channel 10, which has often been critical of the government, came under significant political and economic pressure. In September, station executives were allegedly pressured by investors into apologizing for a story about Adelson. Moreover, both the prime minister and his wife initiated libel suits against the station that year. In December, the Knesset Finance Committee rejected the station's request to postpone its debt payment by a year, meaning the station faced the prospect of paying the government ILS 60 million (million) at year's end to avoid being shut down. At the same time, the publicly owned Channel 1 was relieved of a much larger debt. It was only after long negotiations and a public uproar that the government agreed to provide financial assistance to Channel 10.

Also worrying is the immense power given under the law to the censorship authorities. Under a 1996 censorship agreement between the media and the military, the censor has the power –on the grounds of national security – to penalize, shut down or stop the printing of a newspaper, or even to confiscate its printing machines.

Major sources of concern within the Israeli media sector are ownership concentration, increasing economic vulnerability and the commercialization of the media in general. Also problematic is an evident increase in political interference with and pressure on the Israel Broadcasting Authority (Rashut Hashidror), the country's state broadcasting network, which has in the past been a bastion of liberal criticism of governments. In Freedom House's Freedom of the Press 2013 report, Israel's press status fell from free to partly free.

Citation:

Dan Caspi, "Media and Politics in Israel," Van Leer and the Kibutz Hameuhad, 2007 (Hebrew).

"Israel: Freedom of the Press: 2013," FreedomHouse website.

<http://www.freedomhouse.org/report/freedom-press/2013/israel>

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

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 which are appointed by the National Assembly, but proposed by a broad variety of political and social actors. In July 2011, the Parliament rejected a controversial media draft law submitted by the Ministry of Culture, which officially aimed to monitor the media's compliance with professional standards, but was criticized by journalists and press associations for limiting media freedom.

United Kingdom

Score 7

In the United Kingdom, television channels both in the public and the private sector are required by law to be politically neutral, and this is overseen by the regulator Ofcom. No such requirement exists for print media. The BBC, the country's only public service broadcaster, is financed by a television license which is effectively a poll tax. It is overseen by a board of governors and

enjoys almost complete political independence. However, recent scandals may have weakened the BBC's standing, although there is as yet little evidence of that in its behavior, and it remains the case that TV and radio journalists often subject government and opposition politicians to very tough interviews. Politicians of all persuasions frequently accuse the BBC of bias – arguably highlighting the fact that it is outside political control.

A number of events and scandals in recent years have pointed to overly strong bonds between the political establishment and Westminster lobby journalists, which may have had negative effects on the quality of reporting. The aftermath of the News of the World scandal in 2011 (i.e., the Leveson Inquiry, which published its report and recommendations in spring 2013) demonstrated the existence of overly close relations between politicians and the press. As a result, the abolition of the Press Complaints Commission in favor of a new independent body has been recommended, but is being fiercely resisted by the press.

Austria

Score 6

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

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

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

However, the ORF in general fulfills its mandate quite well, particularly in international comparison.

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

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

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

Citation:

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

France

Score 6

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This said, media independence is multifaceted. One must distinguish between public and private media, and separate legal independence from financial dependence or influence. Public authorities have in principle no direct capacity to intervene in public media decision-making as the power of control and supervision is delegated to an independent media authority. However, the situation is not clear-cut for many reasons. First, public media are mostly dependent upon a special tax paid by every TV owner, while access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control. Secondly, former President Sarkozy triggered an outcry by shifting the authority to appoint the president of public radio from the independent authority to the president himself.

In the private sector, public influence can be felt through the generous subsidies paid to all daily and weekly newspapers. However, it is paid as a

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

Italy

Score 6

While in the past both center-right and center-left governments have exerted a significant or even a strong influence on public media, during the last year the Monti government has taken a much more detached position. The public media organization, Radiotelevisione Italiana (RAI), had previously been steered by government in both its personnel policies and the control of its organizational frameworks and resources. The Monti government nominated as heads of RAI new, fairly independent personalities who have ensured an enhanced political neutrality of the public media. But this reveals a missing institutional or regulatory framework which could turn RAI into a BBC-type institution that might claim some independence.

As for the print media, newspapers and magazines are in general much more independent of government influence.

While the privately owned Mediaset channels have continued to be under the strong political influence of their owner, Berlusconi, other channels have somewhat balanced out this political orientation.

Nevertheless, the 2013 national elections returned television to its central role in Italy's media mix. Electronic and other media (radio programs, newspapers) still seem not to really reach the Italian masses. Italian media legislation and regulation is often not applied as intended by law. Meaningful media law reforms could be pursued in the current and unusual context of a Monti-type government.

Japan

Score
value_6

Japanese media are 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. While NHK is a public broadcasting service, it enjoys very substantial freedom. Interventions by ruling-party lawmakers have been infrequent in recent years. Those interventions that have taken place have been directed at topics concerning controversial aspects of Japan's wartime past (e.g., the role of the emperor in the second world war, the system of forced prostitution set up by the armed forces, etc.). It may be that some degree of voluntary censorship occurs when media organizations such as NHK and others address this kind of sensitive issue.

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

Northeastern Japan's triple catastrophe of 11 March 2011 casts a spotlight on such informal linkages. The government was extremely slow to release information detailing the magnitude of the problems, particularly in the case of radiation leakages. Major newspapers and broadcasters, despite or because of their exclusive access, rarely asked critical questions, and agreed to follow the government's information policy. Independent journalists (often using Web-based information channels), the foreign press and some weekly papers and political magazines such as Aera provided balance to some extent, but had limited ability to expand the scope of their coverage. As a result of these issues, Japan dropped a dramatic 22 places to 53rd place in Reporters Without Borders' 2013 World Press Freedom Index.

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

Portugal

Score 6

Public and private media are independent from the government's influence, following the 1976 constitution. 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 the Assembly of the Republic, and the fifth member – who normally becomes the ERC's head – is co-opted by the other four members.

Despite a change in government in the aftermath of the June 2011 legislative elections, this period was also marked by alleged government interference with the media. The case involved Miguel Relvas, the minister for parliamentary affairs from the new center-right coalition between the Social Democratic Party (Partido Social Democrata, PSD) and the Democratic and Social Center People's Party (Centro Democrático e Social – Partido Popular, CDS-PP). Miguel Relvas was alleged to have threatened a journalist from the leading daily newspaper Público in May 2012, in order to prevent her from pursuing an unfavorable story. Earlier in 2012, Miguel Relvas was also accused of censoring a radio opinion piece by the journalist Pedro Rosa Mendes that was critical of the Angolan regime. In both allegations, the ERC considered it did not have enough evidence to find the minister culpable of undue behavior.

It should be noted that the Portuguese state owns the Rádio e Televisão de Portugal (RTP) Group, which has eight TV channels and eight radio stations. The board of this group is appointed by the government. As part of the Memorandum of Understanding's (MoU's) goal of reducing costs in state-owned enterprises, the government considered various options vis-à-vis the RTP in 2012, with the public discussion of these options – including privatization of the main TV channel (RTP 1) or its concession to private operators – leading the (then) RTP board to resign in August 2012. The decision to privatize has been delayed, and the government says it will first restructure the media before attempting to sell RTP 1. Also, the government seeks to assert control over the public media, especially television and radio, in order to save money and reduce demands on public funds. It should also be noted that the government is the largest purchaser of advertising due to the current span of the public sector.

Spain

Score 6

The new Popular Party (Partido Popular, PP) government has reversed a previous legal reform (Law 17/2006), which had transformed the traditionally government-manipulated Radiotelevisión Española (RTVE) into an autonomous corporation that tended to guarantee neutrality. PP passed a decree law in April 2012 that jeopardizes that recently achieved political independence of the national broadcasting group. A relative majority in the General Courts is now enough to elect the president of RTVE, thus allowing the government of the day to decide unilaterally who will manage public television and radio (the previous regulation required an appointment agreed between the governing party and the main opposition party). In fact, following the decree, the president and the news director were replaced, and some notorious journalists were moved out.

However, it would be unfair to consider the national television station as a simple government tool as it used to be before 2006. RTVE still respects pluralism and produces some high-quality information programs but this independence is no longer institutionally protected and, thus, the organization's credibility and audience ratings have suffered. The Radio Nacional de España (RNE) or public national radio station has been recently criticized for losing impartiality and credibility. In the case of regional public broadcast groups, the situation is probably worse with the incumbent governments openly promoting their partisan political objectives. With regard to private broadcasting operations, the media groups are of course formally independent from the government but both the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and the PP have tried to support those newspapers, radio and television stations ideologically closest to them (particularly concerning the regulation of the audiovisual sector).

Croatia

Score 5

Media freedom in Croatia is limited. Political influence on the media is still fairly strong, especially at local and regional levels, and so is the influence of private media owners. The Organisation for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Dunja Mijatović, has criticized the Croatian public service broadcaster Croatian Radiotelevision (Hrvatska radiotelevizija, HRT) several times for dismissing and silencing critical journalists. Media freedom has also suffered from the bad working conditions for journalists, who are not protected by collective agreements.

Malta

Score 5

Private media operates free from government interference. Mechanisms exist to ensure that the state media also operates independently from government interference, yet these mechanisms do not work well. 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 show a clear attachment to the party in government also undermines media independence. Following the 9 March 2013 elections, the government appointed an entire new group of board members and replaced the head of news. Media outlets are also dependent on the state in that companies rely on state advertising contributions. The machinery of the state maintains a large number of public relations/communications officers, which those in private media often attempt to bypass while reporting; but the result of this is

information becomes difficult to both obtain and verify, opening the possibility for reporting mistakes and the potential for libel, the legal pressures of which make the financial viability of newspapers tenuous. Even though state institutions tend to dominate the media universe, the system is essentially pluralist, so a range of opinions and reporting is still available.

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 heavily depend on advertising and other revenues from the government or from government-owned enterprises and/or have owners involved in business deals with the government. With the economic crisis the financial dependence of the media on the government budget has further increased.

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 4

The government under Prime Minister Orbán pushed through highly controversial media laws in 2010 and 2011, which were only slightly changed following stringent criticism from the European Commission and other international and national actors. The new laws strengthened government control over the media by vesting a Media Council, exclusively composed of persons affiliated with Fidesz, with the control of media content and the granting of broadcasting licenses. The council as just one example used its discretion for cancelling the license of the leading independent radio station, Klub Radio. New provisions on “balanced reporting,” along with mass layoffs in public media, has fostered a climate of fear and self-censorship among journalists. Government representatives have criticized independent media, while indirectly supporting media with an extreme-right bias.

Romania

Score 4

Partisan conflicts (especially between pro- and anti-presidential forces) are reflected, in an extreme form, in the mass media realm. While the 2011 Civil Code, the Broadcast Law and the Laws on the Organization and Functioning of the Public Media Services have advanced the cause of media freedom, the Parliament has not relented in its efforts to control the media outlets. For instance, the new parliamentary majority in 2012 chose to disregard Law 41/1994, which allocates the seats in the public broadcasting corporation board based on the parliamentary seat shares of different parties. The ruling Social Liberal Union (USL) coalition denied the Democratic Liberal Party (Partidul Democrat-Liberal, PD-L) their right to nominate their candidates for the board – a right which had to be reinstated by the Constitutional Court. Changes in parliamentary majority are usually associated with the wholesale removal of the public media's management staff, as happened most recently with the leadership of the Romanian Public TV (TVR) in the summer of 2012.

South Korea

Score 4

In the 2013 Press Freedom Index published by Reporters Without Borders, Korea placed 50th out of 179 countries, falling six places from the 2011/12 ranking. Korea also remains on the list of “countries under surveillance” for internet censorship. Defamation suits are a common way to prevent critical reporting. The report published by Reporters without Borders criticizes the prosecution of journalists from the MBC program, PD Diary. Journalists were accused of exaggerating the danger of mad cow disease, an issue that triggered massive protests against the import of US beef in 2008. The program makers were acquitted of the accusation that they had “defamed government officials and obstructed businesses involved in importing US beef.” Another case criticized by the report is the arrest of internet blogger “Minerva” (whose real name was Park Dae-sung), on the grounds that he affected foreign exchange markets and the nation's credibility through his posts on the financial crisis in a discussion forum). He too was acquitted of the charges. In a high-profile case in 2012, former lawmaker Chung Bong-ju, who contributes to the popular satirical Nakkomsu podcast, was convicted of spreading false rumors accusing President Lee of stock fraud.

South Korea's Act on the Promotion of Information and Communications Network Utilization and User Protection required all websites with at least 100,000 visitors per day to identify their users by their real names, a change that was criticized as a limit on the freedom of speech. In August 2012, the Korean constitutional court unanimously ruled the law unconstitutional.

The government was also accused of replacing or influencing the replacement of the chief executives of several major public broadcasters and media companies, including the Korean Broadcasting System (KBS), Korean Broadcasting Advertising Corporation, Arirang TV, Sky Life and Yonhap Television Network (YTN). Some of the new appointees are believed to be supporters of the government. Amnesty International also reported that “protests against the appointment of the new YTN President Ku Bon-hong, a former aide to President Lee, resulted in Ku Bon-hong suing 12 trade union journalists and firing six journalists for ‘interfering with business.’” In 2012 reporters from KBS, MBC and YTN staged strikes lasting for months to protest government interference with the media. This is unprecedented in Korean history.

Citation:

“South Korea’s media Reporters complain of being muzzled”, The Economist, 3rd of March 2012
 Reporters without Borders, Report South Korea, <http://en.rsf.org/south-korea-south-korea-12-03-2012,42067.html>
 Freedom House, Freedom of the Press Report 2012, <http://www.freedomhouse.org/report/freedom-press/2012/south-korea>
 Freedom House, Freedom on the Net 2012, <http://www.freedomhouse.org/report/freedom-net/2012/south-korea>
 “South Korean Court Rejects Online Name Verification Law”, New York Times, 23 August 2012

Turkey

Score 3

According to the 2013 World Press Freedom Index, although Turkey has a varied and lively media market, the country ranks 154 on the index, falling six places from the previous year. An unprecedented expansion of range of reasons for journalists’ arrests, a massive campaign of phone taps and the contempt shown for source confidentiality have helped to reintroduce a climate of intimidation in the media. According to the Committee to Protect Journalists (CPJ), 232 journalists were imprisoned in Turkey in 2012. The increasing tendency to jail those working in media – on grounds of alleged involvement in the clandestine and illegal “Ergenekon” network or over violations of Article 301 of the Turkish criminal code – has undermined media independence and has encouraged self-censorship.

The 2012 Freedom House Report considers Turkey “partially free” with regard to the status of the country’s press and underlines that 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 a strict antiterrorism Law. Turkish Law does not meet press freedom standards as laid out in the European Convention on Human Rights.

One substantive problem involves the economic interests of media company owners. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners are often involved in other business sectors. The high concentration of media owners in industrial conglomerates with interests that go beyond press freedoms, not to mention the existence of tight relationships between government and industrial conglomerates, further undermines media independence and press freedoms. Media outlets and journalists critical of the government were excluded from the 2012 Justice and Development Party (AKP) congress.

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

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 indeed pluralistic, as the country supports a large number and variety of newspapers and magazines. Though circulation numbers for the 10 largest printed newspapers have declined by 6% in ten years, Finland still boasts an impressive newspaper readership and the printed media market volume remained stable in 2011. There are 188 newspapers, with 48 of them published daily from four to seven times a week. As a rule, newspapers are privately owned but publicly subsidized; the ownership structure is therefore diversified. The position of regional newspapers remains strong, and they provide a great variety of print media at the national and regional level. Internet use is open and unrestricted, the share of Internet users in the population aged 16 to 74 is 90%, and broadband Internet access is defined by law as a universal service that must be available to everyone.

According to Official Statistics of Finland, the Internet has become an established source of information concerning elections, with almost 50% of the public aged 16 to 74 having searched for information about parties and candidates online before the 2011 parliamentary election. Social networking sites, however, were not popular.

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 generally viewed as unbiased. Yleisradio is complemented by several private broadcasting companies.

Citation:

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

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

Germany

Score 10

In Germany, the Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag, RfStV) defines a threshold of an annual average viewer share of 30% share, 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 the 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.

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 staffs. 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) profile. This structural change from print to the electronic media has not been

accompanied by increasing concentration, since there is a high level of diversity among electronic news providers.

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

Switzerland

Score 10

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

Denmark

Score 9

The Danish media market maintains about a dozen national newspapers (including Berlingske Tidende, Politiken, Jyllands-Posten, B.T. and Ekstrabladet) as well as about 40 local newspapers. Most of these private publications tend to be conservative or liberal in political philosophy. Left-wing views tend to be underrepresented in editorial pages, but in straight news reporting most newspapers tend to deliver fairly wide-ranging and diverse coverage. The main newspapers regularly include letters to the editor that do not reflect the paper's own views. So in practice, there is a high degree of pluralism of opinions in Danish newspapers. A vibrant civil society

contributes to this.

The public media (mostly radio and TV) are independent and have editorial freedom. Satellites and cable TV are increasingly creating more competition for public media. Internet access is widespread and not limited. Denmark ranks among the top five countries in the world in respect to households having Internet access.

Citation:

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

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

Norway

Score 9

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

The stated goal of government regulation of the broadcast media market is to guarantee that quality remains high and that coverage is national. Cable TV is essentially unregulated beyond the effect of general laws (e.g., there is a ban on pornography).

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

The concentration of ownership has not to date been perceived as a threat to media plurality. However, private ownership is becoming increasingly oligopolistic across print and broadcast media. The distributors of digital signals have also used their powers to change marketplace dynamics. 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

The media market in Poland is one of the largest in Europe, offering a diverse mix of public and private media and reflecting a broad spectrum of political opinions. While public TV station TVP and its four channels claim a large share of the market, most Polish print media and radio in general are privately owned. Despite a tendency toward concentration in the market in recent years, media ownership remains diversified. German companies, in addition to other foreign owners, control about 80% of the Polish media market. The only major domestic competitor is Agora SA with an 18.3% share of the 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 ownership to further a political agenda.

Cyprus

Score 8

In recent years, media companies have grown in size, extending their hold on the press and broadcasting (mainly radio), and beginning to operate as Internet news portals. However, all – particularly daily newspapers – are facing serious financial challenges. The number of electronic media organizations with a national reach increased following the switch to digital television transmission in July 2011. Ownership rules are strict, disallowing cross-media conglomerates and barring physical or legal persons from holding an ownership share of greater than 25% in any broadcaster. However, there is a serious lack of transparency, as exact ownership data is not made public by press organizations, broadcasters or the Radio Television Authority.

The public dialogue and the character of public opinion have over the years been affected by the Cyprus problem and the Greek-centered national rhetoric that conditions life in Cyprus. While the years under review showed

increasing openness in this respect, the range of opinions expressed in the media has largely been limited to mainstream views. Significant topics such as multiculturalism, minority rights, the need for transparency in society and politics, and the quality of governance are sidelined.

Government and political-party officials, along with the leaders of major interest groups such as trade unions, largely monopolize media access, in all media and at all times. This too serves to restrict both the themes and the spectrum of views addressed. At times, the country's real problems tend to be lost in the mist of unnecessary partisan or other confrontations.

Citation:

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

Czech Republic

Score 8

Media ownership in the Czech Republic has been relatively concentrated. However, the number of nationwide private TV stations has risen from six (as of April 2010) to over 12 (as of May 2013), with over 32 channels. There are now approximately 50 regional TV broadcasters and numerous cable and satellite program providers as well. Ownership structures remain opaque for smaller broadcasters and commercial objectives dominate much of the content. Within the Czech print media, foreign ownership is strong and concentrated, without visibly determining the ideological tone of media output. A number of independent internet news media have also appeared to challenge any potential monopoly, although many reproduce news from other sources already available. In the period under review, a discussion arose about content sharing between the tabloid Blesk and liberal weekly Reflex, both owned by the Ringier Axel Springer CZ media group. As a result, Reflex underwent a step-by-step makeover and moved towards the political and cultural mainstream.

Estonia

Score 8

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. However, in general, the

media ownership is quite concentrated and a majority of newspapers and magazines belong to the three companies (Schibsted, Ekspress Grupp, Bonnier), two of which are foreign companies.

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

Ireland

Score 8

A wide range of newspapers – national and local – are 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 also 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 systematic bias in its core news and editorial comment. There does not appear to be much basis for such claims.

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

Latvia

Score 8

Media ownership is diverse. Print media is privately owned, while broadcast media has a mix of public and private ownership. Market pressures have created some consolidation in the media market, leading to concerns about pluralism of views. 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 including a requirement to retain two separate news desks and news programming systems until 2017, in the interests of plurality.

Newspapers and journals provide a diversity of views, but the ownership is in some cases nontransparent.

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.

Portugal

Score 8

Portugal's media market is a competitive and relatively diversified one. There are four main free-to-air terrestrial 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 in 2012, the Portuguese Assembly's own channel, ARTV (previously only available on cable), was added to the roster of free-to-air channels.

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 daily “i” is owned by Sogapal; and the Sol weekly is held by Newshold.

This diversity results in a degree of pluralism of views and opinions. At the same time, however, it must be noted that the majority of media outlets – notably newspapers – face considerable financial challenges, as they frequently change hands. The “i” newspaper, for instance, was sold twice in 2011 and 2012.

Spain

Score 8

There is a relatively high degree of pluralism in the Spanish media market with open competition among different groups for the audience and advertising revenues. In the period 2011 – 2013, the economic crisis led to some concentration in the ownership of TV stations, and to a lesser extent, print newspapers. However, the growing access of the Spanish population to the internet (19 million people by 2013) and the widespread use of social networks have encouraged the proliferation of electronic newspapers or independent blogs, which counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. The last report published by Freedom House in 2013 shows a slight decline in the media freedom of Spain although the country continues to be considered “free” in this category.

As for television, the Italian company Mediaset is the leading group in the country, reaching 30% of the audience (the most-viewed TV channel, Telecinco, together with Cuatro and other minor channels). It is followed by Grupo Planeta, with about a 28% of share of the audience (including interestingly both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española, with less than 20% of audience ratings and, finally, regional public television (particularly watched in Catalonia), the satellite TV Canal + and other small private stations.

Regarding print or electronic journalism – setting aside free and sports press that perform quite well in Spain – the main newspaper is the very influential center-left *El País* (2 million readers) published by the leading media group Prisa. Other newspapers are the center-right *El Mundo* (1.1 million readers), and the conservative *ABC*, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate *La Vanguardia* and the more progressive *El Periódico* are leaders. During the period under consideration, an openly leftist newspaper, *Público*, has been closed – although its digital version still exists – thinning the pluralism of Spanish print media. However, digital

newspapers such as publico.es and also eldiario.es, elconfidencial.com, libertaddigital.com, etc., have enjoyed enormous growth. Nevertheless, the electronic media market is quite similar to the print sector, since the two most-read political information websites are those belonging to El País and El Mundo.

Finally, the radio market is dominated by the aforementioned giant groups Prisa (the popular SER station has 4.8 million listeners) and Planeta (Onda Cero, with 2.6 million daily listeners). The publicly owned Radio Nacional de España (RNE) has 1.2 million listeners and the privately owned Cadena Cope (belonging to the Catholic Church) almost 2 million listeners.

In short, a moderate level of diversification in media ownership prevails at national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism. If electoral behavior was compared with the spectrum of opinions actually published, very conservative positions would perhaps be shown to be overrepresented, and leftist positions somewhat marginalized.

Citation:

<http://www.freedomhouse.org/>

<http://www.publico.es/454131/radio-nacional-se-desploma>

<http://www.formulatv.com/audiencias/> (checked 30 June 2013)

<http://www.prisabs.com/pbs/egm/completo.pdf>

<http://www.marketingdirecto.com/actualidad/digital/en-espana-ya-hay-mas-de-19-millones-de-usuarios-de-internet-segun-ymedia/>

Sweden

Score 8

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

New media (Internet, blogs, Twitter, etc.) is developing at an amazing speed in Sweden, as elsewhere, and is becoming increasingly important in the political sphere. Electronic media is most popular with a younger and well-educated demographic. The Swedish Pirate Party, which advocates free access to information on the Internet, has not been successful in national elections but is nevertheless an important actor in the public debate on new and social media.

Citation:

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

United States

Score 8

The media market is characterized by pluralism in the electronic and broadcast sectors. In recent years, however, an unprecedented consolidation has occurred in the media sector. The number of independent television station owners has dropped by 40% since 1995. During the same period, the number of commercial radio stations has dropped by 36%. Just five big media corporations control nearly 75% of primetime viewing. In addition, there has been a steady decline of competition in print media, especially local newspapers; few cities have more than one newspaper.

The main weakness in the contemporary U.S. news media is not providing access to diverse political perspectives, at least for the large majority of the population that has access to cable television or the Internet. Aggregating services such as Google News and RealClearPolitics.com provide one-stop free access to a wide range of political commentary –from the National Review, the Weekly Standard and Fox News on the right, to Mother Jones, the Nation and MSNBC on the left, as well as international sources such as Al Jazeera and BBC World News.

The main challenge with respect to pluralism is declining financial resources for actual news gathering and reporting, as opposed to commentary. A Pew Foundation study found that newspapers in 2012 had 30% fewer full-time professional employees than they had in 2000, reaching the lowest figure since 1978. The unfortunate consequence is that an increasing proportion of news coverage consists of statements made directly by politicians or public officials, often without filtering or analysis by reporters. Essentially, reporters have been serving as “megaphones” rather than as investigators and objective analysts. In the 2012 election campaign, most statements about candidates or their records came from partisan pundits rather than reporters.

Citation:

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

Israel

Score 7

Ensuring a diversity of opinions in the media through regulation of ownership has been a much-discussed topic in Israeli politics. It was also the subject of a detailed study issued by the Knesset research institute. The study defines Israeli policy toward media pluralism as 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 simply

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, media regulation in Israel is structural, regulating ownership in media organizations (radio, public and private television, including cable and satellite). Regulators are charged with authorizing licensees and enforcing regulation in matters of ownership concentration, cross-ownership and foreign ownership. The printed media is not under the same restraints as the broadcast media, and is dealt with through antitrust regulation or voluntary self-regulation. Most news websites in Israel are operated by print-media companies. Ownership of Internet content providers is not regulated, although some proposals have been made to expand offline regulations to the digital sphere.

In general, Israel's media sector shows diversified ownership structures both in the electronic and print markets. The public and regulated private media compensate for deficiencies or biases in private media reporting by ensuring representation of a wide range of opinions. Structural mechanisms prevent the predominance of certain opinions. However, there is room for improvement. The International Data Corporation (IDC) issued a research paper in 2003, claiming that Israeli regulation was outdated, overcomplicated interfered too strongly with the market. Broadcasting is also regulated in an inconsistent manner, the paper said. For example, some TV channels can post shows online that were deemed by regulatory authorities to be impermissible to broadcast. Finally, the IDC report said that ownership regulation does not adequately address subjects such as interlocking directorates or cross-business relationships that are not directly related to ownership. These issues, though hidden, could create effects similar to the ownership issues addressed by regulations.

Citation:

Agmon, Tamir & Ami Tsadik, "Analysing economic ramifications of centralization and cross ownerships in the Media," Knesset research and information center, 2.11.2011 (Hebrew)

Tal, Yizhar and Dina Ivry-Omer, "Regulation of Electronic Communications Services in Israel: The Need to Establish a Communications Authority," Policy research 76 IDI (November 2009), Hebrew.

http://en.idi.org.il/media/277043/pp_76.pdf

Zrahiya, Zvi, "Israel's media is riddled with alien interests," 15.11.2011

<http://www.haaretz.com/business/israel-s-media-is-riddled-with-alien-i>

1.395639?localLinksEnabled=false

nterests-

Japan

Score 7

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, and has rarely criticized the status quo to any significant degree. The other media groups also tend to avoid anything beyond a mildly critical coverage of issues, although a variety of stances from left-center (in the case of Asahi) to conservative-nationalistic (Sankei) can be observed. Generally speaking, the small group of conglomerates and major organizations does not support a pluralistic landscape of opinions. Regional newspapers and TV stations do not play a serious competitive role.

New competition can be expected from interactive digital-media sources such as blogs, bulletin boards, e-magazines, social networks and so on. Their use is spreading rapidly. In the longer run, the loss of public trust in the government and major media organizations may have intensified the move toward greater use of independent media channels, and thus towards more effective pluralism.

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 VersloŽinios 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 some cases, business conglomerates own multiple newspapers and TV channels.

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, also Freedom House 2013 Report at <http://www.freedomhouse.org/report/freedom-world/2013/lithuania>

Luxembourg

Score 7

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

The media landscape in 2007 was shaken up after the creation of two free daily sheets. The market share of the Luxemburger Wort fell to 43%, while that of L'Essentiel, the most successful of the free papers, rose above 30% in 2012. L'Essentiel is published by Editpress, publisher also of the Tageblatt (the country's second largest newspaper with a market share of about 25%), and has ties to the Luxembourg Socialist Workers' Party (LSAP) and the socialist trade union, OGB-L. The conservative media group Saint-Paul, publisher of the Luxemburger Wort, is losing ground on increased competition and societal changes. Not only did it close La Voix, it abandoned the free-paper market by closing its own paper, Point24 in December 2012. Moves such as these, in addition to a drastic restructuring at the Luxemburger Wort, are clear signs of change in Luxembourg's media market.

Radio Télé Luxembourg (RTL) has no competitors in the television market and it remains well ahead in radio, despite the liberalization launched in the early 1990s. Its audience share is 4.5 times that of The New Radio (Den neuen Radio, DNR), which is close to the Luxemburger Wort.

Citation:
Summary of the TNS media market analysis:
http://www.ipl.lu/forcedownload.php?iddownload=46&type=_pdf_

Netherlands

Score 7

The Dutch media landscape is very pluralistic but nonetheless subject to the same development as in other countries: a gradual narrowing of media ownership, which has been aggravated by the present financial economic crisis, internationalization and rapid commercialization. On the other hand, availability of (foreign and national) web-based TV and radio has increased tremendously. The Dutch media landscape is characterized by one of the

world's highest readerships of newspapers. Innovations in newspaper media include the successful run of two free daily newspapers, tabloids, Sunday editions, and new media editions (online, mobile phone, etc.).

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

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

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 on both broadcast and online news. Powerful individual owners such as Rupert Murdoch (News Corporation) have a long tradition in the country's history, dating back to the 19th century. This coexists with a lively regional newspaper scene which has, however, little influence in terms of national opinion.

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

The support of the Murdoch media empire has been considered politically crucial over the last two decades. The firm has been very influential particularly in terms of the country's position towards European integration. Following the News of the World scandal and the enquiry into corporate standards at News Corporation, Murdoch's influence may have been weakened, but that of the Daily Mail Group remains strong. In addition, the Leveson Inquiry has demanded higher diversity in ownership and tighter

regulation on media mergers, both of which (if enacted) could also work towards more diversity of opinion. The press, collectively, has strongly opposed attempts to circumscribe 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) offer a diverse range of opinion, and most political positions are well-represented. The board of Belgian public media is also composed of representatives from most political parties, which includes government opposition parties (from the main parliamentary parties).

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

Canada

Score 6

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

Iceland

Score 6

Media ownership in Iceland can be divided into three blocs, two of which are in the private sector and one of which is owned by the government.

The government runs one of the two largest television stations and two of the largest radio stations in Iceland. In early 2013, there was one state-owned TV station (RUV - Sjónvarp) and two state-owned radio channels (RUV - Rás1 and RUV - Rás2). There were also three private nationwide TV channels and two nationwide private radio channels, owned by separate concerns.

The private 365 Media Corporation (365 Miðlar) owns TV station Stöð 2, the Bylgjan radio station and Fréttablaðið, one of the country's two newspapers that prints daily editions. This company is the largest player in the Icelandic media market, and has clear connections to one of the key figures in the 2008 economic collapse, Jón Ásgeir Jóhannesson. Morgunblaðið, the second of the two big newspapers, has for decades been considered the organ of the right-wing Independence Party (Sjálfstæðisflokkurinn). Its chief editor as of the time of writing was the former Independence Party prime minister, Davíð Oddsson. Given the presence of several other smaller TV broadcasters, radio stations and newspapers, media ownership in Iceland should be considered as fairly plural given the small population of 320,000 people.

Italy

Score 6

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 (owned by Telecom Italia) offer a relevant alternative for news. Public television is now under a more politically neutral governance. As for print media, the presence of four or five significant groups ensures a high degree of pluralism. Overall one can say that all political opinions of some relevance in the political spectrum receive fair media coverage. Understandably, the largest parties obtain more space than the smaller ones.

It would be difficult to say that certain positions are not published or are marginalized, especially in the case of newspapers. One of the big issues in Italy is the predominance of television: newspapers, radio programs and electronic media can't counterbalance its influence. And so a single large television company might be decisive in electoral campaigns as in the past.

Berlusconi's conflict of interest as active politician and partner in the government coalition has still not been resolved –merely sidelined for the time being.

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 and remain controversial. The control of state media by a majority-party government may result in dissenting opinions being excluded or badly reported.

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-thanks-the-pm.466622>

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

Mexico

Score 6

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

Slovakia

Score 6

Media pluralism is facilitated by a diversified ownership structure and a substantial share of foreign ownership. In the period under review, a certain consolidation of the public media took place. In response to severe financial problems in public service broadcasting, the Radičová government merged Slovak Television (STV) and Slovak Radio (SRo) into Radio and Television of Slovakia (RTVS) in 2011. However, the private media market has suffered from a lack of transparency, and the provision in the Act on Broadcasting that no person or company is allowed to hold more than one national television or radio license or to be a publisher of more than one national daily is not really enforced.

Slovenia

Score 6

In Slovenia there are currently about 1,400 different media outlets and over 83 radio and 37 television broadcasters (both local and cable operators). However, the market share of public media is still substantial, with Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) running four out of six national TV channels (Program A, Program Ars, Val 202 and Radio Slovenia International). The strong role of the public media has raised some concerns about media pluralism. In February 2012, the Swedish media group MTG decided to abandon their private television project TV3 which criticized state regulation for protecting the public media and for being hostile to competition. The media market continues to suffer from a lack of transparency and regulation. Neither the government nor the Post Office and the Electronic Communication Agency, which act as regulators, have done much to improve the situation.

Australia

Score 5

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

The federal Labor government attempted to pass the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013 in March 2013. The bill was aimed at preserving and possibly increasing media diversity in the context of growth in online news media. However, it was part of a broader package of media laws that failed to pass the lower house.

Citation:
Broadcasting Legislation Amendment (News Media Diversity) Bill 2013:
http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4994

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 value_6

Media pluralism in Bulgaria is favored by a quite diversified ownership structure. The sheer plurality of media outlets ensures relatively broad coverage of different points of view. At the same time, however, the ownership structure is often opaque. It is often unclear who the actual

owners are and what their business interests are – especially in the case of offshore-owned media. Moreover, many private media owners have close links to the government. A very significant recent development is the rising importance of online media, including blogging and various independent sites, which have begun to influence the overall information process.

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. The influence of these newspapers, however, is mostly played out on Chile's political elites rather than the broader public. The official (and more biased) government daily, La Nación, presents opposite views and biases to the dominant papers, but has a lower circulation.

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 information mainstream, but the government-owned TVN is 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 Todorčić, whose Agrokor group owns the distribution network, also controls most of the marketing agencies and thus most of the advertising budget in Croatia. Given the hands-on approach of many private media owners, these oligopolistic ownership structures have infringed upon the freedom of the media. The Kosor and the Milanović governments have done nothing to improve the regulation of the media market. Legal provisions aimed at limiting cross-ownership have not been enforced.

France

Score 5

Media pluralism is reasonably guaranteed in France. Yet nearly all newspapers, daily or weekly, local or national, are under the control of either rich businesspeople 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. Much of the print market is 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 competition online, rising costs and a shrinking readership, print media has had to rely more and more on the benevolence of wealthy entrepreneurs or on the state. Given the multiple ties between political and business elites in France, this is not a particularly favorable situation for the maintenance of a vibrant culture of media pluralism.

Greece

Score 5

There are a large number of electronic and print media organizations, but the structure of ownership remains oligopolistic while there is also strong cross-ownership. In a country of 11 million inhabitants, in 2011 there were 127 analog private TV stations with a national, regional or local license. There were also approximately 950 regional/local radio stations. There were four national and 13 regional state-owned TV channels catering to a small audience.

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 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. There is probably more pluralism in the print media. In 2011 there were 59 national newspapers and around 500 regional/local ones. However, over time, in the last two decades (1990 – 2008) circulation has dropped by 50%. The owners of the Sunday newspapers also have shares in the major private TV channels (To Vima, He Kathimerini). Some other large Sunday newspapers offer sensationalist

coverage (Real News, Proto Thema). There are also regional daily newspapers in large cities.

While there is no effective anti-monopoly policy in the media business in Greece, the media do report a wide range of opinions. In 2011 – 2013 intense debates took place on all TV and radio channels over economic austerity policies.

The opposition has a voice in the media as party cadres participate daily in state and private TV and radio programs, while at least three nationwide-selling newspapers (Efimerida ton Syntakton, Eleftherotypia, He Avgi) reflect opinions close to the radical left party SYRIZA (Synaspismós Rizospastikís Aristerás or Coalition of the Radical Left, SYRIZA).

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.

Hungary

Score 5

Media pluralism in Hungary has suffered not exclusively from increased government control over public media. In addition, a process of concentration of private media ownership in the hands of companies close to Fidesz has also had a negative impact on the diversity of views and freedom of expression. While there are still working independent media outlets, they are strained by difficult financial and political pressures, so that opposition voices turn more and more to the online media, which is more difficult to control.

South Korea

Score 5

Despite some limitations, South Korea is one of few countries in East Asia with media plurality. The quality of media pluralism, however, depends on the type of media. The print media is dominated by three major newspapers: Chosun Ilbo, Dong-a Ilbo and Joong Ang Ilbo. The combined market share of these three outlets in 2006 was 62.3%. Smaller alternative newspapers also exist. The major newspapers are politically conservative and business-friendly, partly because they depend to a very large degree on advertising revenues. For example, major newspapers and websites did not review or accept advertisements for the best-selling book of former Samsung chief counsel Kim Yong-chul, in which he accuses Samsung and Samsung

Electronic Chairman Lee Kun-hee of corruption. However, as newspaper subscription rates continue to decline – dropping by almost 50% between 1996 and 2006 alone – the internet has increasingly become one of, if not the most important source of information for South Koreans, especially among younger generations. 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 effect media plurality, but there is a concern that the concentration within the newspaper sector will spread to TV programs as well.

Citation:

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

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

Turkey

Score 5

The intervention of the Savings Deposit Insurance Fund (SDIF) has changed the ownership of media companies. As a result, groups previously uninvolved in media activities have stepped into the sector, a move which has facilitated oligopolistic structures. An increasing concentration in media ownership – most notably the Dogan Media Group, Calik Holding, Cukurova Holding, Dogus Grubu, Ciner Grubu and Ihlas Holding – can be observed in recent years. The holding companies have conflicting economic interests, as they are shareholders in different business sectors, such as health care, education, construction or telecommunications. This enormous concentration of media outlets as part of industrial conglomerates with varied economic interests is countering media pluralism and helps to maintain an environment of self-censorship in Turkish media. In March 2011, the ownership structure of radio and television companies was revised. Law 6112 increased the maximum limit on foreign investment in media companies from 25% to 50%, on the condition that the same foreign investor cannot invest in more than two enterprises. Despite this relaxing of certain restrictions, international companies still cannot be major stakeholders in domestic media companies.

Citation: Asli Tunc, Media Ownership in Turkey, Istanbul Bilgi University, November 2011.

Ayşen Akkor Gül, Monopolization of Media Ownership as a Challenge to the Turkish Television Broadcasting System and the European Union, Ankara Avrupa Çalışmaları Dergisi, V. 10, N. 2, 2011.

European Commission, Turkey 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_report_2012_en.pdf

New Zealand

Score 4

New Zealand's media market is still characterized by a predominance of Australian companies. This is particularly true for print media, where four companies compete. As for radio stations, the public Radio New Zealand is the only nationwide provider. However, there are about 150 commercial local radio stations. Two public and three private stations compete in the television market. With regard to pay television, Sky TV holds a monopoly position. 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.

Citation:

<http://www.freedomhouse.org/report/freedom-press/2012/new-zealand> (accessed 25 March, 2013).

G. Ellis, 'Who Owns the Media?', in R. Miller (ed.), *New Zealand Government and Politics*, Oxford University Press, Melbourne, 5th edition, 2010, pp. 399-412.

Romania

Score 4

Romania's transition from Socialism saw the transformation of the state-owned media monopoly into an industry dominated by private outlets. Foreign investors who had been initially attracted by the Romanian market in the 1990s gradually abandoned it, and as a result in recent years private press and broadcasting outlets have been dominated by "media moguls" – businessmen who have consistently used their media outlets to pursue their economic and political interests. The most prominent of these is Dan Voiculescu, a senator and founding president of the Conservative Party (Partidul Conservator, PC), who owns several leading television stations (Antena 1, 2 and 3) and newspapers (Jurnalul National) and used them to spearhead the impeachment procedures against President Băsescu in both 2007 and 2012 as well as to initiate a series of attacks against the justice system where he happened to be on trial in several criminal cases. Given that other prominent media outlets, such as Realitatea TV (owned until 2011 by Sorin Ovidiu Vantu, who is currently serving a one-year jail sentence for blackmail) and OTV (owned by the leader of the populist People's Party, Dan Diaconescu), have also served primarily as the political tools of their owners, the professional standards and editorial independence of Romanian mass media have declined and have undermined the media's ability to inform the public in an objective and balanced fashion.

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.

Estonia

Score 10

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

The act is enforced by the Data Protection Inspectorate, which acts as an ombudsman and preliminary court, educator and adviser, auditor and a law enforcement agency. The inspectorate investigates breaches of information rights both on the basis of complaints and at its own initiative.

Because Internet use is very widespread in Estonia, the strategic policy has been to develop and advance access to the official information via official websites and portals. All municipalities, political parties and government institutions must keep a website, which must contain at least the information defined by legal acts. Also, in order to guarantee everyone access to public information, municipalities have to provide free Internet access in local public libraries.

Citation:

Estonian data Protection Inspectorate. Annual Reports <http://www.aki.ee/en/inspectorate/annual-reports>

Finland

Score 10

The public's access to government information is in principle unrestricted. In accordance with the Finnish constitution of 2000, every Finnish citizen has the right of access to public documents and recordings. This right implies 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 or the security police, military intelligence and so on. Such documents are usually kept secret for a period of 25 years, unless otherwise provided by law. Finland was also among the first countries to sign the Council of Europe Convention on Access to Official Documents in 2009. The act on the openness of government activities (1999) stipulates that persons asking for information are not required to provide reasons for their request; responses to requests must be made within 14 days. Appeals to any denial can be made to a higher authority and then 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 on the Internet, 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, data on public officials disciplined for conflict-of interest-violations, and others.

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 by an authority and dispatched or has been received by an authority.

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

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

The 1998 Security Act sets rules on the classification of information. It creates four levels of classification and mandates that information cannot be classified for more than 30 years. The Act on Defense Secrets prohibits the disclosure of military secrets by government officials, as well as the collection (in the form of sketches, photographs or notes) and disclosure of secrets by others, including journalists. Articles 90 and 91 of the criminal code criminalize the disclosure of secrets, and provide for imprisonment of up to 10 years for violations of these provisions.

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

Sweden

Score 10

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.

Denmark

Score 9

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

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

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

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

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

In 2012, amendments to the Danish Access to Public Administration Act were negotiated among the political parties. In February 2013, the government proposed further changes that have been criticized for reducing access to documents prepared by government officials in the process of preparing new government policy. The justice minister, Morten Bødskov, a Social Democrat, defended the proposals by saying that ministers should be free to consider new ideas without being targeted in the media while they develop their ideas. The new act was approved in Parliament in June 2013 by a majority consisting of the coalition parties, as well as the liberal and the conservative party, while the act met opposition from both the left and right side of Parliament (“dansk folkeparti”, “liberal alliance”, and “enhedslisten”).

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)

“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)

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, founded in 1997. Unfortunately, owing to work overload, administrative courts can take a long time to decide on a case, but the ombudsman is a well-managed mechanism of appeal and oversight. The ombudsman can demand that any public service answers a citizen's right to information.

Citation:

The two most important laws regulating access to information are Law 1599/1986 and Law 3861/2010.

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. Lithuania's freedom of information environment received the highest possible ranking from Freedom House in 2009.

Citation:

www.freedominfo.org for Lithuania.

New Zealand

Score 9

Access to government information is regulated by the Official Information Act 1982. It is based on the principle that all official information should be made available to the public, but that there are restrictions with regard to the protection of the public interest (for example, national security or international relations) and the preservation of personal privacy. There are clear procedures in how queries are handled by public bodies, including a time frame of 20 working days. The Office of the Ombudsman reviews denials of access upon request. Decisions are binding, but there are no real sanctions for non-compliance. Following a number of precedent-setting decisions by the office in recent years, access to official information is now far-reaching, including politically sensitive communications between political advisers and ministers, as soon as this communication is held by the ministry. The Official Information Act has been reviewed several times. Proposals for reform have included a reduction of the time frame for dealing with requests for official

information; and more resources for the Office of the Ombudsman, but these reforms have not yet been implemented. The office has instead concentrated on organizational restructuring to achieve more efficiency and effectiveness. This has to be viewed in light of the steep rise in the number of complaints the office has had to deal with in recent years (more than 20% in 2011). In 2012, a review of the Official Information Act by the New Zealand Law Commission resulted in several recommendations, including the appointment of a statutory officer to provide oversight of the legislation. The primary purpose behind such a role is to provide leadership in the training and education of officials, as well as to help publicize developments. The government has yet to act on these recommendations.

Citation:

Annual Report of the Ombudsman 2011/2012 (Wellington: Office of the Ombudsman 2011/2012).
New Zealand Law Commission, 'The Public's Right to Know: Review of the Official Information Legislation' (R125, Wellington, July 2012)

Switzerland

Score 9

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

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

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

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

United States

Score 9

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt, such as information related to national defense, personnel rules and practices, ongoing criminal investigations, and participation in legal cases. Citizens must file a formal request to receive documents. If the request is denied, the applicant can bring the case to the courts. Agency administrators and the presidential administration have considerable discretion about how easily to permit access, as citizens and researchers have difficulty knowing when relevant information has been upheld. According to a late 2011 report by the National Journal, the Obama administration has been far more open than the preceding George W. Bush administration with respect sharing documents. It has released “reams of data, in formats that are useful to citizens and researchers alike.” Obama issued new instructions that require more forthcoming responses to FOIA requests. As a result, the White House says it has reduced FOIA request backlogs and denied fewer requests than the preceding administration. Moreover, the Obama administration has generally responded to requests from Congress for internal documents, making claims of “executive privilege” to withhold information less readily than the previous administration.

Citation:

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

Australia

Score 8

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

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

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

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

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

Austria

Score 8

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

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

Czech Republic

Score 8

The Czech Constitution and the 1999 Law on Free Access to Information – substantially amended in 2006 – provide for far-reaching access to government information. Public bodies have gradually learned what can and cannot be kept secret and commonly provide detailed advice, including

possible charges, on how to request information. The number and quality of electronic portals have further increased. Some municipalities even provide the online streaming of municipal board meetings (e.g., Prague 3, Prague 10, but also Horní Slavkov).

Ireland

Score 8

Freedom of Information (FOI) legislation was introduced in Ireland in 1997 and amended in 2003. It provides for public access to data and information about decision-making in the public administration, subject to the exclusion of 12 areas (including defense, government meetings, areas of commercial sensitivity, etc.). The scale of charges introduced and the wide range of offices and material excluded from the scope of the act were the subject of much criticism. A new act, introduced in 2012 but not yet passed into law, addresses some of these criticisms. Under the proposed legislation the cost of internal review would be reduced from €75 to €30 and appeal fees from €150 to €50. The bill also significantly extends the coverage of the legislation to include some commercial state companies and the police force (An Garda Síochána).

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

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

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

Israel

Score 8

Israel has a freedom of information law (1998) allowing each citizen or resident to ask and receive information regarding a government authority's activity, whether written, filmed, recorded or digitized. This legal standing has been the basis of considerable activity by NGOs government bodies and private individuals. 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 restrictions allowable on the basis of national security or privacy issues. However, an analysis issued by the Israel Democracy Institute (IDI) in 2008 stated that the restrictions are reasonable, and they do not prevent the law from accomplishing its main goal, which is to assist in bringing about a more accountable and transparent government. In addition, the right-to-privacy law (1998) grants individuals the right to access their personal information held in government or private-entity databases. The implementation of this law is enforced by the registrar of databases within the Ministry of Justice, and petitioners can appeal to the courts if they find that government practice does not accord with the law.

For some years, Israel has been engaging in reforms aiming to make information more accessible to the general public, focusing on the Internet as a means of distribution. A 2006 Freedominfo.com report states that implementation of the law has been somewhat slow and inefficient, doing little to improve accessibility and lacking in the development of complementary institutions. A 2008 IDI report struck a similar note, proposing that freedom of information be included in the country's constitutional framework, that a special commission be created, and that testable standards for ease of access be developed.

Citation:

Arbel, Jonathan and Tehila Swartz-Altshuler, "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>

"Freedom of Information Law," 1998

<http://www.freedominfo.org/documents/Israel-FOIL1998.pdf>

"Protection of privacy law," 1981

[http://www.justice.gov.il/NR/rndonlyres/C5205E15-3FE9-4037-BA0F-](http://www.justice.gov.il/NR/rndonlyres/C5205E15-3FE9-4037-BA0F-62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf)

[62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf](http://www.justice.gov.il/NR/rndonlyres/C5205E15-3FE9-4037-BA0F-62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf)

"The Movement for Freedom of Information."

<http://www.meida.org.il/>

Poland

Score 8

The Law on Access to Public Information provides for far-reaching access to official information. In response to an EU directive, an amendment in September 2011 has facilitated the re-use of government information by citizens and has called on public institutions to provide resources enabling citizens to access information. At the same time, however, the amendment also included a number of last-minute changes introduced by Senator Marek Rocki. Restricting the disclosure of documents used by public bodies in the preparation of commercialization or privatization measures, court proceedings and international negotiations, they raised the ire of nongovernmental organizations and human rights groups. The public outcry led President Komorowski to submit the controversial provisions to the Constitutional Tribunal, which declared the so-called “Rocki amendment” unconstitutional in April 2012.

The problems with actually enforcing access to public information became evident in September 2012, when the Central Anti-Corruption Bureau (CBA), after several rounds of legal skirmishes, eventually complied with a 2009 request from the Polish branch of the Helsinki Foundation for Human Rights (HFHR) for access to statistics on surveillance activities.

Slovakia

Score 8

Access to government information is guaranteed by the constitution and the Act on Free Access to Information approved in 2000. The Radičová government closed some of the gaps in legislation that had become visible under the Fico government. A November 2011 amendment to the Act on Free Access to Information increased the pressure on the public administration to follow court rulings on access to government information. A second important amendment abolished the existing restrictions on the publication of public spending figures. It has helped the media and other public watchdogs to uncover dubious expenses attributed to the state administration and state-owned enterprises.

Slovenia

Score 8

Slovenian law guarantees free and quite easy access to official information. Restrictions are few and reasonable (covering mostly national security and secret data issues), and there are effective mechanisms of appeal and oversight enabling citizens to access information. When access to official

information is obstructed or denied, the Information Commissioner, an autonomous body that supervises both the protection of personal data as well as access to public information, can be called upon and intervene. In a number of cases, the Information Commissioner has helped citizens to enforce their right of access.

United Kingdom

Score 8

The United Kingdom has a long tradition of official secrecy. However, in recent years successive governments have very actively tried to capitalize on the transparency and savings potential of making government information available online. Together with the Freedom of Information Act 2005, this has contributed to easier access for citizens and, often in a very high-profile way, the media. The United Kingdom has also been at the forefront of making government data available for commercial use and citizen inspection (“open data”). The restrictions on what information can be provided under the Freedom of Information Act (cost limits; national security restrictions; state financial interests) are largely in line with the respective regulations in other countries.

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 ineffectual sharing and aggregation of information across all levels.

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

Bulgaria

Score 7

Access to government information for citizens is guaranteed by the Bulgarian constitution and regulated by the Access to Public Information Act originally adopted in 2000. The provisions, which have been refined several times, allow a very high level of access for citizens to government information and are subject to judicial oversight through court appeals. The possibility for court appeals has been actively used by civil society actors and organizations, and a rich court practice has developed. In recent years the amount of government information made freely and promptly available on the internet has increased markedly, and formal requests for information have dropped. 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. By far the most common excuse for refusing 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 continue to exist.

Chile

Score 7

According to freedominfo.org, Chile is the most recent Latin American country to enact legislature to guarantee the right to free information access, called Ley sobre Transparencia de la Función Pública y Acceso a la Información de los Órganos de la Administración del Estado (Law No. 20,285, August 2008). This law obliges all public institutions and authorities of the government to respond to any solicitation for information constituted as public information within a 20 days period (prolongable up to ten more days). This does not include information classified as state secrets. The judiciary and the National Congress only have the obligation to publish information on their websites (active transparency). It is important to underline that there are about 20 Chilean laws that are officially still classified as secret. These laws derive from the beginning of the 20th century and in some cases from the military regime. Most of them are actually common knowledge, but formally treated as secret. Although the Transparency Law (Ley de Transparencia) does not leave room for interpretation, there have been cases of negligence regarding the access to and publication of relevant information, as in the case of the company La Polar.

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 competition secrets 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 and methods for citizens to obtain important public information. The diffusion of public statistical surveys, public reports and other documents from different public bodies has been largely facilitated by Internet sites, allowing the downloading of these documents without cost or restriction.

Germany

Score 7

In his third annual report, covering the years 2010 – 2011, Federal Commissioner for Data Protection and Freedom of Information Peter Schaar made clear that considerable effort is still required in order to create a transparent federal administration. Five federal states (Bavaria, Baden-Wuerttemberg, Hesse, Lower Saxony and Saxony) have not yet adopted their own freedom-of-information laws. Furthermore, citizens are not broadly aware of the national 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 were thus confidential. According to the Federal Commissioner, changes in governmental practices as well as a reduction in the number of statutory exceptions to the act are needed. The Commissioner's annual report listed 276 cases in which citizens sought help in response to federal authorities' reluctance to make documents available. In 45 cases, information access was granted by public authorities after the Federal Commissioner issued a formal complaint.

Iceland

Score 7

The 1997 Information Act (Upplýsingalög) was updated in 2012. With some restrictions, the act guarantees the right of access to official information. Memoranda, working documents and materials related to the Council of the State (Ríkisráð) as well as cabinet and ministerial meetings were originally exempted from the terms of the act. In 2012, a change in 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. A proposal in the Althing that cabinet meetings be recorded was not accepted.

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 after 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. Denials of requests to access information can be appealed to the Information Committee, members of which are appointed by the prime minister. No other government or judicial body can overrule the decisions of the Information Committee.

Despite these provisions, important information is kept from the public. For example, the Central Bank recently refused a request from a parliamentary committee to see a transcript or be provided with a recording of an allegedly important telephone conversation between the prime minister and the central bank governor at a crucial moment just before the crash in 2008.

The constitutional bill that was approved by 67% of the electorate in the 2012 referendum, but which was tabled by the Althing in 2013, contained ambitious freedom-of-information provisions designed to significantly enhance the public's access to information kept by the government. Basically, the bill aimed to bring rights to information in Iceland up to levels that have long been taken for granted in Sweden, for example.

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)).

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, etc.) which must be explicitly identified by administrative offices. Special offices (Uffici Relazioni con il Pubblico, URP) dealing with requests for access to information have been established in all administrative offices, both nationally and locally. Access has become more easy and effective.

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

Netherlands

Score 7

Article 110 of the constitution states: "In the exercise of their duties government bodies shall observe the principle of transparency in accordance with rules to be prescribed by Act of Parliament." The Government Information (Public Access) Act (WOB) entails both active and passive public accessibility of information. Under WOB, any person can demand information related to an "administrative matter" if it is contained in "documents" held by public authorities or companies carrying out work for a public authority. Information must be withheld, however, if it would endanger the unity of the Crown, damage the security of the state or, particularly, if it relates to information on companies and manufacturing processes that were provided in confidence. Information can also be withheld "if its importance does not

outweigh” the imperatives of international relations and the economic or financial interest of the state. Between 2010 – 2012 access to government information became a politically contested issue. In practice, the law was used more and more to justify withholding of information to citizens and journalists in the name of “state interest,” which usually referred to the right to confidentiality of intra-government consultation. The political party GreenLeft (GroenLinks, GL) proposed a new bill promoting an active government transparency policy and establishing an information commissariat for the purpose.

Portugal

Score 7

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

Romania

Score 7

Law 544/2001, also referred to as the Freedom of Information Act (FOIA), ensures citizens’ access to public information. The remit of the law extends to create obligations for all central and local state institutions as well as those public companies where the state is the majority shareholder. Not only do ministries, central agencies, and local governments have to comply with Law 544, but so do public universities, hospitals, and many off-budget central and local public companies. The underlying assumption in FOIA is that any institutions making use of public funds or exerting public regulatory power must be accountable to the citizens. However, given that certain types of information (such as personal data, national defense information, and documents of national economic and political interest) are classified as sensitive and have been exempted from free access, institutions have tried to take advantage of this gray area to resist FOIA requests. In response, a

number of media and civil society organizations have mounted a series of legal challenges and since most of these challenges were successful in court they contributed to a significant increase in the transparency of public institutions. Moreover, it appears that these legal challenges deterred public institutions from resisting FOIA requests, which were overwhelmingly approved in recent years.

Turkey

Score 7

According to Law 4982, citizens, noncitizens and foreign corporations have the right of access to information. However many public records are not included within the scope of the law, as exceptions for state secrets, intelligence information, individual privacy and communication privacy exist. Almost all public offices have a section that deals with request for information, which can be made in person or electronically. Between 2009 and 2011, the number of applications for information based on Law 4982 has increased about 40%. According to the 2011 annual report on access to information, a total of 1,423,636 applications were received by public institutions, including the presidency, ministries and municipalities. Of these, 1,244,995 (or 87.5%) resulted in the requested information being provided, and 87,500 (or 6%) were rejected on various grounds. Appeals can be made to a board of review. The board deals with issues of national security and state interests. As with other administrative decisions, appeals can subsequently be made to the administrative court.

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

Citation:

Bilgi Edinme Degerlendirme Kurulu (BEDK), Genel Raporlar - Istatistikler, 2011 Yili Genel Degerlendirme <http://www.bedk.gov.tr/genel-raporlar.aspx> (accessed May 5, 2013).

Canada

Score value_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.

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%20 Report_final.pdf](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>

Croatia

Score 6

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 is not really transparent yet, 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 does not have at its disposal all the mechanisms required for the implementation of requests made to public authority bodies. Moreover, AZOP is not authorized to test the public interest in the most important cases when data are classified. A long-standing proposal by NGOs to establish a commissioner for the right of access to information was eventually accepted by the Milanović government and the commissioner will be appointed in the second half of 2013.

Hungary

Score 6

The government under Prime Minister Orbán has tried to severely limit public access to government information. It has frequently stretched and violated existing law, which provides extensive access to government information, by making it difficult for the public or the media to get information, especially on public procurement. It has made the enforcement of access more difficult by shifting in 2011 the oversight responsibility from an independent Data Protection Commissioner to a Data Protection Office (Adatvédelmi Hivatal) within the state administration. In doing so, it even ended the term of the commissioner before its official date, a move strongly criticized by the European Commission. Finally, the government initiated an amendment to the Freedom of Information Act in 2012 explicitly limiting public access to government information by restricting important information to the care of the State Audit Office. The national and international protest against this amendment was so strong that Hungarian president János Áder refused to sign the new act in May 2013.

Japan

Score 6

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.

The 3/11 catastrophes made it clear that in situations deemed critical, the government is willing to withhold relevant information.

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

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 government (in office since 2009) had promised to draft a law that was inspired by information practices in neighboring countries as well as on Council of Europe recommendations. In spring 2013 however the presented draft law was not up to 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 parliamentary session from 2011 to 2012, some 650 questions were filed. Often MPs are used by interested parties, lobbies or associations to discover the government's intentions using the parliamentary query. MP questions and government answers are published in the regular account of parliament's activities (Compte rendu des séances publiques).

Citation:

Regarding parliamentary queries see : Section 80 of the standing orders: Règlement de la Chambre des Députés, Mémorial A — N° 206, 26 novembre 2007

Chambre des Députés, Rapport d'activité de la session parlementaire 2011-2012:

www.gouvernement.lu

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

Regulation (EC) (2001), no. 1049 regarding public access to European Parliament, Council and Commission documents: http://www.europarl.europa.eu/register/pdf/r1049_en.pdf

Mexico

Score 6

The national freedom of information act became law in 2002. The law was the first of its kind in Latin America to impose obligations on the state to share information with the citizenry and increase the level of political transparency. Today, Mexico's freedom of information has proved to be a considerable success in its progress toward an informed public. Scholars,

journalists and bureaucrats have all made full use of its provisions and a lot of new information has come to light.

However, the degree to which the law is obeyed varies and some local political and bureaucratic interests are capable of dragging their feet.

South Korea

Score 5

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 in Korean interpretations. 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. In a recent survey, Korean newspaper Hankyoreh and the Open Information Center for a Transparent Society found that every one of 20 surveyed public institutions failed to disclose relevant information about their activities and provide a list of available information on their websites, even though required to do so by law. In September 2011, Korea declared its intention to join the Open Government Partnership initiative and promised to improve transparency.

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/eng/>

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

Spain

Score 5

Spain does not yet have a specific law to guarantee free and easy access to government information. The Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) included the passage of such a law as one objective in its 2008 electoral manifesto, but the regulation was not adopted. Once the Popular Party (Partido Popular, PP) arrived in office in 2011, a new draft law on transparency and access to information was prepared and approved by the Council of Ministers by mid-2013. The law, if

finally adopted, will help to improve the current situation in Spain by permitting a wider transparency of public accounts.

However, according to the Madrid-based NGO Access Info Europe, the shortcomings in the bill as it stands mean that Spain will still rank 75th out of a total of 96 countries with access to information laws. For example, the Congress of Deputies and the Senate are not made completely transparent under the law, the law does not recognize access to information as a fundamental right – delicate information is excluded – and the oversight body is not independent. Nevertheless, during the period under consideration, Spanish law had no provision for transparency and citizen access to public information was only partially regulated by specific legislation on administrative procedure or environmental issues. The truth is that access to government information is extremely difficult as a consequence of bureaucratic red tape and the rigid interpretation of exceptions and restrictions (security and defense of the state, the investigation of crimes and the privacy of persons). Moreover, enforcement and appeal mechanisms (either to the administration itself, to the Ombudsman or to the courts) are ineffective.

Citation:

RTI Rating Data Analysis Series (2013): Overview of Results and Trends, Center for Law and Democracy (Canada) and Access Info Europe (Spain): www.access-info.org/documents/Report.13.09.Overview-of-RTI-Rating.pdf

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 in the political interest of the prime minister to suppress the publication of documents which might embarrass or undermine his administration. Consequently, the act is restrictive and sends a message that the

government is essentially determined to protect its information from public scrutiny. Indeed, the act does not meet the standards of the Council of Europe's Convention on Access to Official Documents.

Citation:

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

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

Cyprus

Score 3

No legal framework governs the right to access information in Cyprus. Provisions are found in various legal documents, including Article 19 of the constitution (the on freedom of expression), as well as laws on personal data processing, access to environmental data, the reuse of public-sector information (PSI), the public service, the press, and more. Article 67 of the Law on Public Service (Law 1/1990) specifies that all information that comes to the knowledge of an employee in the exercise of his or her duties "is confidential," and prohibits its disclosure without authorization by a superior. In the absence of specific legislation or a conflicting provision, access is 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 issues of data protection. Recourse to courts may also be an option, though no legal provision is made for this.

As research funded by the European Union has made clear, the right of access to information is being breached, and public bodies are failing to comply with Council of Europe standards on access to information. Information requests are systematically ignored.

Citation:

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

This report is part of the Sustainable Governance Indicators 2014 project.

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